UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Cause No.: 8:12-cv-02519-EAK-AEP

HOWSE *ex rel. alia* v. PLANNED PARENTHOOD, *et al*., Plaintiffs and Defendants,	)	Class Action Complaint
	)	Injunctive Relief Sought
and,	)	
	)	Constitutional Challenge
HOWSE and *ex rel. alia* v. UNITED STATES, Cross-Plaintiffs and Cross-Defendant.	)	Demand for Jury Trial

Plaintiffs' Rule 59(e) Motion to Correct Plain Errors and for True Reconsideration, to Vacate the Judgments, and for New Judges

Comes now Relator-Plaintiff *ex rel*. the fifty (50) State and Commonwealth Plaintiffs, directly injured and utterly violated by **outrageous** and apparently willful and intentional fraud upon the court by the currently-assigned Judge *herself*, as well as also by the Clerk and Magistrate, demanding corrections of the same outrageous errors and fraud, to-wit:

INTRODUCTION

1. There can be absolutely no excuses, whatsoever, for any person entrusted to public office of judicial responsibility, to shockingly conjure up fabricated pleadings out of the blue, completely from thin air, in order to falsely issue orders that defy law, rule *and* fact.

2. To do any such exceedingly-reprehensible thing is also to affirmatively commit legally-binding admissions of willful, knowing and intentional treason directly against their own judicial oath of office (*see* 28 USC § 453), and also directly against the United States of America, not to mention – in this particular case – against every citizen thereof.

3. Likewise, but to a lesser extent, the Clerk of this Court and the assigned Magistrate are as well affirmatively guilty – by their own hand – of conspiracy to defraud this case, to defraud the United States of America, and to defraud the same every citizen thereof.

4. In short, all three (3) "Orders" from the assigned Judge, the actions of the Clerk in renaming and mischaracterizing Plaintiffs' full-blown *petitions* as mere "miscellaneous" *motions* upon the Docket, the defrauding of default judgment packages by the Clerk and the assigned Magistrate herein, and his later single "Order" upon a procedural motion, are all clearly obvious, complete and utter, total, direct frauds upon the court, law *and* record.

CONCISE STATEMENT OF RELIEF DEMANDED

5. Plaintiffs demand that ALL orders and judgments entered in this case be vacated, due to the same outrageous fraud, that all Default Judgment packages be immediately entered *by the Clerk* in full as submitted, and that NEW judges be appointed or assigned.

ARGUMENT 1 – FRAUDULENT ORDER OF 6 NOVEMBER 2012

6. This large and involved case was filed mid-day on 6 November 2012, with many filings, and also confirmed as a Track Three "complex litigation" case the very next day.

7. On the same day of filing, the assigned Judge *somehow* entered an Order denying emergency relief related to the presidential election process without ever having the true and appropriate time to even review all of the referenced and incorporated filings therein.

8. Not only was that a blatant act of violating clear due process rights, in itself, such as denial of equal protection of law, opportunity to be heard, access to the courts, etc., but the Judge also denied using but a single solitary statement that was completely, utterly and totally irrelevant, i.e., that the 12th Amendment's text refers to the Electoral College.

9. The fact that the 12th Amendment refers to the Electoral College has nothing to do with the argument raised, which is that regardless of whether you are talking about the Electoral College and/or the popular vote, the 12th Amendment clearly requires that all ballots for presidential candidates and all ballots for vice-presidential candidates be NOT paired together into the same ballots, but that all such ballots be strictly kept separate, i.e., that ALL modern elections for the White House are absolutely void and unconstitutional, requiring this Court to declare the same and likewise order that a new election be quickly rescheduled, this time done correctly by maintaining **separate ballots** between all of the candidates for president, and all of the candidates for vice-president. *Actually see this time*, the Plaintiffs' same Parallel Petition to Strike Down the Twelfth Amendment.

10. Moreover, by denying said emergency relief upon that single irrelevant statement, the Judge also failed, ignored and/or otherwise unlawfully refused to address the other two (2) main arguments in that emergency petition, namely that there was an utterly gross amount of rampant election/vote fraud committed all across the nation, and that Mr. Obama – or whatever his name really is – is categorically ineligible for the Presidency.

11. Taken as a whole, the Judge's inexcusable Order of denial on 6 November 2012 constitutes flagrant and blatant denials of basic due process to be heard and to actually have the pleadings addressed on their merits, class discrimination against *pro se* litigants, violation of equal protection of the law, violation of fair access to the courts, and etc.

ARGUMENT 2 – FRAUDULENT ORDER OF 26 NOVEMBER 2012

12. Apparently overwhelmed by the size and scope of this lawsuit (*precisely the reason the Plaintiffs'* ***motion for three judge panel*** *had been originally included*), Judge

Kovachevich "*sua sponte*" (i.e., on her own, without any party asking, out of the blue) suddenly dismissed the original Verified Complaint, based upon one (1) totally flawed premise, in that, supposedly, it was a "shotgun pleading" - i.e., a single pleading that would try to "incorporate every antecedent allegation by reference into each subsequent claim for relief or affirmative defense." Shotgun pleadings make it "virtually impossible to know which allegations of fact are intended to support which claim(s) for relief." Judge Kovachevich also ordered the filing of an Amended (replacement) Complaint within just 14 days, and then, based upon her dismissal of the original Complaint, denied "all pending motions as moot."

13. Of course, there were seven (7) very huge legal errors via that Order: (a) the original Complaint had *only* three Counts, two Counts regarding abortion and birth rate losses destroying our Economy, plus one totally different Count regarding Breach of Contract by the federal government regarding its many duties to all 50 States and Commonwealths through the Founding Documents, so it <u>cannot</u> possibly be a "shotgun pleading" at all; (b) indeed, each of the major biggie issues was filed via its own separate supporting document, precisely to "compartmentalize" the issues for ultimate clarity and to avoid any confusion or inability to perceive each standalone biggie issue, so again it cannot possibly be a (single) "shotgun pleading" at all; (c) since the Relator-Plaintiff is a *pro se* litigant, the Court was <u>not</u> allowed to hold any *pro se* person so dispositively liable to any of the Rules, let alone technicalities or nuances of the Rules, let alone obscure technicalities, let alone within a case that the Court, *itself*, had previously designated as a "Track Three" (complex litigation) case..., as the Court may and can do - but will only

rarely do - with professionally licensed attorneys and their filings, i.e., it was an act of flagrant class discrimination, again, unintentional or otherwise; (d) indeed, the Court had *already* been duly provided with express and binding caselaw authority, prior, on the exact same matters of illegal mistreatments of *pro se* parties (*see* the Notice of Special Pro Se Rights filed directly with that same original Complaint); (e) the sheer brevity of only 14 days in which a mere *pro se* party was to somehow recreate, refashion and reproduce, let alone also prepare, collate, assemble and bind the required fifteen (15) copies of any new complaint for any complex litigation case - completely impossible and untenable, especially when any licensed attorney would have been surely given at least 30 days, perhaps even 45, 60 or 90 days, given the sheer size and scope of ANY case designated as Track Three, the **most** complex of the three designation types; (f), the ONLY "pending motion" was the ONLY motion filed into the case so far, the motion for three judge panel from the original complaint package, and that same motion was expressly and solely directed unto the Chief Justice of the entire District, Chief Justice Anne Conway, so mere Judge Kovachevich should have no authority to step on the toes of Chief Justice Conway's superior and exclusive jurisdiction to that motion (*even let alone the ridiculous irony of all the above confusion, calamity, and circus of errors that the very same motion for THREE judge panel was precisely designed and filed in properly considered forethought to prevent, in the first place...*); and (g), within the original Complaint, itself, the Court had already been duly advised that Count Three, the root Breach of Contract claim by the States and Commonwealths directly against the Federal Government and directly on the Founding Documents of our nation, was simply

beyond the jurisdiction of the Court, *itself* being only a sub-unit of the Federal Government, the inferior "child" party to the Contract of the Founding Documents. In other words, the Court had no true legal power to "dismiss" Count Three, since those realms are under the exclusive contractual powers of the States and Commonwealths, yet within that Count Three were contained also the various individual petitions for relief.

14. And, there is another huge legal reason why this Court was not even allowed to dismiss *any* part of the original Complaint, at all. This is **not** a "prisoner suit" or a lawsuit filed under request for "IFP" (*in forma pauperis*: pauper, filing fee waived, etc.), wherein the given judge is allowed to "pre-screen" any no-filing-fee complaint for "worthiness" of the federal court system. This case was and is a normal, **fee fully paid** case, and the given judge is <u>not</u> allowed to pretend otherwise and do any pre-screening... which also *always* acts in behalf of the given defendants being sued.

15. The Judge was **not** allowed to pre-screen the original Verified Complaint filed, whatsoever, under the pretended guise of either Section 1915 and/or Section 1915A (prisoner & IFP suits), *and help defend on behalf of the Defendants being sued* - because in a normal, fully paid lawsuit, the Defendants must defend themselves, utilizing either outright denials of the complaint's allegations and/or the normal wide variety of defensive motions, i.e., to dismiss count(s) or all of a complaint, for more definite statement(s), several defensive motions available under Rule 12, and so forth.

16. In other words, the assigned Judge was not allowed to attempt to *sua sponte* step in suddenly **on affirmative behalf of the Defendants' interests <u>and</u> legal duties**, and do *any* pre-screening of that Complaint, whatsoever, let alone using a fatally flawed reason.

17. Taken as a whole, the Judge's inexcusable dismissal Order of 26 November 2012 constitutes flagrant and blatant denials of basic due process to be heard and to actually have the pleadings addressed on their merits, class discrimination against *pro se* litigants, violation of equal protection of the law, violation of fair access to the courts, unlawful elevation of form over substance, violation of individual due process, and so forth and so on. Indeed, the true lawful status of the original Verified Complaint is that it *still* stands.

ARGUMENT 3 – FRAUDULENT DENIALS OF CLERK'S DEFAULT JUDGMENTS

18. On 3 January 2013, the Plaintiffs exercised their lawful right to have the Clerk enter both Defaults and Default Judgments against all Defendants who had failed to even so much as file any appearances, pursuant to Rule 55(a) and Rule 55(b)(1), respectively.

19. The Plaintiffs had filed their nine (9) full packages for Default, and nine (9) full packages for Default Judgment, and it is **irrelevant** that the assigned Judge had dismissed the original Verified Complaint unlawfully. Rule 55(a) clearly states: "*When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk* ***must*** *enter the party's default*." (emphasis added.) The Rule does NOT say anything about a complaint, but *only* requires that there exist some kind of ongoing action for affirmative relief. The Clerk was absolutely required by Rule ("must") to enter all nine (9) Defaults, but did not.

20. The same violations were also true against the Plaintiffs' absolute legal right to have the corresponding Default Judgments entered by the Clerk. Rule 55 (b)(1) clearly states: "*By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit*

*showing the amount due—**must** enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person*." (emphasis added.) The Plaintiffs' entry packages for Clerk's Default Judgments were clearly delineated for a "sum certain or a sum that can be made certain by computation" without any other kind of relief either requested or necessary, and the Clerk was absolutely required by Rule ("must") to enter said Default Judgments.

21. By refusing to obey the clear and unambiguous ministerial duties of entry of both Default and Default Judgments against each of the nine (9) non-appearing Defendants, and instead wrongfully mischaracterizing and renaming all of these Clerk entry packages as "motions" and then passing the buck to the Magistrate, the Plaintiffs' absolute rights under law were utterly violated in some sort of conspiracy to defraud that entire process.

22. Taken as a whole, the Clerk's inexcusable actions constitute flagrant and blatant denials of basic due process, class discrimination against *pro se* litigants, violation of equal protection of the law, violation of fair access to the courts, violation of individual due process, and so forth and so on. Accordingly, Plaintiffs demand that the Clerk of this Court immediately enter both Default and Default Judgment against each said Defendant.

ARGUMENT 4 – FRAUDULENT ORDER OF 10 JANUARY 2013

23. Also filed on 3 January 2013 was the Plaintiffs' motion to compel the lazy and incompetent opposing attorney Delaney (of the firm of Buchanan, Ingersoll & Rooney) to finally file BOTH his client's basic corporate disclosures, per Rule 7.1, AND his client's required disclosures per Rule 26, as well as the Plaintiffs' motion to clarify on a dramatic conflict of interest inherent in appearance of said law firm on behalf of any Defendant.

24. Please note also that Delaney's Notice of Appearance is **not** signed as required by Rule 11; The certificate of service signature does NOT count as the signature for the filing, itself, and Plaintiffs demand that filing be stricken from the record until signed.

25. On 9 January 2013, attorney Delaney filed only a PARTIAL response to the said disclosures required; He answered for Rule 7.1 disclosures, but did NOT answer to the disclosures required by both Rule 26 and the Plaintiffs' original corresponding filing.

26. On 10 January 2013, the assigned Magistrate arbitrarily denied the Plaintiffs' motion to compel disclosures, by stating that attorney Delaney had complied with that requirement, but obviously the Magistrate *did not even look* to see whether or not BOTH legal requirements had been fulfilled. Accordingly, the Magistrate's Order denying said motion to compel was, in fact, fraudulent, and constitutes denial of basic due process, class discrimination against *pro se* litigants, violation of equal protection of the law, violation of fair access to the courts, violation of individual due process, and so forth.

27. Moreover, even attorney Delaney's (partial) "response" to demanded disclosures was, itself, **also not signed**. Again, the certificate of service signature does NOT count as the signature for the filing itself. Accordingly, the Plaintiffs also demand this filing be stricken from the record until such time as it is *actually* completed in full, *and* signed.

ARGUMENT 5 – FRAUDULENT ORDER OF 17 JANUARY 2013

28. On 17 January 2013, the Judge finally GRANTED the December 17th Motion for Belated Acceptance of that First Amended Complaint, and THEN vomited out an entire series of ridiculous errors of law, apparently in order to fraudulently torpedo this lawsuit using any means necessary – including even **outrageous** criminal obstruction of justice.

29. Of all the numerous errors committed by Judge Kovachevich in this Order, the biggest ones are so obvious that they immediately raise **bright red flags**. The Judge began the first few pages of her "argument" (starts on page 5) discussing various aspects of what a court should do when a complaint is attacked by a motion to dismiss. Her first "argument" is entitled "A. Rule 12(b)(6)" which is ***strictly*** about a motion to dismiss, her second "argument" is entitled "B. Rule 12(b)(1)" which is ***strictly*** about a motion to dismiss, and her third "argument" ("C. Consideration of Documents Attached to the Complaint or Incorporated") is also ***strictly*** about a motion to dismiss, and how to treat it without automatically being converted into a motion for summary judgment.

30. Except, uhm, **nobody filed any motion to dismiss**... In fact, NONE of the Defendants filed ANY motions, of ANY kind, for ANYTHING, at all, whatsoever... Indeed, and as is detailed above, 9 of the 10 corporate abortionist Defendants and Cross-Defendant the United States had never filed ANYTHING – not even an Appearance into the case – and the other corporate abortionist Defendant had only filed its Appearance, and its partial Disclosures (again, *neither* of which was even signed pursuant to Rule 11).

31. Judge Kovachevich spent the next few pages seriously mischaracterizing (defrauding) what the actual issues and allegations are, "accidentally" swapping (misapplying) the issues *between* the different Counts, even self-contradicting some of her own findings, and generally creating one big mess of mostly off-base and off-point chaos in attempt to (falsely) pretend that the *fact* of abortion and similar unnatural birth rate losses eventually causing economic destruction somehow cannot be proven ***to her***, the judge of the court. But, that's just it - FACTS do not have to be proven to a judge,

when the right of JURY trial has been duly claimed and reserved... When a lawsuit claims a trial by jury, all determinations of fact are reserved *for that jury*, and the judge is basically relegated to the mere "referee" of the case between the parties, *without* the power to make findings on any FACTS. She can make findings on matters of LAW all day long, but not on the allegations of FACT – she was completely out of line *to even suggest it*, in the first place. Indeed, the only time that any judge, within a trial by jury case, can even get remotely close to usurping the legal right of jury trial, and deciding *any* fact, whatsoever, is only when something like a motion to dismiss, or motion for summary judgment, or similar biggie motion is filed – yet, of course, the Defendants had never filed any such thing... Moreover, that fact was already well proven via previous court filings (which is *precisely* why none of the Defendants even *tried* to defend – because they can't argue against math...), Judge Kovachevich wasn't paying attention to prior court filings (as usual), and it is ludicrous to even suggest this fact *cannot* be proven, when it is *already* fairly well known around the world. Indeed, ***as*** *the judge*, she is required by law to accept ALL allegations of fact as TRUE, regardless of her personal beliefs and/or opinions on the matter (the Judge cited the *Twombly* case to try and get around that, but *Twombly* is about pleading standards in surviving a **motion to dismiss** which - again – didn't exist in this case...). Even further, her "inability" to understand this simple economic fact doesn't jive with her having *magna cum laude* honors in Finance for her University of Miami BBA degree.

32. Just for the record, though, let us clearly establish that this FACT is already well proven, in fact, by numerous entities, organizations and nations around the entire world.

33. Here is a SMALL sampling of scholarly news items and articles upon the subject:

a) from The Movement for a Better America - "Economic Impact of Abortion" - $45 trillion damages; loss of life = 73 largest U.S. cities; other nations suffering; more;

b) from Canada Free Press - "The Economic Disaster Inflicted by Abortion: Roe v Wade as Financial Holocaust" - Since Roe v. Wade, America missing over $27 trillion in federal tax revenues from aborted workers, not even counting state tax losses;

c) from LifeSiteNews - "Researcher: Abortion is $38.5 Trillion Drag on the Economy" - $38.5 trillion in lost U.S. Gross Domestic Product (GDP) since 1970; main reason for collapse of former Soviet Union was economic, i.e., 300 abortions for every 100 live births for decades; meanwhile, Muslim population exploding at 5X-6X rate of others;

d) from LifeNews - "Researcher: Abortions Cost Economy $35 Trillion Since 1970 in Lost Productivity" - Actual loss is more like $70 trillion when including all the babies lost to IUDs, RU-486, sterilization, and abortifacients; Using the federal EPA figures and calculations ($7.8 million per human life), the economic losses are $390 trillion;

e) from Right to Life of Michigan - "Destroying our Future" - Abortion destroys the entitlement programs, harms innovation, and costs $2.66 trillion/year in lost GDP;

f) from RenewAmerica - "America! Beware the Jabberwock!" - 55.3 million abortions have caused a cumulative GDP loss of at least $50 trillion; Double that if you include the impact of more aggressive birth control; Damages per different demographics;

g) from Issues4Life Foundation - "Obamacare: Fast Track To Economic Suicide" - Every child aborted will cost about $23 million in future GDP over a lifetime; By 2040 to 2050, that is cumulative GDP losses of $335 to $500 trillion dollars from abortion;

h) from Physicians For Life - "Economic Cost of Abortion" - Abortion has already cost us more than $40 Trillion in lost GDP; $202 billion in lost taxes per year as of 2012;

i) from American Life League - "The Economic Impact of Abortion" - Abortion has cost an estimated $45 trillion in lost GDP; That loss is growing by $2.5 trillion/year;

j) from Northern Colorado Gazette - "Website Reveals Economic Cost of Abortion" - The total number of deaths from surgical abortions equals the entire population of the 129 largest cities in the U.S.; When chemical abortions are factored in, the death toll increases to the entire population of the country's nine (9) most populous states;

k) from Rick Santorum - "Abortion to Blame for Some Social Security Problems" - blames part of the insolvency problems related to Social Security on abortion losses;

l) from the United Nations - "World Population Ageing 2009" - Report finds that the global trend of fertility decline and population aging will have devastating economic and societal effects on the developing world, particularly upon women who are now targeted by UN agencies to further reduce fertility; The situation is already critical;

m) from The Chicago Tribune - "Abortion's Cost" - Just considering the (lost) adult years from 21 to 65 (abortions), that totals $21.4 trillion in lost disposable income;

n) from National Right to Life - "Abortion No Stimulus for Economy" - Shows whole industries benefit from, and sometimes even depend on, the existence of a steady population of newborns, which fuels the job needs for more farmers, teachers, bus drivers, and etc., and who grow up to become workers and taxpayers, themselves;

o) from Pithocrates - "Abortion and Birth Control are Bankrupting Social Security and Medicare" - In a current 10-year projection we are now seeing anywhere from $1.8 trillion to $3.7 trillion in lost tax revenues, every fiscal year, due solely to birth loss;

p) from Asia Sentinel - "Taiwan's Astonishing Abortion Rate" - Taiwan's low birthrate has economically impacted their nation hard, and was therefore recently declared a national security issue by President Ma Ying-Jeou; Fertility rate lowest in the world;

q) from Human Life International - "Facts of Life: The Demographic Impacts of Abortion" - The direct loss of life caused by abortion exceeds that of all of America's wars put together, not only in preborn baby deaths and injuries to women, but also in lost wages, consumed services and goods, and taxes, totalling $169.6 trillion;

r) from The New York Times - "The Problems of a Graying Population" - The heart of the problem is arithmetical: The post-World War II social welfare state, created at a moment when the baby boom was still gestating, is built upon a generational Ponzi scheme; As life expectancy increases and fertility declines, that

population pyramid is being inverted; In some countries, that is causing the entire economy to topple;

s) from The Vatican - "World Recession Caused by Low Birthrate" - The origin of the world crisis is not in the banks or finance; The banks and financial firms helped to aggravate the crisis, trying to compensate for big problems that were already there, namely, the continual decline in worldwide economic development (due to worldwide abortion rates), which some also tried to camouflage through financial instruments;

t) from Centennial Institute - "What Five Decades of Abortion Have Cost America" - The numerous social and economic consequences of abortion are both tremendous and profound; They are increasingly felt within the businesses, schools, and families of the United States; The architects of the Social Security retirement system did not anticipate the future legalization of abortion and that economic skew upon America;

u) from Live Action News - "The Economic Effect of Abortion" - According to the U.S. Bureau of Labor Statistics, Social Security Administration, Guttmacher Institute, and National Center for Health Statistics, if abortion had never been legalized in 1973, more than 17 million people would be employed, resulting in an additional $400 billion from those workers, with $11 billion contributed to Medicare and $47 million contributed to Social Security; Worldwide, birthrates have decreased from 6.0 in 1972 to about 2.9 nowadays; Europe already hit; China faces an imminent bubble;

v) from Economics For Everybody - "The Economic Curse of Abortion and the 2012 Election" - The death of tens of millions of producers and consumers alongside

the loss of tens of millions of their potential children creates an economic black hole that slowly and inevitably sucks a society into it; Japan, a nation with legal abortion on demand since 1948, is the epitome of the modern, industrialized nation but without enough workers to support a growing economy in light of the mountain of retirees;

w) from NPR - "After A Forced Abortion, A Roaring Debate In China" - China's one-child policy is more than just a human rights issue; Increasingly, Chinese scholars saying birth restrictions are creating a demographic disaster that will leave China with far fewer workers to drive its economy and a disproportionately large number of elderly to care for; Predictions of soaring costs and stagnating economy, other issues;

x) from The New York Times - "Reports of Forced Abortions Fuel Push to End Chinese Law" - Economists say that China's aging population and dwindling pool of young, cheap labor will be a significant factor in slowing the nation's economic growth rate; An aging working population is resulting in a labor shortage, a less innovative and less energetic economy, and a more difficult path to perform industrial upgrading;

y) from Catholic Online - "Throwing Out the Economy with the Baby" - No matter how you slice it, aggressive 'population control' exacts a huge price in future economic growth that can never be recovered; Indeed, it is a loss that reverberates through all future generations; Without an enormous new Baby Boom lasting another 40 or 50 years, that growth is lost forever; During the U.S. economic downturn of 1989-1994, economies recovered the fastest in those states with lowest abortion rates;

z) and, the list just keeps going on and on, and on, and on....

34. All of the above scholarly articles and data are directly reviewable online to their sources, and can be accessed at http://fundamentalerror.com/economictruth.html

35. Indeed, a simple Google search using "population abortion economy trillion" yields **well over five million hits**, which means many people understand this BIG issue.

36. The Judge's comment that this alleged FACT is only "pure speculation" is not only ludicrous, but she was not allowed to try and determine this FACT, *in the first place*.

37. For Count II, the Judge first *confirms* legal standing is achieved, then ends up directly *contradicting* herself, she ridiculously tries to pretend that her federal court does not have subject matter jurisdiction of a federal false claims action?, she tries to assume that every false claims action must be sealed, but this only confirms she totally failed to read that precise section within the original Verified Complaint (*see* paragraph 88, on pages 67-68 therein)..., not to mention the cases she cites actually support **not** sealing this particularly unique case (i.e., there are no possible criminal investigations because that would violate the ex post facto doctrine, there is no question as to whether the United States will be party or not [the U.S. is a Cross-Defendant in this case *already*], and there is also no hidden or secret information involved in this case, whatsoever).

38. Indeed, *U.S. ex rel. Pilon v. Martin-Marietta*, itself, clearly states:

> The filing and service requirements were passed by Congress as part of substantial revisions to the False Claims Act in 1986. Legislative history reveals that the "overall intent in amending the qui tam section of the False Claims Act [was] to encourage more private enforcement suits." S.Rep. No. 345, 99th Cong., 2d Sess. 23-24, reprinted in 1986 U.S.C.C.A.N. 5266, 5288-89. The government was concerned, however, that qui tam claims might overlap with or tip a defendant off to pending criminal investigations. Id. at 24, reprinted in 1986 U.S.C.C.A.N. at 5289. Thus, the sixty-day sealing period, in conjunction with the requirement that the government, but not the defendants, be served, was "intended to allow the Government an adequate opportunity to fully evaluate the private enforcement suit and determine both if that suit involves matters the Government

is already investigating and whether it is in the Government's interest to intervene and take over the civil action." Id. A secondary objective was to prevent defendants from having to answer complaints without knowing whether the government or relators would pursue the litigation. Id.

39. Again, the clear Legislative intent is expressly given as to encourage MORE private enforcement suits, not LESS, and accordingly, since NONE of the reasons for sealing apply in this case, *whatsoever*, there is NO valid legal reason to discuss sealing.

40. Even further, the Judge's comment as to following 31 USC § 3730(b)(2) confirms she never bothered to actually look at what that means, since the reference therein to use service as per Rule 4(d)(4) points to nothing more than the effect of waivers. *See* Rule 4.

41. Moreover, if the Judge had bothered to look at the immediately preceding text, i.e., 31 USC § 3730(b)(1), it states clearly that this action **cannot be dismissed** without first adhering to certain prerequisite parameters which have never occurred, whatsoever.

42. There are NUMEROUS other errors committed within this same "Order" of 17 January 2013, but to address every single one would necessarily encompass many more pages than are allowed by Local Rule 3.01(a)'s limitation of just twenty-five (25) pages.

ARGUMENT 6 – EXTREME BIAS AND PREJUDICE REQUIRES RECUSAL

43. However, the simple fact of ANY judge actually fabricating a motion to dismiss completely out of thin air is more than enough to establish either willful fraud and/or the highest level of incompetence, and in *either* event, combined with the several other examples of extreme bias and prejudice already committed against the undersigned *pro se* litigant, clearly establishes an absolute legal right to move for disqualification/recusal, pursuant to 28 USC § 455(a), which unambiguously states: "*Any justice, judge, or*

magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

44. Accordingly, and also because the Court made ONE single correct Order in this case, i.e., the rightful designation of this case being a Track Three complex litigation, the Plaintiffs not only demand immediate recusal, but also full reinstatement of their prior motion for three judge panel – so there will be no further problems in comprehension.

WHEREFORE, the Relator-Plaintiff *ex rel*. the fifty (50) State and Commonwealth Plaintiffs now and together vigorously move for and insistently demand (a) that all above Orders be quashed, vacated and/or otherwise annulled, (b) that all Default and Default Judgment packages be now entered by the Clerk against those corresponding Defendants, (c) that NEW judges [plural] be empaneled for this case, (d) that the unsigned filings of attorney Delaney be stricken from the record until actually completed and signed, (e) that scheduling, discovery and other related matters begin immediately and without further ado, and finally, further move for all other relief true and just and proper in the premises.

Respectfully submitted,

/s/ Torm Howse

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CERTIFICATE OF SERVICE

I hereby certify that on this same __14th__ day of February, 2013, a true and complete copy of this motion to correct errors, *et seq*., by depositing the same in first class United States postal mail, has been duly served upon all of the non-defaulting parties as follows:

(for the Defendant, Family Planning Councils of America)
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Respectfully submitted,

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