

Colin R. Winchester
Executive Director



State of Utah

JUDICIAL CONDUCT COMMISSION

2540 Washington Blvd., Suite 703
Ogden, Utah 84401
Telephone: (801) 626-3369

COMPLAINT

Instructions	Enter the information requested below. You may insert as much text as necessary. The form will expand to fit the information you provide. When you are finished, print a hard-copy of the Complaint, sign it, and mail it (together with copies of supporting documentation, if any) to the Judicial Conduct Commission at the above address. You should then receive a letter acknowledging receipt of your Complaint within seven to ten business days.
Your Name	Stephan Schuermann
Street Address	2637 E. Atlantic Blvd. #41066
City, State ZIP	Pompano Beach, FL 33062
Telephone Number	(801) 935-8913
Judge	McKelvie
Name of Court Case	Schuermann vs. Anqui, Tedrick
Court Case Number	170902925
Nature of Complaint	Biased Judge and intentional obstruction of justice

<p>Names, addresses, and telephone numbers of other persons who can substantiate your allegations</p>	<p>Orders, emails and documents prove the intentional misconduct.</p> <p>On May 4th I filed a complaint with the Third District Court regarding a tort claim against the defendants. The Defendants filed an answer on June 2 by means of a motion to dismiss. However this ‘answer’ was never served although it was signed that such filing was made. Only on June 8, plaintiff was served with documents by the court via email. Plaintiff responded with an opposing memorandum on June 20 and it was served on the court and defendants. On June 19, it appeared that defendants filed a request for submission on the motion to dismiss and they did not serve the submission notice on plaintiff. The defendants failed to notify the court that an opposing memorandum was filed and the court granted the motion by default. On August 2 the court made a follow up order in response primarily on a request to set aside due to fraud upon the court. Judge McKelvie clearly stated that “In an email to Defendant’s counsel on June 10, 2017, Plaintiff acknowledges actual notice of the Motion to Dismiss, although he argues that the service was ineffective because the notice of service and filing was signed by a paralegal. Of course, this does not make service ineffective. Thereafter, Plaintiff filed no pleadings related to the Motion to Dismiss, and absent response from Plaintiff, the Court entered an Order dismissing the matter on June 28, 2017”. From the attached Motion to Set Aside it is crystal clear that this paragraph is NOT a correct representation of facts and it appears a self-serving fraudulent bias by judge McKelvie to obstruct justice and to allow Fraud Upon his Court.</p> <p>Paragraph 3 of the Motion to Aside clearly states that the service is not ineffective but pleadings were not served on the day it was claimed. That makes the actual time of service ineffective, it is even a criminal offense to claim actual service that never happened! Plaintiff clearly agreed in paragraph 13 of the Motion to Set Aside that service was made on June 8 not on June 2 as claimed. Plaintiff FILED an opposing memorandum on June 20 and it was served on the court and defendants (proof of service is included). McKelvie fraudulently stated that plaintiff never filed an answer and it was therefore never considered by the court, hence granting the motion by default. Such is a deliberate ignorance of plaintiff’s right to <i>due process</i>. Plaintiff’s second grievance was that a motion that is signed by a paralegal is indeed unauthorized practice of law, because no one other than an attorney can sign and file on behalf of a client (see paragraph</p>
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7-10 of Motion to Set Aside). The court refers to the signature of a paralegal on the certificate of service, but deliberately ignores the signature on a filing! A Motion filed by a person other than the party or its counsel is simply NOT filed because a filing by a non-authorized person is ILLEGAL and therefore fraud upon the court. So the court not only deliberately denies *due process* to plaintiff but also condones unauthorized practice of law.

The August 2 Order is a sweeping denial of justice. That judge McKelvie denies a Motion to Set Aside in favor of the Supreme Court jurisdiction in appeal is one thing, however with one order he also denies plaintiff a newly filed Motion to Modify Parent Time even before the opposing party has been summoned. Since when can a court under its own motion grant a dismissal of a new case before summons have been served? Under which authority can a court deny jurisdiction before the jurisdiction has even been challenged by the opposing party? The court states in its 2nd footnote that **“It is difficult to conceive how ‘parent time’ becomes an issue over which this court has jurisdiction in a torts case, regardless of the other jurisdictional issues addressed in this Order.”** Let me help the court in its jurisdictional quest.

Jurisdiction of a tort claim is based on geographical location of the defendants and where the alleged torts have potentially taken place. Jurisdiction regarding ‘parent time’ is based primarily on where the child is located in combination with the residence of the involved parents. Plaintiff has even proven in his modification request that a Utah court has jurisdiction.

When a tort is committed against a child or parent, it would not automatically exclude a parent to request the court to modify parent time. These are two different causes of action. Clearly if the court has objectively jurisdiction to hear a parent time modification request, a sweeping denial based on its own motion is against the best interest of the child, a clear violation of the 14th amendment of the US Constitution and a blatant bias towards the opposing party.

The court by its actions commits knowingly and willingly a criminal offense by substantially aiding and abetting an illegal alien to remain in the US (US Code title 8 paragraph 1324 a(1)(A)(v)(II)) and conceal an illegal immigrant child from the other parent. That is deliberate and fraudulent behavior by the court and McKelvie commits fraud upon its own court.

McKelvie states in his order that **“The circumstances of their custody dispute regarding D.S.S. were resolved in a court in Florida”**, however such statement is not based on facts presented to the court. The court has made up by its own

pleading that a custody order exists from a Florida court. Such order does not exist, let alone that Modification of Parent Time can simply not be denied due to the existence of an out of state order. The motion is called MODIFICATION, such would indicate that an order for parent time already exist!

In order to help your Commission in its investigation, a selection of State and Federal regarding Fraud Upon the Court:

“Fraud On The Court By An Officer Of The Court”

And “Disqualification Of Judges, State and Federal”

4. Who is an “officer of the court”?

A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

So who gives the lower court judge the authority to conceal, kidnap and traffic an illegal immigrant child across state lines to an unknown location in Utah?

2. What is “fraud on the court”?

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in “fraud upon the court”. In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated “Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted.”

Who is the supervisory AUTHORITY TO ENGAGE IN THESE CASES OF CORRUPT AND UNCONSTITUTIONAL BEHAVIOUR OF A JUDGE, WHO DESTROYS THE FUTURE OF AN ILLEGAL IMMIGRANT German CHILD BY KEEPING HIM IN THE COUNTRY AGAINST FEDERAL IMMIGRATION LAWS?

“Fraud upon the court” has been defined by the 7th Circuit Court of Appeals to “embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication.” *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore’s Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit

further stated “a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.”

3. What effect does an act of “fraud upon the court” have upon the court proceeding?

“Fraud upon the court” makes void the orders and judgments of that court.

WHERE DO I GO TO HAVE THE ILLEGAL ORDERS OVERTHROWN INSTANTLY AND GET MY SON BACK?

It is also clear and well-settled law that any attempt to commit “fraud upon the court” vitiates the entire proceeding. The *People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) (“The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions.”); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) (“The maxim that fraud vitiates every transaction into which it enters ...”); *In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962) (“It is axiomatic that fraud vitiates everything.”); *Dunham v. Dunham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); *Skelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); *Thomas Stasel v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935).

4. What causes the “Disqualification of Judges?”

Federal law requires the automatic disqualification of a Federal

judge under certain circumstances.

In 1994, the U.S. Supreme Court held that “Disqualification is required if an objective observer would entertain reasonable questions about the judge’s impartiality. If a judge’s attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified.” *Litky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balistrieri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) “is directed against the appearance of partiality, whether or not the judge is actually biased.”) (“Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.”).

HOW CAN A JUDGE REFUSE HIS OWN RECUSAL, IF A LITIGANT PERCEIVES THE JUDGE TO BE BIASED?

That Court also stated that Section 455(a) “requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned.” *Taylor v. O’Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the

Court stated that “It is important that the litigant not only actually receive justice, but that he believes that he has received justice.”

WHY IS A JUDGE ALLOWED TO BLOCK HIS RECUSAL AND WHY IS NOBODY WATCHING OVER THIS CORRUPT COVER UP OF HIS CRIMES?

The Supreme Court has ruled and has reaffirmed the principle that “justice must satisfy the appearance of justice”, *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.

“Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances.” *Taylor v. O’Grady*, 888 F.2d 1189 (7th Cir. 1989).

Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that “We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed.” *Balistreri*, at 1202.

Judges do **not** have discretion **not** to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another

example of his “appearance of partiality” which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an “appearance of partiality” and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) (“The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.”).

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of “interference with interstate commerce”. The judge has acted in the judge’s personal capacity and not in the judge’s judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone’s next-door neighbor (provided that he is not a judge). However some judges may not follow the law.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an “appearance of partiality” and, under the law, it would

seem that he/she has disqualified him/herself.

However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on this subject. Notice that it states "disqualification is required" and that a judge "must be disqualified" under certain circumstances.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

Finally I want to show you the impact of such corrupt (family) courts on individual parents with the attached suicide note by Mr. Mackney, he committed suicide after he was substantially bullied by his ex-wife and the court who deliberately alienated Mr. Mackney from his children. It might give you some food for thought the dangerous path judge McKelvie has taken.

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Include copies of documents that support your allegations



Signature

August 4, 2017
Date

**IN THE THIRD JUDICIAL DISTRICT COURT IN AND FOR
SALT LAKE COUNTY, STATE OF UTAH**

STEPHAN SCHUERMANN and D.D.S., Plaintiffs, v. JUBILIE ANQUI and JONATHAN L. TEDRICK, Defendants.	ORDER DENYING VARIOUS PLAINTIFFS' MOTIONS Case No. 170902925 JUDGE: RICHARD D. McKELVIE DATE: August 2, 2017
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This matter is before the Court on various motions filed by Plaintiffs during the period of June 30 to July 31, 2017. For the reasons explained below, the Plaintiffs' various motions are DENIED.

This matter was filed by "Complaint" on May 4, 2017.¹ That document appears to seek redress for perceived grievances between Plaintiff Stephan Schuermann and Defendant Jubilie Anqui, who are the parents of Plaintiff D.D.S. The circumstances of their custody dispute regarding D.D.S. were resolved in a court in Florida. Plaintiff has chosen to pursue the matter in this Court not as a domestic relations matter, seeking enforcement of interstate agreements relating to such matters, but as an action in tort.

On June 2, 2017, Defendants filed a Motion to Dismiss the Complaint. Notwithstanding the filing of that Motion, Plaintiff on June 14, 2017 filed a Motion for Default Certificate, averring that Defendants had not filed an Answer or otherwise responded to the Complaint.

In an email to Defendants' counsel on June 10, 2017, Plaintiff acknowledges actual notice of the Motion to Dismiss, although he argues that the service was ineffective because the notice of service and filing was signed by a paralegal. Of course, this does not make service ineffective. Thereafter, Plaintiff filed no pleadings related to the Motion to Dismiss, and absent response from Plaintiff, the Court entered an Order dismissing this matter on June 28, 2017.

On July 17, 2017 Plaintiff filed a Notice of Appeal with the Utah Supreme Court, appealing the final Order of this Court dismissing the Complaint. That appeal divested this Court of

¹ Although docketed as a Complaint by the Clerk of the Court, the initiating document is captioned as a "Motion for Various Tort Claims."

jurisdiction over the matter until the appeal has been resolved. *White v. State*, 795 P.2d 648 (UT 1990).

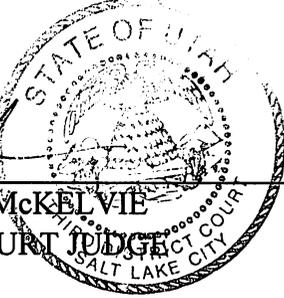
Notwithstanding the appeal, Plaintiff filed a Motion to Set Aside Dismissal on July 25, 2017, asking for reconsideration regarding the very Order for which the appeal was filed. Plaintiff also filed a “Motion for Interim Relief” on June 30, 2017, a “Motion for Injunctive Relief” on the same date, and a “Motion to Modify Parent Time”² on July 25, 2017.

Because Plaintiff filed an appeal on the Court’s final order of Dismissal prior to his Motion to Set Aside, the Court has no authority to consider it. For that reason, the Motion to Set Aside is DENIED. Plaintiff’s remaining pending motions, outlined in the preceding paragraph are likewise DENIED, as they were filed by Plaintiff after the final order of Dismissal was entered.

This is the Order of the Court and no further Order is necessary.

SO ORDERED this *2nd* day of August, 2017.


RICHARD D. McKELVIE
DISTRICT COURT JUDGE



² It is difficult to conceive how “parent time” becomes an issue over which this Court has jurisdiction in a torts case, regardless of the other jurisdictional issues addressed in this Order.

Stephan Schuermann

My Name

2637 E. Atlantic Blvd., #41066

Address

Pompano Beach, FL 33062

City, State, Zip

(801) 935-8913

Phone

petitionforsean@gmail.com

Email

I am the Plaintiff/Petitioner
 Defendant/Respondent
 Attorney for the Plaintiff/Petitioner Defendant/Respondent and my
Utah Bar number is _____

In the District Justice Court of Utah

Third Judicial District Salt Lake County

Court Address Metheson Courthouse 450 South State St. , Salt Lake City

Stephan Schuermann, D.S.S.

Plaintiff/Petitioner

v.

Jubilie Anqui, Jonathan L. Tedrick

Defendant/Respondent

**Motion to Set Aside Judgment
based on FRAUD UPON the COURT**

Case Number 170902925

Judge Richard McKelvie

Commissioner _____

Stephan Schuermann and D.S.S. (collectively “plaintiffs”) move the Court to set aside the Judgment made on 28 June 2017 by Honorable Judge Richard McKelvie and say as follows:

- 1) Plaintiffs were not served in the manner and form described in the Motion to Dismiss, moreover plaintiffs never received any mail from defendants;
- 2) Pursuant to Rule 5(b)(2) Utah R. Civ. P. , a motion must be served before or on the same day it is filed with the court;
- 3) Cindy Hansen, a paralegal of the law firm CARWOODALL, misleadingly signed on behalf of the defendant, Jubilie Anqui, a certificate of service, however plaintiffs were never served, but accidently informed by the Court in preparation of default judgment on 8 June 2017; See exhibit A
- 4) Pursuant to Utah Code 78B-5-705 (2) defendant committed a criminal offense more so defendant failed to serve plaintiffs pursuant to Rule 5 of Utah R. Civ. P. ;
- 5) The Motion to Dismiss was signed on behalf of Jubilie Anqui by Cindy Hansen;
- 6) The Motion to Dismiss was not signed by the attorney on record nor by the defendant; See Exhibit B.
- 7) Cindy Hansen is not authorized under Utah law to represent a client in a court of law;
- 8) Pursuant to Rule 11(a)(1), every pleading, motion etc needs to be signed by an attorney or, if not represented, by the party;
- 9) Moreover Cindy Hansen did not clarify that she is either supervised by the attorney on record or if she was authorized by law to sign on behalf of the client;
- 10) Cindy Hansen’s signature under the motion constitutes therefore unauthorized practice of law;

- 11) Plaintiff was informed by the court of the filing of the Motion to Dismiss on June 8, 2017, and plaintiff notified the law firm CARWOODALL on June 10, that the motion was not served appropriately;
- 12) Pursuant to Rule 7 (d)(1) Utah R. Civ. P. , a nonmoving party has the right to file an opposing memorandum within 14 days of filing;
- 13) However service was not made on the day of filing, hence the filing date must be considered not earlier than the actual day of service, June 8, 2017;
- 14) A Memorandum opposing the motion was filed and served on the attorney on June 20, 2017, within 14 days of actual service of the Motion to Dismiss;
- 15) However the opposing attorney filed a Notice to Submit on June 19, 2017, and again this was never served on plaintiffs;
- 16) The Notice to Submit does not contain information regarding the Memorandum as required per Rule 7 (g)(2) Utah R. Civ. P.;
- 17) The defendant's attorney was served by email with a Memorandum opposing the Motion to Dismiss on June 20, however the attorney did not correct the record with the court; See Exhibit C.
- 18) Intentionally signing a certificate of service with a Motion to Dismiss, however not actually serving the opposing party, is deliberately misleading the Court (not to mention a criminal offense), therefore committing fraud upon the court with the sole aim to obtain a favorable judgment, without given the opposing party a fair chance to provide a Memorandum pursuant to Utah R. Civ. P.
- 19) For that reason the motion shall be rejected due to insufficient service of process;
- 20) Pursuant to Rule 60(b)(3) Utah R. Civ. P. the Judgment shall be set aside due to fraud, misrepresentation and misconduct of the opposing party;

- 21) Plaintiff has real and substantial motivation why the Motion to Dismiss shall be rejected and the original opposing memorandum is included with this motion; See Exhibit D;
- 22) The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.". *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401 (1958).
- 23) Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason. Having taken at least two, if not three, oaths of office to support the Constitution of the United States, and the Constitution of the State of Utah, any judge who has acted in violation of the Constitution is engaged in an act or acts of treason;
- 24) If a judge does not fully comply with the Constitution, then his orders are void, In *re Sawyer*, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason;
- 25) Case Law also states that when a judge acts as a trespasser of the law, when a judge does not follow the law, he then loses subject matter jurisdiction and the Judge's orders are void, of no legal force or affect;
- 26) The United States Supreme Court has even itself provided direct and express legal standing for victims of lower family courts to-wit: "Parents have a fundamental right to the custody of their children, and **the deprivation of that right** effects a cognizable injury. See *Santosky v. Kramer*, 455 U.S. 745, 758-59, 102 S. Ct. 1388, 1397, 71 L. Ed. 2d 599 (1982)." *Troxel v. Granville*, 530 U.S. 57, 68-69, 147 L. Ed. 2d 49, 120 S. Ct. 2054 (2000). In other words, the SCOTUS has already expressly provided our direct legal standing (and direct jurisdiction) to be in federal court to sue over these exact, same unlawful deprivations of fundamental parental rights.

Conclusion

- 27) Defendant failed to serve the motion on plaintiffs and committed a criminal offense under Utah Code 78B-5-705 by stating a falsehood in the CERTIFICATE OF MAILING;
- 28) The Motion to Dismiss seems not to be authentic and filed by a person who does not seem to be authorized to do so;
- 29) Opposing attorney did not mention the opposing memorandum in the Notice to Submit although served by plaintiffs;
- 30) Plaintiffs have real and substantial reasons why the Motion to Dismiss shall be rejected;
- 31) Plaintiffs respectfully move the Court to set aside the Judgment of 28 June 2017 based on Rule 60(b)(3) of Utah R. Civ. P. with prejudice.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date July 17, 2017

Sign here ►



Typed or printed name

Stephan Schuermann

Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
K. Bradley Carr (14428) attorney for defendants (brad@carrwoodall.com)	<input checked="" type="checkbox"/> Mail	10808 S. River Front Pkwy, Suite 175 South Jordan, Utah 84095	July 17, 2017
	<input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court)	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	450 South State Street PO Box 1860	July 17, 2017



Date July 17, 2017 Sign here ► 
 Typed or Printed Name _____ Stephan Schuermann

Exhibit A

STEPHAN SCHUERMANN, D.S.S. , Plaintiffs

-and-

JUBILIE ANQUI, JONATHAN L. TEDRICK, Defendants

Case no: 170902925

EMAIL CARRWOODALL d.d. July 14, 2017 and EMAIL SCHUERMANN
d.d. June 10, 2017 and EMAIL DAVIES d.d. June 8, 2017



Duke Sean Schuermann <petitionforsean@gmail.com>

You have been served via registered mail and email.

Brad Carr <brad@carrwoodall.com>

Fri, Jul 14, 2017 at 11:25 PM

To: Duke Sean Schuermann <petitionforsean@gmail.com>

Cc: Christine Davies <chrisd@utcourts.gov>

Thanks Stephan,
Just FYI, as of June 10, 2017 we had only filed the Motion and Memo to Dismiss which was filed and mailed on June 2, 2017. I have attached your first contact with my office which was on June 10, 2017 and expressly indicates that you had received it and even mentions my secretary's signature on the certificate of mailing and your concern that she did not have a bar number. I subsequently explained to you that she is my secretary and permitted to sign the certificate of mailing because she is the one that files and mails these. I guess I am a little caught off guard as to how you can now be saying that these documents were not provided to you when you were emailing me about them as early as June 10. If there is something I am missing, please do not hesitate to reach out.

Thanks,
Brad



K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
(801) 254-9450
brad@carrwoodall.com
www.carrwoodall.com

This communication and any attachments thereto may contain private, privileged and/or confidential information for the sole use of the intended recipient. This communication may be governed by applicable statutes and rules, including the Electronic Communications Privacy Act, 18 U.S.C. S 2510 - 2521, et seq. Any unauthorized review, use, disclosure or distribution is prohibited.

This law firm may be acting as a debt collector. Any information obtained will be used for that purpose.

On Fri, Jul 14, 2017 at 9:43 AM, Duke Sean Schuermann <petitionforsean@gmail.com> wrote:

 **2017_07_14_15_15_12.pdf**
31K



Duke Sean Schuermann <petitionforsean@gmail.com>

Client verification

Duke Sean Schuermann <petitionforsean@gmail.com>

Sat, Jun 10, 2017 at 9:33 AM

To: The Hague <petitionforsean@gmail.com>

Dear Ladies and Gentlemen,

I have received a notice from someone who claims that your law office is the returning address, however the papers were not signed by an attorney.

Would you be able to confirm that Jubilie Anqui is your client in a Salt Lake County District Court case?

Jubilie Anqui is using your office number as her personal telephone number.

The papers seem to be prepared by Cindy Hansen, however no BAR-number has been provided. Can you confirm that Cindy Hansen works for your office and that she is legally authorized to file on a client's behalf.

I appreciate your answer.

Kind regards

Stephan Schuermann



Duke Sean Schuermann <petitionforsean@gmail.com>

Schurmann vs. Tedrick /Anqui - Case No. 170902925

Christine Davies <chrisd@utcourts.gov>
To: Duke Sean Schuermann <petitionforsean@gmail.com>

Thu, Jun 8, 2017 at 10:23 PM

On June 2, there was a motion to dismiss filed by Jubilie Anqui

On Wed, Jun 7, 2017 at 9:22 AM, Duke Sean Schuermann <petitionforsean@gmail.com> wrote:

Dear Ms Davies,

Would you please let me know if the court has received any response from the Defendants in the case 170902925.

Tomorrow, 8th June 2017 the deadline is up and I have not been served by the defendants at all.

We have prepared all documents for a DEFAULT ORDER and we will send these to the court by tomorrow evening.

Please advise.

Kind regards
Stephan Schuermann

Stephan Schuermann et al. _____
Plaintiffs

v.
Jonathan Tedrick et al.

Defendants

Case Number
170902925

Judge
Richard McKelvie

—
Chris Davies
3rd District Court - SL Depart
Clerk of Court
P O Box 1860
450 South State Street
Salt Lake City UT 84114-1860
801-238-7334
chrisd@utcourts.gov

Exhibit B

STEPHAN SCHUERMANN, D.S.S. , Plaintiffs

-and-

JUBILIE ANQUI, JONATHAN L. TEDRICK, Defendants

Case no: 170902925

EMAIL CARRWOODALL d.d. July 15, 2017 and EMAIL SCHUERMANN
d.d. June 20, 2017



Duke Sean Schuermann <petitionforsean@gmail.com>

You committed FRAUD ON THE COURT

Brad Carr <brad@carrwoodall.com>

Sat, Jul 15, 2017 at 1:17 AM

To: Duke Sean Schuermann <petitionforsean@gmail.com>

Cc: Christine Davies <chrisd@utcourts.gov>

She signed the mailing certificate. I cannot give you legal advice but my suggestion is to find a local attorney who can explain to you that a paralegal can in fact file and mail pleadings and sign the certificate. Had she signed the Motion, you would be correct.

Thanks,
Brad



CARR | WOODALL
ATTORNEYS AT LAW

K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
(801) 254-9450
brad@carrwoodall.com
www.carrwoodall.com

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On Fri, Jul 14, 2017 at 5:02 PM, Duke Sean Schuermann <petitionforsean@gmail.com> wrote:
| Cindy Hansen has no legal authority to file court documents or sign these on behalf of any client.



Duke Sean Schuermann <petitionforsean@gmail.com>

Please Make a Note

Duke Sean Schuermann <petitionforsean@gmail.com>
To: "James H. Woodall" <jw@utahtrustee.com>
Cc: jw@carrwoodall.com

Sun, Jun 11, 2017 at 2:10 AM

Dear Mr. James H. Woodall,

I have received a notice from someone who claims that your law office is the returning address, however the papers were not signed by an attorney.

Would you be able to confirm that Jubilie Anqui is your client in a Salt Lake County District Court case?

Jubilie Anqui is using your office number **(801) 254-9450** as her personal telephone number.

The papers seem to be prepared by Cindy Hansen, however no BAR-number has been provided. Can you confirm that Cindy Hansen works for your office and that she is legally authorized to file on a client's behalf.

What is Cindy Hansen's Bar Number?

I appreciate your answer.

Kind regards

Stephan Schuermann
Tel. 801-935-8913

[Quoted text hidden]

JUBILIE ANQUI
PO Box 303
Richmond, Utah 84333
Telephone: (801) 254-9450
email: utahattorneyeric@gmail.com

**IN THE THIRD JUDICIAL DISTRICT COURT
OF SALT LAKE COUNTY, UTAH**

<p>STEPHAN SCHUERMAN, Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JUBILIE ANQUI, Defendant.</p>	<p>MOTION TO DISMISS</p> <p>Case No. 17-0902925</p> <p>Judge Richard McKelvie</p>
--	--

Defendants move to dismiss this matter pursuant to Rule 12(b) of the Utah Rules of Civil Procedure. In Support, Defendants state as follows:

BACKGROUND

The Plaintiff ("Stephen") and Defendant ("Jublie") were divorced in Okaloosa County, Florida. The Okaloosa County court maintains continuing jurisdiction over divorce matters. In January 2015, the Okaloosa Court entered an order whereby, "[Stephen] is held in contempt of court for violation of the temporary injunction to prevent removal of the child." (Exhibit A) In short, on December 22, 2014, Homeland Security alerted the FBI that Stephan and the minor child (who was six years old at the time) were scheduled to depart the Miami International Airport for Germany on December 23, 2014. A warrant was issued allowing the FBI

are not met.

CONCLUSION

Based on the foregoing, Defendants request that this matter be dismissed with prejudice.

Pursuant to Section 78B-5-705, Utah Code Ann., I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

DATED this 1 day of June 2017.

/s/ Jubilie Angui

By Cindy Hansen with Permission from Jubilie

CERTIFICATE OF MAILING

I certify that on this 1 day of June 2017 I served a true and correct copy of the foregoing document on the following parties in the following manner:

Stephen Schuermann 2637 E. Atlantic Blvd. #41066 Pompano Beach, FL 33062	<input checked="" type="checkbox"/> U.S. First Class Mail <input type="checkbox"/> Hand-delivery <input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Efiling
--	---

/s/ Cindy Hansen



Duke Sean Schuermann <petitionforsean@gmail.com>

Schurmann

Brad Carr <brad@carrwoodall.com>
To: petitionforsean@gmail.com

Tue, Jun 13, 2017 at 12:16 AM

Hi Stephen,

We got your contact form over the weekend. My name is Brad. For now, I will be the attorney on this case. I had originally assigned this to someone else, but it is going to get pushed back to me. Cindy is just one of our paralegals. Her signature would have appeared below any mailing certificates. She does work for us. So her name would appear on the mailing certificate and will likely continue to appear on any future mailing certificates as she will likely continue to work on this case. Depending on how things shift around here, it is likely myself who will be preparing pleadings and Cindy will be filing.

I understand this to be a tort case. If you have any questions, feel free to shoot me an email or give me a call anytime. Please understand that I cannot give any legal advice to anyone other than Jubilee but I will otherwise do my best to be responsive. Likewise, given the tort nature of this case, in my experience, there is rarely a middle ground between the parties involved. As such, I am guessing that might end up being the case here.

Thanks,

Brad



CARR | WOODALL
ATTORNEYS AT LAW

K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
(801) 254-9450
brad@carrwoodall.com
www.carrwoodall.com

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Duke Sean Schuermann <petitionforsean@gmail.com>

Schurmann

Duke Sean Schuermann <petitionforsean@gmail.com>
To: Brad Carr <brad@carrwoodall.com>
Bcc: The Hague <petitionforsean@gmail.com>

Fri, Jun 16, 2017 at 1:27 PM

K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
(801) 254-9450
brad@carrwoodall.com
www.carrwoodall.com

June 16, 2017

<p>Stephan Schuermann</p> <hr/> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>Jubilie Anqui</p> <hr/> <p>Defendant/Respondent</p>	<p>Case Number 170902925</p> <p>Judge Richard McKelvie</p>
--	--

Dear Mr. Carr,

Thank you for your email of June 13, 2017.

Would you please confirm that YOU are representing Ms. Jubilie Anqui and NOT Cindy Hansen.

Please explain why no appearance has been filed with the court?

I would like to know where to send my answer because I should notify Anqui's lawyer not her if she is properly represented by you.

Kind regards
Stephan Schurmann

[Quoted text hidden]



Duke Sean Schuermann <petitionforsean@gmail.com>

Schurmann

Brad Carr <brad@carrwoodall.com>

Mon, Jun 19, 2017 at 10:01 PM

To: Duke Sean Schuermann <petitionforsean@gmail.com>

Hey Stephan,

No appearance is necessary on the initial pleading. I get added to the case as soon as something is filed in my name. If you agree, I can send you all future pleadings via email. In order for that to be permissible service, I need your authorization. Otherwise, I am required to send the docs to the address on the complaint.

I have attached the Motion that was filed. Because it has become too complicated for us to assist with just the writing, this was filed under my bar number (14428). If you have any other questions, feel free to shoot me an email.

Thanks,
Brad



CARR | WOODALL
ATTORNEYS AT LAW

K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
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brad@carrwoodall.com
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[Quoted text hidden]

**Motion and Memo w Exhibits.pdf**

2717K

Exhibit C

STEPHAN SCHUERMANN, D.S.S. , Plaintiffs

-and-

JUBILIE ANQUI, JONATHAN L. TEDRICK, Defendants

Case no: 170902925

EMAIL CARRWOODALL d.d. July 16, 2017 and EMAIL SCHUERMANN

June 20, 2017



Duke Sean Schuermann <petitionforsean@gmail.com>

Further Fraud on the court by Carr Woodall Law Firm

brad <brad@carrwoodall.com>

Sun, Jul 16, 2017 at 1:14 AM

To: Duke Sean Schuermann <petitionforsean@gmail.com>

Short of owning a crystal ball that sees the future, I am not sure how I could have possibly mentioned a document that didn't exist yet. In any event I plan on withdrawing in this matter as soon as I am able. Look at your emails. I have sent you courtesy copies via email where I am not even required to do so because I think it is the right thing to do. In return, I get accused of fraud and called a scam artist.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Duke Sean Schuermann <petitionforsean@gmail.com>

Date: 7/15/17 12:51 PM (GMT-07:00)

To: Brad Carr <brad@carrwoodall.com>, Christine Davies <chrisd@utcourts.gov>

Subject: Further Fraud on the court by Carr Woodall Law Firm

Mr. Carr

I would also like to know why you did not include our response memorandum opposing the motion in the Notice to Submit?

And why you did not serve these documents???

Regards

Stephan Schuermann



Duke Sean Schuermann <petitionforsean@gmail.com>

Response to Motion to Dismiss

Duke Sean Schuermann <petitionforsean@gmail.com>

Tue, Jun 20, 2017 at 7:29 AM

To: Brad Carr <brad@carrwoodall.com>

Bcc: Petitionforsean@gmail.com

Brad,

As a courtesy I am attaching herewith my answer to Anqui's "Motion to Dismiss".

This has been filed with the court and sent to Anqui via registered mail with signature required.

Kind regards

Stephan Schurmann

On Jun 19, 2017 8:35 PM, "Brad Carr" <brad@carrwoodall.com> wrote:

Hey Stephan,

As a courtesy, I have attached my proposed order. Until you authorize me to send docs via email, I am required to mail them to the address on file. As such, I have also dispatched a copy in the mail.

Thanks,

Brad

**CARR | WOODALL**
ATTORNEYS AT LAW

K. Bradley Carr
10808 S. River Front Pkwy, Suite 175
South Jordan, Utah 84095
(801) 254-9450
brad@carrwoodall.com
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**Response to motion to dismiss.pdf**

293K

Exhibit D

STEPHAN SCHUERMANN, D.S.S. , Plaintiffs

-and-

JUBILIE ANQUI, JONATHAN L. TEDRICK, Defendants

Case no: 170902925

Memorandum Opposing Motion to Dismiss

Stephan Schuermann

My Name

2637 E. Atlantic Blvd., #41066

Address

Pompano Beach, FL 33062

City, State, Zip

(801) 935-8913

Phone

petitionforsean@gmail.com

Email

I am the Plaintiff/Petitioner

Defendant/Respondent

Attorney for the Plaintiff/Petitioner Defendant/Respondent and my
Utah Bar number is _____

In the District Justice Court of Utah

Third Judicial District Salt Lake County

Court Address Metheson Courthouse 450 South State St. , Salt Lake City

Stephan Schuermann et all

Plaintiff/Petitioner

v.

Jubilie Anqui

Defendant/Respondent

Memorandum Opposing Motion to Dismiss

Case Number 170902925

Judge Richard McKelvie

Commissioner _____

Stephan Schuermann and **D.S.S.** (collectively “plaintiffs”) opposes to the MOTION TO DISMISS (“motion”) by **Jubilie Anqui** (“defendant”) and say as follows:

- 1) Plaintiffs move the court to deny the Motion;
- 2) Plaintiffs were not served in the manner and form described in the motion, moreover plaintiffs never received any mail from defendant;
- 3) Defendant signed misleadingly a certificate of service, however plaintiffs were never served;
- 4) Plaintiffs were accidentally informed by the Clerk of the Court of defendant’s filing;
- 5) Pursuant to Utah Code 78B-5-705 (2) defendant committed a criminal offense more so defendant failed to serve plaintiffs pursuant to Rule 5 of Utah R. Civ. P. ;
- 6) For that reason alone the motion shall be rejected due to insufficient service of process;
- 7) Moreover the motion seems to be submitted by a person called ‘Cindy Hansen’ as this person claims to have signed on behalf of **Jubilie Anqui** and with defendant’s permission;
- 8) It is totally unclear from the filed motion who ‘Cindy Hansen’ is, the person did not state the BAR-number or if the person has any authority under Utah law to represent a client in a court of law;
- 9) The return address seems to be a PO Box and not an attorney’s office nor did the signature suggest that **Jubilie Anqui** is represented by an attorney, however a phone number was given, which seems to be linked with the attorney’s office of CARR & WOODALL, pllc, in South Jordan, Utah;

- 10) 'Cindy Hansen' does not appear to be a BAR-registered attorney for the office of CARR & WOODALL, it therefore raises serious questions if this motion is genuine and authentic;
- 11) Defendant moves the Court to dismiss the motion, or complaint as it was delicately called by defendant, based on Rule 12(b) of Utah R. Civ. P. on the grounds of failing to state a claim upon relief can be granted;
- 12) *"When reviewing the propriety of a motion to dismiss, we accept the factual allegations in the complaint as true and interpret those facts and all reasonable inferences drawn therefrom in a light most favorable to the plaintiff as the nonmoving party."* (*Krouse v. Bower*, 2001 UT 28, ¶ 2, 20 P.3d 895.)
- 13) The Utah Supreme Court concluded in *Blackham v. Snelgrove* (3 Utah 2d 157 (1955) 280 P.2d. 453) that *'Likewise, from the plaintiff's complaint it does not appear to a certainty that plaintiff would be entitled to no relief under any state of facts which could be proved in support of the claim'*.
- 14) The motion shall therefore have the burden of proof that under no circumstances of any fact stated in the original complaint relief can be granted;
- 15) Defendant's statements in the 'Background' section of her motion have the sole purpose to attack plaintiffs' credibility and do not constitute any reason why the motion should be granted and it is therefore irrelevant to the relief requested by defendant;
- 16) Defendant's claim that cited case law is not relevant to Utah is a matter of trial and not grounds for summary dismissal, what is relevant is that relief can be granted on the stated facts by plaintiffs regardless if the Court finds case law to be relevant or not; Case law is obviously presented in support of a legal argument as to why relief shall be granted;

False Imprisonment.

- 17) Defendant claims to have physical custody of DSS and that the wrongful retention of DSS has already been litigated;
- 18) The case as mentioned by defendant was a case regarding a 'the Hague petition' for the wrongful retention of DSS, however it did not deal with the facts alleged in the original complaint by plaintiff;
- 19) DSS might not have been illegally retained under the Hague Convention, however that is not the alleged proposition nor the main support of plaintiff's complaint;
- 20) DSS is retained illegally in the United States (i.e. DSS is an illegal alien as is the defendant) and this was in fact confirmed by the Federal Court;
- 21) The order by the Federal Court did, for obvious reasons, not allow defendant to deprive plaintiffs of their constitutionally protected rights, including a meaningful relationship;
- 22) A 'the Hague petition' is not equivalent to a custody/termination of parental rights petition hence the claim to have custody is simply false, however the argument seems to be a defense rather than grounds for summary dismissal of the complaint;
- 23) Defendant claims that she was lawfully entitled to exercise her power over DSS even if that could be construed as *false imprisonment*;
- 24) If defendant was lawfully entitled to her actions, including her claim to have custody over DSS, and if they constitute *false imprisonment* is a matter of fact and law and therefore subject to litigation;

- 25) It cannot be stated that in all circumstances defendant's action could never rise to the level of *false imprisonment* as claimed by defendant, solely because she claims to have physical custody;
- 26) Most abducting parents do actually have (shared) custody rights, however the actions of the abducting parent can still rise to the level of *false imprisonment* as alleged by plaintiff;
- 27) Plaintiffs do not allege that the child has been illegally removed from a jurisdiction (which was subject of the Federal Court case), however it is alleged that the child has been concealed since early 2015, which still constitutes an abduction and can rise to the level of *false imprisonment*;
- 28) The Federal Court did not find evidence for the conclusion that defendant was liable for an illegal retention in August 2015, however defendant's actions, both prior and subsequent to the Federal Court case are now alleged to constitute a tortious act;
- 29) Defendant seems to imply that physical control and *de facto* custody over a child constitutes full parental control and therefore entitles defendant to terminate the other parent's parental rights without *due process*; Needless to conclude that such implication is a violation of the United States Constitution;

Intentional Infliction of Emotional Distress.

- 30) Defendant claims that interference with the relationship is '*unfortunately, such an ordinary part of custody disputes*' and therefore the defendant's actions do not rise to the level of '*extreme circumstances*';

- 31) The Court in *Allen v Anger*, 2011 UT App 19 (Utah Ct. App. 2011) clearly stated that *‘We have little doubt that in an appropriate case, interference with parental rights could cause the kind of severe emotional distress necessary to maintain an IIED action or subject the actor to criminal liability under the 2003 stalking statute.’*
- 32) Plaintiffs clearly allege that defendant interfered with parental rights, it is therefore a matter of fact and law, and thus subject to litigation, if such behavior by defendant rises to the level that relief should be granted;
- 33) Defendant’s claim that her actions can never rise to the level of **Intentional Infliction of Emotional Distress** is her, rather disturbing, interpretation of the law and unfounded;

Interference with Custodial Rights.

- 34) Defendant claims that such cause of action does not exist in the State of Utah. Such claim lacks foundation;
- 35) The State of Utah has adopted the common law of England under Utah Code 68-3-1;
- 36) Plaintiffs claim as a matter of law that the **Interference with Custodial Rights** is a cause of action originated in the English common law, it therefore forms an integral part of the laws of the State of Utah;
- 37) No Utah Statute or Code nor the Supreme Court of Utah has ever barred such cause of action as a matter of law;

Loss of Filial Consortium.

- 38) Defendant claims that psychological abuse of a child, as stated by plaintiffs in the original complaint, can never lead to a cause of action by **Loss of Filial Consortium** because the child has never worked before;
- 39) Plaintiff claims that such abuse will substantially change the child's lifestyle and this is not solely bound by the conditions mentioned in Utah Code 30-2-11 (1a);
- 40) Utah Code 30-2-11 is ultimately an action by a third party on a husband and wife, hence the court's interpretation of this code in *Benda v Catholic Diocese*, 2016 UT 37 (UT Ct. App. 2016) is extensive such that it was extended to a relationship between parent and child;
- 41) If defendant's actions and abuse of a child substantially changes the child's lifestyle is a matter of fact and law and it requires an interpretation of Utah Code 30-2-11 applied to a parent-child relationship, hence subject to litigation;

Prima Facie Tort

- 42) Plaintiffs requested relief under a **Prima Facie Tort**, however defendant has not given any reason why this claim should be summarily dismissed under the facts presented;

Civil Conspiracy

- 43) Defendant claims that the action for **Civil Conspiracy** shall be dismissed because no underlying tort can be proven;

- 44) This claim by defendant is baseless as multiple claims are founded as discussed above;
- 45) There is very little doubt that the alleged facts by plaintiffs can easily lead to the conclusion that defendant conspired with **Jonathan Tedrick** to commit the alleged tortious acts;

Conclusion

- 46) Defendant failed to serve the motion on plaintiffs and committed a criminal offense under Utah Code 78B-5-705 by stating a falsehood in the CERTIFICATE OF MAILING;
- 47) The motion seems not to be authentic and filed by a person who does not seem to be authorized to do so;
- 48) Defendant fails to state as to why the stated facts in plaintiff's complaint could in no circumstances grant relief and it should therefore be summarily dismissed;
- 49) Plaintiffs respectfully move the Court to deny the motion;
- 50) Plaintiffs do not request a hearing.

I have not included any non-public information in this document.

I declare under penalty of Utah Code Section 78B-5-705 that everything stated in this document is true and correct.

Date June 20, 2017 Sign here ► 
Typed or printed name Stephan Schuermann

Certificate of Service

I certify that I served a copy of this document on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
K. Bradley Carr (14428) attorney for defendants (brad@carrwoodall.com)	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)	10808 S. River Front Pkwy, Suite 175 South Jordan, Utah 84095	July 20, 2017
(Clerk of Court)	<input checked="" type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File	450 South State Street PO Box 1860	July 20, 2017



Date July 20, 2017 Sign here ► 
 Typed or Printed Name Stephan Schuermann

Last testament of a loving father abused by the family court system and alienated from his children



Christopher Mackney, 45 years of age and a loving father, committed suicide on Dec 29, 2013 after being alienated from his children and subjected to years of psychological and financial abuse by the biased, anti-father family court system, his ex-wife and her lawyer. The letter below was his last testament before he took his own life.

I never wanted to speak out about any of this. All I wanted was a fair and reasonable child support, fair and reasonable visitation with my children and be free to move on with my life. The only reason I chose to write a blog and speak out about the abuse was because I thought it would give me some kind of leverage, as I had none.

I made it clear to my ex- wife's attorney that the family court was not allowing me to change the orders, I had no information about my children and my child support was far beyond my ability to pay.

I was hoping for some act of good faith to let me know that they wanted to reduce the conflict. It never came, not in 5 years. I felt that my only recourse was to speak out about the abuse and injustice in order to get the legal and psychological help I needed to manage the conflict, so that we could both parent our children. I reached out to my ex- wife's attorney again to ask for ANY other alternative.

They offered none, so I started the blog. Even after I started my Blog, I reached out again to tell them I would take down the blog if a Guardian Ad Litem could be appointed for my children. They never responded. Dina knew this would be the outcome and didn't care. As long as I was gone and out of the children's lives.

In hindsight, I recognize that my reactions to being bullied, abused and denied access to my children gave my ex- wife's attorney the ammunition they were looking for to bring me into Court, but nothing I said or done would have made a difference. I was powerless. I thought that at some point a third party would be involved that would recognize that my reactions were from the emotional abuse; being denied access to my children and bullied in Court. The Court refused at least six requests for third party intervention. All of the research said that a third party was the recommended course of action in these situations. A third party was the only way to truly understand the conflict.

I was not the person being portrayed in family court. I had no control over anything. The Court would only listen to my ex-wife's attorney granting all of their motions and agreeing to all their "over reaching" remedies.

When I read online about the patterns of behavior of high conflict divorce and how my ex-wife was the one blocking access to the children and negatively interpreting everything I did, I spoke out and tried to address the source of conflict. No one would tell me I was wrong, but no one would speak out about the abuse on my behalf, not the Doctors or attorneys. Experts in psychology have called it abuse, but none would make such a 'diagnosis', which I could then take to Court to obtain relief. As long as the pattern of behavior was not called 'abuse', my reactions would not be viewed in its proper context by the Court.

The way I looked at it was that if I remained silent, the abuse would continue. It did. When I finally decided to speak out, they didn't care.

They didn't care about how it would affect Dr. Samenow, Judge Bellows, our children, themselves or anyone else. They were not going to take their foot off the back of my neck.

They were fully invested in having me out of my children's lives, permanently. Bullying and parental alienation are all forms of emotional abuse. Psychopathy is an emotional dysfunction. People with psychopathy are identified by how they handle conflict. It is the disturbing lack of empathy, guilt shame, remorse that give them away. They are completely unaffected by the distress of others. As long as they get what they want, you may never see that side of them.

If you are in a position of power or status, you will probably not see that side of them either. However, people that are close to them or are of little value to them, will eventually see the pattern. They will slowly begin to realize they are being controlled manipulated and 'gas lighted'. Without even realizing it, you learn to go along to get along. If you break from this, you will experience their wrath. I remember on Memorial Day 2008, when I went to pick up my children for lunch at their grandparents house, Pete Scamardo came outside to confront me. I looked at him and said "Pete, you are nothing but a bully.

He responded "That's right, and I love it!

He said this in front of Dina, he wife and my children. When I got in the car to take my children to lunch, my son asked me "Dad, what's a bully?"

Pete Scamardo and Dina Mackney are the most 'successful' father/daughter psychopaths ever to fool the Court. Pete Scamardo has over 100 lawsuits in Fairfax County alone. The litigants in these cases can confirm the patterns. The entire Scamardo family was accused of fraud by Maryland National Bank for \$80 Million. Pete and Dina also circumvented the Thoroughbred Ownership licensing laws of Virginia, Maryland and West Virginia. One of her friends from college now refers to her the 'c' word after seeing the real Dina, after working with her.

Most of you will not see that side of her, unless you run into conflict. While I am the one that took my own life, this was a murder conceived and financed by Pete Scamardo who hired Jim Cottrell and Kyle Bartol the day after I discovered he was a murderer, and then paid over \$1 Million in legal fees to make it happen.

People 'targeted' by psychopaths call it 'murder by suicide'. I was a good father to my children when I was in their lives. No one can dispute or deny that.

Dr. Samenow even admitted under oath that I had a 'palpable' relationship with my kids. I know I was an extremely loving and positive influence on their lives and it kills me that I even feel like I

have to defend my parenting. My children were the only source of joy and happiness in my marriage.

For the Judge Bellows to deny parents and children a ‘palpable relationship’ and each other’s love is corruption.

He did not want it to be known that Dr. Samenow committed fraud or that Judge Terrence Ney had a ‘close relationship’ with a convicted murderer or a parental alienator. The love that my daughter and I shared was truly special. She is a such a sweet, kind and gentle spirit. I am so sorry that I will not be there to see her grow into a beautiful woman. It absolutely crushed me to not be in her life over the last three years. I worked very hard as a father to build her confidence and self-esteem. She is smart, funny and considerate, but she didn’t know it yet.

I pray that she realizes her strengths and her confidence in herself will continue to grow. I love you dearly, Lily. My son Jack was just entering Kindergarten, when I lost access to him. He is gregarious, outgoing and a great athlete. He is smart and fearless. He could have just as much fun by himself as he could with other kids. Even the older boys in our neighborhood wanted to play with Jack. It absolutely breaks my heart that I will not be able to help him grow into a man. I love you to, Jack. I miss you both so much. My identity was taken from me, as result of this process of family court.



Christopher Mackney’s children, Lily and Jack, who were alienated and denied access to their father by their mother with the help of the biased family court system

When it began, I was a commercial real estate broker with CB Richard Ellis. I lived by the Golden rule and made a living by bringing parties together and finding the common ground. My reputation as a broker was built on my honesty and integrity. When it ended, I was broke, homeless, unemployed and had no visitation with my own children. I had no confidence and was paralyzed with fear that I would be going to jail whenever my ex-wife wanted. Nothing I could say or do would stop it. This is what being to death or ‘targeted’ by a psychopath looks like. This is the outcome.

I didn't somehow change into a 'high conflict' person or lose my ability to steer clear of the law.

I've never been arrested, depressed, homeless or suicidal before this family court process. The stress and pressure applied to me was deliberate and nothing I could do or say would get me any relief. Nothing I or my attorneys said to my ex-wife's attorney or to the Court made any difference. Truth, facts, evidence or even the best interest of my children had no effect on the outcome. The family court system is broken, but from my experience, it is not the laws, it's the lawyers. They feed off of the conflict. They are not hired to reduce conflict or protect the best interest of children, which is why third parties need to be involved. It should be mandatory for children to have a guardian ad litem, with extensive training in abuse and aggression.

It is absolutely shameful that the Fairfax County Court did nothing to intervene or understand the ongoing conflict. Judge Randy Bellows also used the children as punishment, by withholding access for failing to fax a receipt. The entire conflict centered around the denial of access to the children, it was inconceivable to me that he would use children like this. This is exactly what my ex-wife was doing and now Judge Bellows was doing it for her. To all my family, friends and the people that supported me through this process, I am so sorry. I know my reactions and behavior throughout this process did not always make sense. None of this made sense to me either. I had no help and the only suggestion I got from my attorneys was to remain silent. At first, I did what I was told, remained silent and listened to my attorneys. Then after I had given my ex-wife full custody to try and appease her, I learned about Psychopathy and emailed Dr. Samenow about my concerns and asked him for help. Of course, I was ignored.

As the conflict continued, I was forced to defend myself. When that didn't work, I thought I could get the help I needed by speaking out. There is no right or wrong way to defend yourself from abuse. Naively, I thought that abuse was abuse and it would be recognized and something would be done. I thought speaking out would end the abuse or at least get them to back off.

It didn't. When no one did anything they were emboldened.

I took my own life because I had come to the conclusion that there was nothing I could do or say to end the abuse. Every time I got up off my knees, I would get knocked back down. They were not going to let me be the father I wanted to be to my children. People may think I am a coward for giving up on my children, but I didn't see how I was going to heal from this. I have no money for an attorney, therapy or medication. I have lost 4 jobs because of this process. I was going to be at their mercy for the rest of my life and they had shown me none. Being alienated, legally abused, emotionally abused, isolated and financially ruined are all a recipe for suicide. I wish I were stronger to keep going, but the emotional pain and fear of going to court and jail became overwhelming. I became paralyzed with fear.

I couldn't flee and I could not fight. I was never going to be allowed to heal or recover. I wish I were better at articulating the psychological and emotional trauma I experienced. I could fill a book with all the lies and mysterious rulings of the Court. Never have I experienced this kind of pain. I asked for help, but good men did nothing and evil prevailed. All I wanted was a Guardian Ad Litem for my children. Any third party would have been easily able to confirm or refute all of my allegations, which is why none was ever appointed to protect the children or reduce the conflict.

Abuse is about power and control. Stand up for the abused and speak out. If someone speaks out about abuse, believe them. Please teach my children empathy and about emotional invalidation and 'gas - lighting' or they may end up like me. God have mercy on my soul.

By Christopher Mackney – Washington DC