

State ex rel. Peter Stephenson a/k/a
Peter Rickmyer, Peter Rickmyer,

Court File: 27-cv-11-11012

v.

**PLAINTIFF RICKMYER'S
MEMORANDUM OF LAW
IN SUPPORT OF HIS MOTION
TO RECUSE THE BENCH:
AFFIDAVIT OF JILL CLARK**

Tom Roy, *et al*,

Defendants.

Jill Clark, Esq., being first duly sworn deposes and states:

1. I am counsel for Peter Rickmyer in this action.
2. Interestingly, as if in response to John Hoff's blog question about whether Blaeser's complaint about Clark was old, Judge Blaeser suddenly sent a second letter on the same topic, which answered Hoff's question. This should be in the Court file in the 10-case.
3. Intentionally left blank.
4. Judge Blaeser eventually took himself off that case (where he had never been "Assigned" and was "handling" it as Presiding Judge). And it was Assigned to a different Hennepin County Judge who is not faulted in any way for any of this.
5. In the case of Miller v. Waite, I wrote to Judge Blaeser asking if he was going to recuse as she was coming onto the file.
6. Judge Abrams refused to grant a reasonable request for extension due to

medical leave, which seemed odd. But all became clear later on October 13, 2011.

7. On October 13, 2001, I went to the courtroom of Judge Abrams for the Miller v. Waite summary judgment hearing. The parties waited a while, and eventually, after ½ hour after the hearing was to commence, the Clerk for Judge Blaeser walked into the Courtroom and told the parties that Judge Blaeser had judge approved Judge Abrams recusing in that case (Miller) and in the 10-case and 11-case.

8. I have heard that this policy was instituted in Hennepin County because lazy judges would self-recuse from difficult or time-intensive cases in order to get out of doing work.

9. I have heard that one reason that “management” judges will accept for self-recusal under the policy, is if the judge has made a lawyers board complaint against the lawyer. Note how that excuse was given by Judge Blaeser disclose in his 3/23/11 letter in the 10-case.

10. Plaintiff Rickmyer objected to the *sua sponte* order in favor of John Hoff asked Judge Bush to disclose communications to/from Judge Blaeser (*see* email dated December 30, 2011). No response to date.

Exhibits.

Exhibit 1 is a copy of a pleading filed in 27-cv-10-8768, Bicking v. Bellfield, dated March 16, 2011, plus its attachments A and B.

Exhibit 2 is a copy of what Plaintiff counsel has been able to locate as the “recusal”

E.04
policy, E.05.

Exhibit 3 is a copy of a letter to Judge Abrams regarding the 11-case from Plaintiff counsel, dated October 12, 2011.

Exhibit 4 is the 3/22/11 Affidavit of Peggy Katch including 3 exhibits (A-C).

Exhibit 5 is Plaintiff Rickmyer's motion to recuse Judge Blaeser.

Exhibit 6 is pages from the blog Johnny Northside, blog entries March 24, 2011.

Exhibit 7 is a copy of a February 15, 2011 email from Judge Zimmerman to Judge Blaeser from Appendix submitted to the Court of Appeals.

Exhibit 8 is a copy of a letter from Chief Judge Swenson to Jill Clark dated 2/24/11.

Exhibit 9 is a copy of the Court of Appeals orders in writ action A11-526.

Exhibit 10 is a copy of Judge Blaeser's recusal order in Miller v. Waite.

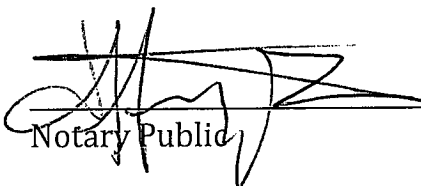
Exhibit 11 is a copy of Gross' JSB complaint against Judge Blaeser, 1/19/11.

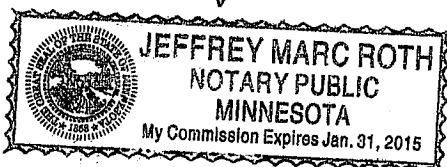
Exhibit 12 is a copy of Paul Stepnes' JSB complaint against Judge Blaeser dated February 22, 2011. (Exhibit 13 is intentionally left blank.)

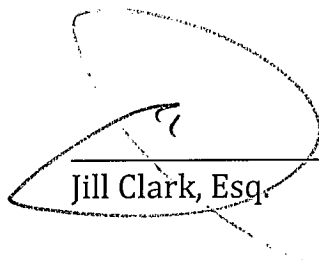
Exhibit 14 is emails with Judge Bush's chambers in the 10-case and 11-case.

Exhibit 15 is the Judicial Bench Policy Manual Maintenance Protocol (date?)

Signed and sworn before me
this 5th day of January, 2011.


Notary Public




Jill Clark, Esq.

David Bicking and Michelle Gross,

Plaintiffs,

Court File: 27-cv-10-8768

v.

Donald Bellfield, an individual and
Chair of the Board of the Civilian Police
Review Authority (in his individual capacity),
and Wendy Robinson,

**PLAINTIFF
MICHELLE GROSS'
REMOVAL WITHOUT CAUSE
AND OBJECTION TO DENIAL
OF RIGHTS BY BOTH
PLAINTIFFS**

Defendants.

Plaintiffs rights are being violated: Plaintiffs are being harmed.

Plaintiffs object that their right to due process and access to courts are being violated.

The Mn-CIS Register of Actions still shows Judge McShane as the judge on the case. (Register of Actions at **Att. A.**) The Clerk that handles appeal matters told Plaintiffs to take their proposed order for cash in lieu of *supersedeas* bond to Judge McShane. But Judge McShane's Clerk has stated that they "were told [by Judge Blaeser] not to be involved with the case any more."

Plaintiffs have been told that when a case is "closed,"¹ that the case is not re-assigned to a new judge unless requested. Plaintiffs *did* make a written request for emergency re-assignment of this case to a new judge, on Friday, March 11, 2011. Plaintiffs have learned that the Honorable Robert A. Blaeser, district judge for seat 25, has either made the decision that there will be no re-assignment, or has otherwise blocked the re-assignment of this case.

¹ If this case was "closed" in August 2010, then that was erroneous. Activity continues to this day. Further, this case never "settled."

Plaintiffs have not received any official notification that the Honorable Robert A. Blaeser has been assigned to this case.

Plaintiffs cannot effectively do business with the Court without an assigned judge and their rights are being impaired. With due respect, Plaintiffs challenge that a single judge for seat 25 has the authority to block re-assignment of a judge or to "handle" matters on a case to which he has not been "assigned."

Judge Blaeser has indicated by letter dated March 15, 2011 (**Att. B**) that he will "be the judge on the case," and that he "will handle any issues or motions that [Plaintiffs] would need to have heard on the case" as the Chief Judge of the Civil Division.² Although Plaintiffs were told by Judge Blaeser's Clerk on March 15, 2011, that she did not say that the letter was an assignment of Judge Blaeser to the case. The Clerk did state that date, that Judge Blaeser is "the one making decisions on [this] case." That is not acceptable to Plaintiffs. And the confusion caused by the lack of re-assignment is causing Plaintiffs to expend significant time and resources, and to lose rights.

Plaintiffs jointly object to a judge not assigned to this case "handling" this case, instructing staff how to handle this case, blocking re-assignment of this case to a new judge, ruling on this case or otherwise taking actions that impact this case. Plaintiffs hereby reiterate that based on their knowledge and research, there is no authority or jurisdiction for the judge

² If there is some official position of "Chief Judge of Civil Division," Plaintiffs are not aware of it, and request documentation or citations to the law creating such a position. At first, when Plaintiffs got word that Judge Blaeser would rule on the filing fees motion, they assumed that there was some authority for a management-judge ruling. Since that time, and based on the conduct ongoing, Plaintiffs have researched the issue. Although there has been reference over time to a Presiding Judge of Civil, Plaintiffs cannot locate any authority for such a position, cannot locate its powers or limitations on that power. The People of the State of Minnesota did not vote Robert A. Blaeser into a position of "Chief Judge of the Civil Division" or "Presiding Judge," but to one seat (25). Respectfully, Plaintiffs note that this case shows the need for *limitations* on the power of any "management" judge.

holding seat 25 to take the actions discussed herein, and they are requesting that the activity cease.

As Plaintiffs articulated in their letter of March 11, 2011, it is their position is that the actions complained of here are in the absence of all jurisdiction. (If there are documents or law authorizing this activity, Plaintiffs are willing to consider that.)

Removal without cause.

Plaintiffs are concerned that the lack of official re-assignment of this case has violated their due process rights by preventing them from exercising a "removal without cause" pursuant to Minn.R.Civ.P. 63.03 (or similar provisions). To the extent the March 15 letter of Judge Blaeser is an "assignment" of him to the file as a Judicial Officer, then Plaintiff Gross hereby exercises her right to remove the Honorable Robert A. Blaeser without cause.

Removal with cause an option, but should not be necessary.

With all due respect, the actions of Robert A. Blaeser on this file, in Plaintiffs' view, shows bias against Plaintiffs and/or their Attorney, and/or in favor of Defendants. If there is an unwillingness to accept the removal without cause, Plaintiffs indicate their intent to move to disqualify judicial officer for cause. Plaintiffs do not believe they should have to bear the time and expense of briefing removal with cause (or filing such a motion),³ since this Judge was never assigned to their case, but merely, of his own volition, began "handling" certain aspects of this case. If Plaintiffs are required to make a motion to remove with cause, they preserve all rights and remedies.

³ Plaintiffs note that, once again, Defendants have improperly utilized a "letterbrief" to: a) respond on the merits to Plaintiffs' motion re filing fees; b) sway the Court by giving the non-assigned-judge an idea of a way to block Plaintiffs' motion (as occurred in response to the motion to vacate); and c) not pay a filing fee. Plaintiffs object, and in no way acquiesce to Robert A. Blaeser making any decision on the basis of that letter (or on this case in any way).

Interference with Plaintiffs' ability to obtain order for Cash in lieu of *Supersedeas* bond.

Plaintiffs' position is that the actions of Robert A. Blaeser interfered with their ability to obtain an order for cash in lieu of *supersedeas* bond. If Plaintiffs are financially harmed, they preserve all rights and remedies.

Plaintiffs are saddened by the March 15, 2011 letter (Att. B), and believe that it further impairs their due process rights, and right of access to courts.

Request for disclosures.

Plaintiffs seek disclosure from Robert A. Blaeser as to the communications he has had about this case with: a) staff; and b) other judge(s).

Plaintiffs disclose that on March 15, 2011,⁴ their Attorney had a conversation with Judge Blaeser's Clerk Anna, and his Clerk Daniel. If defense attorneys would like more detailed articulation of those conversations, Plaintiff counsel is happy to oblige. Defendants should contact Plaintiff counsel.

Plaintiffs seek disclosure from defendants and their counsel of any communications with Judge McShane's chambers or with Judge Blaeser's chambers.

⁴ Plaintiffs have studied the March 15 letter. Based on their understanding and investigation, Robert A. Blaeser utilized a fourth-hand articulation (which can only have come from one staffperson, and even she acknowledged she did not know what the precise wording was that she said) of what Plaintiff counsel allegedly said at a counter. Rather than considering that something could have been lost in translation, or inquiring of Plaintiff counsel as to what she had stated (or meant), Robert A. Blaeser authored the March 15 letter implying that Attorney Clark is dishonest. Not only did Plaintiff counsel not state what she was accused of stating at the counter, but the March 15 letter compelled an investigation by Plaintiffs, which uncovered Robert A. Blaeser's instruction to civil assignments not to re-assign this case. Plaintiffs are saddened by these occurrences, and hope that this does not mean that they cannot do business at any counter in the courthouse. Plaintiffs appreciate the staff they encounter as they do business, and overwhelmingly, those individuals are good, hard-working, honest and forthright people.

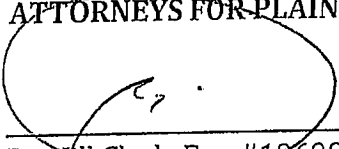
All other rights and remedies preserved.

Plaintiffs preserve all other rights or remedies with regard to other actions taken by

Robert A. Blaeser.

Dated: March 16, 2011

~~ATTORNEYS FOR PLAINTIFFS~~


By: Jill Clark, Esq. #196988
Jill Clark, P.A.
2005 Aquila Avenue North
Golden Valley, MN 55427
Phone: (763) 417-9102.

Logout My Account Search Menu New Civil Search Refine Search Back

Location : - Hennepin Civil Help

REGISTER OF ACTIONS
CASE NO. 27-CV-10-8768

David Bicking, Michelle Gross vs Donald Bellfield, Wendy Robinson §

Case Type: Civil Other/Misc.
Date Filed: 04/19/2010
Location: - Hennepin Civil
Judicial Officer: McShane, John Q.

PARTY INFORMATION

Defendant	Bellfield, Donald	Lead Attorneys FERDINAND F PETERS Retained 651-647-6250(W)
Defendant	Robinson, Wendy Minneapolis, MN 55405	FERDINAND F PETERS Retained 651-647-6250(W)
Plaintiff	Bicking, David Minneapolis, MN 55407	JILL ELEANOR CLARK Retained 763-417-9102(W)
Plaintiff	Gross, Michelle	JILL ELEANOR CLARK Retained 763-417-9102(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 08/10/2010 Settled (Judicial Officer: McShane, John Q.)
- 12/07/2010 Judgment - not all parties (Judicial Officer: McShane, John Q.)
 Monetary Award (Status: Active, Debtor: David Bicking, Entered: 12/07/2010, Docketed: 12/28/2010, 4:14 PM, Original Principal: \$5,895.50)
 Monetary Award (Status: Active, Debtor: Michelle Gross, Entered: 12/07/2010, Docketed: 12/28/2010, 4:14 PM, Original Principal: \$5,895.50)

OTHER EVENTS AND HEARINGS

- 04/19/2010 Answer and Certificate of Representation
- 04/22/2010 Notice of Case Assignment (Judicial Officer: McShane, John Q.)
- 04/26/2010 Order-Other (Judicial Officer: McShane, John Q.)
- 05/26/2010 Notice of Motion and Motion
- 05/26/2010 Memorandum
- 05/26/2010 Affidavit-Other
- 05/26/2010 Informational Statement
- 06/09/2010 Scheduling Order (Judicial Officer: McShane, John Q.)
- 06/09/2010 Motion and Affidavit
- 06/09/2010 Memorandum
- 06/14/2010 Memorandum
- 06/16/2010 Memorandum
- 06/23/2010 Motion Hearing (8:30 AM) (Judicial Officer McShane, John Q.)
Result: Held
- 06/23/2010 Taken Under Advisement (Judicial Officer: McShane, John Q.)
- 06/30/2010 Correspondence (Judicial Officer: McShane, John Q.)
- 08/04/2010 Order-Other (Judicial Officer: McShane, John Q.)
- 08/06/2010 Not Docketed Judgment Entered
- 08/06/2010 Notice of Entry of Judgment
- 09/20/2010 Notice-Other

ATT. A

3/15/11

↓ (6)

09/20/2010 Memorandum
 09/20/2010 Affidavit-Other
 10/01/2010 Notice of Motion and Motion
 10/08/2010 Memorandum and Affidavit
 10/12/2010 Memorandum
 10/12/2010 Affidavit-Other
 10/15/2010 Motion Hearing (8:30 AM) (Judicial Officer McShane, John Q.)
 Result: Held
 10/15/2010 Taken Under Advisement (Judicial Officer: McShane, John Q.)
 10/28/2010 Correspondence
 12/06/2010 Order-Other (Judicial Officer: McShane, John Q.)
 12/07/2010 Processed Judgment Entry
 12/07/2010 Notice of Entry of Judgment
 12/22/2010 Correspondence
 12/23/2010 Affidavit of Identification
 12/28/2010 Processed Judgment Docketing
 12/28/2010 Notice of Docketing of Judgment
 01/06/2011 Correspondence
 01/06/2011 Motion
 01/06/2011 Correspondence
 01/06/2011 Memorandum
 01/11/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 01/12/2011 Correspondence (Judicial Officer: McShane, John Q.)
 01/25/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 02/04/2011 Notice of Motion and Motion
 02/07/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 02/07/2011 Notice of Appeal
 02/08/2011 Notice of Motion and Motion
 02/11/2011 Notice of Case Filing
 02/14/2011 Publicly Viewable Note to File
 02/16/2011 Affidavit of Service
 02/22/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 02/23/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 02/28/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 03/07/2011 Correspondence
 03/08/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 03/10/2011 Memorandum
 03/10/2011 Affidavit-Other
 03/11/2011 Correspondence
 03/11/2011 Correspondence
 03/15/2011 Correspondence (Judicial Officer: Blaeser, Robert A.)
 03/24/2011 Motion Hearing (9:00 AM) (Judicial Officer Blaeser, Robert A.)
 04/01/2011 CANCELED Jury Trial (8:00 AM) (Judicial Officer Bush, Phillip D.)
 Other

FINANCIAL INFORMATION

	Defendant Bellfield, Donald		655.00
	Total Financial Assessment		655.00
	Total Payments and Credits		0.00
	Balance Due as of 03/15/2011		
			322.00
04/22/2010	Transaction Assessment		(322.00)
04/22/2010	Mail Payment Receipt # 1227-2010-13323	PETERS, FERDINAND F	100.00
06/03/2010	Transaction Assessment		(100.00)
06/03/2010	Mail Payment Receipt # 1227-2010-18851	PETERS, FERDINAND F	125.00
06/16/2010	Transaction Assessment		(125.00)
06/18/2010	Mail Payment Receipt # 1227-2010-20938	PETERS, FERDINAND F	100.00
10/06/2010	Transaction Assessment		(100.00)
10/06/2010	Mail Payment Receipt # 1227-2010-34855	LOETSCHER, BENJAMIN PAUL	8.00
12/07/2010	Transaction Assessment		(8.00)
12/07/2010	Counter Payment Receipt # 1227-2010-42619	PETERS, FERDINAND F	
	Defendant Robinson, Wendy		447.00
	Total Financial Assessment		447.00
	Total Payments and Credits		0.00
	Balance Due as of 03/15/2011		
			322.00
04/22/2010	Transaction Assessment		(322.00)
04/22/2010	Credit-Joint Filing		125.00
06/16/2010	Transaction Assessment		(125.00)
06/18/2010	Credit-Joint Filing		

1

	Plaintiff Bicking, David		975.00
	Total Financial Assessment		253.00
	Total Payments and Credits		722.00
	Balance Due as of 03/15/2011		
			447.00
06/10/2010	Transaction Assessment		125.00
06/15/2010	Transaction Assessment		125.00
10/08/2010	Transaction Assessment		(75.00)
01/07/2011	Mail Payment	Receipt # 1227-2011-00796	125.00
		CLARK, JILL ELEANOR	
01/07/2011	Transaction Assessment		(125.00)
02/04/2011	Mail Payment	Receipt # 1227-2011-04443	100.00
		CLARK, JILL ELEANOR	
02/15/2011	Transaction Assessment		28.00
02/22/2011	Transaction Assessment		(28.00)
02/22/2011	Counter Payment	Receipt # 1227-2011-06080	25.00
		CLARK, JILL ELEANOR	
03/11/2011	Transaction Assessment		(25.00)
03/14/2011	Mail Payment	Receipt # 1227-2011-08365	
		CLARK, JILL ELEANOR	
	Plaintiff Gross, Michelle		0.00
	Total Financial Assessment		0.00
	Total Payments and Credits		0.00
	Balance Due as of 03/15/2011		

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STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT



ROBERT A. BLAESER
JUDGE
HENNEPIN COUNTY GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55427 USA
(612) 348-2884
FAX (612) 348 2101

March 15, 2011

Via Facsimile and US Mail

Jill E. Clark, Esq.
2005 Aquila Avenue North
Golden Valley, MN 55427

RE: David Bicking, et al v. Donald Bellfield, et al
Court File No. 27CV10-8768

Dear Ms. Clark,

I received your letter dated March 11, 2011 addressed to "Civil Assignments" regarding the judicial assignment of this case. Although you indicated "no ruling requested," I feel a response is appropriate.

Because this is a closed case and Judge McShane is no longer on a civil rotation, as the Chief Judge of the Civil Division, I will handle any issues or motions that you would like to have heard on the case. If you are successful on your appeal, the case will be reopened and reassigned to another judge when it comes back to district court on remand. Closed cases are not reassigned, so until that time, I will be the judge on the case. I have already declined your motion to reconsider in a letter dated January 25, and I will be hearing your motion challenging filing fees next Thursday, March 24 at 9:00 a.m. Any other requests related to this file should also be presented to me.

Last Friday morning my staff returned a call to your office regarding your trouble getting a bond order signed. My staff was unaware of the procedure and referred you to civil filing, but did not state that I opposed signing an order. Later that morning you appeared at civil filing, who informed my staff that you told them that I did not want to address the cash bond issue or sign a proposed order authorizing it. This was not true. After civil filing informed me of your request, I provided authorization that you could post a cash bond and asked civil filing to direct you to bring a proposed order to my chambers for my signature. I am sure I do not need to remind you that your oath requires truthfulness with the court, as does Rule of Professional Conduct 3.3. It goes without saying that you should not be telling civil filing or other court staff things that my staff have not actually said.

Sincerely,

/s/

Robert A. Blaeser
Chief Judge, Civil Division

RAB/an

ATT. B

ⓐ

cc: District Court Administrator
Hon. James T. Swenson
Hon. John Q. McShane
Benjamin P. Loetscher (via US Mail only)

10

Fax

To: Jill E. Clark, Esq From: Judge Robert A. Blawieck
 Fax: 703/417-9112 Date: 3/15/11
 Phone: 703/417-9102 Pages: 3 INCL. COVER PG.
 Re: PATER NATED 3/11/11 CC:

- Urgent For Review Please Comment Please Reply Please Recycle

•Comments:



October 12, 2011

The Honorable Ronald L. Abrams
300 S. 6th Street
Minneapolis, MN 55487

VIA EMAIL & US MAIL

Re: Rickmyer files 27-cv-10-3378//11-11012

Dear Judge Abrams:

I have been working since September to get a motion to vacate on the calendar in the above-referenced 10-case. As Chief Judge Swenson has confirmed, we erred on the side of seeking his pre-approval to file that motion; he decided that is not necessary (see Att. A).

On October 5, 2011, Mr. Brown's attorney wrote a letter we received on 10-6 ("10-5 letter"). Chief Judge Swenson responded quickly, but I did not see that letter until 10-10. The 10-5 letter also requested that Rickmyer's motion to vacate not be heard until after Brown's motion to dismiss. That letter was not authorized by any Rule. Plaintiff objects to "litigation by letter" and demands due process. Such letters: a) skirt the duty to follow Rule 11; and b) prejudice the non-sending parties. Indeed, that is what has happened here.

I called Thursday October 6, Friday October 7, and twice on October 10 seeking to put on a motion hearing for Rickmyer's motion to vacate in the 10-case. When I connected with her late yesterday, Your Honor's Clerk would not schedule a hearing in the 10-case, stating, variously over the course of the phone conversation:

1. The Judge has requested that a hearing not be scheduled on that until after the motion to dismiss has been decided.
2. The Judge said per Judge Swenson's order he does not want to schedule a hearing on that until he has addressed the motion to dismiss on the 2011 case.
3. [Judge Abrams] would prefer not taking action on the 10 case until taking action on the 11 case.
4. This is the way Judge Abrams is managing his calendar.

(If not verbatim very close.) To the extent this articulates a *preference* of the Court, with due respect, I will be unable to accommodate the request and still zealously represent my client. Please calendar the motion. To the extent these are judicial *rulings*, pursuant to Minn.R.Gen.Prac. 115.11, Plaintiff seeks permission to bring a motion to reconsider. We have nothing in writing from Your Honor. And all articulations of the decisions are not the same. Further, the parties were never notified about the ruling.

Exhibit 3

JILL CLARK, P.A. ATTORNEY AT LAW

Plaintiff does not agree that this amounted to the Court managing its calendar. The Court is required to provide due process. "The fundamental requirement of due process is the opportunity to be heard at a meaningful time in a meaningful manner." *Brooks v. Comm'r of Pub. Safety*, 584 N.W.2d 15, 19 (Minn. App. 1998). In our view, Mr. Schooler's letter-request should not have been considered *at all*. If Mr. Brown seeks relief, he must file a *motion*. The whole point of a motion is to give the other parties *notice* and *opportunity to be heard*. The Court made no provision for this. The Clerk said that Your Honor decided this issue 'when he received the letter.' It is not clear whether that means Mr. Schooler's letter or Chief Judge Swenson's letter. But it is clear that the decision was made quickly, without briefing, and before Plaintiff could weigh in. Making this decision in this manner was 'palpably wrong.' Courts have some 'inherent authority,' but it is limited. The exercise of 'inherent authority' by a court must comply with due process. *See, e.g., Plaintiffs' Baycol Steering Committee v. Bayer Corp.*, 419 F.3d 794, 802 (8th Cir. 2005). The relief requested must be *necessary* for the Court to be able to function. Inherent authority does not support the "relative needs" or "wants" of a court. *State v. S.L.H.*, 755 N.W.2d 271, 275 (Minn. 2008).

Further, this Court was aware from another case that I was on medical leave. Was I required to respond within 1 day while on medical leave? Indeed, in that other case, Your Honor would not decide whether I could have a modest extension of time to respond to a motion due to my medical leave, without first hearing from opposing counsel. That was a minor issue. On the major issue in this case, the Court did not apply the same standard.

After I objected to the "double-standard," the Clerk stated, "the Court was unaware of any objection to that letter." But it is the role of the Court to provide due process. There was no due date for a response, or even notice the Court was deciding. (The 10-5 letter raised numerous contrived issues, how could we know which one(s) the Court was going to decide?) The Chief Judge did not order that the vacate motion be delayed; he didn't even suggest it. He merely noted that was an issue for the judge in the case(s). It is unclear why the onus would be on Rickmyer to "object" to a letter, when it was an improper request for the relief of a stay of litigation in the 10-case. Brown should have to make that motion.

Toward the end of the conversation, the Clerk stated that Plaintiff could write a letter. But it is clear the decision has already been made. Further, writing a "letter" would sanction Mr. Schooler's *ex parte*, litigation-by-letter tactics, which would then likely continue.

Precluding Rickmyer from calendaring his motion will cost him months and the procedural advantage. At a minimum, the motions should be heard together. Pursuant to Minn.R.Gen.Prac. 115.11, Plaintiff seeks permission to file a motion for reconsideration of the judicial decision that stayed the 10-case (without Brown even having to file a motion). But by far Rickmyer's greater fear is that this Court's handling of this issue signals that it has already decided that it will grant Brown's motion to dismiss. If that has occurred, then we seek permission to file a motion to reconsider that decision, as well.

Respectfully submitted,

Jill Clark

C: Client; Julie Bowman for Will MacDonald; Megan Goodmundson; John Hoff; David Schooler for all parties originally represented by Briggs & Morgan in the 10-case and Mr. Brown in the 11-case, James Moore for all "City defendants" in the 10-case; original to civil filing.

STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT
2011 OCT 6 PM 1:45



JAMES T. SWENSON
CHIEF JUDGE
HENNEPIN COUNTY GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0422
(612) 348-2122
FAX (612) 596-9144

BY _____ DEPUTY
HENN CO. DISTRICT
COURT ADMINISTRATOR

October 6, 2011

David A. Schooler, Esq.
Briggs & Morgan, P.A.
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2157

Re: Your October 5, 2011 letter and file numbers 27-CV-11-11012 and 27-CV-10-3378

Dear Mr. Schooler:

I am responding to your October 5th letter to the District Court Administrator, a copy of which was sent to me.

In mid-September I assigned case number 27-CV-10-3378 to Judge Ronald Abrams. I did this pursuant to the authority granted to the local Chief Judge by subdivision 3 of Minnesota Statutes section 484.69: "The chief judge may assign any judge of any court within the district to hear any matter in any court of the judicial district."

I do not interpret Judge Blaeser's May 17, 2010, order as requiring Mr. Rickmeyer to obtain my permission before filing new motions in already existing case files, as distinct from obtaining my permission before filing any new cases.

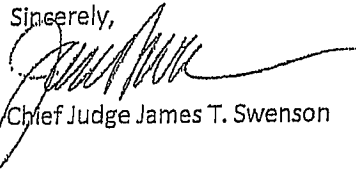
I disagree with the suggestion in your letter that case number 27-CV-10-3378 had no judge assigned to it (before my mid-September assignment to Judge Abrams) because the case "has been fully adjudicated, judgment was entered, and Plaintiff failed to file an appeal." Absent a recusal or removal for cause, a Fourth Judicial District case remains assigned to the judge involved in the adjudication even after judgment has been entered and the losing party fails to appeal. Cases remain assigned to such judges in order to handle motions for reconsideration, motions for relief from the judgment, post-judgment collection efforts/discovery, just to name a few of the reasons. If a judge recuses herself post-adjudication, civil filing would have no reason to reassign the case until an issue arose for which an assignment was necessitated. Mr. Rickmeyer's attorney sought to schedule a motion to vacate an order that issued in case number 27-CV-10-3378, thus necessitating that a replacement judge be named.

Even though Mr. Rickmeyer's attorney styled her proposed motion as one to "consolidate," the September 2, 2011, pleading made clear that "This is not a request [that] the two cases be merged [i.e. consolidated], but simply to put them before the same judge," which is what I did when I assigned the case to Judge Abrams. I have not issued an order consolidating/merging the two cases.

ATT. 1 A

Whether Judge Abrams chooses to hear motions in both cases simultaneously or defer taking any action in 27-CV-10-3378 until addressing the motion to dismiss filed in 27-CV-11-11012 are decisions reserved for him as the judge assigned to both cases.

Sincerely,



Chief Judge James T. Swenson

cc: Jill Clark, Esq.
Judge Ronald L. Abrams
Civil filing
John Garry, Esq.
Megan Goodmundson,
John Hoff

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Peter Rickmyer,

Plaintiff,

v.

Robert Hodson, *et al*,

Defendants.

Court File: 27-cv-10-3378
The Honorable Robert A. Blaeser

AFFIDAVIT OF PEGGY KATCH

I, Peggy Katch, being first duly sworn depose and state:

1. I am an assistant in Ms. Clark's law firm and I staff Ms. Clark.

Exhibits.

Exhibit A is a copy of a redacted "chrono" from Community Corrections describing an in-person meeting between Will McDonald and Judge Blaeser.

Exhibit B is a copy of selected portions of the "Johnny Northside" blog, describing (nearly verbatim) emails to and from a Agent at Community Corrections.

Exhibit C is an original pleading entitled **Plaintiff's Limited Appearance to Object to Jurisdiction, Authority, & Qualification, and to the Extent Necessary, Motion to Continue** which supplements the motion to remove.

Signed and sworn before me this,
22nd day of March, 2011.


Notary Public
DEPUTY COURT ADMINISTRATOR
HENNEPIN COUNTY, MINNESOTA


Peggy Katch

Exhibit 4

Chronologicals

Prepared For: ONEILL, HANA (JS8140)

Date: 03/21/2011

From: 04/08/2010 To :03/21/2011

Report No.: CHR0030

Client Name: STEPHENSON, PETER
RICHARD

SILS ID: 72629

Date	Reason	Mode	Author
------	--------	------	--------

Redacted

03/03/2011 JUDICIAL CONTACT

IN PERSON . MCDONALD, WILL
612-596-7667

NOTE: Went to 3rd floor Civil Filing Clerks. They are unaware of any activity on case 27-CV-10-3378. They are well aware of the Court's Order and that any and all materials must be signed off by Judge Blaeser before they can accept it. Met with Judge Blaeser. He states that the Summons is not proper and will not be accepted. Judge Blaeser suggested that if Peter continues to push this issue, he can have a hearing scheduled and possibly face contempt. The Judge will leave it up to Peter if he wants a hearing. wbm

03/02/2011 NOTE

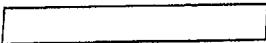
NOTE MCDONALD, WILL
612-596-7667

Redacted

EXHIBIT

A

(2)



Share Report Abuse Next Blog»

Create Blog Sign In

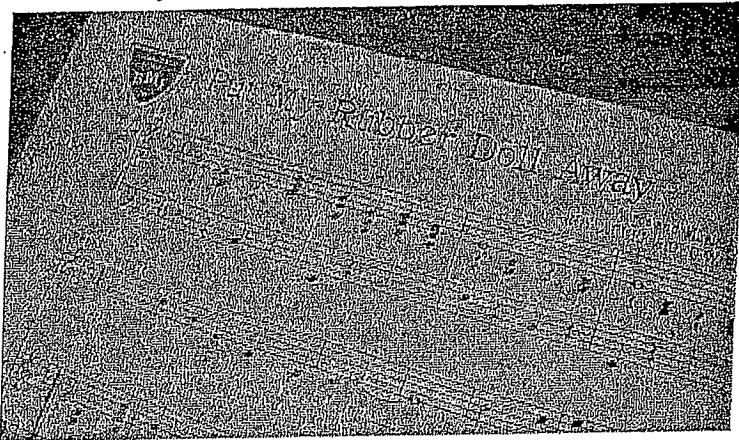
The Adventures of Johnny Northside

Being the amazing, true-to-life adventures and (very likely) misadventures of a divorced man who seeks to take his education, activism and seemingly boundless energy to North Minneapolis, (NoMi) to help with a process of turning a rapidly revitalizing neighborhood into something approaching Urban Utopia. I am here to be near my child. The journalism on this blog is dedicated to my son Alex, age 13, and his dream of studying math and robotics at MIT. Email me at hoffjohnw@gmail.com

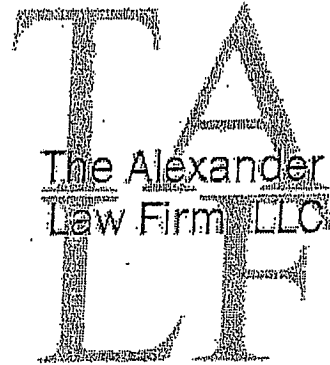
Wednesday, March 9, 2011

Level Three Sex Offender Peter "Spanky Pete" Rickmyer Purportedly Serves A Second Lawsuit On Johnny Northside Blog...

Affordable Family Law And Estate Planning At 3111 Penn Ave. N.



Stock photo and blog post by John Hoff



Divorce, Custody, Child Support, Wills, Trusts. Click On Image For The Website Of Ian Alexander, Attorney

Prudently refraining from writing about **frivolous litigant Peter "Spanky Pete" Rickmyer** for a day or two hasn't worked, no more than calling his zookeeper probation officer has worked. After talking it over with Jordan Neighborhood "Super Citizen" Megan Goodmundson, my girlfriend, we decided it was best to tell the disturbing tale of how Peter Rickmyer has been shadowing the Johnny Northside defamation trial and actually purported to serve a lawsuit on me, not just once (I already wrote about that) but TWICE.

Recent Comments

As to the fate of the **first attempted lawsuit that I wrote about** earlier...

I had a conversation with Spanky Pete's probation officer, whose name I will refrain from using for the moment, and that conversation went like this:

EXHIBIT B

3

March 3

Dear (name of probation officer)

Thanks so much for talking to Megan [Goodmundson] today and telling her that I didn't have to worry about Peter "Spanky Pete" Rickmyer's purported lawsuit, that you were on it, that I don't have to file anything, etc.

What you told my girlfriend verbally is a comfort but I really think that to rely on that I need to at least have it in writing like in an email. Something I could pull out and show if, oh my word, I don't file an answer AT ALL and then somebody (like crazy [name of attorney]) wants to assert I have lost by default.

Can you help me out, here, Mr. [name]?

(He replied as follows)

Mr. Hoff:

Judge Blaeser may be the better authority in this case. According to my conversation with the Judge, his order was clear that nothing can be filed without going through him. The clerks [sic] office has no record of anything and would not even know what to do if you were to respond to it. Perhaps you can stop by the civil clerk's office on the 3rd floor and show them the summons you received.

I am not an attorney nor licensed to practice law. I cannot help you out with any documentation or give any legal advice and my conversation with Ms. Goodmundson was more meant to keep you informed that we were handling the matter and to relay what the Judge had told me.

(To which I responded)

Thanks, [name].

I guess I will have to let the judge know that I want consequences and sanctions for Spanky Pete disobeying the judge's order.

(And so things went until Monday, when...)

I was coming around a corner after lunch on the way to Court Room 655C and there was a flurry of activity as Spanky Pete appeared with papers in his hand. The exact sequence of events that happened will remain shrouded in Spanky Mystery for now, though I do recall saying out loud to Megan, "Call his probation

Johnny Northside! wrote...

After two years of staring at that stupid typo and being unable to change it, because this blog post was in court, I have finally been able to fix...

Continue >>

Johnny Northside! wrote...

To Julie: Why I don't have a restraining order against him, yet. I guess I've just been busy dealing with, for example, crazy Don Allen...

Continue >>

tmaxPA wrote...

I am certainly NOT suggesting sex offenders aren't entitled to representation and you KNOW that. Sure you are. WTF? You're trying to insinuate...

Continue >>

boathead wrote...

Hey anonymous 8:34, you don't want someone warning you about a fire if it breaks out in a theater? I think that only applies if there is not a...

Continue >>

NoMi Passenger wrote...

The Strib article about the verdict has been updated and enough of it changed that I will highlight some of the new meat of the article here...

Continue >>

Anonymous wrote...




Sounds like this guy also has a chance at \$60,000 for what you've done here based on him simply his job.

Anonymous wrote...

Oh, Johnny...the lawsuit against you is what I consider Karma at it's best. Maybe this will teach you a lesson, or the golden rule perhaps? ...

Continue >>

My Blog List

-  **The Deets**
Run Minneapolis: Sheridan and Logan Neighborhoods
23 hours ago
-  **North by Northside**
Will Brad Childress Use Moore v. Hoff Ruling?
1 day ago
-  **Minnesota Investment Property Blog**
IRS Increasing Audits of

4

Peter Rickmyer,

Plaintiff,

v.

Robert Hodson, *et al*,

Defendants.

Court File: 27-cv-10-3378
The Honorable Robert A. Blaeser

**PLAINTIFF'S LIMITED
APPEARANCE TO OBJECT
TO JURISDICTION, AUTHORITY
& QUALIFICATION, & TO THE
EXTENT NECESSARY, TO
CONTINUE**

On **March 8, 2011**, the Honorable Robert A. Blaeser issued an Order to Show Cause (OSC) with the above caption and case number. On **March 9, 2011**, Mr. Rickmyer was arrested and has resided since that point at the Hennepin County Adult Detention Center ("Jail").

On **March 16, 2011**, the undersigned Plaintiff counsel was retained *pro bono publico* to represent Mr. Rickmyer. Mr. Rickmyer resides in the Jail to this date.

Motion for Continuance.

The OSC requires Plaintiff to show cause on **March 23, 2011**. However,

1) the Plaintiff is in jail and unable physically to ensure his presence in Court that date and because Plaintiff has analyzed this to be a criminal proceeding (see below), he has a Fifth Amendment right not to speak about this matter, including to the Court; and

2) newly-retained Plaintiff counsel has a motion hearing in a different county that date and time. Given the gravity of this proceeding, Mr. Rickmyer has a due process right to be represented by counsel. To the extent necessary (to the extent this proceeding is not disposed

of based on the discussion below), Mr. Rickmyer seeks a continuance of the March 23 hearing. OSC likely a criminal proceeding.

The OSC does not contain any citation to the law as to its authority. Therefore (unless there is further Order of the Court), Plaintiff must analyze what is available to him. Based on analysis of Plaintiff counsel:

- The OSC does not threaten a civil contempt proceeding because there is no ability to “purge.” Further, the WHEREAS clauses do not provide a factual basis to conclude that there has been any violation of the actual text of the May 17, 2010 Order. If the conduct complained of cannot possibly violate the prior order, then there is no ability to cease the allegedly offending conduct, and “purge” – a requirement for civil contempt.
- The OSC does not threaten a direct criminal contempt proceeding, because the conduct complained of did not occur in the courtroom in the presence of the issuing Judge.¹
- The OSC therefore must threaten a constructive criminal contempt proceeding, because the conduct is in the past, and occurred outside the presence of the issuing Judge.²

Full criminal process applies to constructive criminal contempt proceedings.³ Mr. Rickmyer therefore has a Fifth Amendment right to remain silent, even if questioned by the Court. Further, since 1955, no single judge can be investigator, prosecutor, judge and jury in a criminal contempt proceeding. In re Muchirson, 349 U.S. 133 (1955).

¹ Minn. Stat. §588.01, Subd. 1-2.

² Minn. Stat. §588.01, Subd. 1 and 3.

³ The Rules of Criminal Procedure are applicable to a constructive criminal contempt proceeding. Knadjek v. West, 153 N.W.2d 846 (Minn. 1967). A new criminal case must be charged by summons and complaint. Minn.R.Crim.P. 3.

①

Because the OSC threatens a constructive criminal contempt proceeding, with due respect, the issuing Judicial Officer would not be able to preside. **First**, with due respect, it is Plaintiff's position that the issuing Judicial Officer has acted as investigator by talking with people in the courthouse about this case.⁴ **Second**, the issuing Judicial Officer is not prosecutor. The issuing Judicial Officer therefore lacks authority to issue a constructive criminal contempt OSC or to convene such a proceeding. **Third**, the issuing Judicial Officer is disallowed from presiding over this proceeding, because he is a witness. (One of the reasons for requiring a separate criminal contempt proceeding that abides by all of the rules of due process for criminal cases, is to allow the judge to be called as a witness.) Mr. Rickmyer does intend to call the Honorable Robert A. Blaeser as a witness in an evidentiary hearing on this matter. **Fourth**, obvious from the discussion above, the issuing Judicial Officer would be disqualified from deciding the case, either as judicial trier of fact, or jury (Mr. Rickmyer does assert his Sixth Amendment right to trial by jury, due to his personal knowledge or investigation of the case.

There are other structural problems with the OSC, for example, was not properly served upon Mr. Rickmyer (to this day he has never received it, let alone been "served" with it) pursuant to the Rules of Criminal Procedure. Accordingly, Mr. Rickmyers objects to jurisdiction. And this pleading does not waive that objection.

Removal without cause.

To the extent necessary, Mr. Rickmyer removes the Honorable Robert A. Blaeser from the criminal case that has (apparently) been convened, pursuant to Minn.R.Crim.P. 26.03,

⁴ Plaintiff counsel discloses that she overheard the Honorable Robert A. Blaeser in conversation with Mr. Godfread (Mr. Hoff's Attorney in another matter), discussing factual matters at issue in this proceeding, on March 7, 2011.

Subd. 13. Mr. Rickmyer believes that the above section would require self-recusal, and Mr. Rickmyer believes that that section should be analyzed first. Mr. Rickmyer, with due respect, does not wish to spend a strike unless absolutely necessary.

If the issuing Judicial Officer does not self-recuse or accept the removal without cause, Mr. Rickmyer reserves the right to proceed in an orderly fashion (prior to any proceeding taking place) to the Minnesota Court of Appeals for a legal review of whether he has appropriately removed the Judicial Officer without cause. *See State v. Cheng*, 623 N.W.2d 252 (Minn. 2001) (Prohibition is the appropriate remedy to pursue when a motion or notice to remove without cause has been denied); *Citizens State Bank v. Wallace*, 477 N.W.2d 741, 742 (Minn. Ct. App. 1991) (Determining whether a notice to remove is timely is a question of law).

CONCLUSION

For all of the foregoing reasons, Mr. Rickmyer objects to jurisdiction, the qualification of the issuing Judicial Officer to convene, preside over or decide this matter, and to the extent necessary, seeks a continuance of the March 23, 2011 hearing.

22
Dated: March 17, 2011

ATTORNEYS FOR PLAINTIFF

By: Jill Clark, Esq. #196988
Jill Clark, P.A.
2005 Aquila Avenue North
Golden Valley, MN 55427
Phone: (763) 417-9102

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

Peter Rickmyer,

Plaintiff,

v.

Robert Hodson, *et al*,

Defendants.

Court File: 27-cv-10-3378
The Honorable Robert A. Blaeser

**NOTICE OF MOTION &
MOTION TO REMOVE
JUDICIAL OFFICER FOR CAUSE**

PLEASE TAKE NOTICE that Plaintiff, through the undersigned counsel, moves for the removal of the Honorable Robert A. Blaeser from this "civil" file for cause pursuant to Rule 63.03. This is based upon all of the files, memoranda, affidavits and oral argument herein.

This motion will be heard by _____, on _____, in Courtroom _____ Hennepin County Government Center, 300 S. 6th Street, Minneapolis, MN 55427.

See also Plaintiff's Limited Appearance to Object to Jurisdiction, Authority, & Qualification, and to the Extent Necessary, Motion to Continue, appended to the Affidavit of Peggy Katch.

Dated: March 22, 2011

ATTORNEYS FOR PLAINTIFF

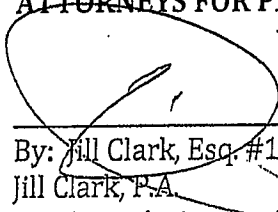
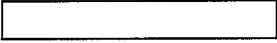

By: Jill Clark, Esq. #196988
Jill Clark, P.A.
2005 Aquila Avenue North
Golden Valley, MN 55427
Phone: (763) 417-9102

Exhibit 5



Share Report Abuse Next Blog»

Create Blog Sign In

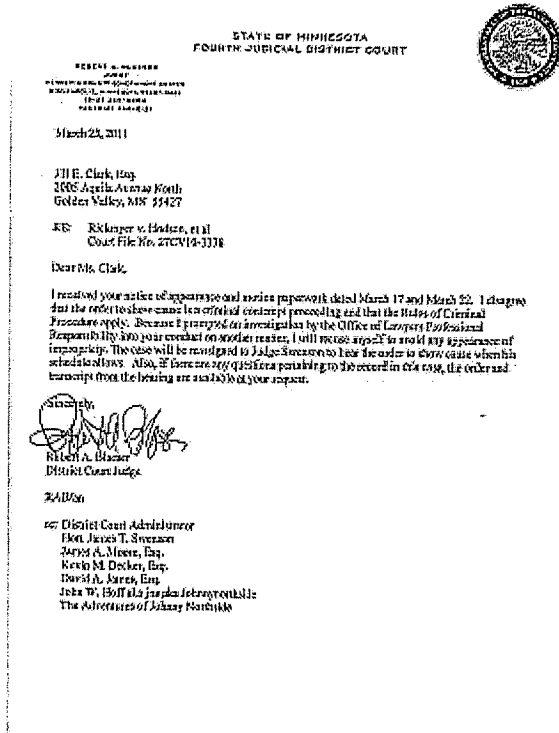
The Adventures of Johnny Northside

Being the amazing, true-to-life adventures and (very likely) misadventures of a divorced man who seeks to take his education, activism and seemingly boundless energy to North Minneapolis, (NoMi) to help with a process of turning a rapidly revitalizing neighborhood into something approaching Urban Utopia. I am here to be near my child. The journalism on this blog is dedicated to my son Alex, age 14, and his dream of studying math and robotics at MIT. Email me at hoffjohnw@gmail.com

Thursday, March 24, 2011

Recent Comments

JNS BLOG EXCLUSIVE: Letter From Judge Blaeser To Attorney Jill Clark, Alludes To Some Kind Of Legal Hot Water...



Thanks, NoMi neighbor, for help scanning image, blog post by John Hoff

Today this blog received a copy of a letter from Judge Robert Blaeser that was mailed to Jill Clark.

The letter, which can be seen better if you click on the image above, reads as follows...

March 23, 2011

Exhibit 6

Jill E. Clark, Esq.
2005 Aquila Avenue North
Golden Valley, MN 55427

RE: Rickmyer v. Hodson, et al
Court File No. 27CV10-3378

Public Records-Look
Free

Search Public & Vital
Records! Instant-Secure-
Accurate-Search Free
Intelius.com/PublicRecords

AdChoices ►

Dear Ms. Clark,

I received your notice of appearance and motion paperwork dated March 17 and March 22. I disagree that the order to show cause is a criminal contempt proceeding and that the Rules of Criminal Procedure apply. Because I prompted an investigation by the Office of Lawyers Professional Responsibility into your conduct on another matter, I will recuse myself to avoid any appearance of impropriety. The case will be reassigned to Judge Swenson to hear the order to show cause when his schedule allows. Also, if there are any questions pertaining to the record in this case, the order and transcript from the hearing are available at your request.

Sincerely,

Robert A. Blaeser
District Court Judge

RAB/an

cc: District Court Administrator, Hon. James T. Swenson, James A. Moore, Esq., Kevin M. Decker, Esq., David A. James, Esq. John W. Hoff aka jns aka Johnnynorthside, The Adventures of Johnny Northside

...

This blog does not know what is the "other matter" or the "conduct on another matter." We do not know if this "other matter" was something recent, or some long ago matter.

It does, however, sound like legal hot water.

STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT



ROBERT A. BLAESER
JUDGE
HENNEPIN COUNTY GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55402
TEL: 348-4884
FAX: (612) 240-2151

March 23, 2011

Jill E. Clark, Esq.
2005 Aquila Avenue North
Golden Valley, MN 55427

RE: Rickmyer v. Hodson, et al
Court File No. 27CV10-3378

Dear Ms. Clark,

I received your notice of appearance and motion paperwork dated March 17 and March 22. I disagree that the order to show cause is a criminal contempt proceeding and that the Rules of Criminal Procedure apply. Because I prompted an investigation by the Office of Lawyers Professional Responsibility into your conduct on another matter, I will recuse myself to avoid any appearance of impropriety. The case will be reassigned to Judge Swenson to hear the order to show cause when his schedule allows. Also, if there are any questions pertaining to the record in this case, the order and transcript from the hearing are available at your request.

Sincerely,

Robert A. Blaeser
District Court Judge

RAB/an

cc: District Court Administrator
Hon. James T. Swenson
James A. Moore, Esq.
Kevin M. Decker, Esq.
David A. James, Esq.
John W. Hoff aka jus aka Johnnynorthside
The Adventures of Johnny Northside

ny Northside

very likely) misadventures of a divorced man who
gly boundless energy to North Minneapolis, (NoMi)
izing neighborhood into something approaching
e journalism on this blog is dedicated to my son
id robotics at MIT. Email me at

Recent Comments

rters,



Photo and blog post by John Hoff

One of my readers recently sent me a document that apparently circulated in the Fifth Precinct as a flier.

The flier appears (to me) to be some kind of hoax aimed members of the criminal underclass, asking for help "training" police by showing up intoxicated at police headquarters. To check out the flier-- which is both outrageous and outrageously funny-- go to this link:

<https://sites.google.com/a/johnnynorthside.com/johnnynorthsidesite2/is-this-a-hoax>

ADDENDUM March 28: See comments. Incredible as it may seem, we're being told this is NOT A HOAX and prizes include "McDonald's coupons."

(Do Not Click "Read More")

Nelson, Ana

From: Blaeser, Robert (Judge)
Sent: Tuesday, February 15, 2011 2:52 PM
To: Nelson, Ana
Subject: FW: question

From: Zimmerman, Lloyd (Judge)
Sent: Tuesday, February 15, 2011 11:48 AM
To: Blaeser, Robert (Judge)
Subject: question

Hi Bob,

I was removed last week in a recent civil action where the circumstances of a Rule 63.03 removal bother me. I stopped by to talk to Ron Abrams about how I might proceed (he has the case, at least for now), and he suggested that I contact you in your capacity as chief. I told Ron that I wanted to be careful not to raise concerns with him that go beyond the record. So far nothing has been raised before Judge Abrams by any of the parties.

This is a case where Jill Clark represents the plaintiff. (Paul Stepnes and Chester Group LLC and Chester House LLC v. All States Title et al, court file 27-CV-10-25884.) Many judges voluntarily removed themselves, and Ms. Clark had used up all of her Rule 63.03 removals. The case was randomly assigned to me on or about February 7 – just last week. On February 7, Ms. Clark filed a Rule 63.03 notice of removal on me, and on the same date, added a new plaintiff, Chester House LLC. Without this LLC she had no removals without cause left. I would not have recused myself.

We have another pending case with Ms. Clark where she has been trying to remove me for cause. The Court of Appeals denied her motion for a writ of prohibition this morning (Veches et al v. Officer Sean Majewski,) It would be obvious from reading her papers in that case that she does not want me to sit as a judge in any case where she is involved. But he was out of removals in the Stepnes case, where she added the new Plaintiff, Chester House LLC.

The Stepnes lawsuit, including the amended complaint, has no substantive allegations about Chester House LLC, the entity she used to remove me. Her summons refers to this party as "Green House LLC, which is not an LLC either, and makes no reference to Chester House LLC. The events alleged in the complaint all happened in 2006. There is no allegations in the complaint about Chester House LLC. Chester House LLC, the entity she used for the removal, is not a registered LLC on the Minnesota Secretary of State web site. Minn. Stat. 322B.105 states an LLC only comes into being by filing articles of organization with the Secretary of State.

It is possible that Ms. Clark has LLC papers for Chester House which have not been filed, or some legitimate explanation about the curious timing of the addition of the new party and the removal of myself, or alternatively that she alleged the existence of Chester House LLC, as a fictitious LLC, in order to gain an extra removal. If she did so, it would be an obvious affront to the integrity of the court system.

As busy with other cases when this arose, and court administration honored the removal before I had fully considered the questionable circumstances of the removal. I might have issued a show cause order to demonstrate the validity of the LLC closer to the removal, and made her show cause before honoring it. Now that the case has been reassigned, I don't know whether it could be referred back to me for a determination of this issue, or if I have lost jurisdiction. As presiding judge for the civil division, you can at least consider what might be appropriate, if anything.

What do you think?

Exhibit 7

Best regards,

Lloyd

STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT



JAMES T. SWENSON
CHIEF JUDGE
HENNEPIN COUNTY GOVERNMENT CENTER
MINNEAPOLIS, MINNESOTA 55487-0422
(612) 346-2122
FAX (612) 596-9144

February 24th, 2011

Jill Clark, Esq.
2005 Aquila Avenue North
Golden Valley, MN 55427

RE: 27Cv1025884

Dear Ms. Clark:

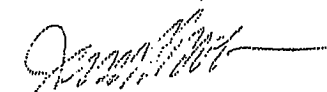
I am in receipt of your motion entitled "Limited Appearance to Object to Jurisdiction and Removal Without Cause." You contest Judge Blaeser's jurisdiction over the Order to Show Cause, decisions pertaining to a removal as of right, and the scheduling of the Order to Show Cause.

I do not function as an appellate judge with the authority to override or reverse decisions made by my trial court colleagues. That function has been reserved for the Court of Appeals and Supreme Court. Minn. Stat. §484.65 subd. 9.

Additionally, the removal as of right provisions contained in Minn. R. Gen. Prac. 106 and Minn. R. Civ. Pro. 63.02 and 63.03 do not include any indication that they are to be reconsidered by the chief judge. Nor am I aware of any other authority permitting me to hear removals as of right.

Thus, I cannot intervene in your case in any way or change any decisions made by Judge Blaeser about the scheduling or merits of the Order to Show Cause issued in Court file no. 27-CV-10-25884.

Your concerns should be addressed to Judge Blaeser.


Sincerely,

The Honorable James T. Swenson
Chief Judge of Hennepin County

Exhibit 8

APR 20 2011

FILED

STATE OF MINNESOTA
IN COURT OF APPEALS

In re Paul Stepnes, Chester Group, LLC,
Chester House, LLC,

Petitioners.

Paul Stepnes, et al.,

Petitioners,

vs.

All States Title, Inc., Mickey J. Hagen,

Respondent,

Old Republic National Title Insurance Co.,

Respondent,

Steven R. Little, et al.,

Respondents.

Considered and decided by Johnson, Chief Judge; Hudson, Judge; and Bjorkman,
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

Petitioners seek a writ of prohibition or mandamus, challenging the issuance of an order to show cause on February 16, 2011 and an order of February 24, 2011 regarding the attempted removal of an assigned judge in the underlying matter.

Exhibit 9

Prohibition is the proper remedy to prevent a judge from proceeding in a matter after disqualification by a timely and proper notice of removal under Minn. R. Civ. P. 63.03. *McClelland v. Pierce*, 376 N.W.2d 217, 219 (Minn. 1985). But the underlying action has been dismissed, and the judge petitioners sought to remove on January 27, 2011, is not currently scheduled to preside over any hearing or proceeding in this case. Petitioners did not appear at the hearing scheduled for February 24, 2011, those proceedings were resolved without any adjudication of contempt, and the judge who presided over that hearing is also not scheduled to preside over any additional proceeding involving these petitioners.

The arguments raised by petitioners have not been presented to the judge they sought to remove on January 27, 2011. If that judge is assigned to a future proceeding involving these parties, petitioners would be entitled to present their arguments in support of removal for a ruling. Petitioners have not established that their ordinary remedy of challenging a potential future ruling would be inadequate.

Because petitioners have not established the existence of any present injury remediable only by extraordinary writ or the inadequacy of their ordinary remedies, they are not entitled to a writ of prohibition or mandamus at this time.

IT IS HEREBY ORDERED:

1. The petition for prohibition and/or mandamus is denied.
2. This order shall not preclude the petitioners from presenting arguments in support of removal to the district court, and shall not be construed as an expression of

opinion regarding the merits of the orders issued on February 16, 2011, and February 24, 2011.

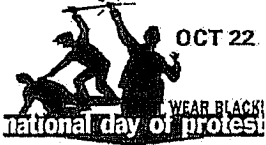
Dated: April 19, 2011

BY THE COURT



Matthew E. Johnson
Chief Judge

STOP POLICE BRUTALITY!



Communities United Against Police Brutality™

3100 16th Avenue South
Minneapolis, Minnesota 55407

612-874-STOP

www.CUAPB.org

March 19, 2011

Minnesota Board on Judicial Standards
2025 Centre Pointe Boulevard, Suite 180
Mendota Heights, Minnesota 55120

Dear Madam or Sir:

I wish to file a complaint against the Honorable Robert A. Blaeser. I believe he has taken actions that are not authorized by virtue of his holding a judicial seat.

This complaint concerns a number of occurrences that I believe are improper. I believe I am a fairly sophisticated client. I will leave it to this Board to determine which of these occurrences is actionable.

Background and possible viewpoint discrimination

By way of background, I founded the Twin Cities-based organization called Communities United Against Police Brutality. Fairly recently, we prevailed in a court of appeals case that requires municipalities to make public information about complaints against police. I have attached a copy rather than summarize it further. I do not know whether Judge Blaeser has a problem with my particular viewpoint, but I know that I am entitled to my viewpoint without retaliation by government officials. See *State v. Crawley* for a discussion of viewpoint discrimination.

The reason I give you this background, is that I am searching for some way to explain the bizarre and blatant mistreatment of me and my co-plaintiff in a case filed in the Fourth Judicial District court. The conduct of Judge Blaeser seemed quite malicious, so I strive to find some explanation as to why he would act as if he hates me, when I have never met the man (and he wasn't even the judge on our case).

Conduct of Robert A. Blaeser that I believe is improper

At one point in the case, we were working to challenge the constitutionality of the filing fees, and Judge Blaeser said he would hear the motion as Presiding Judge of Civil. At the time, I assumed that he must have had some authority to do so.

It appears Judge Blaeser was never assigned to the case – but he made it his business to reach out and take actions (some frontal, some behind the scenes) to impact our case. As time wore on in the case, Blaeser took more and more actions on our case.

Exhibit 11

I would like a full investigation of what Blaeser did behind the scenes, as I have enough information at this point to make me deeply concerned that he has appointed himself as some kind of "king" judge at the Fourth Judicial District, that he tells other judge(s) what to do and otherwise "controls" the civil division. We can already substantiate some of this. (My attorney has a lot of information and it is not all included here; please let us know if you would like additional support for these comments.)

For example, when I was desperate to have a *supersedeas* bond in place so that the defendants could not collect on the judgment (which we think is wrongful), our investigation showed that a) Judge Blaeser took actions behind the scenes to instruct Judge McShane (the judge who was assigned to the file) not to take any action with regard to the case. This meant that we could not get Judge McShane to sign the *supersedeas* bond order. His staff gave Judge Blaeser's instruction as the reason why Judge McShane would not consider signing the order; b) despite our request, instructed civil assignments not to assign a new judge on the file, so we could not have a new judge to ask to have this order signed; and c) Judge Blaeser blatantly said he was "handling" this case (his Clerk said he was making "decisions" about our case), but he had never been assigned to the case. We objected to this (see our attached pleading) but the appeal then went forward so it was not dealt with in the district court.

Judge Blaeser's conduct was unfair, and in these "decisions" he was making on our case, even though he was not "assigned" to it gave preferential treatment to the defendants, which included a government official. For example, he let the defendants respond to motions with a letter, and did not charge them a filing fee. Whatever we filed, we were demanded to pay the filing fee, and Judge Blaeser inserted himself into this process and threatened to refer our attorney to the Lawyers Board (we learned through the "non-public" notes on Mn-CIS that it was Blaeser who told a woman in civil filing to send this letter) and demanded full payment by our side.

On one occasion, after we had filed a motion to vacate with Judge McShane, Blaeser intervened, took our motion off the docket, and said it was never going to get a ruling. This had a profound impact on the case, because it forced us to file an appeal before our work at the district court was over. I would be extremely unhappy if a judge assigned to the case refused to rule on a duly-filed motion, but to have a judge not even assigned to the case do that—it smacks of corruption. I request a full investigation of any communications between Blaeser and the defendants in this case. It is quite clear that Blaeser uses email and phone to talk *about pending cases* with others, including judge(s) and other government official(s). (If you want documentation of this, let us know.) I want to know – did someone ask Blaeser to intercede in this case to make sure it was decided in favor of defendants?

Minnesota Board on Judicial Standards
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Page Three

If you look at the non-public Mn-CIS notes (attached) you can see that even Judge McShane had an improper *ex parte* communication *about a pending motion* and decided an issue *and communicated his ruling to the defense counsel* before the motion was even argued. I am shocked to see this, and members of the public who hear about this are shocked. What in the world is going on at that courthouse? Is this common-place? Just how many communications were there about our case that we were never told about?

By mid-March we were onto Judge Blaeser, and we were trying to get a real judge assigned to the case so that he could not continue to improperly impact it. On March 15, 2011, Judge Blaeser issued a letter heavily implying that my attorney had made a false statement about what one of his Clerks had said. I know this allegation to be untrue. I believe that this letter was designed to make us back off or get a new attorney who would not be willing to question Judge Blaeser's conduct; make our attorney afraid even to go to a counter at the courthouse to conduct business for us—for fear she would have a Lawyers Board charge against her; and/or taint staff against us. I find this letter to be outrageous.

This is not a complete list of bad conduct, but I hope it gives an idea of what we have had to go through in this case.

Request for full investigation.

This judge, though never assigned to our case, has caused us a large amount of time, money, and other harm. I have suffered a lot of stress at the hands of this man. I believe his conduct is neither appropriate nor justified. I shudder to think of how many other cases he is "handling" even though he is not assigned to them.

As noted above, any examination of this matter must include a full investigation of all "behind-the-scenes" communications. As I read the Judicial Canons, judges are not to decide issues in consultation with one side, or by talking with other judges and deciding issues about the case in advance.

This case has not promoted confidence in the justice system—quite the opposite. Whatever the technical terms are in your work at the Board, to us this looks like corruption. I feel as though this case caused us to pay money to government for the "privilege" of being abused, enduring corrupt decisions and other inappropriate judicial conduct, and generally let us know that *thou shalt not file a lawsuit against a government official in the Fourth Judicial District* or Judge Blaeser will be sure you "pay" for it.

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Page Four

My organization and I are well-known in the community for engaging in extensive advocacy and social justice actions. I believe it is accurate to say that things that happen to us in the courts send a powerful message to others who would challenge government officials, especially individuals and communities of color. Judge Blaeser's conduct in this case sends the wrong message, one that reinforces separate standards of justice depending on social position and viewpoint, and undermines confidence in the system itself.

For accountability and justice,

A handwritten signature in cursive script that reads "Michelle F. Gross". The signature is written in black ink and is positioned above the printed name.

Michelle F. Gross

COMPLAINT

TO: Minnesota Judicial Standards Board

FROM: Paul Stepnes

DATE: February 22, 2011

RE: Complaint re Judge Robert A. Blaeser and/or Philip D. Bush

I, and some corporations controlled by me, were trying to pursue civil litigation in the Fourth Judicial District Court. There had been a number of judge self-recusals, and a number of removals without cause. It appears that finally the case ended up with Judge Abrams. Plaintiffs were not ever told that Judge Blaeser nor Judge Bush, were assigned to the case. The Plaintiffs recently dismissed the case without prejudice.

All of a sudden, after we had dismissed the cause without prejudice, Plaintiffs received an "order to show cause" by Judge Blaeser. (Att. A). (It was, oddly, signed by Judge Bush, and we cannot tell who did what, so we must file against both judges. For ease of reference below we will use the word Blaeser to describe this unusual situation.)

Why would Judge Blaser reach down and grab this file in order to try to sanction me and/or my counsel? He was not assigned (see Att. C), and I want to know what authority he thinks he was acting under. I have searched, but cannot find that "presiding judge" is a official status authorized by the constitution, or by statute. I am quite concerned that a "presiding judge" might think that their status (whatever it is) gives them some type of super judge power. I am quite concerned that that is how Judge Blaeser acted in this situation.

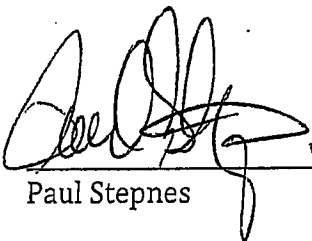
The Order to Show cause proves that Judge Blaeser grabbed the file for himself, then ran out and did "research,"¹ and then ended up with a false fact/allegation. And then, he demanded that Plaintiffs appear before him to prove that one of the corporations is not "fictitious." This heavily implied, without any factual foundation (indeed, based on a false fact) that Plaintiffs or their attorney fabricated something, or lied, or similar. This is absurd.

¹ Which I understand his ethics rules prohibit him from doing, see Rule 2.10 and Comment 1 "To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge;" and 6 "The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, **including electronic.**"

I am attaching a print-out from the Secretary of State website. (Att. B). You will see that Chester House, LLC is an LLC registered with the Secretary of State. Judge Blaeser's behind-the-scenes research was, in our opinion, unethical, and incompetent. And, based on that information, he made false and damaging allegations about Plaintiffs.

I would like to see Judge Blaeser answer for this. I am quite concerned, as a citizen, about judges who think that their elected position allows them to do whatever they want, without any consequences to them. I would also like to know just how Judge Blaeser happened to insert himself into this case, whether someone put him up to it, whether someone provided him ex parte information (whether judge, staff, lawyer, whatever), and whether Blaeser himself is incompetent at checking the SOS website, or whether he believed someone else's false statements without even bothering to check.

Dated: February 22, 2011



Paul Stepnes

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This search was performed on 2/20/2011 19:02 with the following search parameter:

ENTITY NAME : chester house, llc

click here for [Entity Type ID definitions](#).

Records 201 to 240 of 401

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[Next >>](#)

<u>ORG ID</u>	<u>Name</u>	<u>Entity Type ID</u>	<u>City</u>	<u>State</u>	<u>Cross Reference</u>
1957114-2	CHESTER HOUSE HOLDING L.L.C.	LLI	Mpls	MN	XR
1482838-2	CHESTER HOUSE L.L.C.	LLI	Mpls	MN	
5I-579	Chester I. Hegstrom, D.D.S., P.A.	DC	Edina	MN	XR
6Z-972	Chester J. Yanik & Associates, Inc.	DC	Shorewood	MN	
K-997	Chester-Kent Incorporated	DC	St Paul	MN	XR
7706-AA	Chester-Kent, Incorporated	DCI	St Paul	MN	
7707-AA	Chesterland Stock Farm Company	DCI	Mpls	MN	
2596886-3	CHESTER LEE INVESTMENTS-2ND STREET QUAD LLC	LFC			
8090-LLC	CHESTER MATHWIG AND SONS, LLC.	LLC	Waconia	MN	
2M-377	Chester Motors, Inc.	DCI	Chester	MN	
5L-246	Chester of Princeton, Inc.	DCI	Princeton	MN	
7708-AA	Chester Oil Company of Minnesota	DCI	Mpls	MN	
K-463	Chester Park Apartments, Inc.	DCI	St Paul	MN	
11C-365	Chester Park Building *Duluth, Inc.	DCI	Anoka	MN	
A-687	Chester Park Church of The Evangelical United	NP	Duluth	MN	XR
9355	CHESTER PARK LAUNDROMAT	AN	Duluth	MN	
3145207-2	Chester Park Motors, LLC	LLC	Duluth	MN	
581847-2	Chester Park Motors LLP	DPI	Duluth	MN	
2320119-2	Chester Park Motors LLP	DPI	Duluth	MN	
20932	Chester Park Motors of Duluth	ANI	Duluth	MN	
1M-252	Chester Park Parent-Teacher Association (PTA)	NPI	Duluth	MN	
R-253	Chester Park Pharmacy, Incorporated	DCI	Duluth	MN	XR
1096791-2	Chester Park Sales And Service	AN	Duluth	MN	

ATT. B

4

<u>U-1137</u>	Chester Park-UMD Area Community Club	NPI	Duluth	MN
<u>A-687</u>	Chester Park United Methodist Church	NP	Duluth	MN
<u>DUP-12569</u>	Chester Products, Inc.	FCI		
<u>256683</u>	Chester Properties	AN	Mpls	MN
<u>1648527-2</u>	Chester Raguse Farms, Inc.	DC	Tintah	MN
<u>544009-2</u>	Chester Reinartz Construction, Inc.	DC	Adams	MN
<u>2044853-2</u>	CHESTER ROW HOUSE L.L.C.	LLI	Mpls	MN
<u>5855</u>	CHESTERS	TMI		
<u>9T-633</u>	Chester Sales Inc.	DCI	Savage	MN
<u>161981</u>	Chester Self Storage	ANI	Rochester	MN
<u>3R-315</u>	Chester Service Center, Inc.	DC	Rochester	MN
<u>2W-772</u>	Chester's Family Restaurants, Ltd., Inc.	DCI	Blmgtm	MN
<u>2W-772</u>	Chester's, Inc.	DCI	Blmgtm	MN XR
<u>6Y-968</u>	Chesters Inc.	DCI	Detroit La	MN
<u>2346890-2</u>	Chester's Kitchen & Bar	AN	Rochester	MN
<u>2329870-2</u>	Chester's Kitchen and Bar, LLC	LLC	Eden Prair	MN XR
<u>2329870-2</u>	Chester's Kitchen & Bar, LLC	LLC	Eden Prair	MN

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REGISTER OF ACTIONS

CASE NO. 27-CV-10-25884

Paul Stepnes, Chester Group LLC, Chester House LLC vs All States Title Inc, Mickey J Hagen, Old Republic National Title Insurance Co, Steven R Little, COLEMAN HULL & VAN VLIET PLLP et. al.

§
§
§
§
§


Case Type: Civil Other/Misc.
Date Filed: 11/04/2010
Location: - Hennepin Civil
Judicial Officer: Abrams, Ronald L.

PARTY INFORMATION

	Lead Attorneys
Defendant All States Title Inc	
Defendant COLEMAN HULL & VAN VLIET PLLP Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant Hagen, Mickey J	
Defendant Little, Steven R Minneapolis, MN 55437	MARK BLOOMQUIST <i>Retained</i> 612-338-0661(W)
Defendant Old Republic National Title Insurance Co	THOMAS B OLSON <i>Retained</i> 952-224-3644(W)
Defendant TFIC LLC	
Plaintiff Chester Group LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff Chester House LLC	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)
Plaintiff Stepnes, Paul	JILL ELEANOR CLARK <i>Retained</i> 763-417-9102(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
11/04/2010	Summons and Complaint and Certificate of Representation
11/15/2010	Notice of Case Assignment (Judicial Officer: Chu, Regina M.)
11/24/2010	Notice of Motion and Motion
11/29/2010	Notice to Remove (Judicial Officer: Chu, Regina M.)
11/30/2010	Notice of Case Reassignment (Judicial Officer: Hedlund, Deborah)
12/06/2010	Order to Recuse (Judicial Officer: Hedlund, Deborah)
12/06/2010	Notice of Case Reassignment (Judicial Officer: Dickstein, Mel I.)
12/08/2010	Order to Recuse (Judicial Officer: Dickstein, Mel I.)

ATT. C 

12/08/2010 Notice of Case Reassignment (Judicial Officer: Daly, Margaret A.)
 12/13/2010 Order to Recuse (Judicial Officer: Daly, Margaret A.)
 12/15/2010 Notice of Case Reassignment (Judicial Officer: Burke, Susan N.)
 12/23/2010 Notice to Remove (Judicial Officer: Burke, Susan N.)
 12/23/2010 Scheduling Order (Judicial Officer: Burke, Susan N.)
 12/23/2010 Notice of Case Reassignment (Judicial Officer: Larson, Gary R.)
 01/05/2011 Order to Recuse (Judicial Officer: Larson, Gary R.)
 01/06/2011 Notice of Case Reassignment (Judicial Officer: Peterson, Bruce A.)
 01/18/2011 Notice to Remove (Judicial Officer: Peterson, Bruce A.)
 01/19/2011 Notice of Case Reassignment (Judicial Officer: Alton, Ann Leslie)
 01/25/2011 CANCELED Motion Hearing (1:30 PM) (Judicial Officer Chu, Regina M.)
 Other
 01/26/2011 Order to Recuse (Judicial Officer: Alton, Ann Leslie)
 01/27/2011 Notice of Case Reassignment (Judicial Officer: Zimmerman, Lloyd B.)
 02/01/2011 Scheduling Order (Judicial Officer: Zimmerman, Lloyd B.)
 02/04/2011 Notice of Motion and Motion
 02/04/2011 Informational Statement
 02/07/2011 Notice to Remove (Judicial Officer: Zimmerman, Lloyd B.)
 02/07/2011 Summons and Complaint
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Neville, Cara Lee)
 02/08/2011 Order to Recuse (Judicial Officer: Neville, Cara Lee)
 02/08/2011 Notice of Case Reassignment (Judicial Officer: Abrams, Ronald L.)
 02/16/2011 Other Document
 02/16/2011 Order to Show Cause (Judicial Officer: Blaeser, Robert A.)
 02/24/2011 Order to Show Cause Hearing (10:00 AM) (Judicial Officer Blaeser, Robert A.)
 03/16/2011 CANCELED Motion Hearing (8:30 AM) (Judicial Officer Zimmerman, Lloyd B.)
 Other
 03/23/2011 Motion Hearing (9:00 AM) (Judicial Officer Abrams, Ronald L.)
 09/06/2011 CANCELED Court Trial (4:30 PM) (Judicial Officer Burke, Susan N.)
 Other
 09/26/2011 CANCELED Court Trial (8:00 AM) (Judicial Officer Zimmerman, Lloyd B.)
 Other

FINANCIAL INFORMATION

	Defendant Little, Steven R		
	Total Financial Assessment		422.00
	Total Payments and Credits		422.00
	Balance Due as of 02/21/2011		0.00
11/24/2010	Transaction Assessment		
11/24/2010	Mail Payment Receipt # 1227-2010-41304	BLOOMQUIST, MARK	422.00 (422.00)
	Plaintiff Stepnes, Paul		
	Total Financial Assessment		447.00
	Total Payments and Credits		422.00
	Balance Due as of 02/21/2011		25.00
11/15/2010	Transaction Assessment		
11/16/2010	Mail Payment Receipt # 1227-2010-39927	CLARK, JILL ELEANOR	422.00
11/30/2010	Transaction Assessment		(422.00) 25.00

7

Jill Clark

From: Jill Clark
Sent: Tuesday, January 03, 2012 12:20 PM
To: 'David A. James'; Schooler, David; Martin, Patti; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; 'Paul Godfread'
Subject: RE: Rickmyer v. Browne

I have reviewed the comments of Mr. James, attorney for several defendants in the 10-case. Just to clarify, Mr. Rickmyer has not requested that the 10-case be stayed at this time. The order to stay was issued in the 11-case.

I was just informed that Paul Godfread (who is currently representing Mr. Hoff in an appeal that Mr. Hoff is prosecuting at the Minnesota Court of Appeals), is coming on board to represent Mr. Hoff in the 11-case. I am therefore adding him to this email string.

Jill Clark, Esq.
Jill Clark, LLC
Telephone: 763/417-9102
Fax: 763/417-9112
jill@jillclarkllc.com

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From: David A. James [mailto:djames@nilanjohanson.com]
Sent: Tuesday, January 03, 2012 11:53 AM
To: Jill Clark; Schooler, David; Martin, Patti; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson
Subject: RE: Rickmyer v. Browne

Ms. Martin,

I understand that the Court is permitting counsel to submit comments via e-mail to Judge Bush regarding the Court's recent stay of the matter against Defendant John Hoff. I also understand that Plaintiff Peter Rickmyer's counsel has asked the Court to stay all proceedings as a result of this Order. To the extent that the Court seeks, or is willing to consider, input from Defendants Jordan Area Community Council, Robert Hodson, Ann McCandless, Michael ("Kip") Browne, John George Hubbard, II and John Haddy (the "Council Defendants") in Case No. 27-CV-10-3378, the Council Defendants believe that it is appropriate for the Court to resolve Plaintiff Peter Rickmyer's Motion to Vacate ("Motion") as it relates to them, as presently scheduled for Monday, January 9, 2012 at 1:30pm. First, the Council Defendants have submitted an Opposition Memorandum (and supporting Affidavit), which is not premised on Mr. Hoff's presence in this matter. That is, whether Mr. Hoff has been properly served has no bearing on the Motion as it relates to the Council Defendants.

Second, prior to Plaintiff's Motion to Vacate, the Council Defendants understood that this matter had concluded, as the dispositive Order was issued approximately one-and-a-half years ago and Plaintiff elected not to appeal. The Council Defendants respectfully request that the Court address the Motion to Vacate as it pertains to them so that they have the benefit of knowing whether this matter has indeed concluded fully and finally.

Finally, the Council Defendants note that Plaintiff has asserted that he would be prejudiced by allowing discovery against some Defendants during Mr. Hoff's absence. Should the Court grant Plaintiff's Motion to Vacate, this issue may become

ripe for consideration. However, presently there is no discovery occurring in this matter to my knowledge, and no discovery will occur if the Court denies Plaintiff's Motion to Vacate, as the Council Defendants respectfully assert that it should. Thus, the Council Defendants believe that Plaintiff has not offered any reason why this Court should not resolve Plaintiff's Motion on January 9 as it pertains to the Council Defendants.

Thank you to you and the Court for your consideration of this e-mail.

DAVID A. JAMES

Attorney
612.305.7573
djames@nilanjohnson.com

From: Jill Clark [<mailto:jill@jillclarkllc.com>]
Sent: Friday, December 30, 2011 12:52 PM
To: Schooler, David; Martin, Patti; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; David A. James
Subject: RE: Rickmyer v. Browne

I do not adopt any of Defendant's words of assertions of what Mr. Rickmyer has stated. Mr. Hoff is a lawyer, yet refuses to cite the real law that controls whether he is entitled to a leave. I would suggest that instead of writing his letters and emails, my esteemed colleague counsel for Mr. Brown perform some legal research with regard to the Servicemembers Civil Relief Act. There is no evidence to suggest that it applies to Mr. Hoff.

We made a formal motion, scheduled for hearing, that the Court order that John Hoff be prohibited from further ex parte communications with the court. Instead, Mr. Hoff's ex parte communication was acted upon *before that motion could receive judicial attention*, and Hoff received relief. My client has a right to raise these issues in his case.

Thanks everyone, and have a good New Year.

Jill Clark, Esq.
Jill Clark, LLC
Telephone: 763/417-9102
Fax: 763/417-9112
jill@jillclarkllc.com

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From: Schooler, David [<mailto:DSchooler@Briggs.com>]
Sent: Friday, December 30, 2011 12:38 PM
To: Jill Clark; Martin, Patti; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; djames@nilanjohnson.com
Subject: RE: Rickmyer v. Browne

Ms. Martin, I see that you will forward responses to Ms. Clark's emails to Judge Bush. Briggs and Morgan and Mr. Browne both recognize allegations suggesting judicial misconduct are taken seriously by the court. However, the suggestions in this email are without any merit.

Mr. Rickmyer has two objections: 1) Rickmyer objects to the court learning that Mr. Hoff is out of the country on active duty; and, 2) Mr. Rickmyer objects to the court staying the claims against Mr. Hoff. Mr. Rickmyer's counsel suggests the

②

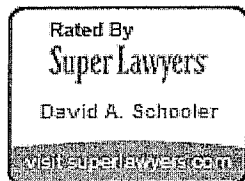
court has learned of this information through improper means and issued relief without proper authority. Neither of these allegations enjoys support in fact or law. It is undisputed that Mr. Rickmyer is actively deployed. Mr. Hoff's deployment is common knowledge to most every party in this lawsuit including Mr. Rickmyer and most of the attorneys including Ms. Clark. Briggs and Morgan has referenced this information in pleadings and letters to the court. There is nothing improper about advising the court that a defendant is an active serviceman. In fact, Mr. Rickmyer and his counsel were obligated to notify the court of Mr. Hoff's status as part of federal pleading requirements under the Service Members Civil Relief Act. These requirements were not followed. It is disingenuous to ignore federal law when filing a lawsuit and then complain when the court learns of the situation by other proper channels. Furthermore, the contention that the court acted without authority ignores the Service Members Civil Relief Act. That federal legislation explicitly authorizes this court to act *sua sponte* to stay litigation against a serviceman under these circumstances. No motion was required by the court.

Mr. Brown respectfully requests that his January 9, 2012 motion proceed in this court without any further delay. Thank you for your consideration.

David A. Schooler
MSBA Certified Civil Trial Specialist



Briggs and Morgan, P.A.
Direct 612.977.8797 Cell 651.253.9951
Fax 612.977.8650
dschooler@briggs.com
2200 IDS Center | 80 South 8th Street | Minneapolis, MN 55402
<http://www.briggs.com/dschooler/>



From: Jill Clark [mailto:jill@jillclarkllc.com]
Sent: Friday, December 30, 2011 6:57 AM
To: Martin, Patti; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; djames@nilanjohnson.com; Schooler, David
Subject: RE: Rickmyer v. Browne

Thank you.

Plaintiff Rickmyer is also hereby requesting disclosure of every comment, email, telephone call, or other writing or verbal communication between Judges Blaeser and Bush about the 10-case and/or the 11-case, or about Peter Rickmyer, or about his attorney, Jill Clark.

We believe that this request is in keeping with *State v. Dorsey*, but also, to the extent necessary, seek an expansion or modification of the law.

That is, it is clear the Court has an ethical duty to make the disclosures. Plaintiff asserts that the process, to be effective, must also include the ability of parties to make a request for the disclosures.

We also seek an explanation for why Judge Bush took action based on an ex parte letter from John Hoff – given that no one (not Hoff, and not any judicial officer) has disclosed that letter to the parties. And, Plaintiff had filed a motion

specifically requesting that Judge Bush not be tainted by looking at that letter. Why is John Hoff allowed to write ex parte to the Court(s) and obtain relief – rather than being ordered to serve all parties with his communications?

Thank you,

Jill Clark, Esq.
Jill Clark, LLC
Telephone: 763/417-9102
Fax: 763/417-9112
jill@jillclarkllc.com

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From: Martin, Patti [mailto:Patricia.Martin@courts.state.mn.us]
Sent: Thursday, December 29, 2011 2:03 PM
To: Jill Clark; Schade, Margaret
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; djames@nilanjohnson.com; Schooler, David
Subject: RE: Rickmyer v. Browne

I'll bring this to Judge Bush's attention and any responses.

From: Jill Clark [mailto:jill@jillclarkllc.com]
Sent: Thursday, December 29, 2011 1:03 PM
To: Schade, Margaret; Martin, Patti
Cc: julie.bowman@co.hennepin.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; djames@nilanjohnson.com; Schooler, David
Subject: RE: Rickmyer v. Browne

My client did not have any idea that Judge Bush was going to issue an order based on the letter of David Schooler. I had asked if the Judge wanted to set a briefing schedule on this issue, and do not recall a response. My client disagrees with the legal framework, and wants to litigate the issue. May my client please put in a response before the Court rules?

At this time we are seeking *vacatur* of the order staying proceedings against John Hoff, until such time as my client is allowed to address the court on the issue.

Further, my client objects to "litigation by letter," for this very reason. There is no hearing date, there is no motion, no briefing schedule, and then if the other party does not respond in a matter of days – a ruling.

Further, my client is prejudiced by requiring that discovery in this type of case proceed against some of the defendants, when we cannot obtain discovery from Mr. Hoff. If the matter is to be stayed, we prefer staying the entire matter until Mr. Hoff is available for litigation.

My client respectfully requests that the order be voided by Judge Bush until such time as we may brief the issue.

I have removed Ms. Kemp, as the proceedings against her client is in a different court.

Jill Clark, Esq.
Jill Clark, LLC
Telephone: 763/417-9102

Fax: 763/417-9112

jill@jillclarkllc.com

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From: Schade, Margaret [<mailto:MSchade@Briggs.com>]

Sent: Tuesday, December 13, 2011 4:31 PM

To: Patti.Martin@courts.state.mn.us

Cc: Jill Clark; julie.bowman@co.hennepin.mn.us; Kelly.Kemp@ag.state.mn.us; hoffjohnw@gmail.com; Megan Goodmundson; djames@nilanjohnson.com; Schooler, David

Subject: Rickmyer v. Browne

Please see the attached letter with exhibits.

Margaret J. Schade

Legal Administrative Assistant to

**David A. Schooler, Steven W. Wilson,
and Jason M. Hedican**



Briggs and Morgan, P.A.
Direct 612.977.8667
Fax 612.977.8650
mschade@briggs.com

2200 IDS Center | 80 South Eighth Street | Minneapolis, MN 55402

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6



JUDICIAL BENCH POLICY MANUAL
MAINTENANCE PROTOCOL

I. DEFINITIONS AND TERMINOLOGY

Bench Policy Manual A compilation of all policies, best practices, procedures and standing orders that apply to the work of Judges in the Fourth Judicial District. Operational policies that guide administrative staff are not included.

Best Practices A suggested practice, technique or methodology that is deemed most appropriate under the circumstances and has reliably led to a desired result.

“Effective Date” The date the policy or procedure was first approved.

Policy Approved by the Executive Committee, a policy is a governing principle that mandates or constrains actions.

Procedure A process guided by a specified series of actions.

“Revision Date” The date revisions to the policy were approved.

Standing Order Issued by the Chief Judge or Presiding Judge ordering litigants or others to comply with a matter.

“Supersedes” Indicates any previous policies which have been replaced by the policy.

II. RESPONSIBILITY

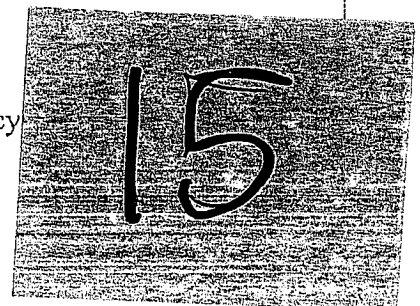
The Bylaws Committee will be responsible for the maintenance of the Fourth Judicial District’s Judicial Bench Policy Manual. This will include an annual review of the manual, review of policy revisions and maintenance of a standing order bank.

The Chair of the Bylaws Committee or their designee will be responsible for making any necessary additions, deletions or edits to the manual, including the internal working copy as well as the online version.

III. PROCEDURES FOR MANUAL MAINTENANCE

Review of Manual

The Bylaws Committee will perform annual reviews of the Judicial Bench Policy Manual to ensure that all information contained in the manual’s policies, orders and best practices is accurate and current.



Standing Orders

Anytime a standing order is drafted and approved, a copy should be forwarded to the Bylaws chair or their designee. The Chair or designee will ensure the order is inserted into the manual and maintain a catalogue of current standing orders.

Approval or Revision of Policies

Policies developed or revised will go through a formal approval process, similar to the approval process for Administrative policies, as follows:

1. Identify issue needing to be addressed or policy needing revision.
2. Discuss concept at appropriate staff or committee meetings for approval to draft policy (include Court Operations Supervisors and Managers if applicable).
3. Present draft policy at appropriate committee meeting for feedback and approval. Administrative or other policies not within the purview of an existing standing committee shall be presented to the Bylaws Committee for approval.
4. Create final draft of policy, if needed, based on feedback.
5. Present to Executive Committee for final approval.
6. If approved, an Executive Committee designee will forward the new policy to the Bylaw Chair or designee for inclusion in the manual.
7. The designee will distribute the new or revised policy via e-mail, place hard copies of the new or revised policy in each Judge's mailbox and update the online version of the manual in a timely manner.

Sun-setting Policies and Standing Orders

When a policy or standing order is no longer in effect, or is replaced by a new policy, it will be removed from the manual and saved in an electronic "Historical" file to be maintained by a designee from Administration.