

ORIGINAL

Steven Alan Magritz
C/o Kenneth A. Kraucunas, Notary Public
P.O. Box 342443
Milwaukee, Wisconsin 53234

district court of the United States

District of Columbia

Steven Alan Magritz, Complainant

Against

Case: 12-cv-806 EGS

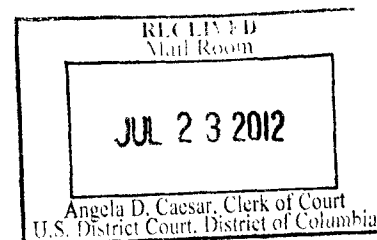
Ozaukee County, et al., Respondents.

**VERIFIED MOTION TO STRIKE
INTERLOPER DEBORAH B. BAUM'S MOTIONS**

Complainant Steven Alan Magritz moves this honorable Court to strike the Motions, at this time three (3) motions that Complainant knows of, filed into Complainant's suit in Equity by an attorney named Deborah B. Baum, Interloper Baum herein, agent for the individual Respondents named herein, for reasons of false representations to the Court, dishonesty, bad faith, and unclean hands, and shows this Court as follows:

He who comes into equity must have clean hands. Complainant charges Interloper Baum with making false representations to this Court intentionally to deceive this honorable Court for the purpose of preventing or perverting justice and causing Complainant an injury. The false representations by Baum set forth herein provide this honorable Court with the knowledge of the bad faith, unclean hands, as well as sanctionable activity of attorney Baum.

Complainant filed with this honorable Court a Complaint in Equity, invoking Equity Jurisdiction, which acts *in personam*. *Equity operates upon the person.*



Complainant filed suit against public officers in their *individual* capacity, not in their official capacity. “In an early case in this court (*Crocker v. Brown County*, 35 Wis. 284), it was said that *public officials take their offices cum onere*; that is, they take them with all the responsibilities attached. *Forest County v. Poppy*, 193 Wis. 274, 213 N.W. 676, 677 (1927).” Thus, public officers are liable in their *individual* capacity. *Equity will suffer no wrong without a remedy. Equity has the capacity to do justice and right every wrong, no matter how powerful the wrong-doer.*

The herein named individual Respondents again have acted in concert, or acted in collusion, as they have in the past (*see Document 1-4, pages 30 - 64 (Exhibit F, wherein Respondents have agreed they are in breach of their fiduciary duty as fiduciaries of the Public Trust), incorporated herein by reference*), and have hired an agent, an attorney named Deborah B. Baum, to act as an interloper in an attempt to deceive this honorable Court and *evade* their responsibilities and liabilities as individuals, as public officers, and as fiduciaries overseeing the Public Trust.

The Respondents who have acted in concert, or acted in collusion, in hiring Baum are Thomas E. Winker, Robert A. Brooks, William S. Niehaus, Lee Schlenvogt, Daniel P. Becker, Joseph A. Dean, Raymond G. Meyer II, ~~Timothy F. Kaul~~, Jacob Curtis, Daniel R. Buntrock, Kathlyn T. Geracie, Andrew A. Petzold, Patrick Marchese, Karl V. Hertz, Cynthia G. Bock, Robert T. Walerstein, Nancy Sharp Szatkowski, John J. Slater, Jennifer K. Rothstein, Rose Hass Leider, Donald G. Dohrwardt, Richard C. Nelson, Alan P. Kletti, Thomas H. Richart, John C. Grosklaus, Glenn F. Stumpf, Gerald E. Walker, Gustav W. Wirth, Jr., James H. Uselding, Kathlyn M. Callen, Mark A. Cronce, Maurice A. Straub, Karen L. Makoutz, Ronald A. Voigt, Dennis E. Kenealy, Thomas W. Meaux, Andrew T. Struck, and Rhonda K. Gorden.

The false representations, dishonesty, bad faith, or unclean hands demonstrated by agent Baum are directly attributable to each of the above named Respondents in their individual capacity. *Equity operates upon the person.*

Once a court is rightfully possessed of a case in Equity it will not relinquish it short of doing *complete justice. Equity regards the substance and not the form.*

Complainant filed this case, properly captioned and properly plead, against public officers in their personal, *individual*, private capacities for breach of fiduciary duty, which duty is set forth in the Constitution of the United States of America. *Equality before the law is equity*, and equity will enforce the Constitution.

Pursuant to Local Rule 5.1(e)(1) the name and full *residence* address of each individual Respondent was furnished to the Court by Complainant since the Respondents were being sued in their *individual* capacity, not their official capacity. The *Respondents* were not sued in their *official capacity, which requires* the use of “the person’s *official* address”.

Interloper Baum claims to represent “defendants” (not *respondents* properly denoted in Complainant’s suit in Equity) in their *official* capacity. Interloper Baum sets forth the names and addresses of Baum’s “defendants” in Baum’s Exhibit “A” pursuant to “LCvR 11.1” which is required for the *first* filing on behalf of a party. With Exhibit A Interloper Baum evidences that Baum is attempting to deceitfully interject Baum’s “defendants” in their official capacity for the first time into Complainant’s suit in Equity.

Complainant filed this suit in Equity in the district court of the United States for the District of Columbia. In addition to attempting to convert Complainant’s suit from a suit against public officers in their *individual* capacity to a suit against public officers in their *official* capacity, Interloper Baum is attempting to change the jurisdiction of Complainant’s suit by

captioning Baum's motions and documents "IN THE UNITED STATES DISTRICT COURT" (the "inns" of court?) which Complainant is informed and believes is a different jurisdiction.

Interloper Baum states at least eleven (11) times in Baum's various documents, that Baum and Baum's desired cohorts, attorneys Andrew T. Phillips and Christine K. Van Berkum, represent "defendants" in *their official capacity*.

Complainant is not suing the public officers for breach of fiduciary duty in their *official* capacity, but rather in their private, *individual* capacity, thus Interloper Baum's own documents evidence *on their face* Baum's deceit, perfidy, dishonesty, bad faith, and unclean hands, and attempt to convert Complainant's suit in Equity, and therefore Interloper Baum's motions must be stricken. *He who comes into equity must have clean hands.*

Attorney Baum is not only an interloper attempting to convert Complainant's suit in Equity, but Baum's *false* representations in Baum's filings with this Court evidence dishonesty, bad faith, unclean hands, violation of DR's (Disciplinary Rules), not the least of which is "A lawyer *shall not* ... Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation", and violation of FRCP Rule 11(b) regarding certification of representations made to the court. Although Baum's false representations were not made under penalty of perjury, they are nevertheless dishonest and sanctionable, with Baum being chargeable with dishonesty and breach of fiduciary duty by a public officer, and possibly even prosecutable pursuant to 18 USC § 1001.

The dishonesty, bad faith, and unclean hands of attorney Deborah B. Baum *acting as agent or representative* of Respondents is imputed *directly* to each and every Respondent, *individually, who acted in concert or collusion* and hired agent Baum to act as an Interloper and attempt to deceive this honorable Court.

By way of a partial listing only, and not by any means a comprehensive listing, the following examples from Baum's "Defendants' Statement Of Points And Authorities In Support Of Their Motion To Dismiss, Or Alternatively, For Change Of Venue" evidence Baum's *false* representations to this honorable Court. These false representations by Baum provide this Court with the knowledge of the dishonesty, bad faith, unclean hands, as well as sanctionable activity of attorney Baum.

- On page 2 of Baum's "Defendants (sic) Statement of Points and Authorities ...", Baum writes, "Plaintiff's (sic) allegations, to the extent they can be understood, are patently false and barred from prosecution." The extensive public record, as well as the admission and *agreement by each of the individual Respondents*, that Respondents in fact took Complainant's private property for public use without just compensation, underscore this *false statement by Baum*. Respondents took Complainant's private property valued at hundreds of thousands of dollars for public use without paying Complainant one single dime. Period. Complainant charges Baum should be disbarred for that single false representation alone in attempting to deceive this honorable Court and prevent or pervert justice. The Constitution may be merely a piece of paper to some politicians and attorneys such as Interloper Baum, nevertheless, the Constitution does not allow government or public officers to take private property for public use without just compensation. Equity will enforce the Constitution. *Equity will suffer no wrong without a remedy*.
- The courts have long recognized that a land patent issued by the United States of America is an executed contract that may not be infringed upon or impaired. *See Document 1-4, pages 149-158, (Exhibit O, Memorandum of Law)*, incorporated herein by reference. The Land Patent encompassing Complainant's *private* land was issued prior to Wisconsin becoming a state of

the Union, and is a contract to which Complainant is an heir or assign. Article 1 Section 10 Clause 1 of the Constitution of the United States of America places an *absolute prohibition* against impairing the obligation of contracts by government or public officers. The Constitution may be merely a piece of paper to some politicians and attorneys such as Interloper Baum, nevertheless, the Constitution places an *absolute prohibition against impairing the obligation of contracts* by government or public officers. Respondents, as individual public officers, have violated this absolute prohibition and are liable individually. Equity will enforce the Constitution, which public officers are bound to support pursuant to Article VI sections 2 and 3.. *Equity regards that as done which ought to be done.*

- On page 2 of Interloper Baum's aforesaid Points and Authorities Baum falsely accuses Complainant of "filing numerous fraudulent lawsuits and complaints in Wisconsin state courts. *Baum's false statement is underscored by Baum's "failure" to list even one of the "numerous" fraudulent lawsuits. He who comes into equity must have clean hands.* Interloper Baum is acting dishonestly, in bad faith, with unclean hands, which is imputed to Respondents in their individual capacity.

- Interloper Baum *falsely writes* in the aforesaid Points and Authorities:

- a) On page 6: "Despite Judge Clevert's dismissal *with prejudice* of *all* of Plaintiff's claims under Federal Rule of Civil Procedure 12(b)(6) or the *Rooker-Feldman* abstention doctrine, Plaintiff has *again* filed *similar* causes of action and claims that arise out of the 2001 foreclosure action, now before this court."
- b) And on page 22 Baum *falsely writes*: "Here, the Plaintiff's (sic) complaints involve the same claims between some of the same parties as were earlier adjudicated in the Eastern

District of Wisconsin, which court issued a final decision on the merits, dismissing with prejudice Plaintiff's (sic) claim. *See Exhibit A.*"

- c) And on page 23 Baum *falsely writes*: "There has clearly been a final, valid judgment on the merits of Plaintiff's (sic) claims as evidenced by Judge Clevert's decision and order dated June 8, 2009. *Id.*"

The truth of the matter is that *Baum's own Exhibit "A" testifies against Baum and definitively emphasizes the egregious falsity of Baum's misrepresentations* to this honorable Court in an attempt to deceive this Court. On page 12 of Baum's Exhibit "A", which is the Decision and Order issued by the honorable Charles N. Clevert, Jr. in Case No. 07-C-0714, Clevert wrote that only *one* (1) of the twenty (20) counts was dismissed with prejudice; the remaining nineteen (19) counts were dismissed *without prejudice*. Further, Clevert did not rule on the merits. Baum's misrepresentations to this Court in an effort to deceive this honorable Court are evidence of acting dishonestly, in bad faith, and with unclean hands, and is imputed to each of the Respondents in their individual capacity, *which bars any relief whatsoever to either Baum or Baum's principals*. Complainant charges Baum should be disbarred for attempting to deceive this honorable Court and prevent or pervert justice with these egregiously false representations, which shock the conscience. *He who comes into equity must have clean hands*. Interloper Baum is acting dishonestly, in bad faith, with unclean hands, in violation of DR 1-102 (Black's Law Dictionary, 4th Edition, page XX - XXI) involving misconduct, and in violation of FRCP 11(b) regarding representations to the court. *Allegans contraria non est audiendus*.

- Interloper Baum *falsely writes* that Complainant's present claims in this Court are *similar* to the claims in Case No. 07-C-0714, but Baum fails to substantiate Baum's false statement with even one example. Baum can't substantiate Baum's false statement since Complainant has never

heretofore brought a breach of fiduciary suit in Equity against anyone, anywhere. The facts regarding the acts of the Respondents, which are violations of Constitutional mandates or prohibitions, have not changed, nor will they ever change, but Complainant has never heretofore brought a suit in Equity for breach of fiduciary duty based upon the taking of private property without just compensation and the violation of the prohibition against impairing the obligation of contracts. Again, Interloper Baum is acting dishonestly, in bad faith, with unclean hands, which is imputed to each of the Respondents in their individual capacity. *He who comes into equity must have clean hands.*

- Interloper Baum attempts to intentionally deceive this honorable Court on page 23 by the following misleading writing: “A number of the parties are identical, including Ozaukee County, the 62.25 acres of land in the town of Fredonia, and Thomas W. Meaux. *Id.*” Of the forty-one (41) Respondents presently being sued in their individual, private capacity in this instant suit in Equity, *one, and only one*, Thomas W. Meauw, is identical. Again, Interloper Baum is intentionally, deceitfully, attempting to deceive this honorable Court for the purpose of preventing or perverting justice. Baum’s deceit is imputed to Respondents in their individual capacity. *He who comes into equity must have clean hands.*

Interloper Baum made other false or misleading representations to this honorable Court in Baum’s aforesaid Points and Authorities which, if this honorable Court so requests, Complainant will expand upon. However, the foregoing should be more than sufficient to expose the deceit, dishonesty, bad faith, unclean hands, and *intentional* misrepresentations by attorney Deborah B. Baum to this honorable Court and imputed to Respondents individually.

Complainant would also request that this Court take notice that Complainant was never noticed of the lawsuit evidenced by Baum’s Exhibit B, nor has Complainant heretofore been

provided a copy of said alleged Injunction. The alleged “Injunction” was motivated by Respondent Dennis E. Kenealy for Complainant *exhausting administrative remedies* which are evidenced by Complainant’s Exhibit F, document 1-4, filed May 15, 2012 in this instant matter, and is evidence of retaliation against a victim and witness of crime (Complainant) as well as abuse of legal process. *No one can take advantage of his own wrong*, yet Respondents, by and through respondents such as Kenealy, have misused the judicial system to perpetuate and cover up Respondents breach of fiduciary duty and retaliate against Complainant, a victim and witness of Respondents dishonesty and breach of fiduciary duty.

Additional evidence of the perfidy of Interloper Deborah B. Baum and Baum’s attempt to prevent or pervert justice is the fact that Baum improperly addressed the court documents that Baum mailed to Complainant. Complainant has a private contract with an officer of the State, a Notary Public, to send or receive mail for Complainant. The Notary Public rents a post office box, not Complainant. It was by the conscientious efforts of a dedicated postal employee that Complainant was able to receive from the notary Baum’s improperly addressed mail, albeit a delayed delivery.

Complainant respectfully reminds this honorable Court that it may *sua sponte* invoke FRCP 11(c)(3).

Complainant reserves the right to address the issues of venue and jurisdiction should the Court so desire. However, since Complainant is suing the Respondents only in their *private, individual* capacity, and Interloper Deborah B. Baum claims to represent some “defendants” in their *official* capacities, Interloper Baum has no right or authority to motion the court for anything whatsoever, and therefore Complainant has no duty to respond to Baum’s demands, EXCEPT TO EXPOSE Baum’s *false representations to this honorable Court in Baum’s attempt*

to deceive this Court and prevent or pervert justice, which false representations are imputed to Respondents in their individual capacity.

In support of this Motion To Strike, Complainant incorporates by reference Exhibit O, the Memorandum of Law, pages 109 through 158 of Document 1-4, filed with this Court on May 15, 2012.

Since this honorable Court may not grant any relief to a person who is an Interloper claiming to interject and represent "defendants" in their *official* capacity, when the parties Complainant is suing in Equity are Respondents being sued in their private, *individual* capacity, any motions filed by the interloper, attorney Deborah B. Baum in this case, must be stricken.

Further, when a person who attempts to appear before this honorable Court comes before this Court in bad faith or with unclean hands, or acts dishonestly, or attempts to deceive this Court as attorney Deborah B. Baum has done, any motions filed by said person must be stricken. Baum's motions must be stricken.

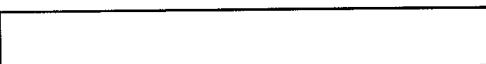
Attorney Deborah B. Baum's motions which must be stricken are:

1. Motion For Admission of Andrew T. Phillips *Pro Hac Vice*, document 6,
2. Motion For Admission of Christine K. Van Berkum *Pro Hac Vice*, document 7,
3. Defendants' Motion To Dismiss, Or Alternatively, For Change Of Venue, document 9.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. *Maxim ita dicta quia maxima est ejus dignitas et certissima auctaritas atque quod maxime omnibus probetur.* Dated this 8th day of July 2012.

Respectfully submitted,

By:



Steven Alan Magritz, Complainant

Proof of Service

I certify that all 43 Respondents for whom a summons has been issued by the Court are being served a copy of this "Verified Motion To Strike Interloper Deborah B. Baum's Motions" on this July 20, 2012 by way of first class, postage prepaid United States mail, mailed to their respective residence address indicated in Complainant's filings with the clerk of court. Attorney Deborah B. Baum is being mailed a courtesy copy mailed to 2300 N Street, NW, Washington, DC 230037.

