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Clerk, U.S. District and
Bankruptcy Courts

Steven Alan Magritz
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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 INTERLOPERS
VAN HOLLEN and RICE MOTION TO DISMISS**

Complainant Steven Alan Magritz moves this honorable Court to strike the “Motion To Dismiss Action Against Defendants Gerol, Williams, and Gonring” filed, *or deceitfully attempted to be filed*, into Complainant’s suit in Equity by Interlopers, attorney J.B. Van Hollen and attorney David C. Rice, hereinafter **Interlopers**, agents for the individual Respondents named herein, for reasons of failure to file a Notice of Appearance with this Court; violation of LCvR 83.2 regarding practice by attorneys, in particular LCvR 83.2(c)(1); 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 Interlopers (Van Hollen & Rice) with failing to file a Notice of Appearance with this Court, failure to abide by LCvR 83.2, particularly LCvR 83.2(c)(1), as well as 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 Interlopers set forth

herein provide this honorable Court with the knowledge of the bad faith, unclean hands, as well as sanctionable activity of Interlopers.

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, Andrew T. Gonring, Sandy A. Williams, and Adam Y. Gerol have acted in concert, or acted in collusion, and have solicited Interlopers *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. *He who comes into equity must have clean hands*.

The false representations, dishonesty, bad faith, or unclean hands demonstrated by Interlopers are directly attributable to each of the above named Respondents in their individual capacity. *He who comes into equity must have clean hands*.

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 as falsely proclaimed by Interlopers on pages 5 and 6 of Interlopers "Brief". Interlopers claim to represent "defendants" (not *respondents* properly denoted in Complainant's suit in Equity) in their *official* capacity.

Interlopers are not only attempting to convert Complainant's suit from Equity Jurisdiction to law jurisdiction, but Interlopers' *false* representations evidence dishonesty, bad faith, unclean hands, which is imputed *directly* to each and every Respondent, *individually*, who acted in concert or collusion and solicited Interlopers in attempting to deceive this honorable Court.

By way of a partial listing only, the following examples from Interlopers' "Brief" evidence the *false* representations to this honorable Court. These false representations of Interlopers provide this Court with the knowledge of the dishonesty, bad faith, and unclean hands of Respondents.

- On page 2, paragraph 4 of Interlopers "Brief", Interlopers falsely state Complainant initiated a "John Doe" proceeding, whereas Complainant had *not* initiated a "John Doe" proceeding, but in fact had filed a "Verified Motion For A Determination Of Probable Cause *for a determination if probable cause exists* to arrest Kenealy for criminal acts." (Affidavit in Support of Complaint, ¶ 48). Further, Interlopers next statement is therefore false on its face, to wit: "and issued a decision and order refusing to issue a criminal complaint against Kenealy". See Affidavit,

supra, ¶ 51. Interlopers' false statements are dishonest, made in bad faith with unclean hands, and are imputed to Respondents in their individual capacity.

- Interlopers attempt to apply a "statute of limitations" to the mandates or prohibitions of the Constitution of the United States of America is disingenuous, frivolous, ludicrous, contemptible, and a further breach of fiduciary duty by Respondents upon whom the Interlopers' act is imputed. See Interlopers' "Brief", page 5, section II. *He who comes into equity must have clean hands.*
- Interlopers attempt to apply the Eleventh Amendment when the State is *not* a party to the suit, and the Respondents are sued in their *individual* capacity rather than in their *official* capacity as insinuated by Interlopers, is dishonesty, bad faith, and unclean hands imputed to the Respondents individually. See Interlopers' "Brief" page 5, section III.
- Interlopers attempt to shield Respondents from suit in their individual capacity for breach of fiduciary duty, which duty is imposed upon Respondents by Article VI Sections 2 and 3 of the Constitution of the United States of America, by claiming "absolute prosecutorial immunity", is dishonest and a breach of fiduciary duty by Interlopers themselves, which is further imputed to Respondents in their individual capacity. Respondents are being sued in Equity Jurisdiction, which acts *in personam*. *Equity operates upon the person. Equality before the law is equity*, and equity will enforce the Constitution. *Equity has the capacity to do justice and right every wrong, no matter how powerful the wrong-doer.*
- Interlopers attempt to equate Complainant's suit in chancery to a statutory Title 42 Section 1983 suit, see Interlopers' "Brief" pages 6 through 8, is dishonest, an apparent attempt to *justify* criminal misconduct including but not limited to misprision of felony, and a further breach of

fiduciary duty by Interlopers themselves, all of which is imputed to Respondents in their individual capacity. *Equality before the law is equity*, and equity will enforce the Constitution.

- Interlopers further attempt to deceive this honorable Court by insinuating Complainant brought suit against Respondent Gonring for denying Complainant's motion to vacate a judgment. *Nothing could be further from the truth*. Andrew T. Gonring *perjured* his oath of office, *on the record*, by denying Complainant's motion for Gonring to abide by his oath to support the Constitution of the United States of America. Further, Gonring committed misprision of felony, as evidenced by the transcript and court record. Interlopers' false statements made to deceive this Court evidence dishonesty, bad faith, unclean hands, and breach of fiduciary duty, all of which are imputed to the Respondents in their individual capacity.

Complainant reserves the right to address the issue of venue should it please the Court. However, since Complainant is suing the Respondents only in their *private, individual* capacity, and Interlopers claim to represent some "defendants" in their *official* capacities, and Interlopers have failed to file a Notice of Appearance, and Interlopers have failed to abide by LCvR 83.2(c)(1), Interlopers have no right or authority or "standing" to motion this Court for anything whatsoever. Therefore Complainant has no duty to respond to Interloper's assertions, EXCEPT TO EXPOSE Interlopers' *false representations to this honorable Court in Interlopers' attempt to deceive this Court and prevent or pervert justice, which false representations are imputed to Respondents in their individual capacity*.

Interlopers' Motion To Dismiss must be stricken since Interlopers attempt to come before this honorable Court with deceit, in bad faith, with unclean hands, failing to abide by LCvR 83.2(c)(1), and, representing "defendants" in their *official* capacity when Complainant's suit is against Respondents in their personal, *individual* capacity, in Equity Jurisdiction.

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 18th 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 Interlopers Van Hollen and Rice Motion To Dismiss” on this July 18 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. Van Hollen and Rice are each being mailed a courtesy copy.