

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.

**COMPLAINANT’S VERIFIED MOTION
FOR PARTIAL SUMMARY JUDGMENT**

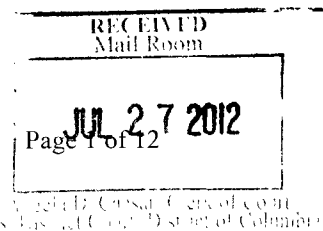
Complainant Steven Alan Magritz moves this honorable Court for a partial summary judgment pursuant to FRCP Rule 56 (a): “A party may move for summary judgment, identifying each claim or defense – or the part of each claim or defense – on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.” *Cursus Curiae est lex Curiae*.¹

This honorable Court wherein Complainant has invoked Equity Jurisdiction is governed by the Maxims and Principles of Equity. *Maxime ita dicta quia maxima est ejus dignitas et certissima auctoritas atque quod maxime omnibus probetur*.² *Principia probant non probantur*.³

¹ The practice of the Court is the law of the Court.

² A maxim is so called because its dignity is *maximum* and its authority the most certain, and because approved at the *maximum* by all.

³ Maxims have an inherent probative force, and need not to be proved.



Complainant moves this honorable Court for a partial summary judgment against Respondents Ozaukee County, Ozaukee County Sheriff's Department, Thomas E. Winker, Robert A. Brooks, Lee Schlenvogt, Daniel P. Becker, Joseph A. Dean, Raymond G. Meyer II, 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, Rhonda K. Gorden, Sandy A. Williams, Andrew T. Gonring, and Adam Y. Gerol. The process server has reported to Complainant that Respondent Timothy F. Kaul is deceased, and that ten (10) attempts to serve Respondent William S. Niehaus at his residence have been made, but no one answered the door, therefore these two (2) Respondents are not included in this present motion.

It is undisputed, as evidenced in Complainant's verified Complaint, Complainant's Affidavit in support of said Complaint, "Exhibit F" which is *the Agreement with Complainant of 37 of the 41 individual named Respondents*, "Exhibit N" which is Complainant's un rebutted Affidavit of Criminal Report against officers of the court, and "Exhibit O", that the above named individual Respondents in their individual capacity (which does not include the legal fictions named "Ozaukee County" or "Ozaukee County Sheriff's Department"):

- *Admit, by and through their actions including but not limited to their filing, or attempting to file, Motion(s) To Dismiss, that the facts alleged in Complainant's Verified Complaint are true;*
- Have made numerous false representations to *this* Court in their *unsworn* Motion(s) To Dismiss in an attempt to deceive *this* honorable Court, as pointed out in Complainant's

Motion(s) to Strike, *qui facit alium facit per se*. (He who does anything by another, does it himself). The act of the agent is the act of the principal;

- Have evidenced in their Motion(s) to Dismiss their dishonesty, bad faith, unclean hands, and false representations in an attempt to deceive *this* honorable Court and prevent or pervert justice, *and by those acts alone are barred from any relief whatsoever. He Who Comes Into Equity Must Have Clean Hands*;

- Are public officers holding a position of public trust;

- Are bound to support the Constitution of the United States of America pursuant to Article Six (6) sections Two (2) and Three (3) of said Constitution;

- Are fiduciaries or trustees of the Public Trust that was created by the Constitution of the United States of America;

- As fiduciaries of the Public Trust are under an inescapable obligation to serve with the highest fidelity, honesty, integrity, and good faith;

- Owe absolute loyalty and obedience to that Trust Document, the Constitution of the United States of America, which created the Public Trust;

- Take their offices *cum onere*, that is, with all the responsibilities and personal liabilities attached to their *individual* person, including both compensatory and punitive damages for injuries caused by breach of their fiduciary duty. *Equity Acts Upon the Person*;

- Must at all times, without exception, display honesty, integrity, and good faith to beneficiaries;

- Owe a fiduciary duty to Complainant, who is a beneficiary of the Public Trust;

- Are prohibited from taking *private* property for public use without just compensation by the Fifth Article in Amendment to the Constitution of the United States of America;

- Are prohibited from impairing the obligation of contracts by Article I, Section 10, Clause 1 of the Constitution of the United States of America;
- Agree that Complainant did not intend for Complainant's *private* property to be hypothecated to the public and does not intend said *private* property to be hypothecated to the public, as further evidenced by "Exhibit A" – Complainant's Confirmation Deed, "Exhibit B" – Complainant's secured interest, "Exhibit D" – Senate debate on sale of public land, "Exhibit E" – Act of Congress on sale of public land, "Exhibit H" – Affidavit of Publication regarding liquidated damages, "Exhibit J" – Declaration and Claim of Rights in Land Patents, "Exhibit K" – Notice and Claim to Private Land Rights, and, "Exhibit L" – Affidavit of Publication, Notice of Claim;
- Violated the self-executing mandate "nor shall private property be taken for public use without just compensation" set forth in Article the Fifth in Amendment to the Constitution of the United States of America by *attempting to take* Complainant's *private* property through "registration" and "taxation";
- *Took* Complainant's *private* property for public use without just compensation, as evidenced by "Exhibit G", in violation of Article the Fifth in Amendment to the Constitution of the United States of America which prohibits such a taking;
- Violated the absolute prohibition against impairing the obligation of contracts set forth in Article I Section 10 Clause 1 of the Constitution of the United States of America by attempting to take Complainant's *private* property through "registration" and "taxation";
- Violated the absolute prohibition against impairing the obligation of contracts set forth in Article I Section 10 Clause 1 of the Constitution of the United States of America by seizing with violence and force of arms Complainant's *private* lands, of which Complainant was an heir or assign by and through an *executed contract* called a Land Patent issued by The United States of

America prior to Wisconsin becoming one of the states of the Union, as evidenced in paragraphs nine (9) through eighteen (18) of Complainant's Affidavit in Support of Complainant's Verified Complaint, and, as evidenced by "Exhibit D" – Senate debate on sale of public land, March 6, 1820, "Exhibit E" – Act of Congress on sale of public land, April 24, 1820, "Exhibit J" – Declaration and Claim of Rights, Land Patents, recorded ROD 1994, "Exhibit K" – Notice & Claim to Private Land Rights, recorded ROD April 1997, "Exhibit L" – Affidavit of Publication, Notice of Claim, July 1997, and "Exhibit M" – Selected relevant pages, Abstract of Title, 6 pages only;

- Took Complainant's *private* land in violation of Article I Section 10 Clause 1 which prohibits the State, as well as public officers, from impairing the obligation of contracts;
- Have been unjustly enriched, directly or indirectly, by the taking of Complainant's *private* property for public use without just compensation;
- Have acted in insurrection or rebellion to the Constitution of the United States of America, directly, or by consent, or by assent, by and through the taking by force and violence of Complainant's *private* property in contravention of the mandates or prohibitions enumerated above and set forth in the aforesaid Constitution, *to which Constitution said Respondents owe absolute loyalty and obedience*;
- Are prohibited by Section Three (3) of the Fourteenth Article in Amendment to the Constitution of the United States of America from holding any office, civil or military, under the United States, or under any State, for having engaged in insurrection or rebellion to said Constitution;

- Are prohibited by Section Four (4) of the Fourteenth Article in Amendment to the Constitution of the United States of America from receiving any emoluments whatsoever from the United States or any State;
- Have participated in, or consented to, or assented to, *ultra vires* acts such as the committee named the Taxation and General Claims Committee “authorizing” a foreclosure action against Complainant’s *private* property when said Committee was in want of statutory authority to so authorize;
- Have participated in, or consented to, or assented to *ultra vires* acts or criminal acts including but not limited to theft of tendered payment from the public office of county treasurer, theft and concealment of public documents (Complainant’s Answer and Counterclaim) from the office of the clerk of court, false representations to the Ozaukee County Circuit Court, theft and concealment of public documents (Complainant’s Claim against the County) from the office of the county clerk, taking of Complainant’s *private* property for public use without just compensation, impairing the obligation of contracts, misprision of felony, abuse of legal process, malicious prosecution, concealment of crimes, retaliation against a victim and witness of crime, false imprisonment, domestic terrorism, and others, all of which *when combined* have caused Complainant an injury. *Equity Will Suffer No Wrong Without a Remedy*;
- Have acted disloyal, dishonestly, in bad faith, with lack of integrity, in breach of their fiduciary duty as Trustees of the Public Trust, with the result that they, in their individual capacity, have brought impairment of reputation, disapprobation, rebuke, reproach, revilement, et cetera, upon the good name of the State;

- Have acted dishonestly, in bad faith, with lack of integrity, in breach of their fiduciary duty to Complainant as a beneficiary of the Public Trust, with the result that they, in their individual capacity, have caused Complainant an injury.

COMPLAINANT MOVES this honorable Court for a Declaratory Judgment declaring: the herein before named individual Respondents are public officers and fiduciaries of the Public Trust with the duty of absolute loyalty to the Constitution of The United States of America, and as such fiduciaries must serve with the highest fidelity, honesty, integrity, and good faith; each of the Respondents must at all times, without exception, display honesty, integrity, and good faith to beneficiaries of the Public Trust; the Complainant is a beneficiary of the Public Trust to whom Respondents owe a fiduciary duty; each of the Respondents, individually, have acted with disloyalty to the Constitution of the United States of America; each of the Respondents, individually, have acted in breach of their fiduciary duty as a trustee of the Public Trust; each of the Respondents have acted in breach of their fiduciary duty to Complainant.

COMPLAINANT MOVES this honorable Court for Judgment imposing a Constructive Trust over the *private* land, “Respondent” 62.25 acres of land in the town of Fredonia, taken from Complainant for public use without just compensation and in violation of the prohibition against impairing the obligation of contracts on or about October 24, 2001. Respondents, and each of them, especially Ozaukee County and Ozaukee County Sheriff’s Department have been unjustly enriched by the taking of Complainant’s *private* property valued in excess of \$700,000.00 without any compensation whatsoever to Complainant. Respondents have obtained “legal” title to or possession of Complainant’s *private* land by fraud, violations of Constitutional prohibitions and mandates, and acts in breach of their fiduciary duty to Complainant, therefore

they are *involuntary constructive trustees* of Complainant's *private* land for the benefit of Complainant. *Equity Acts Specifically, and Not by Way of Compensation.*

COMPLAINANT MOVES this honorable Court for Judgment imposing a Constructive Trust over the *private* effects or *private* chattels or *private* appurtenances, *in whatever form they may have been converted to*, taken from Complainant for public use without just compensation on or about October 24, 2001 and subsequently converted into cash, used, consumed, sold, transferred, destroyed, et cetera. Respondents, and each of them, especially Ozaukee County and Ozaukee County Sheriff's Department have been unjustly enriched by the taking of Complainant's *private* effects or chattels, including but not limited to a large quantity of various building materials such as dimensional lumber and concrete blocks as well as dozens of automobiles, many with valuable big-block engines, all of which could have been sold for cash if they weren't "used" personally by Respondents. Respondents are *involuntary constructive trustees* of Complainant's *private* effects, in whatever form to which they may have been converted or which they may currently have, for the benefit of Complainant. Therefore this Court should impose a constructive trust on the *private* effects taken from Complainant and on the bank accounts of Ozaukee County and the Ozaukee County Sheriff's Department pending the outcome of the accounting demanded by Complainant.

COMPLAINANT MOVES this honorable Court for judgment ordering Ozaukee County to *forthwith* return possession and control of Complainant's *private* land, named as "Respondent" 62.25 acres of land in the town of Fredonia, to the exclusive dominion of Complainant. The Judgment should order the clerk of Ozaukee County, or other *properly authorized* person/public officer, to forthwith provide Complainant with a properly signed and acknowledged Deed, to be drafted by Complainant, the terms of which guarantee that

Respondents, or any of them, or their successors, will never, ever again, interfere with, or attempt to interfere with, in any way or by any means or under any subterfuge whatsoever, including but not limited to “taxation”, the peaceful enjoyment, possession, use, and exclusive dominion by Complainant or Complainant’s heirs or assigns. *Equity Acts Specifically, and Not by Way of Compensation. Equity Regards That as Done Which in Good Conscience Ought to Have Been Done. Equity Will Not Suffer a Wrong Without a Remedy.*

COMPLAINANT MOVES this honorable Court for judgment ordering Respondent Ozaukee County and Respondent Ozaukee County Sheriff’s Department to forthwith provide Complainant with *an accounting*, signed under penalty of perjury by a *properly authorized* person/public officer of each Respondent, of the use, or disposition, or cutting or harvesting, or removal, of all the *private* effects taken from Complainant, *without exception*, including but not limited to appurtenances *or things* both below the surface of the ground and above the surface of the ground. Respondents shall also account for monies *or mense profits or* other property or services *given to, or received by*, any of the Respondents with respect to Complainant’s *private* effects or *private* property. Failure to provide an accounting forthwith will result in a receivership imposed upon Respondent Ozaukee County.

COMPLAINANT MOVES this honorable Court for judgment ordering Respondent Ozaukee County and Respondent Ozaukee County Sheriff’s Department to return to Complainant the *private* effects taken from Complainant by Respondents, or in the alternative, if Respondents have used or consumed or destroyed or disposed of or converted any of Complainant’s *private* effects, to compensate Complainant therefore an equitable amount as determined by Complainant. *Equity Will Not Suffer a Wrong Without a Remedy.*

COMPLAINANT MOVES this honorable Court for judgment ordering *disgorgement* by Respondent Ozaukee County and Respondent Ozaukee County Sheriff's Department, as being unjustly enriched by disloyal fiduciaries or trustees *ex maleficio*, of all gains or profits, all the fruits, in every form, the increase, the income, other property acquired by the constructive trustee(s) by the exchange or use of Complainant's *private* property in any way, including but not limited to the fair rental value of Complainant's *private* property provided to public officers and the benefits received from the hypothecation of Complainant's property by way of the issuance of bonds or otherwise. Disgorgement is designed to deprive the wrongdoer of *all gains flowing from the wrong rather than to compensate the victim of the fraud*. Only full disgorgement satisfies the principle of preventing *unjust enrichment*.

COMPLAINANT MOVES this honorable Court for judgment ordering Respondents, and each of them, to pay Complainant an equitable "return on investment" based upon the fair market value on October 24, 2001 of Complainant's *private* property taken for public use without just compensation, for the entire period of time Respondents have or had possession, use, or control of Complainant's *private* property. *When Chancery has Jurisdiction for One Purpose, it will Take Jurisdiction for All Purposes*.

COMPLAINANT MOVES this honorable Court for judgment ordering the individual Respondents named herein above, which does not include the legal fictions named Ozaukee County or Ozaukee County Sheriff's Department, pay Complainant liquidated damages in the amount of Fifteen Million dollars (\$15,000,000.00), pursuant to the public notice set forth in Exhibit H, for injuries caused by Respondents' acts in breach of their fiduciary duty, and, as punitive damages to give bad actors a legal spanking to send a message to public officers that the egregious malfeasance by public officers exhibited in this suit will not be tolerated. Injuries

sustained by Complainant at the hands of Respondents acting in breach of their fiduciary duty include but are not limited to loss of standing in the community, loss of or injury to reputation, loss of livelihood, loss of profits, loss of liberty, and/or severe emotional distress and personal injuries. *Equity Acts Upon the Person. When Chancery has Jurisdiction for One Purpose, it will Take Jurisdiction for All Purposes. Equity will not Suffer a Wrong Without a Remedy. Equity Delights to do Complete Justice, and Not by Halves.*

COMPLAINANT MOVES this honorable Court for judgment protecting the good name of the state by removing from public office by way of *Quo Warranto* the individual Respondents named herein above for their disloyal acts, insurrection, or rebellion against the Constitution of the United States of America, pursuant to Section Three of the Fourteenth Article in Amendment. Judgment must also be rendered pursuant to Section Four of the aforesaid Amendment prohibiting Respondents from receiving any emoluments whatsoever from the United States or any State. Respondents have acted egregiously with contempt for the fundamental principle of supremacy of law, the crux of our constitutional government, which requires that all public officials obey the mandates of the Constitution. Respondents have been *recalcitrant* in their contempt for the Constitution. The contemptuous acts of Respondents Sandy A. Williams, Adam Y. Gerol, and Andrew T Gonring, being officers of the court, particularly shock the conscience *by their misprision of felony and/or retaliation against a victim of crime* who sought justice from them. Quo warranto is intended to prevent the exercise of powers that are not conferred by law. It is a preventative remedy addressed to preventing a continuing exercise of an authority unlawfully asserted rather than to correcting what has already been done under that authority. The Respondents, and each of them, have been recalcitrant in their breach of fiduciary duty and disloyalty to the Constitution of the United States of America.

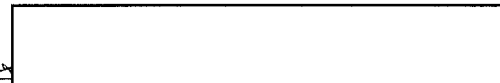
Respondents, by their attempts to deceive this honorable Court by way of interloper agents, have evidenced their recalcitrance and the necessity to remove them from public office and forever bar them from holding any office, civil or military, under the United States, or under any State. The good name of the state must be protected from further disrepute by preventing Respondents from repeating or continuing their disloyalty, insurrection, or rebellion. *Equity Acts Upon the Person. When Chancery has Jurisdiction for One Purpose, it will Take Jurisdiction for All Purposes.*


COMPLAINANT MOVES this honorable Court to retain jurisdiction for purposes of complete judgment, execution of judgment, and contempt proceedings.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Dated this 24th 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 "Complainant's Verified Motion For Partial Summary Judgment" on this July 24th 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.

