

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

THOMAS OLIVER,  
Plaintiff

v.

JOSEPH LEONARD MICHAUD,  
MARY SUSAN MCELROY,  
JOHN JAMES MCCONNELL JR.,  
WILLIAM EDWARD SMITH JR.,  
PATRICIA ANNE SULLIVAN,  
LINCOLN DOUGLAS ALMOND,  
GUSTAVO ANTONIO GELPÍ JR.,  
JEFFREY ROBERT HOWARD,  
WILLIAM JOSEPH KAYATTA JR.,  
Individually and in their official capacities,  
Defendant-Criminals

CASE NO.

JURY TRIAL DEMANDED

**COMPLAINT FOR TORTIOUS CONDUCT**

Plaintiff brings this action pursuant to 18 U.S. Code § 4, § 1341, § 1503, § 1512, § 1951, § 1956, § 1957, § 1961, § 1962, § 1964; 28 U.S. Code § 1331, § 1332, and § 2201; and F.R.Civ.P. 57 in claims arising from violations of federal constitutional rights guaranteed in the Fourth and Fifth Amendments to the U.S. Constitution and redressable pursuant to *Bivens v. Six Unknown Narcotics Agents* 403 U.S. 388 (1971) and pursuant to the Constitution of Rhode Island. In addition, he also brings this action pursuant to RI Gen. Law §11-32-3 and as a result of the defendant-criminals' tortious and criminal acts committed on many dates, the first of which began after September 1, 2014. "Defendant" will mean both the singular and the plural herein, but the term will be clarified with an associated name whenever necessary.

**JURISDICTION AND VENUE**

"[T]he traditional justification for diversity jurisdiction is to minimize potential bias against out-of-state parties." *Firststar Bank, N.A. v. Faul*, 253 F.3d 982, 991 (7th Cir. 2001) (citing *Guar. Trust Co. of N.Y. v. York*, 326 U.S. 99, 111 (1945); *Bagdon v. Bridgestone/Firestone, Inc.*, 916 F.2d 379, 382 (7th Cir.1990)). Diversity jurisdiction is meant to "open[] the federal courts' doors to those who might otherwise suffer from local prejudice against out-of-state parties." *Hertz Corp. v. Friend*, 130 S. Ct. 1181 (2010) (citations

omitted) (reversing district court's finding that jurisdiction was lacking). The facts and evidence clearly show that Plaintiff has suffered prejudice on many occasions in the Massachusetts state courts, in the Rhode Island state courts, in the California federal courts—and now in the Rhode Island federal courts and the federal appellate courts.

The district court has subject matter jurisdiction pursuant to 28 U.S. Code § 1332 since litigants are citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, and pursuant to 18 U.S. Code § 1964 because counts 4 and 5 involve RICO, and pursuant to 28 U.S. Code § 1331 because count 1 involves constitutional issues. Litigants in this matter are believed to be residents of at least five different states.

#### **The Parties—Plaintiff**

- Thomas Oliver is a U.S. citizen residing and domiciled in the United States of America but not in Rhode Island, Massachusetts, Maine, New Hampshire, or Puerto Rico.

#### **The Parties—Defendant-criminals**

- Joseph Leonard Michaud is believed to be a U.S. citizen residing and domiciled at 31 Slades Farm Lane, South Dartmouth, MA.
- John James McConnell Jr. is believed to be a U.S. citizen residing and domiciled at 750 Elmgrove Avenue, Providence, RI.
- Lincoln Douglas Almond is believed to be a U.S. citizen residing and domiciled at 20 Riverside Drive, Narragansett, RI.
- Mary Susan McElroy is believed to be a U.S. citizen residing and domiciled at 59 Marion Street, East Greenwich, RI.
- William Joseph Kayatta Jr. is believed to be a U.S. citizen residing and domiciled at 14 Stonebridge Road, Cape Elizabeth, ME.
- Jeffrey Robert Howard is believed to be a U.S. citizen residing and domiciled at 11 Hensmith Road, Salisbury, NH.
- Patricia Anne Sullivan is believed to be a U.S. citizen residing and domiciled at 17 Vialls Drive, Barrington, RI.
- William Edward Smith Jr. is believed to be a U.S. Citizen residing and domiciled at 9 Tory Lane, East Greenwich, RI.
- Gustavo Antonio Gelpí Jr. is believed to be a U.S. Citizen and is residing and domiciled in Puerto Rico at 9-59 Calle 3, Bayamón; in the Santurce district of San Juan; or elsewhere on the island.

Venue is governed generally by 28 U.S. Code § 1391(b). Subsection (1) does not apply because the defendant-criminals are alleged to be residents of different states. Subsection (2) determines proper venue for this matter since it states: “A civil action may be brought in—a judicial district in which a

substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated,” and some of the crimes—the ones specifically “giving rise to the claim”—were committed by some of the defendant-criminals in Rhode Island federal court.

## INTRODUCTION

1. The incredible saga that is the genesis to this complaint began more than twenty years ago when Plaintiff, working as a small business, BR Enterprises, performed work for Alyssa Lauren Parent (hereinafter “Parent”) totaling \$4,313.95, which he was never paid. On July 18, 2014, he transferred ownership of the condominium located at 116 Rocky Brook Way, Wakefield, Rhode Island, (hereinafter “the property”) to Norma Oliver because he strongly suspected he would be a target for litigation—particularly after his experience with the corrupt courts in Massachusetts, because the information in his first book could be misconstrued as legal advice despite the disclaimer in it, and because he named defendant Joseph Leonard Michaud (hereinafter “KOTD”) and Parent and described their offenses in it. Lo and behold, Plaintiff’s prediction came true. He was originally and rightfully given a default judgment of \$11,271.53 on August 27, 2014, for nonpayment of the work he did for Parent. Until then the Massachusetts courts had not done anything corruptly or illegal in the case. However, soon afterward, KOTD made a phone call<sup>1</sup> and conspired with court personnel to take the first step towards reaching a predetermined alternate outcome by illegally transforming the legitimate default judgment awarded to Plaintiff into a fraudulent judgment for his client, Parent. Plaintiff is not alone regarding the injustices he has suffered at the hands of the WLCS. The WLCS is *off-the-rails corrupt* and has negatively impacted *thousands* of other victims nationwide. The crimes committed by its personnel every day in every court in every state lead Plaintiff to say one thing: “God, I’m ashamed to be an American today.”<sup>2</sup> “The

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<sup>1</sup> It is possible KOTD visited the court rather than called it, but his *modus operandi* is to make phone calls as he did to several of Plaintiff’s attorneys (while violating criminal law M. G. L. c. 268 § 13B) and to the U.S. Trustee’s Office (while violating 18 U.S. Code § 152, § 157, and other criminal laws). The type of contact he made will not be known any earlier than during discovery. Accordingly, everywhere in this complaint where a form of the word “call” is used with regard to KOTD contacting the Massachusetts court, it really means some form of the phrase “call or visit.”

<sup>2</sup> Jim Garrison (Kevin Costner), *JFK* (Warner Bros., 1991).

greatest lies are told in the name of truth. The greatest crimes are committed in the name of justice.”<sup>3</sup>  
And the WLCS is king of both.

2. Email correspondence received by Plaintiff from the court on September 8, 2014, confirms the default judgment being illegally vacated. The falsified court record, however, shows that on September 15, 2014, it was vacated as “issued in error,” which is not true. The reason for the lie is that KOTD called the court in a panic because he erred by not filing a timely responsive pleading, and he either did not want to or would not be able to attend a court hearing—for any pleadings or motions he then wanted to file *nearly nine years late*—before the judgment would become enforceable. The court therefore vacated the judgment beforehand as a favor to him or as a result of bribery—in violation of the rules of procedure and Plaintiff’s right to due process. Ample proof of such malicious behavior exists. One piece of indisputable evidence is the email Plaintiff received from the court on September 8, 2014, saying the judgment had been vacated. However, the court first officially mentions its “error” (really a non-existent error) on the docket on September 15, 2014, coincidentally several days *after* KOTD filed his motion to vacate judgment on September 9, 2014—which was a day *later* than the email Plaintiff received from the court—and *prior* to any hearing for the motion. Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Judge Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn’t somehow unvacate itself.

3. On September 10, 2014, Plaintiff received an additional email from the court clerk saying “the judgement [*sic*] was entered in error.” The implication of any error is just not true according to civil procedure rule 55(b)(1), the rule under which Plaintiff filed for default judgment. Although the state district court said that the default judgment was entered in error, it was not. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the contrived court record are all part of a smokescreen

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<sup>3</sup> Jim Garrison, District Attorney of Orleans Parish, Louisiana (1967).

to cover up a call by KOTD to the court on or before September 8, 2014, in order to get the judgment orally and illegally vacated. This is nothing less than conspiracy to commit fraud and is clearly intentional misconduct. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the call and the conspiracy.

4. Plaintiff knows this call was made because a package from KOTD was delivered by U.S. mail not long after September 8, 2014, to the mailing address Plaintiff gave to the court by email on August 28, 2014. The only way KOTD could have possibly known about this address is via contact with the court since this was not the residential address of Plaintiff.

5. The corrupt Massachusetts courts reversed the original and legitimate default judgment it had awarded Plaintiff on August 27, 2014, and turned it into a \$32,913.30 fraudulent judgment in favor of Parent on November 3, 2015, after which date, Plaintiff filed mountains of complaints and appeals. However, when one uses loaded dice, he will get the same result every single time. Coincidentally, this figure was quite close to the damages requested (\$31,438.31) in Plaintiff's MOTION FOR DEFAULT JUDGMENT. Visit <http://www.stloiyf.com/evidence/letter.htm> for a summary of some of the misconduct in the original case.<sup>4</sup>

6. Interestingly, the Massachusetts courts denied any existence of “fraud, corruption, and violations of court rules and statutes.” However, shortly after doing so, in 2018, the year KOTD was appointed judge, M. G. L. c. 268 § 13B—a criminal law that Plaintiff *repeatedly* demonstrated in multiple court papers that KOTD had violated several times—magically changed. The change was made so that his misleading and intimidation of Plaintiff's attorneys—and their subsequent withdrawals—was no longer considered a crime under the new version of this law and KOTD could not be prosecuted—which, of course, had he been, would have put a damper on the plans to appoint him judge.

7. Around the end of 2019 or beginning of 2020, Plaintiff decided to begin setting up a trust in Norma Oliver's name. As a first step, he was advised to record the deed of the property. Upon attempting to record the deed, he learned of a discrepancy with its title. He traced this to a fraudulent lien

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<sup>4</sup> Under the incorporation by reference doctrine, a court may consider documents whose contents “are not physically attached to” the filing. *In re Silicon Graphics Inc. Sec. Litig.*, 183 F.3d 970, 986 (9th Cir. 1999).

entered in Rhode Island Superior Court based upon entry of the fraudulent judgment issued in the People's Republic of Massachusetts.

8. In order to prevent the theft of the property and the loss of \$1,500 per month Plaintiff received for managing it, which, if stopped, would relegate him to extreme poverty, he filed Chapter 7 on February 28, 2020. The stay began on that day and continued through August 3, 2021.

9. On June 10, 2021, and unbeknownst to Plaintiff at the time, Ronald Russo, as an agent for KOTD and others, "sold" the property in full violation of the stay in effect at the time. "Selling" any property under such circumstances would make the sale and corresponding deed void as a matter of law. See, for example, *Albany Partners Ltd. v. Westbrook (In re Albany Partners, Ltd.)*, 749 F.2d 670, 675 (11th Cir. 1984). See also *In re Soares*, 107 F.3d 969 (1st Cir. 1997) (Holding that action taken in derogation of the automatic stay is not merely "voidable" but "void").

10. On August 4, 2021, the bankruptcy court entered its final fraudulent ruling into the record denying discharge of the fraudulently created debt by KOTD and others—this after ignoring the multitude of crimes committed by him, Kristen Tavia Mihelic, and others at the Department of Injustice, which include: perjury, misprision of felony, fraud, conspiracy to commit fraud, obstruction of justice, withholding/falsifying/manipulating evidence, falsifying judicial and public records and documents, and more. Plaintiff *repeatedly* informed Judge-Criminal Adler about the multitude of crimes committed in his bankruptcy and its predecessor cases. She took no (remedial) action upon receiving this information, but instead decided to be complicit in the crimes, just like the judge-criminals being sued here.

11. On April 25, 2022, Plaintiff received an email from Anthony Tortolano, the tenant renting the property: "So I had to get my real estate lawyer involved with this situation because of the contact from the court constable, etc.....I was instructed to pay the rent to the 'new' owners by my lawyer and James [Sylvester, the court constable]." Based on the actions of certain individuals following the entry of the fraudulent judgment in the Rhode Island Superior Court, including, but not limited to, the steps Douglas Harold Smith took to move the case through the court and cause corruption of title to the property and the notices left at or sent to the property by KOTD and others, Plaintiff no longer receives any of the \$1,500

in monthly rent due under the provisions of the lease for the property.

12. On September 29, 2022, Plaintiff—being pissed off to the highest degree—filed a civil complaint with the U.S. District Court for the District of Rhode Island (1:22-cv-354-MSM-LDA) in attempt to finally begin undoing the damage caused by the WLCS, KOTD, and other criminal actors.

13. On January 25, 2023, after giving the case careful consideration according to 28 U.S. Code § 1915(e)(2) since the complaint was filed with a motion for a fee waiver, defendant-criminal McElroy issued orders allowing the motions to proceed IFP and to file electronically and directing the U.S. Marshals Service to effectuate service. The case opening notice was posted on PACER this same day.

14. On January 25, 2023, or January 26, 2023, KOTD—after learning he was being sued—promptly called one or more defendant-criminals to complain that he was being sued for his criminal misconduct and that he didn't like it and wanted to keep the condominium he stole from Plaintiff's mother and its rental income that he is stealing from Plaintiff. PACER accounts can be configured to send notifications of case openings based on party names, which KOTD and/or another defendant in 1:22-cv-354-MSM-LDA had so configured. See exhibit "A."

15. On January 26, 2023, defendant-criminal McElroy then immediately and illegally vacated all of her previous rulings. See exhibit "B."

16. On February 7, 2023, after taking nearly two weeks to concoct bogus reasons thinly veiled in "law" to justify the reversal of orders defendant-criminal McElroy issued on January 26, 2023, and to dismiss the complaint/case entirely, she issued a fraudulent terminating order. See exhibit "B."

17. On February 21, 2023, Plaintiff filed a petition for a writ of *mandamus* with the First Circuit Court of Appeals, hoping that the criminals in black gowns would finally do something.....other than commit more crimes.

18. On March 8, 2023, unsurprisingly, defendant-criminals Kayatta, Howard, and Gelpi—criminals because they violated 18 U.S. Code § 4 by ignoring and trying to hide KOTD's violations of 18 U.S. Code § 1503 and § 1512 and RI Gen. Law §11-32-3 (all felonies) when KOTD contacted the other

defendant-criminals, who are accessories to those crimes—refused to issue the writ of *mandamus*.<sup>5</sup>

19. Because defendant-criminal McConnell didn't lift a toxic finger to remedy the injustice when Plaintiff notified him of it on February 17, 2023, and because personnel at the U.S. District Court for the District of Rhode Island—like all other known courts in Amerika—have proved they cannot be trusted, Plaintiff is now forced to file this complaint against the defendant-criminals.

20. Judges are not completely immune from suit nor should they be. From *Mireles v. Waco*, 502 U.S. 9 (1991): “The Court, however, has recognized that a judge is not absolutely immune from criminal liability, *Ex Parte Virginia*, 100 U.S. 339, 348 -349 (1880), or from a suit for prospective injunctive relief, *Pulliam v. Allen*, 466 U.S. 522, 536 -543 (1983)” (emphasis added). Maybe judges should not be liable for damages when they make genuine errors, but they should absolutely be liable for *intentional* misconduct or criminal acts. Anything contrary is just plain wrong. The sad reality is that the overwhelming majority of the eighty-plus judges involved in Plaintiff's legal battles have been nothing more than despicable criminals in black gowns. A mere handful of them haven't been. If Plaintiff had done one-tenth of the reprehensible things that these criminals have done to him, he would have been put in “the chair” long ago. Crime and deliberate misconduct of judges have recently been disfavored whereby the beloved *Stump* was blown out of the water with a ruling made last year that slapped the judge-criminals involved in the “kids for cash” scandal with \$206 million in damages.<sup>6</sup> Justice finally seems to be taking hold, at least in small steps, across the nation. “We've got to judge the judge.”<sup>7</sup> The fact of the matter is that most glorified lawyer-criminals in black gowns *think* they can get away with it because they have a golden get-out-of-jail-free card. “It is ironic that any discipline doled out to the lawbreakers in these instances is *less* severe than it is to the average person when all logic dictates that it should be *more* severe because they know the law and, criminal defense attorneys excepted, enforce it on

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<sup>5</sup> 18 U.S. Code § 1503 (a) and (b) says: “(a) Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States.....shall be punished as provided in subsection (b).....imprisonment for not more than 10 years, a fine under this title, or both” (emphasis added).

<sup>6</sup> <https://www.law360.com/pulse/articles/1521688/-kids-for-cash-judges-slapped-with-206m-damages-ruling>

<sup>7</sup> Pete Townshend, *White City: A Novel, Face the Face* (United States: ATCO Records, 1985).



unsuspecting citizens every day” (emphasis original).<sup>8</sup>

21. This is just round two of a twelve-round fight—a fight that has lasted more than twenty years. Note, however, that anytime criminals in black gowns commit crimes against Plaintiff, they will be held accountable so long as he hasn’t taken a bath with a hairdryer or hanged himself from a doorknob or shot himself twice in the back of the head. He has *zero* tolerance—maybe less—for crime and corruption within the WLCS.

22. This is an action for tortious conduct with the following causes:

- VIOLATION OF CONSTITUTIONAL RIGHTS
- ACTUAL FRAUD/CONCEALMENT
- CIVIL CONSPIRACY
- VIOLATION OF 18 U.S. CODE § 1962(b), RICO
- VIOLATION OF 18 U.S. CODE § 1962(c), RICO
- INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

This is a *pro se* complaint entitled to a liberal reading and less stringent standards since it was prepared without assistance of counsel. See *Haines v. Kerner, et al.*, 404 U.S. 519, 92 S. Ct. 594 (1972).

### **COUNT ONE: VIOLATION OF CONSTITUTIONAL RIGHTS**

23. This count is against all defendant-criminals, except William Joseph Kayatta Jr., Jeffrey Robert Howard, Gustavo Antonio Gelpí Jr. (the “Count 1 Defendants”).

24. Plaintiff was originally and rightfully allowed to proceed with a complaint he filed in this very court (1:22-cv-354-MSM-LDA) when defendant-criminal McElroy issued the relevant orders on January 25, 2023 (see exhibit “B”).

25. Due process is a crucial constitutional right—so crucial that it is the only right given in two amendments, the Fifth and the Fourteenth. Predetermining the outcomes of cases à la WWE—so rampant now within the WLCS—is *not* a component of due process.

26. The Count 1 Defendants conspired on January 25 and/or 26, 2023, to deprive Plaintiff of due process by working together to dismiss the valid complained he filed against KOTD and others in this

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<sup>8</sup> Sara Naheedy, Tom Scott, *Stack the Legal Odds in Your Favor* (United States: Smart Play Publishing, 2016), p. 14.

dishonorable court.

27. As a direct and proximate result of the violation of Plaintiff's constitutional rights by the Count 1 Defendants, Plaintiff has been prevented from remedying the injuries sustained in his business/employment in the amount of \$1,500 monthly beginning April 2022. Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately \$286,727.92 in interest and penalties.

28. KOTD is thus liable to Plaintiff for compensatory damages of said interest and penalties plus \$1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 71 and 72. Because of the egregiousness of the offenses and as supported by settled law from the U.S. Supreme Court regarding malicious intent or the reckless indifference to the rights of Plaintiff by the Count 1 Defendants, Plaintiff seeks punitive damages in the amount of \$250,000 against KOTD.<sup>9</sup> The remaining Count 1 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which cover the specific relief claimed against each defendant.

## **COUNT TWO: ACTUAL FRAUD/CONCEALMENT**

29. This count is against all defendant-criminals (the "Count 2 Defendants").

30. In the case in Massachusetts that gave rise to the fraudulent judgment entered in Rhode Island, rules of procedure, civil and criminal laws, the code of conduct, judicial canons, and the U.S. Constitution were not violated—they were obliterated. Evidence revealing the sheer magnitude of the egregious behavior of many actors can be found in nearly all of the hyperlinks at the following page: [www.stloiyf.com/evidence/letter.htm](http://www.stloiyf.com/evidence/letter.htm). A complaint Plaintiff filed with the Department of Injustice that encompasses the fraud in the originating case and in his bankruptcy can be found here: [www.stloiyf.com/complaint/complaint.htm](http://www.stloiyf.com/complaint/complaint.htm).<sup>10</sup> See also chapter six in his second book, *Our American*

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<sup>9</sup> *Smith v. Wade*, 461 U.S. 30 (1983): "The common law, both in 1871 and now, allows recovery of punitive damages in tort cases not only for actual malicious intent, but also for reckless indifference to the rights of others."

<sup>10</sup> *Allen v. WestPoint-Pepperell, Inc.*, 945 F.2d 40, 44 (2d Cir.1991). The complaint may include: (1) documents incorporated by reference in the complaint; and (2) facts taken on judicial notice. *Pungitore v. Barbera*, No. 12-1795-cv, 2012 WL 6621437, at \*2 (2d Cir. Dec. 20, 2012).

*Injustice System*, which names all the criminals and their crimes and can be read at: [www.oais.us](http://www.oais.us).<sup>11</sup>

31. KOTD's political connections with former U.S. Senator Scott Brown helped the level of fraud and corruption in the Massachusetts case that truly spawned this complaint—via a long chain reaction—reach astronomical levels. Fraud by the Count 2 Defendants includes, but is not limited to, the following:

- On at least three occasions from 2005 to 2015, KOTD contacted Plaintiff's lawyers and—at least twice by his own admission—violated Massachusetts criminal law c. 268 § 13B in order to mislead and/or intimidate Plaintiff's lawyers to withdraw and get one step closer to transforming a legitimate default judgment in Plaintiff's favor into a fraudulent judgment in his client's favor. One example can be found [here](#).
- In September 2014, KOTD called the Massachusetts court. The purpose of his call was to vacate the legally sound default judgment originally given to Plaintiff, which court personnel did merely as a result of receiving the phone call—a fraudulent act in clear violation of the rules of procedure, law, and Constitution.
- In September 2014, *nearly nine years late*, KOTD filed a fraudulent answer and counterclaim. Proof can be found [here](#).
- The court “docket” in that case was contrived/manipulated/falsified several times with incorrect information and in favor of KOTD, which is easily proved and reflected in the evidence. One example can be found [here](#).
- Plaintiff was told in an email not to contact the court about the case and was denied a trial—clear violations of his constitutional rights.
- Hearings were held clandestinely. One example can be found [here](#).
- After KOTD was appointed judge in 2018 and Plaintiff had *repeatedly* stated in many court filings that KOTD had violated Massachusetts criminal law c. 268 § 13B, it magically changed so that he could not be prosecuted for multiple violations of it.
- Sometime during the period from March 1, 2020, to May 30, 2020, KOTD contacted the U.S. Trustee's Office and, as a legally disinterested party, interfered with justice by conveying false information to someone employed by that office in order to block the discharge of Plaintiff's “debt.” At least seven distinct forms of evidence exist that prove he made contact.
- On either January 25 or 26, 2023, KOTD contacted court personnel after PACER notification of case opening was issued for 1:22-cv-354-MSM-LDA and existence of it was publicly known. He corruptly influenced one or more of the other Count 2 Defendants employed at the U.S. District Court for the District of Rhode Island to vacate and reverse all orders in it and dismiss it. Defendant-criminal McElroy did exactly this on January 26, 2023.
- On March 8, 2023, defendant-criminals Kayatta, Howard, and Gelpí refused to rectify the wrongdoing and corruptly refused to issue the writ of *mandamus*.

32. As a direct and proximate result of the Count 2 Defendants committing fraud, Plaintiff has

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<sup>11</sup> <https://www.amazon.com/Our-American-Injustice-System-Syndicate/dp/0996592970>

been prevented from remedying the injuries he sustained in his business/employment in the amount of \$1,500 monthly beginning April 2022. Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately \$286,727.92 in interest and penalties.

33. KOTD is thus liable to Plaintiff for compensatory damages of said interest and penalties plus \$1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 71 and 72. The remaining Count 2 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which cover the specific relief claimed against each defendant.

### **COUNT THREE: CIVIL CONSPIRACY**

34. This count is against all defendant-criminals (the “Count 3 Defendants”).

35. Plaintiff was originally and rightfully given a default judgment of \$11,271.53 on August 27, 2014, for nonpayment of the work he did for Parent. Until then the Massachusetts courts had not done anything corruptly or illegal in the case. However, soon afterward, KOTD made a phone call and conspired with court personnel to take the first step towards reaching a predetermined alternate outcome by illegally transforming the legitimate default judgment awarded to Plaintiff into a fraudulent judgment for his client, Parent.

36. Email correspondence received by Plaintiff from the state district court on September 8, 2014, confirms the default judgment being vacated. The falsified court record, however, shows that on September 15, 2014, it was vacated as “issued in error,” which is not true. The reason for the lie is that KOTD called the court in a panic because he erred by not filing a timely responsive pleading, and he either did not want to or would not be able to attend a court hearing—for any pleadings or motions he then wanted to file *nearly nine years late*—before the judgment would become enforceable. The court therefore vacated the judgment beforehand as a favor to him or as a result of bribery—in violation of the rules of procedure and Plaintiff’s right to due process. Ample proof of such malicious behavior exists. One piece of indisputable evidence is the email Plaintiff received from the court on September 8, 2014, saying the judgment had been vacated. However, the court first officially mentions its “error” (really a

non-existent error) on the docket on September 15, 2014, coincidentally several days *after* KOTD filed his motion to vacate judgment on September 9, 2014—which was a day *later* than the email Plaintiff received from the court—and *prior* to any hearing for the motion. Although there is no entry on the docket for such motion being heard on October 29, 2014, there is a paradoxical ruling by Judge Cunningham on November 09, 2014, allowing the motion to vacate an already vacated judgment, for at least the third time, maybe to ensure it wouldn't somehow unvacate itself.

37. On September 10, 2014, Plaintiff received an additional email from the court clerk saying “the judgement [*sic*] was entered in error.” The implication of any error is just not true according to civil procedure rule 55(b)(1), which is the rule under which Plaintiff filed for default judgment. Although the state district court said that the default judgment was entered in error, it was not. All requirements of the case were met perfectly according to rule 55(a) and (b)(1). Now, if rules 55(c), 60(a), and 60(b) are all studied carefully, it can be seen that the only way an error-free default judgment can be vacated is by motion under 60(b). The emails by court personnel and the contrived court record are all part of a smokescreen to cover up a call by KOTD to the court on or before September 8, 2014, in order to get the judgment orally and illegally vacated. This is nothing less than conspiracy to commit fraud and is clearly intentional misconduct. At a time beginning shortly thereafter, the court then tried to cover its tracks with multiple docket entries to conceal the call and the conspiracy.

38. Plaintiff knows this call was made because a package from KOTD was delivered by U.S. mail not long after September 8, 2014, to the mailing address Plaintiff gave to the court by email on August 28, 2014. The only way KOTD could have possibly known about this address is via contact with the court since this was not the residential address of Plaintiff.

39. Interestingly, the Massachusetts courts denied any existence of “fraud, corruption, and violations of court rules and statutes.” However, shortly after doing so, in 2018, the year KOTD was appointed judge, M. G. L. c. 268 § 13B—a criminal law that Plaintiff *repeatedly* demonstrated in multiple court papers that KOTD had violated several times—magically changed. The change was made so that his misleading and intimidation of Plaintiff’s attorneys—and their subsequent withdrawals—was no

longer considered a crime under the new version of this law and KOTD could not be prosecuted—which, of course, had he been, would have put a damper on the plans to appoint him judge.

40. After the fraudulent judgment was issued by the state district court and after Plaintiff had filed Chapter 7 on February 28, 2020, to block the theft of his mother’s real property and the loss of \$1,500 income per month, KOTD contacted the Department of Injustice and conspired with personnel there in order to illegally block the discharge of the “debt” that he fraudulently created.

41. After Plaintiff filed the civil complaint against KOTD and others in the U.S. District Court for the District of Rhode Island on September 29, 2022, KOTD contacted the court on January 25 or 26, 2023, and conspired with court personnel to illegally block the case from moving forward.

42. Since it is difficult to identify all the culprits in a conspiracy and equally challenging to uncover all the evidence, discovery will be crucial, particularly since Plaintiff cannot see the phone records and other crucial evidence or the further conspiratorial roles of all the defendant-criminals beyond what has already been alleged.

43. As a direct and proximate result of the civil conspiracy among the Count 3 Defendants and certain others, Plaintiff has been prevented from remedying the injuries he sustained in his business/employment in the amount of \$1,500 monthly beginning April 2022. Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately \$286,727.92 in interest and penalties.

44. KOTD is thus liable to Plaintiff for compensatory damages of said interest and penalties plus \$1,500 per month beginning April 2022 as reiterated and expounded in paragraphs 71 and 72. The remaining Count 3 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which cover the specific relief claimed against each defendant. Plaintiff also seeks punitive damages in the amount of \$250,000 against KOTD.

**COUNT FOUR: VIOLATION OF 18 U.S. CODE § 1962(b), RICO**

45. This count is against KOTD (the “Count 4 Defendant”).

46. An association-in-fact enterprise created by the Count 4 Defendant is engaged in and affects

interstate commerce.

47. The Count 4 Defendant acquired and maintains interests in and control of the association-in-fact enterprise through a pattern of racketeering activity. Specifically, he orchestrated the components of it by coordinating/conspiring with others in order to obtain the original fraudulent judgment in Massachusetts through political connections, by contacting the U.S. Trustee's Office and interfering with the discharge of the fraudulent debt he helped create, by threatening and intimidating the tenant of the property by leaving notes and/or notices on the premises, by causing the conversion of rent money while likely using the U.S. mail to accomplish much of his scheme, and by corruptly influencing other defendant-criminals to improperly dismiss 1:22-cv-354-MSM-LDA—all of which affect interstate commerce.

48. The following racketeering activities attributed to the Count 4 Defendant in which he intended to engage and defraud Plaintiff and knew them to be illegal:

- 18 U.S. Code § 1341 (when he used the U.S. mail to conduct his fraudulent enterprise)
- 18 U.S. Code § 1503(a) (when he corruptly obstructed, influenced, and/or impeded the original Massachusetts case, Plaintiff's discharge of "debt," and Plaintiff's original case in this court—1:22-cv-354-MSM-LDA)
- 18 U.S. Code § 1512(c)(2) (when he corruptly obstructed, influenced, and/or impeded the original Massachusetts case, Plaintiff's discharge of "debt," and Plaintiff's original case in this court—1:22-cv-354-MSM-LDA)
- 18 U.S. Code § 1951 (when he affected commerce via civil theft of rent payments for the property and fraudulently transferred "ownership" of it and/or conspired to do so)
- 18 U.S. Code § 1956 (when he laundered monetary instruments related to the property)
- 18 U.S. Code § 1957 (when he engaged in or enabled monetary transactions related to the property, which was derived from unlawful activity)
- fraud connected with a case under title 11 (when he contacted the U.S. Trustee's Office in order to block the discharge of the fraudulent debt he helped create against Plaintiff)

constitute a pattern of racketeering activity pursuant to 18 U.S. Code § 1961(5)—all of which caused Plaintiff to expend significant time and other resources to fight an array of legal battles and arduously and painstakingly address the ramifications of such battles.

49. The Count 4 Defendant has directly and indirectly acquired and maintains interests in and control of the association-in-fact enterprise through the pattern of racketeering activity in violation of 18 U.S. Code § 1962(b).

50. As a direct and proximate result of the Count 4 Defendant's racketeering activities and violations of 18 U.S. Code § 1962(b)—acquisition or maintenance of an interest in or control of the association-in-fact enterprise—and his malicious, willful, and wanton misconduct, Plaintiff has been forced to litigate at least five other cases, which have resulted in expenses, *significant* time expenditure on the order of what is projected to be 13,000 total hours, and tremendous stress, and which have occurred since establishment of the association-in-fact enterprise. Time spent working on those cases was time that could not be used to generate income, truly resulting in a net income loss.

51. The Count 4 Defendant is thus liable to Plaintiff for compensatory damages in the amount of \$50 per hour trebled to \$150, for a total of \$1,950,000, plus expenses of \$1,000 trebled to \$3,000. Plaintiff also seeks punitive damages in the amount of \$250,000 against the Count 4 Defendant to deter such malicious, willful, and wanton misconduct in the future as reiterated and expounded in paragraphs 71 and 72.

#### **COUNT FIVE: VIOLATION OF 18 U.S. CODE § 1962(c), RICO**

52. This count is against all defendant-criminals (the "Count 5 Defendants").

53. The U.S. District Court for the District of Rhode Island is an enterprise engaged in and whose activities affect interstate commerce.<sup>12</sup> The Count 5 Defendants are associated with the enterprise.

54. The Count 5 Defendants agreed to and did conduct and participate in the affairs of the enterprise through a pattern of racketeering activity and for the unlawful purpose of intentionally defrauding Plaintiff. Specifically, they are responsible for the following racketeering activities in which they intended to engage and defraud Plaintiff and knew them to be illegal:

- 18 U.S. Code § 1341 (when they used the U.S. mail to conduct their fraudulent enterprise)
- 18 U.S. Code § 1503(a) (when they corruptly obstructed, influenced, and/or impeded Plaintiff's original case in this court—1:22-cv-354-MSM-LDA)
- 18 U.S. Code § 1512(c)(2) (when they corruptly obstructed, influenced, and/or impeded Plaintiff's original case in this court—1:22-cv-354-MSM-LDA)

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<sup>12</sup> The crimes committed by the Count 5 Defendants have established the U.S. District Court for the District of Rhode Island as a criminal enterprise according to the Seventh Circuit, which held that the Circus Court of Cook County was similarly an enterprise because of the criminal elements involved there. See *U.S. v. Murphy*, 768 F.2d 1518, 1531 (7th Cir. 1985). Plenty of other case law has established the same.



55. Pursuant to and in furtherance of their fraudulent scheme, the Count 5 Defendants committed multiple related acts of racketeering as shown in paragraph 54.

56. The acts set forth in this count constitute a pattern of racketeering activity pursuant to 18 U.S. Code § 1961(5).

57. The Count 5 Defendants have directly and indirectly conducted and participated in the enterprise's affairs through the pattern of racketeering activity described above, in violation of 18 U.S. Code § 1962(c).

58. As a direct and proximate result of the Count 5 Defendants' racketeering activities and violations of 18 U.S. Code § 1962(c), Plaintiff has been prevented from remedying the injuries he sustained in his business/employment in the amount of \$1,500 monthly beginning April 2022. Plaintiff has also been forced to liquidate his retirement account in order to survive and will be subject to approximately \$286,727.92 in interest and penalties.

59. KOTD is thus liable to Plaintiff for compensatory damages in the amount of said interest and penalties trebled to \$860,183.76 plus \$1,500 per month trebled to \$3,385,702.08. Plaintiff also seeks punitive damages in the amount of \$250,000 against KOTD as reiterated and expounded in paragraphs 71 and 72. The remaining Count 5 Defendants are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which cover the specific relief claimed against each defendant. "Justice should be harsh.....but especially for those who denied it to others."<sup>13</sup>

#### **COUNT SIX: INTENTIONAL/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

60. This count is against all defendant-criminals (the "Count 6 Defendants").

61. The conduct of KOTD has been beyond outrageous since the true beginning of this legal nightmare—from violating ethical standards, rules of procedure, and civil laws to committing various crimes against Plaintiff that even involve a conspiracy network reaching across the nation. Most of the offenses can be found at [www.stloiyf.com/evidence/letter.htm](http://www.stloiyf.com/evidence/letter.htm).

<sup>13</sup> Clyde Shelton (Gerard Butler), *Law Abiding Citizen* (United States: Overture Films/The Weinstein Company, 2009).

62. Thus far, Plaintiff has had to spend more than 11,000 painstaking hours on litigation related to this matter because of the Count 6 Defendants' and others' actions. The Count 6 Defendants have intentionally inflicted—if not at least negligently inflicted—emotional and financial distress upon Plaintiff as a result of their tortious acts during the creation of the fraudulent debt by KOTD and other criminal actors and the attempted collection of it by them, and Plaintiff has suffered a great deal. The date emotional and financial distress was first inflicted was after the conspiratorial actions by KOTD on or about September 8, 2014, but the infliction of emotional and financial distress continues to present day.

63. Plaintiff has been under constant oppression by the Count 6 Defendants and various others, and although thousands of complaints have been filed with several oversight agencies, nothing remedial has been done, which has further increased stress levels. Additionally, Plaintiff has been under tremendous emotional and financial distress due to the loss of the overwhelming majority of his income because of the Count 6 Defendants' actions and various others, which are in violation of law as shown in the preceding counts.

64. The Count 6 Defendants acted with malice or reckless indifference and committed extreme and outrageous acts, such as fraud to the highest degree. Specifically, they:

- know the judgment in Massachusetts was obtained fraudulently—resulting in the fraudulent debt
- know Norma Oliver owned the property and know she owes no debt/financial obligation to KOTD, other Count 6 Defendants, or any related people or entities
- know Plaintiff has been driven well into extreme poverty and has been forced to be put on the Lifeline program, SNAP/food stamps, and state medical assistance because of KOTD's and others' actions
- refused to remedy the ramifications of the crimes and misconduct by KOTD (all Count 6 Defendants except for KOTD, of course)
- refused to allow Plaintiff's legitimate case, 1:22-cv-354-MSM-LDA, to move forward

The Count 6 Defendants are allegedly versed in law yet did appalling acts—they acted *contrary* to law. They must have known they were violating several laws, but even if they were ignorant of existing relevant law, they were made aware of their transgressions via related court filings and other materials.

Moreover, for KOTD to come from out of state and leave threatening notes and/or notices at the property when he is not even a party to the RI case, he was clearly acting maliciously. Note that KOTD is the former corrupt lawyer-criminal—now a corrupt judge-criminal—who played a major role in creating the fraudulent debt.

65. Because of the Count 6 Defendants' actions, Plaintiff has been forced to liquidate his retirement account in order to meet daily living expenses. As a result, penalties and taxes will be due, which he cannot afford, and yet more litigation will likely be generated—possibly an *eighth* case at their hands. This is causing him tremendous distress.

66. Plaintiff has never missed a payment on anything—until April 2022. KOTD's actions have forced him to stop paying the mortgage, taxes, insurance, and condo fees on the property. His credit score was 818 before this ordeal began in 2005 but has likely plummeted or will plummet because of his forced default on the mortgage and bankruptcy and related legal problems.

67. As stated in several counts, the Count 6 Defendants failed to use proper care and were reckless with regard to following rules, law, and the Constitution. Discovery may reveal additional evidence that proves more of the Count 6 Defendants' actions were done intentionally to inflict emotional distress upon Plaintiff. As a result of their misconduct, Plaintiff has suffered severe emotional and financial distress.

68. KOTD makes more than \$200,000.00 per year but quite likely has income and/or assets that exceed \$2,000,000.00. As such, punitive damages of less than six figures will not be appropriate since the financial impact upon him will be relatively insignificant.

69. As a direct and proximate result of the Count 6 Defendants' actions described in this count and throughout this complaint, Plaintiff has been negatively impacted with regard to standard of living, financial reserve, emotional distress, time expenditure, and mental/physical well-being.

70. KOTD is thus liable to Plaintiff for compensatory damages in an amount to be determined at trial. Because of the deliberate and outrageous conduct of KOTD, Plaintiff also seeks punitive damages in the amount of \$250,000 against him as reiterated and expounded in paragraphs 71 and 72. The

remaining Count 6 Defendants have exhibited conduct almost as outrageous as KOTD's and are also liable to Plaintiff who seeks declaratory and/or injunctive relief against them as reiterated and expounded in those paragraphs, which cover the specific relief claimed against each defendant.

### DEMAND FOR JUDGMENT

71. WHEREFORE, Plaintiff states here on the record that the WLCS is not going to defeat him by continuing to commit crimes against him. That's not going to f\*cking happen on his watch. You criminal, satanic beings want World War III? You got it—all because KOTD makes phone calls.....and commits crimes.....and you all condone it and are accessories to it. ***Dozens of members of the WLCS should be going to prison because of the crimes they committed in this case and its ancestors!*** Plaintiff seeks declaratory and/or injunctive relief pursuant to RI Gen. Law § 9-30-1 et seq. against defendant-criminals McElroy and McConnell by directing them to abide by the law and Constitution, to nullify the vacating orders of January 26, 2023, and the terminating order and judgment of February 7, 2023. He also seeks declaratory and/or injunctive relief in the form of assigning a different judge—one that can't be bought, if such as judge exists in the U.S. District Court for the District of Rhode Island—to 1:22-cv-354-MSM-LDA in the trial court.

72. Lastly, Plaintiff seeks compensatory and punitive damages against KOTD, together with prejudgment interest at the prevailing rate set by law, court costs, fees, penalties imposed on Plaintiff, and any other relief or compensation deemed appropriate. In the alternative to declaratory and/or injunctive relief against the other defendant-criminals, compensatory damages of \$3,385,702.08 and punitive damages of \$250,000 against KOTD are applicable.<sup>14</sup>

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<sup>14</sup> Courts have ruled that punitive damages are available under RICO. See *Com-Tech Assoc. v. Computer Assoc. Int'l*, 753 E Supp. 1078, 1079 (E.D.N.Y. 1990), aff'd, 938 F.2d 1574 (2d Cir. 1991) (holding that claim for punitive damages could be asserted in civil action under RICO, even though treble damages are available). See also *Sea Salt, LLC v. Bellerose, No. 2:18-cv-00413-JAW*, 10 (D. Me. Jun. 9, 2021) (where the court reasoned that “compensatory damages in the amount of \$1,500,000, treble damages under the RICO Act, and punitive damages in the amount of \$3,000,000” are viable).

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all issues raised in this complaint. “Phuc ewe, @ssh0les.”<sup>15</sup>

May 8, 2023



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When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society, but the people themselves. - **Thomas Jefferson**

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<sup>15</sup> T-800 (Arnold Schwarzenegger), *The Terminator* (United States: Orion Pictures, 1984).

## Re: Pacermonitor General Question ▶️ Inbox x 🔗 🖨️ 📄



**PacerMonitor Customer Support**

5:57 AM (4 hours ago)



to Tom ▾

Hello

Thank you for reaching out. Yes, you would be able to set up new case alerts as well as docket alerts which would be emailed to you. We offer a 2 week free trial of our single user plans. You can sign up by going to [www.pacermonitor.com](http://www.pacermonitor.com) and on the top right, please click on "start free trial". After that, you will see the options to register for the 2 week free trial of the plus or professional plan. Please let me know if you have any questions.

Parth

Client Support Specialist

[www.pacermonitor.com](http://www.pacermonitor.com)

How would you rate my reply?

Great Okay Not Good

On Thu, Feb 16, 2023 at 8:49 AM UTC, Tom Scott <[tsfitnessandhealth@gmail.com](mailto:tsfitnessandhealth@gmail.com)> wrote:

**CAUTION:** External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello-

I've heard that PACER is quite a powerful tool and can be set up so that account holders can receive automated email notifications of case openings based upon party names and the like. Is this possible? Thanks kindly.

↩️ Reply

➡️ Forward

🔗 Get link

**Defendant**

James D. Sylvester

**Defendant**

Michael K. Robinson

Date Filed	#	Docket Text
09/29/2022	<u>1</u>	COMPLAINT, filed by Thomas Oliver. (Attachments: # <u>1</u> Civil Cover Sheet)(Kenny, Meghan) (Entered: 09/29/2022)
09/29/2022	<u>2</u>	MOTION for Leave to Proceed in forma pauperis filed by Thomas Oliver. (Kenny, Meghan) Modified on 1/26/2023 (Potter, Carrie). (Entered: 09/29/2022)
09/29/2022	<u>3</u>	MOTION for Leave to Proceed as Pro Se Electronic Filer filed by Thomas Oliver. (Kenny, Meghan) Modified on 1/26/2023 (Potter, Carrie). (Entered: 09/29/2022)
01/25/2023		TEXT ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. The United States Marshals Service is hereby ordered to serve the plaintiffs summons and complaint on the defendants. So Ordered by District Judge Mary S. McElroy on 1/25/2023. (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023		TEXT ORDER granting <u>3</u> Motion for Leave to Proceed as Pro Se Electronic Filer. So Ordered by District Judge Mary S. McElroy on 1/25/2023. (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023	<u>4</u>	Letter requesting that the Process Receipt and Return form (USM-285) and summons be completed in order for the U.S. Marshals Service to effectuate service pursuant to Fed. R. Civ. P. 4(c)(3). USM -285 form can be found by clicking <a href="#">here</a> . (Potter, Carrie) (Entered: 01/25/2023)
01/25/2023	<u>5</u>	CASE OPENING NOTICE ISSUED (Kenny, Meghan) (Entered: 01/25/2023)
01/26/2023		TEXT ORDER: The court hereby vacates the Text Orders of 1/25/2023, <u>5</u> Case Opening Notice and <u>4</u> Letter sent to Effectuate Service. ECF <u>2</u> Motion for Leave to Proceed IFP and <u>3</u> Motion for Leave to Proceed as Pro Se Electronic Filer remain pending. So Ordered by District Judge Mary S. McElroy on 1/26/2023. (Potter, Carrie) (Entered: 01/26/2023)
02/07/2023	<u>6</u>	ORDER : The plaintiff's Complaint does not state a plausible claim and he is therefore not entitled to in forma pauperis status. That same reason requires the Court to dismiss the case. Therefore, the Motion to Proceed In Forma Pauperis (ECF No. <u>2</u> ) is DENIED, the Motion for Electronic Filing Status is DENIED as moot (ECF No. <u>3</u> ), and the Complaint is DISMISSED. So Ordered by District Judge Mary S. McElroy on 2/7/2023. (Potter, Carrie) (Entered: 02/07/2023)
02/07/2023	<u>7</u>	JUDGMENT entered in accordance with the Order of 2/7/2023. So Ordered by District Judge Mary S. McElroy on 2/7/2023. (Potter, Carrie) (Entered: 02/07/2023)