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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

In Re:  
THOMAS OLIVER,  
Petitioner

THOMAS OLIVER,  
Appellant/Defendant

v.

ACTING UNITED STATES TRUSTEE,  
Appellee/Plaintiff/Criminal

Bk. No. 20-01053-CL7  
Adv. No. 20-90093-CL  
BAP No. SC 21-1151  
BAP No. SC 21-1182  
No. 22-60019  
No. 22-60020

**MOTION FOR JUDICIAL NOTICE**

**INTRODUCTION**

I am bringing this motion pursuant to rule 201 of the Federal Rules of Evidence. The general public is disgusted with the events associated with the bankruptcy, the adversary case, and 3:21-cv-01807-LL-DEB in the federal courts and the nefarious—and outright criminal—behavior of all the government personnel involved thus far. See exhibit “A.” They are strongly opposed to corruption and overwhelmingly favor justice.<sup>1</sup> People go to court to have problems solved, not to have more problems created. For two decades, the judiciary has continued to put my fire out with gasoline. This motion will use the syndicate’s own record against it to prove the myriad of lies, deceit, and crimes associated with just *one* judicial proceeding—the adversary case (20-90093-CL) filed by the Department of Injustice (hereinafter “DOI”)—particularly by AUST’s first attorney, Kristin Tavia Mihelic.

Appellees, collectively with their attorney(s), unceasingly continue to lie. In other filings, I correctly refer to them as Criminal(s) or Criminal-[last name] because of the plethora of crimes they have committed against me, but will simply use last names here where the distinction is necessary, in order to save space, and in accordance with F.R.A.P. 28(d). Proof that they are Criminals is provided in the

<sup>1</sup> See also the bottom of [www.oais.us/scott.php](http://www.oais.us/scott.php) after clicking “Vote and View Results” and then “OK” to reveal that well over 100 people support Tom and justice, but *none* support crime and corruption.

appendix of my MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT in the case I filed against them in state court, in various filings in the bankruptcy and appellate courts, at [www.stloiyf.com/complaint/complaint.htm](http://www.stloiyf.com/complaint/complaint.htm), in this brief, and in my latest book, *Our American Injustice System: A Toxic Waste Dump Also Known as the World's Largest Crime Syndicate*. The most comprehensive evidence is provided at the preceding link. Regarding evidence, everything I have is undeniable. Other than it not following its own rules and laws and the widespread criminality within it, the major problem with the syndicate is that it protects its friends. This is what I've faced for almost twenty years in my bankruptcy and prior related matters, and I'm sick and tired of it!

Understand that I don't refer to the opposing side as Criminals because I'm taking shots at them; I refer to them as Criminals because they *are* criminals who have committed several crimes.<sup>2</sup> Just because the syndicate refuses to police itself does not change this truth. As a recovering software engineer, I'm always extremely precise with word selection. I call things exactly what they really are. Court orders have also referred to criminals as "criminals." See, for example, *United States v. Brennan*, 629 F. Supp. 283 (E.D.N.Y. 1986) in which an order used phrases such as "who was acting on behalf of criminals" and "associate of criminals."

In a nutshell, the syndicate blatantly ignored the rules, law, Constitution, facts, and evidence so that it could steer this case and its predecessors in the direction they wanted them to go. The syndicate is doing its best to prevent truth from seeing the light of day. My website and second book counter that formidable force. Most ordinary people will now see what really happens behind the wizard's curtain. The whole basis of the syndicate's stance is that "up" means "down" and "no" means "yes" and that the rules, law, Constitution, facts, and evidence don't really matter—just as they didn't matter in the case that caused my bankruptcy. Rules and laws are mere recommendations when applied to the "favored team." Mountains of misconduct and crimes have been committed against me, and as a result, the syndicate wants me to pay. This is beyond infuriating!

Because of who I am, the underlying facts of this case are unique in this geographic area of jurisprudence, if not jurisprudence within the entire nation. I am essentially the archenemy of all that is

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<sup>2</sup> Definition 2-1 "criminal: one who has committed a crime" [www.merriam-webster.com/dictionary/criminal](http://www.merriam-webster.com/dictionary/criminal)

evil and corrupt within the U.S. legal system, which is one reason that the adversary proceeding—if not dismissed—can only be fairly decided by a jury trial if justice is to prevail. The system finds me extremely threatening, as well it should. It finds me threatening in the same way that Satan finds Christ threatening. It created me but is trying its damndest now to bury me. For example, I emailed Larry Chaney at the DOI (larry.chaney@usdoj.gov) several times beginning on July 12, 2021, to pursue a criminal complaint against Mihelic and Adler. The message has been read *over 180 times* all across the nation: in San Diego, Phoenix, Los Angeles, Las Vegas, and Washington, D.C. See exhibit “B.” Once Mr. Chaney learned who I am via his chain of command, I no longer heard from him as can be seen in the email exchange. See exhibit “C.” It is evident that there are dozens—if not hundreds—of criminals working against me behind the scenes.

Truth and justice are malleable things to those in power. They are not viewed as absolutes. Such a view is wrong. “Most of us.....thought that justice came into being automatically, that virtue was its own reward, that good would triumph over evil. But.....we know this just isn’t true. Individual human beings have to create justice. And this is not easy because the truth often poses a threat to power. And one often has to fight power at great risk to themselves.” “The truth is the most important value we have, because if the truth does not endure, if the government murders truth, if we cannot respect the hearts of these people, then this is not the country in which I was born, and it’s certainly not the country I want to die in.”<sup>3</sup>

“It is dangerous to be right in matters on which the established authorities are wrong.”<sup>4</sup> I can verify this, not just in my bankruptcy, but in related matters. For instance, I was informed that the system sent its henchman to the house in which I was raised. They had their guns ready and would have capped me, thrown my body in the trunk, and dumped it in a swamp if they found me. This is one reason I don’t reveal my real address. I was also threatened with sanctions by Adler for revealing the truth. More about this later. I could go on and on.

### **UNDISPUTABLE FACTS**

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<sup>3</sup> Jim Garrison (Kevin Costner), *JFK* (United States: Regency Enterprises/Warner Bros., 1991)

<sup>4</sup> Francois-Marie Arouet (Voltaire), *The Age of Louis XIV*, (France: publisher unknown, 1751; New York, NY: Dent & Sons/E.P. Dutton: Everyman Library, 1926)

Mihelic, the original attorney for the U.S. trustee, is a pathological liar and a criminal. Ample evidence in a variety of filings reveals this truth as will this motion. Since the “record” in the adversary case is replete with lies and falsifications, Mihelic’s trademark, it is clear that she effectively wrote the tentative rulings and orders in that matter. One particular major lie can be found by comparing two documents, one of which is the tentative ruling entered on March 29, 2021. See exhibit “D.” That ruling says I “only request[ed] ‘an accounting of the dates, times, and lengths of calls made to and received from’ those parties” (emphasis original). Of course, this is a lie. Mihelic conveniently left out nine key words, “and of any other communication from or to him,” in the ruling in order to try to hide her other crimes: perjury, fraud, conspiracy to commit fraud, obstruction of justice, and more. See exhibit “E.” It also says I requested the “totality of the UST’s phone records.” I actually only asked for the “number and duration of each call” because I knew *content* could legally be blocked, so this statement is another lie. See exhibit “F.” Finally, on just that one page of the ruling, it says: “Trustee has already turned over the transcripts from the 341 meeting[s].” If you guessed this was another lie, you still have a perfect score. The transcripts were received many months late on April 16, 2021, well after the date of the “ruling.” See exhibit “G.” Of all rulings/orders, this one wins the grand prize since it contains ten lies that I’ve counted (so far). It is a fraudulent ruling with no less than ten false entries, and since “a false entry in any record” constitutes a violation of 18 U.S. Code § 1519—a federal criminal law—it is indisputable proof that this law has been violated.<sup>5</sup> It is also clearly a violation of 18 U.S. Code § 1001(a):

“Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years” (emphasis added)

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<sup>5</sup> [www.law.cornell.edu/uscode/text/18/1519](http://www.law.cornell.edu/uscode/text/18/1519): “Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.”

See exhibit “H.” Several additional federal criminal laws under title 18 have similarly been violated because of the content in the above tentative ruling and other papers, filings, rulings, and orders. (total lies spewed by Mihelic counted in this motion thus far: 3)

On page 4 of this same ruling, it says I “waited about three months to file this [m]otion (and nearly two months after the discovery deadline).” This is a new record: two lies in one sentence. My motion was filed February 9, 2021, exactly *two* months after Mihelic’s untimely response and only *three and one-half weeks* after the discovery deadline. See exhibit “I.” Later on this page is the following: “Sec. 1951(e)(1) [*sic*] is not relevant here as it relates only to prisoners.” See exhibit “J.” There is no such law 28 U.S. Code § 1951, so 28 U.S. Code § 1915 must be intended. While its earlier sections apply to prisoners, section (e) does not, so Mihelic’s statement with respect to my request for court-appointed counsel is once again a lie. Besides the clear wording of the statute itself, *Jackson v. Park Place Condominium Associate*, No 13-2626-CM, is one of many civil cases wherein an indigent non-prisoner litigant moved for appointment of counsel. In fact, § 1915 is the general statute for proceeding *in forma pauperis* in *any* federal action. (total lies spewed by Mihelic counted in this motion thus far: 6)

Keep in mind this is just *one* tentative ruling. All such rulings and orders I’ve read contain lies, and therefore contain evidence of crimes. The more I look, the more I find. For example, the tentative ruling entered on June 21, 2021, falsely states, “However, Oliver did not provide his initial disclosures. After unsuccessful attempts to meet and confer, the U.S. [t]rustee filed a motion to compel Oliver to provide his initial disclosures and for sanctions (‘Initial Disclosures Motion’). [ECF No. 44] At the hearing held 12/17/2020, the [c]ourt granted the Initial Disclosures Motion and ordered Oliver to provide his initial disclosures by 12/31/2020.” See exhibit “K.” I provided initial disclosures on November 2, 2020, so the content in this “tentative ruling” proves yet another violation of 18 U.S. Code § 1519, 18 U.S. Code § 1001(a), and several other federal laws under title 18. See exhibit “L.” (total lies spewed by Mihelic counted in this motion thus far: 7)

This same ruling then states “The U.S. [t]rustee did not receive any response to the interrogatories,” which is yet another lie. I sent a response to interrogatories on December 8, 2020. See exhibit “M.” Next, the ruling says “Oliver’s responses to the request for documents consisted of

objections.” This is only partially true. My responses contained much more than just objections. See exhibit “N.” Also in this ruling, it is stated that I “did not communicate or otherwise explain [my] failure to appear” for a deposition. On page 3 of my MOTION TO APPOINT COUNSEL, I said why I would not attend a deposition unless it was held virtually: “A deposition is not needed in order to determine that the underlying judgment necessitating this bankruptcy is fraudulent. If [Mihelic] wants to hold one anyway, [I am] not going to attend if it is not conducted remotely due to health and safety concerns during the pandemic.” I also explained further in an objection. See exhibit ‘O.’ (total lies spewed by Mihelic counted in this motion thus far: 10)

More lies are found on page 3 of this ruling. It states, “The U.S. [t]rustee warned that he must appear at the court reporter’s office in person,” and by her own admission and in violation of her own court order, “refused to send Oliver the webex/video conference link so he could be deposed from his house.” See exhibit “P.” Firstly, it was Mihelic who stated this in an email, not the trustee. Secondly, the first deposition was scheduled to be in person; however, order of the chief judge 18-A issued in this district prevented in-person hearings during the pandemic. The second deposition was scheduled to be “virtual,” and nobody was directed to appear at the reporter’s office. See the differences between exhibits “Q” and “R.” Mihelic didn’t write the second order the way she wanted it to be written, but this is not my fault. She stubbornly refused to conduct her deposition even though she ordered herself to do so in the “court order.” Also on this page is the statement: “As of this date, no discovery has been received except the tax return previously provided.” Of course, this is again another lie. See exhibits “L,” “M,” and “N.” (total lies spewed by Mihelic counted in this motion thus far: 12)

Regarding perjury, every single “declaration” I’ve read that Mihelic filed is brimming with lies. 18 U.S. Code § 1623(a) specifically states in part: “Whoever.....in any declaration.....under penalty of perjury as permitted under section 1746 of title 28, United States Code.....knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration” is guilty of perjury. Since she signed her declarations “under penalty of perjury under the laws of the United States that the foregoing is true and correct,” she has committed perjury numerous times. For instance, in

merely *one* declaration, three lies can be found on *just the first three pages*. She said, “Throughout this case.....Defendant failed to participate.” What she meant to say is: “Defendant failed to participate *by phone or in person* so that there would be no physical proof of all my lies.” See exhibits “L,” “M,” “N,” and “S.” She also said that I “refused to schedule.....a deposition.” This, of course, is not only another lie, but another instance of perjury. See exhibits “S” and “T.” On the next page, she perjures herself again: “Throughout the discovery process.....Defendant failed to respond.” Well over 100 emails can in no way be construed to mean that I “failed to respond.” See exhibits “U” and “V.” Once more, she omits “by phone or in person” after the word “respond.” Other such declarations are also chock-full of lies.

As will be presented in separate matters in this court (22-60019 and 22-60020), one case in particular, *Arnold v. Cnty. of El Dorado*, No. 2:10-cv-3119 KJM GGH PS, 7-8 (E.D. Cal. Aug. 8, 2012), speaks loudly to the perjury here:

Perjury is defined in federal criminal law as “false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory.” *United States v. Dunnigan*, 507 U.S. 87, 94, 113 S.Ct. 1111 (1993) (summarizing the elements of 18 U.S.C. § 1621). Clearly, committing perjury is acting in “bad faith.” “Dismissal is an appropriate sanction for falsifying a deposition.”.....[T]he court’s inherent powers[] can be called upon to redress such mendacity.” *Combs v. Rockwell Inter. Corp.*, 927 F.2d 486, 488 (9th Cir. 1991). “Falsifying evidence is grounds for the imposition of the sanction of dismissal.” *Id.* There need be no look at the merits of a lawsuit if material, substantial perjury is found. *Id.* at 489. As stated in *Valley Engineers Inc. v ElectricEngineering Co.*, 158 F.3d at 1058: “There is no point to a lawsuit, if it merely applies law to lies. True facts must be the foundation for any just result.” While perjury should not be confused with inconsistencies in a party’s deposition and trial testimony which may “provide fertile ground for vigorous impeachment but do not support perjury findings,” *Montano v. City of Chicago*, 535 F.3d 558, 564 (7th Cir. 2008), when a party falsely testifies to a fact material to the substance of a litigation, such is anathema to the function of the courts. Perjury is much more than simply a “gotcha,” harmful in effect only for the reason that one got caught. Litigation is not a game in which perjury warrants a five yard penalty for a minor untruth, fifteen yards if the perjury was really serious. Rather, perjury on any material fact strikes at the core of the judicial function and warrants a dismissal of one’s right to participate at all in the truth seeking process. If one can be punished for perjury with up to five years imprisonment, 18 U.S.C. § 1621, it should not seem out of place that a civil action might be dismissed for the same conduct (emphasis added).

Another case—one heard in this very court—also addressed perjury and falsification of records. Judge Stephen Trott, during oral arguments in *Preslie Hardwick v. Marcia Vreeken*, 15-55563 (2016), expressed outrage that the defendant’s attorney was suggesting that it was perfectly fine for her clients to commit perjury and use false evidence:

“How could a person in the shoes of your clients *possibly* believe that it was appropriate to use perjury and false evidence?...How could they *possibly* not be on notice that you can’t do that?...It’s more than common sense. It’s *statutes* that prohibit perjury and submission of false

evidence in court cases. Are you telling me that a person in your client's shoes couldn't understand you can't commit perjury in a court proceeding?!...You mean due process is somehow consistent with a government official introducing perjured testimony and false...How is that consistent?!?...I'm just staggered by the claim that people in the shoes of your clients wouldn't be on notice that you can't use perjury and false evidence....That to me is *mind-boggling*. You're telling us that these officials who do this *all the time* couldn't be on notice that you can't commit perjury and put in false evidence.”<sup>6</sup>

Judge John B. Owens in the same hearing above stated, “Was there anything that you know of that told [them] that they *should* lie and they should create false evidence in a court proceeding?” See also *Dotson v. Bravo*, 202 F.R.D. 559, 572 (N.D. Ill. 2001), *aff'd*, 321 F.3d 663 (7th Cir. 2003) and many, many others.

I have easily proved that three crimes have been committed at least twice, but in reality, over a dozen different federal criminal laws have been violated, all of which I can prove but will not do so since proving just *one* violation is necessary to establish that a crime has been committed. The adversary case is brimming with misconduct and crimes. One of the primary reasons for so much crime is that the Criminals, the DOI, or any faction of the syndicate knows that it cannot defeat me fair and square. Only through misconduct and outright crime do any of the preceding entities have a chance at obtaining their desired outcomes. The crimes that Criminals have committed include, but are not limited to, violations of: 18 U.S. Code § 2, 18 U.S. Code § 3, 18 U.S. Code § 4, 18 U.S. Code § 152, 18 U.S. Code § 157, 18 U.S. Code § 241, 18 U.S. Code § 1001, 18 U.S. Code § 1018, 18 U.S. Code § 1341, 18 U.S. Code § 1349, 18 U.S. Code § 1519, 18 U.S. Code § 1621, 18 U.S. Code § 1623, and 18 U.S. Code § 3057—fourteen.....that I've counted, and I find more every time I look. Additionally, the lies spewed by Mihelic far surpass thirty-five. They are not limited to just the twelve proved in this motion. The others have been excluded since they have already been proved on the web page given by the second link on the next page.

Everything Mihelic has submitted is loaded with lies. What she says and what is actually the truth are two different things. She is the classic example of the joke: “How can you tell when a lawyer is lying? When her lips move.” To be more accurate, “or when she writes any legal document” should be appended to the punch line. This is not at all meant to be funny because it's not. It's outrageous.

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<sup>6</sup> <https://www.youtube.com/watch?v=nZa0LxmFTkI>



And the syndicate sits idly by and watches it all happen without lifting a toxic finger to punish her. This is what launches me into orbit! Understand that it's not just one or two instances of malfeasance—it's *hundreds* of them over the last twenty years. Evidence of even more crimes and corruption can be found at [www.stloiyf.com/evidence/letter.htm](http://www.stloiyf.com/evidence/letter.htm) and [www.stloiyf.com/complaint/complaint.htm](http://www.stloiyf.com/complaint/complaint.htm).<sup>7</sup>

We are now faced with several questions. Isn't crime still illegal? With 35+ lies and 12+ federal crimes as shown in exhibit "W" and violations of state civil and criminal law by Mihelic and others at the DOI—never mind the ethical rules and judicial canons that have been broken—how the hell have Criminals managed to prevail in anything related to this case *and* been able to escape prosecution? I want you, the judges on this panel—individuals who have sworn to uphold the law and the U.S. Constitution—to tell me how it's OK for a party to commit crimes in order to win a civil case. What the hell rule or law, written or unwritten, says that that's acceptable, that litigants—particularly from the DOI—have permission to do that? Where is it written that criminal conduct is OK for certain parties??

A relevant point concerning public confidence in the judiciary is appropriate. Recently, the approval rating of the U.S. Supreme Court sank to a historic low of 25 percent, with the entire judiciary not lagging far behind.<sup>8</sup> The result of the bankruptcy, the adversary case, and this case is a classic example why the public is so skeptical about the judiciary and is rapidly losing faith in it.

Disgustingly, no judge wants to buck the trend, and none have yet to show any spine. Once the tone has been set by the first "judge," the appellate levels just follow suit, particularly because of who I am. As an example, the "hearing" in front of the BAP on May 25, 2022, was a total, complete joke.<sup>9</sup> During much of it, Judge Spraker was not even paying attention to what I was saying. He was looking down and/or fidgeting with things on his table. He apparently already made up his mind that he was going to rule in favor of his friends. The other judges at least played the part and gave the impression to the casual observer that they might rule according to justice, although I knew they wouldn't. All three are a disgrace to the judiciary and should be permanently removed from the bench. They have certainly

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<sup>7</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).

<sup>8</sup> <https://news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx>

<sup>9</sup> [www.oais.us/scott.php](http://www.oais.us/scott.php)

earned their places on my website and in my second book.<sup>10</sup>

## CONCLUSION

It is crystal clear, based on the misconduct of Mihelic, that no matter what I did, she was going to do everything she could to block the discharge of the fraudulent debt. When she refused to acknowledge the underlying fraud despite me offering multiple times *mountains* of evidence in support of it, this becomes abundantly apparent. She had every intention of interfering with justice after she or someone else at the DOI got the call from Joseph L. Michaud within weeks of my chapter 7 petition filing. Carroll and Adler are also culpable. Nobody can rightfully deny the evidence I have put forth in this motion and elsewhere.

Everything faded into mist. The past was erased, the erasure was forgotten, the lie became truth. — **George Orwell, 1984**

September 26, 2022

  
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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>10</sup> Tom Scott, *Our American Injustice System: A Toxic Waste Dump Also Known as the World's Largest Crime Syndicate* (United States: Smart Play Publishing, 2022), p. 87-88, [www.oais.us](http://www.oais.us).

Statement of Concerned Citizens Regarding Case 3:21-cv-01807

We, the undersigned, have either reviewed [www.stloiyf.com/complaint/complaint.htm](http://www.stloiyf.com/complaint/complaint.htm) or are otherwise aware of the facts and events underlying the bankruptcy, its adversarial case, and their predecessors that have resulted in the above case. We find completely wrong, outrageous, and infuriating the misconduct and crimes committed by members of the legal system and the failure of any oversight body to punish the offenders. We therefore support Thomas Oliver 100 percent in his quest to seek long overdue justice.

Matt Pennings  
[Signature]  
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Chooch [Signature]  
Gung Mander  
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Norma Jean  
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Roger Dube  
Norma G. Oliver  
Christophe A. Auda  
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Brian Vukadinovic  
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Chad [Signature]  
Daniel J. Regan  
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Chris Kiebert  
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Ed Costa  
P.R.K. Buckmaster  
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Peter Sullivan  
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John Lewis  
RUSS DOUGHERTY  
Xattia Moritinat  
Marti Oakley, The DDS Gazette  
William Scheidler, former chief activist  
corruptwash.com  
John Kiriakou former CIA counterterrorism  
officer  
Norm Singleton, Pres. of Campaign for Liberty

Complaint Delivered on April 23, 2021

**Tom** <tomsotto@gmail.com> to larry.chaney

Mon, Jul 12, 3:28 PM

Mr. Chaney -  
 I called today and Spoke with Randy regarding the subject complaint. It concerns criminal activity by certain government personnel. He has no affirmative record that it was forwarded to the appropriate investigative group and said I could send another copy; however, to print and resend anything is cost prohibitive for me. Can I provide the following link.

<http://stlojyf.com/complaint/complaint.htm>

as an alternative? It is the electronic version of the complaint and contains all the necessary evidence.

Thanks in advance,  
 Tom Oliver

Reply Forward Get link

Viewed 1mo ago  
 183 views since your reply

183 total views [Learn more](#)

|                 |        |
|-----------------|--------|
| Washington, DC  | Aug 15 |
| Phoenix, AZ     | Nov 22 |
| Phoenix, AZ     | Sep 28 |
| Los Angeles, CA | Sep 28 |
| Washington, DC  | Sep 20 |
| Los Angeles, CA | Sep 10 |
| Los Angeles, CA | Sep 10 |
| Los Angeles, CA | Sep 3  |
| Los Angeles, CA | Sep 1  |
| Washington, DC  | Sep 1  |
| Washington, DC  | Sep 1  |
| Washington, DC  | Sep 1  |
| Los Angeles, CA | Sep 1  |
| Los Angeles, CA | Sep 1  |
| Washington, DC  | Jul 21 |
| San Diego, CA   | Jul 21 |
| Washington, DC  | Jul 21 |
| Washington, DC  | Jul 21 |
| Washington, DC  | Jul 16 |
| Washington, DC  | Jul 16 |
| Washington, DC  | Jul 14 |
| Washington, DC  | Jul 14 |
| San Diego, CA   | Jul 14 |
| San Diego, CA   | Jul 14 |
| Washington, DC  | Jul 14 |
| San Diego, CA   | Jul 14 |
| San Diego, CA   | Jul 14 |
| San Diego, CA   | Jul 14 |
| Las Vegas, NV   | Jul 14 |
| Washington, DC  | Jul 14 |

Exhibit B

Chaney, Larry (USACAS)

Mon, Jul 12, 3:49 PM ☆

Good afternoon Mr. Oliver, Please be advised that I have no idea what the name of your case is (or what ty...

Tom <tomscotto@gmail.com>  
to Larry ▾

👁️ Fri, Jul 30, 10:18 AM ☆ ↩️ ⋮

Good morning Mr. Chaney -  
This case is an adversarial civil case (now turned criminal) commenced by an attorney within the department. That is not really relevant. What is relevant is the level of criminality involved. The case is rife with fraud, conspiracy to commit fraud, perjury, obstruction of justice, and likely other crimes—the evidence against the attorney and the judge is overwhelming and crystal clear. People should be going to prison because of their misconduct. Unfortunately, the system does a very poor job policing itself. This is what I'm attempting to overcome. Please advise.  
\*\*\*

Tom <tomscotto@gmail.com>  
to Larry ▾

👁️ Mon, Aug 16, 4:43 PM ☆ ↩️ ⋮

I have not received a response to my last message, which was sent more than two weeks ago (7-30-21).  
\*\*\*

Tom <tomscotto@gmail.com>  
to Larry ▾

👁️ Wed, Sep 1, 12:58 PM ☆ ↩️ ⋮

Any particular reason everyone at the Department of Injustice is blowing off a response?? I'm guessing you all know who I am by now....  
\*\*\*

**Viewed 1mo ago**  
25 views since your reply

108 total views [Learn more](#) 📄

- 📄 Washington, DC Aug 15
- 📄 Washington, DC Jun 16
- 📄 Washington, DC Jan 26
- 📄 San Diego, CA Dec 27, 2021
- 📄 Phoenix, AZ Nov 08, 2021
- 📄 Phoenix, AZ Nov 02, 2021
- 📄 Los Angeles, CA Sep 10, 2021
- 📄 Los Angeles, CA Sep 03, 2021
- 📄 Los Angeles, CA Sep 01, 2021
- 📄 Washington, DC Sep 01, 2021
- 📄 Washington, DC Sep 01, 2021
- 📄 Washington, DC Sep 01, 2021
- 📄 Chicago, IL Sep 01, 2021
- 📄 Los Angeles, CA Sep 01, 2021
- 📄 Washington, DC Sep 01, 2021
- 📄 Los Angeles, CA Sep 01, 2021
- 📄 Washington, DC Sep 01, 2021



### 3) DEFENDANT'S MOTION TO COMPEL DISCLOSURE AND FOR SANCTIONS

Motion to Compel Disclosure and for Sanctions **DENIED**.

Defendant/debtor seeks an order granting this Motion to Compel Disclosures and for Sanctions pursuant to Fed. R. of Civ. Proc. 26(g)(1) and (g)(3), Rule 37, and Rule 11.

There are two reasons why this motion cannot be granted:

First, procedurally, FRCP 37, made applicable here by FRBP 7037, requires a Motion to Compel Disclosure or Discovery include a certification the movant has in good faith conferred, or attempted to confer. No such certification is included in this Motion, and so Defendant has violated FRCP 37. Moreover, by Defendant's own admission, the parties have not met and conferred on this matter.

Second, on the merits, Defendant seems to state that he requested, and did not receive, discovery pertaining to all UST's incoming and outgoing phone records. However, this Court already granted Trustee's Motion for a Protective Order and Order to Quash Defendant's Subpoena, relating to this matter [ECF 29]. Defendant filed a Motion to Alter that Judgment [ECF 42] relating to his request for phone records, but again, that Motion was denied by this Court [ECF 65]. As such, the grounds asserted in this motion are an improper collateral attack on a prior ruling of this Court.

Next, Defendant contends he propounded interrogatories requesting the UST list all communications with an attorney, Douglas H. Smith, and a Mr. Joseph L. Michaud, but UST states no such documents exist. Defendant then provides an exhibit purporting to show email communications between Mr. Smith and UST's attorney, Kristin Mihelic. [Ex. L] However, Defendant's Interrogatory Requests No. 10 and 11 relating to Mr. Smith and Mr. Michaud only request "an accounting of the dates, times, and lengths of *calls* made to and received from" those parties. [Ex. K] There is no evidence that the UST has had phone call conversations with those parties. As mentioned above, the Court has already denied the Defendant's Motion requesting the totality of the UST's phone records.

Further, Defendant's Motion discusses several matters unrelated to this particular discovery request, but it appears that among those unrelated matters, Defendant is requesting (1) Turnover of 341 Meeting transcripts; and (2) further responses to his Interrogatories. It appears that Trustee has already turned over the transcripts from the 341 meeting, and Defendant does not appear to negate receipt of those documents. Defendant has the burden of proving that Plaintiff's responses are incomplete or insufficient and he has not done so.

Provide all documents, including, but not limited to, deeds and mortgages, that identify Thomas Oliver as owner of any properties AUST alleges Defendant owns or has owned anywhere in the United States and worldwide.

**REQUEST NO. 8:**

For all documents produced in REQUEST NO. 7 that contain an address of any person named Thomas Oliver in the given conveyance, provide all documents alleging that Defendant has lived at said address.

**REQUEST NO. 9:**

Provide all documents and receipts showing that copies of the book, *Stack the Legal Odds in Your Favor*, as AUST claims to possess as stated in AUST's initial disclosures, were purchased, including the price paid for each copy.

**REQUEST NO. 10:**

Provide an accounting of the dates, times, and lengths of calls made to and received from Joseph L. Michaud and of any other communication from or to him.

**REQUEST NO. 11:**

Provide an accounting of the dates, times, and lengths of calls made to and received from Attorney Douglas H. Smith and of any other communication from or to him.

**REQUEST NO. 12:**

Provide an accounting of the dates, times, and lengths of calls made to and received from Massachusetts court staff and of any other communication from or to them.

  
\_\_\_\_\_  
THOMAS OLIVER, *Pro Se*  
tomscotto@gmail.com

Dated: November 7, 2020

UNITED STATES BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT District of SOUTHERN CALIFORNIA

In re THOMAS OLIVER  
Debtor

Case No. 20-01053-LA7

(Complete if issued in an adversary proceeding)

Chapter 7

ACTING UNITED STATES TRUSTEE  
Plaintiff

Adv Proc No. 20-90093

THOMAS OLIVER  
v.  
Defendant

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)**

To KRISTEN T. MIHELIC  
(Name of person to whom the subpoena is directed)

**Production.** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material. Electronic records of all incoming and outgoing phone calls (number and duration of each call) to and from the office of the U.S. trustee from Jan. 1, 2020, to present. Records shall be produced and delivered on an external USB drive.

|   |  |
|---|--|
| PLACE<br>6762 Carthage Street, San Diego, 92120 | DATE AND TIME<br>September 30, 2020 at 6pm |
|---|--|

**Inspection of Premises.** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

|       |               |
|-------|---------------|
| PLACE | DATE AND TIME |
|-------|---------------|

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena, and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: Aug 24, 2020

CLERK OF COURT

*Loren Duran*  
Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) who issues or requests this subpoena, are

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



|                          |   |                      |       |  |             |
|--------------------------|---|----------------------|-------|--|-------------|
| <input type="checkbox"/> | ☆ | info_casb            | Inbox | 20-90093-LA Designation of Record, Designation & Statement of Issues, ...        | 4/22/21     |
| <input type="checkbox"/> | ☆ | info_casb            | Inbox | 20-90093-LA Report - Kristin.T.Mihelic@usdoj.gov, tiffany.l.carroll@usdoj...     | 4/22/21     |
| <input type="checkbox"/> | ☆ | Kristin, me 14       | Inbox | deposition - UST v Oliver - Kristin.T.Mihelic@usdoj.gov> wrote: Dear ...         | 1y 4/19/21  |
| <input type="checkbox"/> | ☆ | me                   |       | OFFICIAL BUSINESS4 - if you don't, i may be introducing my book as evide...      | 1y 4/18/21  |
| <input type="checkbox"/> | ☆ | me                   |       | OFFICIAL BUSINESS3 - -   | 5mo 4/17/21 |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | Re: deposition - UST v Oliver - Mr. Oliver, I re-sent the audio recordings to... | 4/17/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | RE: UST v Oliver - 341 audio recordings 5 - Audio recording 5 attached. Kri...   | 4/16/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | RE: UST v Oliver - 341 audio recordings 4 - Audio recording 4 attached. Kr...    | 4/16/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | RE: UST v Oliver - 341 audio recordings 2 - Audio recording 2 attached. Kri...   | 4/16/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | RE: UST v Oliver - 341 audio recordings - 3 - Audio recording 3 attached. K...   | 4/16/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | RE: UST v Oliver - 341 audio recordings 1 - Audio recording 1 attached. Kri...   | 4/16/21     |
| <input type="checkbox"/> | ☆ | Mihelic, Kristin T.. | Inbox | United States Trustee v. Oliver - Supplemental Disclosure - Dear Mr. Oliver...   | 4/15/21     |
| <input type="checkbox"/> | ☆ | info_casb            | Inbox | 20-90093-LA BNC Court Certificate of Notice - Kristin.T.Mihelic@usdoj.g...       | 4/14/21     |
| <input type="checkbox"/> | ☆ | me                   |       | OFFICIAL BUSINESS4 - -   | 1y 4/14/21  |
| <input type="checkbox"/> | ☆ | me                   |       | OFFICIAL BUSINESS5 - -   | 1y 4/14/21  |

## 18 U.S. Code § 1001 - Statements or entries generally

U.S. Code    Notes

[prev](#) | [next](#)

**(a)** Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1)** falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2)** makes any materially false, fictitious, or fraudulent statement or representation;  
or
- (3)** makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in [section 2331](#)), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

**(b)** Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

**(c)** With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

- (1)** administrative matters, including a claim for payment, a matter related to the

On September 24, 2020, the Court conducted the pre-trial status conference and ordered compliance with all deadlines set forth in the Certificate of Compliance, including a discovery cut-off and supplemental disclosures deadline of January 15, 2021. [ECF 25] Defendant failed to comply with initial disclosure obligations in violation

requires that responses to discovery be filed within 30 days. Fed. R. Bankr. Proc. 9066 requires that federal court holidays be counted in determining the proper date for filing, unless the final date to file is a Saturday, Sunday or federal court holiday. That is not the case here, and so, it appears UST was required to file her responses on Dec. 7, 2020, but filed her responses on Dec. 9, 2020. Regardless, it is unclear what remedy Defendant is seeking, because ultimately he did receive the responses, and he waited about three months to file this Motion (and nearly two months after the discovery deadline).

|                            |                                |  |
|----------------------------|--------------------------------|--|
| 02/09/2021                 | <a href="#">96</a><br>(3 pgs)  | Notice of Hearing and Motion (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see <a href="#">100</a> . (Entered: 02/09/2021)   |
| <a href="#">02/09/2021</a> | <a href="#">97</a><br>(44 pgs) | <u>Motion to Compel Disclosure and for Sanctions</u> (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see <a href="#">102</a> . (Entered: 02/09/2021)   |
| 02/09/2021                 | <a href="#">98</a><br>(3 pgs)  | Notice of Hearing and Motion (Oliver, Thomas) Modified on 2/9/2021 (Rodriguez-Olivas, J.). Modified on 2/9/2021 (Rodriguez-Olivas, J.). -- COURT NOTE: Please see (Entered: 02/09/2021)  |
| 02/09/2021                 | <a href="#">99</a><br>(12 pgs) | Motion to Recuse filed by Thomas Oliver. (Rodriguez-Olivas, J.) (Entered: 02/09/2021)  |
| 02/09/2021                 | <a href="#">100</a><br>(3 pgs) | Notice of Hearing and Motion with Certificate of Service. filed by Thomas Oliver Thomas Oliver. <b>HEARING Scheduled for 3/18/2021 at 02:00 PM at Courtroom 2, F Weinberger Courthouse</b> . Notice Served On: 2/8/2021. Opposition due on 2/22/2021 unless an objector is entitled to additional time under FRBP 9006. (related document Generic Application or Motion) (Rodriguez-Olivas, J.) (Entered: 02/09/2021)  |
| 02/09/2021                 | <a href="#">101</a><br>(3 pgs) | Notice of Hearing and Motion with Certificate of Service. filed by Thomas Oliver Thomas Oliver. <b>HEARING Scheduled for 4/1/2021 at 02:00 PM at Courtroom 2, R Weinberger Courthouse</b> . Notice Served On: 2/8/2021. Opposition due on 2/22/2021 unless an objector is entitled to additional time under FRBP 9006. (Rodriguez-Olivas, J.) Related document(s) <a href="#">97</a> Miscellaneous Document. Related document(s) <a href="#">102</a> Motion filed by Defendant Thomas Oliver. Modified on 2/9/2021 (Rodriguez-Olivas, J.). (Entered: 02/09/2021) |

requires that responses to discovery be filed within 30 days. Fed. R. Bankr. Proc. 9066 requires that federal court holidays be counted in determining the proper date for filing, unless the final date to file is a Saturday, Sunday or federal court holiday. That is not the case here, and so, it appears UST was required to file her responses on Dec. 7, 2020, but filed her responses on Dec. 9, 2020. Regardless, it is unclear what remedy Defendant is seeking, because ultimately he did receive the responses, and he waited about three months to file this Motion (and nearly two months after the discovery deadline).

Given the foregoing, this Motion to Compel cannot be granted, and so sanctions requested by Defendant are not warranted. Finally, UST requests costs/fees for defending this Motion. FRCP 37(a)(5)(B) states that, if a Motion to Compel Discovery is denied, the court **must** after notice and hearing, must award the party that opposed the Motion its reasonable expenses incurred in opposing the motion, including attorney's fees. Because this Motion must be denied, UST is entitled to expenses for defending against this Motion.

#### 4) MOTION TO APPOINT COUNSEL

Motion to Appoint Counsel **DENIED.**

Defendant does not have a constitutional right to court-appointed counsel in the present bankruptcy or adversary proceeding.

The Fifth Amendment of the U.S. Constitution protects against compelled testimony in "any criminal case." The Sixth Amendment of the U.S. Constitution provides that "in all criminal prosecutions, the accused shall . . . have the assistance of counsel for his defense."

Defendant here requests court-appointed counsel for these adversary and bankruptcy proceedings pursuant to the Fifth Amendment and 28 U.S.C. § 1951(e)(1). Sec. 1951(e)(1) is not relevant here as it relates only to prisoners, which Defendant is clearly not. As such, the Court considers application of the Fifth and Sixth Amendments.

By Defendant's own admission, he has not been criminally charged with any relation to these pending bankruptcy matters, nor do these bankruptcy proceedings (including the adversary proceeding) constitute a criminal prosecution. While Defendant may be indigent, court-appointed counsel expressly provided for by the Constitution generally arises in criminal proceedings. The question then is whether Defendant has a right to court-appointed counsel in a civil proceeding such as this adversary proceeding.



schedule the early conference and prepare the Certificate of Compliance. [ECF No. 18-3 (email correspondence)] Oliver refused to participate and declined to assist in completing the Certificate of Compliance so, after a final warning, the U.S. Trustee prepared and filed a unilateral Certificate of Compliance. [*Id.*] At the PTSC on 9/24/2020, the Court ordered the parties to comply with the deadlines in the Certificate of Compliance, including providing his initial disclosures. However, Oliver did not provide his initial disclosures. After unsuccessful attempts to meet and confer, the U.S. Trustee filed a motion to compel Oliver to provide his initial disclosures and for sanctions ("Initial Disclosures Motion"). [ECF No. 44] At the hearing held 12/17/2020, the Court granted the Initial Disclosures Motion and ordered Oliver to provide his initial disclosures by 12/31/2020 [ECF No. 63]; and it awarded the U.S. Trustee sanctions of \$2,199 to be paid by 2/4/2021 [ECF No. 72] (collectively the "First Sanctions and Compel Order").

On 10/26/2020 the U.S. Trustee propounded written discovery consisting of interrogatories and a request for documents and sought Oliver's cooperation to schedule his deposition. Oliver's written discovery responses were due on 11/26/2020. The U.S. Trustee did not receive any response to the interrogatories, and Oliver's responses to the request for documents consisted of objections. Except for a tax return that had been previously produced, Oliver provided no documents for inspection or copying. [ECF 58-2 (Mihelic Decl. ¶¶ 2-3)] The U.S. Trustee's attempts to meet and confer were not successful, so she filed a motion to compel discovery ("First Discovery Motion"). [ECF 58] At the hearing held 1/14/2021, the Court granted the First Discovery Motion and ordered Oliver to: (i) provide full and complete discovery responses by 2/4/2021, (ii) appear for deposition on 2/12/2021 "at 9:00 am. at the offices of Esquire Court Reporting [address]"; and (iii) pay sanctions of \$3,582.55 by 2/25/2021 ("Second Sanctions and Compel Order"). [ECF No. 89] Additionally, the Court granted the U.S. Trustee's concurrent motion to extend the discovery cut off deadlines due to Oliver's lack of cooperation in discovery. [ECF 59, 83]

Oliver did not comply with the First Sanctions and Compel Order or the Second Sanctions and Compel Order. He did not pay the monetary sanctions or provide the disclosures/discovery ordered by this Court; and he failed to appear for the 2/12/2021 deposition and did not communicate or otherwise explain his failure to appear. [ECF No. 179-2 (Mihelic Decl. ¶¶ 2-3)] Consequently, on 2/22/2021, the U.S. Trustee was forced to file a second motion to extend the discovery deadlines which the Court heard on 4/1/2021. At that hearing the Court discussed with Oliver his concerns about appearing for a deposition, including Oliver's argument that the USDC's Order of Chief Judge No. 18-A applied to his deposition which the Court rejected. The Court obtained the U.S. Trustee's consent to allow Oliver to have his non-attorney friend in the room; and ordered Oliver to appear for his virtual deposition "in the Court Reporter Office on 4/19/2021 at 10:00 a.m." with the U.S. Trustee deposing him remotely ("Third Compel Order"). [ECF No. 141 (Minute

OFFICIAL BUSINESS

Tom <tomscotto@gmail.com> to Kristin

Mon, Nov 2, 2020, 10:19 PM

13 Attachments

law changes.pdf  
original lawful judg...  
fraudulent judge...  
summary of rules a...  
init disc.pdf



OFFICIAL BUSINESS

Tom <tomscotto@gmail.com> to Kristin

Mon, Nov 2, 2020, 10:19 PM

37 Attachments

affidavit david.pdf  
exhibit a.pdf  
affidavit norma.pdf  
affidavit julie.pdf

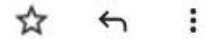
Exhibit L

OFFICIAL BUSINESS2



Tom <tomscotto@gmail.com>  
to Kristin

Tue, Dec 8, 2020, 11:56 PM



OFFICIAL BUSINESS2



Tom <tomscotto@gmail.com>  
to Kristin

Tue, Dec 8, 2020, 11:56 PM



from: Tom <tomscotto@gmail.com>  
to: "Mihelic, Kristin T. (USTP)"  
<Kristin.T.Mihelic@usdoj.gov>  
date: Dec 8, 2020, 11:56 PM  
subject: OFFICIAL BUSINESS2  
mailed-by: gmail.com



THOMAS OLIVER, PETITIONER/DEFENDANT  
3070 BRISTOL STREET, SUITE 660  
COSTA MESA, CA 92626  
401-835-3035

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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IN RE:  
THOMAS OLIVER,  
PETITIONER

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CASE NO.: 20-01053-LA7  
ADV. PROC. NO.: 20-90093

**DEFENDANT'S RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF  
DOCUMENTS**

1. Objection: too overbroad and vague; however, documentation has already been provided in initial disclosures despite any such documents being created prior to the time limit as set by law.
2. Already provided in initial disclosures despite any such documents being created prior to the time limit as set by law.
3. Duplicative of/included in request 2.
4. Objection: too overbroad and vague.
5. Objection: too overbroad and vague.
6. Objection: too overbroad and vague.
7. Objection: date requested is beyond the limit as set by law.
8. Objection: date requested is beyond the limit as set by law.
9. Objection: too overbroad and vague.
10. No such "Complaint" exists.
11. No such "Complaint" or "Answer" exists.
12. Objection: date requested is beyond the limit as set by law.
13. See attached.



14. Objection: date requested is beyond the limit as set by law.
15. No such "Complaint" or "Answer" exists.
16. Documents that have been provided as part of initial disclosures, plus others still to be determined.
17. Already provided as part of this portion of discovery or earlier in these proceedings.
18. No such "Answer" exists.
19. No such "Answer" exists.
20. Objection: date requested is beyond the limit as set by law.
21. Objection: date requested is beyond the limit as set by law.
22. Objection: date requested is beyond the limit as set by law.
23. Objection: too overbroad and vague.
24. Objection: too overbroad and vague.
25. Objection: date requested is beyond the limit as set by law.
26. Unknown.
27. Unknown.
28. Objection: date requested is beyond the limit as set by law.

Dated: 12-8-20

  
\_\_\_\_\_  
Thomas Oliver

---

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**

affirming the Tentative Ruling at ECF 78]

- First Sanctions Order for \$2,199.00 at ECF 72
- Lodged Order Extending Discovery Deadlines at ECF 83
- Lodged Order Compelling Discovery Responses; Setting Defendant's Deposition for Feb. 12, 2021 & Approving Second Sanctions (\$3,582.55) at ECF 89

To date, Defendant is not in compliance with the Sanctions Orders, nor has Defendant provided full and complete responses to UST's written discovery requests. Defendant did not appear for deposition on Feb. 12, 2021 and did not communicate or explain the failure to appear.

Defendant's Opposition rehashes arguments re: discovery that he previously raised and lost, completely ignoring that the Court has already entered an Order compelling Defendant to provide written discovery and appear for a deposition [ECF 89].

---

Mihelic, Kristin T. (USTP) <Kristin.T.Mihelic@usdoj.gov> Fri, Feb 12, 2:12 PM ☆ ↶ ⋮  
to me ▾

Dear Mr. Oliver,

I didn't hear from you with respect to my February 10 email (see below) and you did not appear for your deposition today, which was conducted pursuant to Court order. I emailed you at approximately 9:10 am, and we waited on the record for your appearance until approximately 9:20 am. Absent a compelling explanation for your failure to communicate and appear for your deposition, I will file a motion for sanctions, which might include a request that the Court strike your Answer to the Complaint.

\*\*\*

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Tom <tomsotto@gmail.com> Sat, Feb 13, 3:39 PM ☆ ↶ ⋮  
to Kristin ▾

read my latest motion.

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Criminal failed to answer, Petitioner abandoned the remote/virtual deposition on April 19, 2021, after waiting patiently at his computer until noon for instructions about how to participate. See docket number 154 and exhibit "B." Petitioner's questions were reasonable and should have been answered according to court order: "By 5/1/21 Mr. Oliver may ask any reasonable request in good faith." See docket number 141. Criminal thus violated this order for at least the second time. She also lied multiple times in just the one relevant email thread. For instance, she said, "There are two orders compelling your attendance at the court reporter's office for your deposition" (emphasis added). Petitioner read the second court order multiple times. It makes no mention of him—or Criminal for that matter—being physically there. See docket number 141.

One of the reasons Petitioner did not appear on February 12, 2021, was that Chief Judge Order number 18-A was in effect. This has already been discussed in previous pleadings. See, for example, docket number 118. He also told Criminal in a response to her email on February 12, 2021, why he did not appear, so her claim that he did not "explain his failure to appear" is another lie.

3. Nonsense in this provision has already been addressed above.

The lower two sections above are from emails on 2-12-21/2-13-21 and page 3 of my OBJECTION TO "PLAINTIFF UNITED STATES TRUSTEE'S MOTION FOR SANCTIONS PURSUANT TO FED. R. BANKR. P. 7037(b)(2) AND 7037(d)(1) OR IN THE ALTERNATIVE, FOR A FINDING OF CONTEMPT OF COURT PURSUANT TO FED. R. BANKR. P. 7037(b)(1)," respectively. My objection clearly explains one of the reasons I did not appear for the deposition. See also document no. 186. Criminal above is Mihelic.

Order); *see also* ECF No. 134 (Tentative Ruling for this hearing detailing Oliver's ongoing refusal to cooperate and non-compliance with the Court's prior Sanctions and Compel Orders)]

Oliver did not comply with the Third Compel Order. On 4/19/2021 at 9:24 a.m. he emailed to U.S. Trustee to inform he would be deposed remotely at home "in order to not inconvenience [his] friend." [Mihelic Reply Decl, Ex. C (emails chain)] Likewise, Oliver's subsequent status report states that he did not want to be deposed in the court reporter's office because it "inconvenienced his friend." [ECF No. 154] The U.S. Trustee warned that he must appear at the court reporter's office in person, and refused to send Oliver the webex/video conference link so he could be deposed from his house. [Mihelic Reply Decl, Ex. C; ECF No. 154] Therefore, the 4/19/2021 deposition did not take place and it has not been rescheduled.

Additionally, in January 2021, the U.S. Trustee propounded requests for admissions ("RFAs"). Oliver has not answered the RFAs and advised the Court that he had no intention to do so. [ECF 179 (Mihelic Decl. ¶ 5); *see also* ECF 134, Pg. 2] For the first time, Oliver's opposition to this motion indicates he did not respond to the RFAs because they were not signed by the U.S. Trustee so they are void. The U.S. Trustee has re-served the RFAs, and clarified that Oliver's unanswered RFAs are not a basis for this motion for terminating sanctions.

Finally, Oliver failed to appear for the continued hearings on the PTSC/Motion to Extend Discovery on 4/29/2021. At the 4/29 hearing, the Court extended the discovery deadline to 6/30/2021 and authorized the U.S. Trustee to bring this motion for terminating sanctions and to include her request for deferred monetary sanctions from a prior hearing. [ECF No. 175] As of this date, no discovery has been received except the tax return previously provided.

## **II. Legal Analysis:**

FRBP 7037(b)(2)(A) provides that a court may issue a range of sanctions against a party that fails to participate in discovery, including the more drastic sanctions of striking the answer and entering a default judgment against the defendant, or citing the defendant for contempt for failure to obey a court order. [See FRBP 7037(b)(2)(A)(iii)(vi)(vii)] Additionally, FRBP 7037(d)(1)(A) and 7037(d)(3) provide that a court may impose any of the sanctions in FRBP 7037(b)(2)(A)(i)-(vi) where the defendant (i) fails to appear after being served with a proper notice to appear for deposition; or (ii) fails to properly respond to written discovery after being properly served with interrogatories or a request for production of documents.

The record in this case supports imposing a terminating sanction against Oliver, including striking his answer and entering the default, and proceeding to a default

ORDER ON MOTION TO COMPEL DISCOVERY  
DEBTOR: THOMAS SCOTT OLIVER

CASE NO.: 20-01053-LA7  
ADV NO.: 20-90093-LA

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This cause coming to be heard on the United States Trustee's Motion to Compel Discovery and for Sanctions ("Motion") filed on December 15, 2020, the United States Trustee ("UST") was represented by Kristin T. Mihelic, and all other appearances were as noted in the record. The Motion was unopposed. The Court having considered the Motion, the record in this case, the Declaration of Kristin T. Mihelic in Support of United States Trustee's Motion to Compel Discovery and for Sanctions, and for all the reasons set forth in the Court's Tentative Ruling dated January 12, 2021 (docket no. 78), the Court finds that the Motion should be granted,

IT IS HEREBY ORDERED:

1. The Motion is granted;
2. The objections by the Defendant, Thomas Scott Oliver ("Defendant"), to the UST's First Set of Interrogatories and Request for Production of Documents are overruled;
3. The Defendant shall deliver to the UST, attn: Kristin T. Mihelic, by email transmittal to [kristin.t.mihelic@usdoj.gov](mailto:kristin.t.mihelic@usdoj.gov) and regular mail to Kristin T. Mihelic, Office of the U.S. Trustee, 880 Front Street Suite 3230, San Diego, CA 92101, within 10 days of the date of entry of this Order, full and complete Answers to Interrogatories, Responses to Request for Production of Documents and all responsive documents;
4. The Defendant shall appear for deposition on February 12, 2021 at 9:00 am. at the offices of Esquire Court Reporting, 402 West Broadway, Suite 1550, San Diego, CA 92101; and
5. Sanctions for the UST's reasonable costs and fees to file and bring the Motion are assessed against the Defendant and in favor of the UST in the amount of \$ \$3,582.55. Defendant shall pay the sum of \$ \$3,582.55 payable to the United States Trustee and addressed to Kristin T. Mihelic, Office of the U.S. Trustee, 880 Front Street Suite 3230, San Diego, CA 92101 within 30 days of the date of this Order.

IT IS SO ORDERED.

CSD 3000A

Signed by Judge Louise DeCarl Adler January 25, 2021

Exhibit Q



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**Minute Order**

(continue).. 20-01053-LA7

THURSDAY, APRIL 01, 2021 02:00 PM

**Disposition:**

1) Hearing continued to 4/29/21 at 2:00.

2) Hearing continued to 4/29/21 at 2:00, The discovery deadlines for the UST is extended to 5/1/21 per the tentative ruling. The deposition to be held virtual in the Court Reporter office on 4/19/21 at 10:00 a.m.

Mr. Oliver has the court's permission to have a witness/friend with him at the deposition.  
Mr. Oliver to let Ms. Mihelic know by tomorrow if his witness/friend is available for 4/19/21.

The UST to file a status report to be filed by 4/22/21 informing the court if the deposition has been completed. Order to be prepared by Ms. Mihelic.

3) Motion denied per the tentative ruling, except for the extension discovery for the sanction portion. By 5/1/21 Mr. Oliver may ask any reasonable request in good faith & not duplicate prior ruling of this case that's been denied. Ms. Mihelic to initiate the electronic version of the 341(a) mtg for Mr. Oliver.

4) Off calendar, withdrawn by Defendant.

1 of Justice as a Trial Attorney in the San Diego Office of the Office of the United  
2 States Trustee (“UST”). I submit this declaration in support of the UST’s  
3 Opposition to the Motion to Appoint Counsel (“Motion”). If called as a witness in  
4 this matter, I could and would be competent to testify to the facts set forth herein of  
5 my own personal knowledge, except as to those matters stated on information and  
6 belief and as to such matters, I believe them to be true.

7 2. Throughout this case, beginning with the required early conference of  
8 counsel, the Defendant failed to participate and failed to meet and confer. The  
9 Defendant was not cooperative in preparing the required Certificate of  
10 Compliance.

11 3. The UST filed her Motion to Compel Initial Disclosures and for  
12 Sanctions on November 2, 2020 (Docket No. 44). On December 23, 2020, the  
13 Court granted this motion, and on January 4, 2021, awarded sanctions of \$2,199  
14 against the Defendant (Docket Nos. 63 and 72). Upon information and belief, the  
15 Defendant failed to pay the sanctions by the Court-ordered February 4, 2021  
16 deadline.

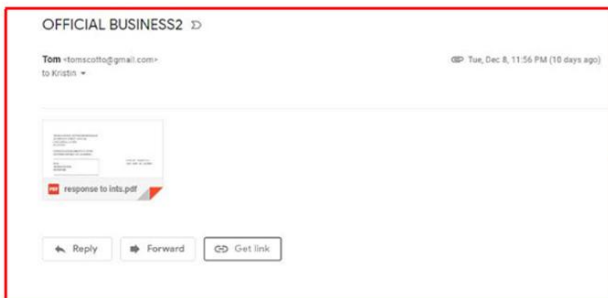
17 4. The Defendant failed to provide full and complete responses to the  
18 UST’s written discovery. He also refused to schedule and attend a deposition. As  
19 a result, on December 15, 2020, the UST filed her Motion to Compel Discovery  
20

**From:** Tom <[tomscotto@gmail.com](mailto:tomscotto@gmail.com)>  
**Sent:** Friday, December 18, 2020 10:12 AM  
**To:** Mihelic, Kristin T. (USTP) <[Kristin.T.Mihelic@UST.DOJ.GOV](mailto:Kristin.T.Mihelic@UST.DOJ.GOV)>  
**Subject:** Re: UST v Oliver

i really don't care that my responses were not "well taken." i do care about the constitution, the law, and rules of procedure, most of which nobody is following except for me. go ahead and file your motion to compel. there is no rule (civil, bankruptcy, or local) that we are "required to meet and confer" right now. it should be clear that i'm confining all correspondence with you to written form for a valid reason: so i can bag you lying and have proof of it, which i have done several times. the list currently stands at 8 occurrences and is growing. i think you've set a new record with 2 lies in 1 email. congratulations.

you state that you "have not yet received [my] answers to [y]our Interrogatories." as can be seen below, i sent this information well over a week ago. and as i said previously, i am available for deposition dec 18 and 19 from 10am to 7pm.

if you continue on your present course, i will have no choice but to file a complaint with you with the department of injustice ( <https://www.justice.gov/oipr/how-file-complaint> ), with the CA bar ( <https://www.calbar.ca.gov/Public/Complaints-Claims/How-to-File-a-Complaint> ), and with several online resources. i may also have to do something related to the condo you own and rent in Hawaii and other wonderful things that you and the glorified unelected lawyer in the black gown will not like.



← Screen shot proving reply was sent on Dec 8, 2020.

1 and for Sanctions (Docket No. 58). The Court granted the motion, and on January  
2 25, 2021, the Court entered an additional sanctions award against the Defendant of  
3 \$3,582.55 to be paid by February 25, 2021 (“Second Sanctions Order”) (Docket  
4 No. 89). Upon information and belief, the Defendant failed to pay the additional  
5 sanctions by the Court-ordered February 25, 2021 deadline.

6 5. The Defendant did not obey the Second Sanctions Order, which  
7 required him to appear on February 12, 2021 for his deposition. The Defendant  
8 failed to communicate with me or otherwise explain his failure to appear.

9 6. The Defendant did not obey the Second Sanctions Order, which  
10 required him to provide full and complete answers to the UST’s interrogatories and  
11 responses to the request for production of documents by February 4, 2021.

12 7. Throughout the discovery process, I repeatedly requested that the  
13 Defendant agree to meet and confer to discuss objections to discovery. Each time,  
14 the Defendant either refused or failed to respond.

15 8. On February 9, 2021, the Defendant filed his Motion to Compel  
16 Disclosure and for Sanctions (“Defendant’s Motion to Compel”) (Docket No. 97).  
17 I was unaware that the Defendant had any objections to the UST’s discovery  
18 responses until I received a copy of the Defendant’s Motion to Compel. The  
19

20



in:sent Kristin.T.Mihelic@usdoj.gov

1-29 of 29

|                          |   |   |                |       |  |          |
|--------------------------|---|---|----------------|-------|--|----------|
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 3  | Inbox | RE: UST v Oliver - deposition date - Kristin.T.Mihelic@usdoj.gov> wrot...        | Jan 14   |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 2  | Inbox | RE: UST v Oliver - Answers to UST Interrogatories - Kristin.T.Mihelic@...        | Jan 7    |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 4  | Inbox | FW: UST v Oliver - Initial Disclosure Documents - Kristin.T.Mihelic@us...        | 12/31/20 |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS3 - i do not have phone numbers -                               | 12/30/20 |
| <input type="checkbox"/> | ☆ | 👉 | me, Kristin 2  | Inbox | OFFICIAL BUSINESS2 - christopher arruda 19 sundance road north da...             | 12/30/20 |
| <input type="checkbox"/> | ☆ | 👉 | me, Kristin 3  | Inbox | last chance to do the right thing - Kristin.T.Mihelic@usdoj.gov> wrote:...       | 12/29/20 |
| <input type="checkbox"/> | ☆ | 👉 | me 2           |       | OFFICIAL BUSINESS3 - you can't let me know the day before. you need to let ...   | 12/26/20 |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS2 - -   | 12/24/20 |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 21 | Inbox | UST v Oliver - Kristin.T.Mihelic@usdoj.gov> wrote: > Mr. Oliver, > > > ...       | 12/18/20 |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS2   | 12/8/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS1 - -   | 12/8/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS - -  | 11/16/20 |
| <input type="checkbox"/> | ☆ | 👉 | me, Kristin 3  | Inbox | OFFICIAL BUSINESS - Kristin.T.Mihelic@usdoj.gov a week ago. the de...            | 11/9/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS - -  | 11/7/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS - -  | 11/7/20  |
| <input type="checkbox"/> | ☆ | 👉 | CLP, me 2      | Inbox | Appointment Confirmation - ok great. Healthiest Regards                          | 11/4/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS  | 11/2/20  |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS - -  | 11/2/20  |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 3  | Inbox | UST v. Oliver- Initial Disclosures - Kristin.T.Mihelic@usdoj.gov>                | 10/27/20 |
| <input type="checkbox"/> | ☆ | 👉 | me             |       | OFFICIAL BUSINESS - -  | 10/22/20 |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 3  | Inbox | UST v. Oliver - Kristin.T.Mihelic@usdoj.gov> wrote: > Dear Mr. .                 | 10/15/20 |
| <input type="checkbox"/> | ☆ | 👉 | me, Kristin 2  | Inbox | OFFICIAL BUSINESS - -  | 10/6/20  |
| <input type="checkbox"/> | ☆ | 👉 | me, Kristin 7  | Inbox | OFFICIAL BUSINESS - Kristin.T.Mihelic@usdoj.gov> wrote: ...                      | 9/22/20  |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 9  | Inbox | UST v. Oliver - Kristin.T.Mihelic@usdoj.gov> wrote: > Dear Mr. .                 | 9/14/20  |
| <input type="checkbox"/> | ☆ | 👉 | me 2           |       | (no subject) - .com> Date: Tue, Aug 11, 2020 at 1:30 PM Subject: To: Mihelic,... | 8/11/20  |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 18 | Inbox | RE: Oliver 20-01053 - Kristin.T.Mihelic@usdoj.gov> wrote: ...                    | 8/11/20  |
| <input type="checkbox"/> | ☆ | 👉 | Kristin, me 25 | Inbox | Oliver 20-01053 - Kristin.T.Mihelic@usdoj.gov> wrote: > > ...                    | 6/18/20  |



**These numbers and emails without numbers add to well over 100.**

**Criminal Laws Violated by Mihelic and Others (14)**

1. 18 U.S. Code § 2 - Principals
2. 18 U.S. Code § 3 - Accessory after the fact
3. 18 U.S. Code § 4 - Misprision of felony
4. 18 U.S. Code § 152 - Concealment of assets; false oaths and claims; bribery
5. 18 U.S. Code § 157 - Bankruptcy fraud
6. 18 U.S. Code § 241 - Conspiracy against rights
7. 18 U.S. Code § 1001 - Statements or entries generally
8. 18 U.S. Code § 1018 - Official certificates or writings
9. 18 U.S. Code § 1341 - Frauds and swindles
10. 18 U.S. Code § 1349 - Attempt and conspiracy
11. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records in Federal investigations and bankruptcy
12. 18 U.S. Code § 1621 - Perjury generally
13. 18 U.S. Code § 1623 - False declarations before grand jury or court
14. 18 U.S. Code § 3057 - Bankruptcy investigations

**Criminal Laws Violated by Thomas Oliver (0)**

**Unique Lies Told by Mihelic and Others (38)**

**Unique Lies Told by Thomas Oliver (0)**