

**DISTRICT COURT OF THE UNITED STATES  
(FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION)**

David Schied,

*Sui Juris Grievant*

Case No. 15-11840

v.

Karen Khalil, et al

Judge:

*Defendants* /

**WRIT FOR CHANGE OF JUDGE BASED ON CONFLICT OF INTEREST  
AND CHANGE OF VENUE BASED ON PROVEN HISTORY OF CORRUPTION**

David Schied (hereinafter “*Grievant*”), being one of the People<sup>1</sup> and having established this case as a *suit of the sovereign*<sup>2</sup> acting in his own capacity, herein

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<sup>1</sup> PEOPLE. “*People are supreme, not the state.*” [*Waring vs. the Mayor of Savannah*, 60 Georgia at 93]; “*The state cannot diminish rights of the people.*” [*Hertado v. California*, 100 US 516]; Preamble to the US and Michigan Constitutions – “*We the people ... do ordain and establish this Constitution...*”; “*...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves...*” [Chisholm v. Georgia (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 Dall (1793) pp471-472]; “*The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative.*” [*Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7]. See also, *Dred Scott v. Sandford*, 60 U.S. 393 (1856) which states: “*The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people', and every citizen is one of this people, and a constituent member of this sovereignty.*”

<sup>2</sup> *McCullock v. Maryland*, 4 Wheat 316, 404, 405, states “*In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution,*” and *Colten v. Kentucky* (1972) 407 U.S. 104, 122, 92 S. Ct. 1953

accepts for value the oaths<sup>3</sup> and bonds of all the officers of this court, including attorneys. Having already presented his causes of action to this Article III District Court of the United States as a *court of record*<sup>4</sup>, Grievant hereby proceeds according to the course of Common Law<sup>5</sup>.

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states; "*The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents.*" See also, *First Trust Co. v. Smith*, 134 Neb.; 277 SW 762, which states in pertinent part, "*The theory of the American political system is that the ultimate sovereignty is in the people, from whom all legitimate authority springs, and the people collectively, acting through the medium of constitutions, create such governmental agencies, endow them with such powers, and subject them to such limitations as in their wisdom will best promote the common good.*"

<sup>3</sup> OATHS. Article VI: "*This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.*"

<sup>4</sup> "*A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial*". [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689].

<sup>5</sup> COMMON LAW. – According to *Black's Law Dictionary* (Abridged Sixth Edition, 1991): "*As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs.*" "[I]n this sense, particularly the ancient unwritten law of England." [1 Kent, Comm. 492. *State v. Buchanan*, 5 Har. & J. (Md.) 3G5, 9 Am. Dec. 534; *Lux v. Ilaggin*, G9 Cal. 255, 10 Pac. G74; *Western Union Tel. Co. v. Call Pub. Co.*, 21 S.Ct. 561, 181 U.S. 92, 45

Incorporated herein by reference are the Statements and Evidence contained in accompanying documents of:

- 1) “*Sworn and Notarized Affidavit of Truth of David Schied*” (see “**EXHIBIT #1**”);
- 2) “*Memorandum of Law and Jurisdiction*” (see “**EXHIBIT #4**”);

This action is being taken because **I DO NOT CONSENT** to the assignment of this case, otherwise attempted to be “*filed*” in Ann Arbor and ultimately filed in Flint, being subsequently sent to Detroit, in the heart of Wayne County, situated in a building believed to be leased by Defendant Wayne County to the United States District Court, and with an assigned judge (Sean Cox) whose sister-in-law has for the past decade been Commissioner for Defendant Wayne County.

### **STATEMENT OF THE FACTS JUSTIFYING THIS ACTION**

The factual occurrences of this case, leading to the actual filing of this case in clerk’s office for the Eastern District of Michigan in Flint, Michigan, and in the immediate aftermath of that filing are stated as follows in numbered paragraphs:

1. The “*background*” to this instant case includes an extensive history of numerous filings in Wayne County, as well as in the Michigan Court of Appeals, that present a “*triable issue of fact*” as to the extent to which

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L.Ed. 765; *Barry v. Port Jervis*, 72 N.Y.S. 104, 64 App. Div. 268; *U. S. v. Miller*, D.C. Wash., 236 F. 798, 800.]

*“Defendant Wayne County was deliberately indifferent and reckless in having prior written notice about the **state-created dangers** to the public caused by unlawful activities being carried out against the public by the other Defendant Khalil, in concert with the other named Defendants.”* [Compl. ¶ 91]

**Substantive Cause for Removal of This Case to a Different Venue Outside of Wayne County and to the USDCEDM in Ann Arbor**

2. Such a stated background then is predicated upon factual Statements and Evidence that indicate *“Defendants, by their acts of intentional indifference and reckless disregard of [Grievant]’s prior ‘filed documents’ in notice about racketeering and corruption, served to place [Grievant] specifically **at risk for retaliation** by Defendants, in addition to increasing the risk to the general public after having previously received formalized reports from [Grievant] about Defendants’ pattern and practice of instituting state created dangers.”* [Compl. ¶ 165]
3. It is a matter then for a jury to decide whether or to what extent the actions of the Defendants, including but not limited to the Charter County of Wayne and the Charter Township of Redford, actually created such *“state created dangers”* and then abused their individual and collective powers to retaliate against Grievant David Schied for having exposed such *“racketeering and corruption”*

being carried out within and/or throughout the county as presented in those previous filings.

4. With that *issue of fact* yet to be determined by claim that *state created dangers* existed then, and continue to persist until the present, *Grievant* drove first to the federal court in Ann Arbor in an endeavor to avoid any possibility of being exposed to such similar risks in Wayne County where Judge Sean Cox and other judges of the Eastern District of Michigan (Southern Division) are located in Detroit, the bankrupt government metropolis at the purported center of the alleged *racketeering and corruption*.
5. Upon arriving to the federal court in Ann Arbor, *Grievant* was informed that in 2011 the clerk's office for that federal building had been closed, and that alternatively, *Grievant* could drive to the next closest location of the federal court in Flint, Michigan for filing his federal Complaint/Claims in order to reasonably avoid the proximity of – and the possibility of retaliation from – all of the Defendants, individually or collectively.
6. On Thursday, 5/21/15, upon arrival to the clerk's office of the federal District Court in Flint however, the *agent* for the U.S. District Court for the Eastern District of Michigan (hereinafter "USDCEM"), Clerk "**Doreen W.**" stated without giving reason, that she was sending the entirety of *Grievant's* filings to Detroit. Within a matter of a couple more minutes, she announced that the

“*random computer-assigned*” judge to the case was Sean Cox, the brother of the former Michigan attorney general Mike Cox and the brother-in-law of the recently-retired Wayne County Commissioner Laura Cox.

7. *Grievant* turned in to the USDCEDM Clerk’s office in Flint a total of nineteen (19) copies of the written Complaint/Claim addressed to the District Court of the United States, along with handwritten and individualized “*Summons in a Civil Action*” (hereinafter “*Summons*”) for each of the seventeen (17) named co-Defendants. One of the remaining two copies of the Complaint/Claim received by “*Clerk Doreen*” was for scanning into the computer system, and the other was for the judge assigned to the case.
8. Clerk Doreen clarified that *Grievant* needed TWO copies of the Summons prepared by *Grievant*, and kindly made the required second set of copies from all of *Grievant*’s handwritten original, binding both copies to each of the 17 Complaints/Claims so that each “*Summons and Complaint*” were individually packaged. She stated that the USDCEDM judge would rule upon *Grievant*’s motion for waiver of fees and costs as supported by *Grievant*’s accompanying Affidavit, and that after signing each of the Summons, the Detroit clerk’s office would send the entire package of these 17 individualized (handwritten) Summons and (typed) Complaints back to *Grievant* in a single box.

9. Yet despite *Grievant's* reliance upon Clerk Doreen W.'s assurances, clerks for the USDCEDM in Detroit did NOT send back the 17 Complaints/Claims to *Grievant* along with the original handwritten Summons (and the twin copy of each of those summons). Instead, the Detroit clerk's office sent back their own newly fashioned Summons, **changing the captioned names on nearly all of those summons from what was otherwise written by *Grievant* on both page 1 of the "Summons in a Civil Action" and on page 2 of the "Summons and Complaint Return of Service" (hereinafter "Return of Service")**.

10. Paragraphs 3 through 9 above are supported as matters of FACT by **EXHIBIT #1** as the "Sworn and Notarized Affidavit of Truth of David Schied".

11. Significantly, even prior to receiving back those *Summons* and *Return of Service* from the USDCEDM clerks Detroit, which were postmarked on 6/1/15, being 11 days after *Grievant's* original filing of his Complaint/Claim in Flint, *Grievant* received a phone call on 6/2/15 from an attorney identifying himself as James Mellon, attorney for the named Defendant Michigan Municipal Risk Management Agency (hereinafter "MMRMA"). Upon return of that call attorney Mellon revealed the following:

- a) That he had already read "*most of*" *Grievant's* filing of Complaint/Claim;
- b) That he had received his copy of the Complaint/Claim from the MMRMA;

- c) That he thought MMRMA did not receive the Complaint/Claim along with the Summons, but had instead received their copy from John Clark, the city attorney for Redford Township, located at Giamarco, Mullins, and Horton law firm.
- d) Mr. Mellon stated that he intended to file a motion to dismiss his client based upon his claim that the claim is “*frivolous*” and “*there is no direct action against a governmental pool or an insurance company.*”
- e) Mr. Mellon admitted that his client is providing insurance coverage to Redford Township and various employees, the (other) parties to which the alleged wrongful conduct complained about refers.
- f) In finishing the call, Mr. Mellon ended by stated, “*Well, I’m sure Judge Cox will get a quick handle on it,*” implying that the appointed judge Sean Cox would be motivate to *control* the direction of this case in the favor of his clients.

12. Grievant David Schied did not receive the newly constructed Summons digitally signed by the Clerk of the Court David J. Weaver’s associate or subordinate clerk, “D.Peruski,” until two to three days after Mr. Mellon’s phone call, around 6/4/15. Yet again, besides unlawfully tipping off the Defendants and their attorneys about the filing of this Complaint, the clerks of the USDCEDM withheld from Grievant all of the Complaints/Claims that Grievant



was compelled to surrender in Flint two weeks earlier under promise that those documents would be returned to Grievant along with Summons.

13. Grievant was thus compelled to telephone the USDCEM clerk's office on 6/5/15 and was informed by "Clerk Leanne" that Grievant's Complaints/Claims were still sitting in a box on top of another clerk's desk in another office. When asked the name of the clerk whose desk and office that was, Leanne refused to reveal that person's name. Moreover, although Clerk Leanne promised to send out the box that very day by Federal Express, the box actually arrived via the U.S. Post Office and was not postmarked for three more days, on 6/8/15.

14. When Grievant David Schied opened the box with the Complaints/Claims, he found the original handwritten Summons still attached, and with one of those bounded handwritten Summons and the Complaint/Claim packages entirely missing from the box. Thus, **Grievant had only to deduce that someone or ones at the Clerk David J. Weaver's office under employed at the USDCEM, and working alongside Judge Sean Cox, had STOLEN the Complaint/Claim earmarked for delivery to the American International Group, Inc. (AIG) and gave it to the Defendants at Redford Township.**

15. **The acts of the clerks of the USDCEM, as both *agents* and coworker associates of Judge Sean Cox, of changing the wording of the original Summons written by Grievant David Schied, then delaying the return of**

**the Complaints/Claims while simultaneously providing Defendants with a copy of this document, served to provide the Clerk David J. Weaver’s peer group and the Judge Sean Cox’s peer group of other public functionaries employed in the judicial system(s) operating in Wayne County, with an *unfair and inappropriate advantage* by undermining the Federal Rules of Civil Procedure restricting the number of days for Defendants to “Answer” the Complaints/Claims to 21 days. (Bold emphasis)**

16. Notably, since the issuance of legitimate “*service*” by delivery all Complaints/Claims – and for a *second* time upon Defendants Redford Township and the MMRMA – a local attorney Warren White of Plunkett Cooney representing Defendants The Insurance Company for the State of Pennsylvania and AIG – requesting even more time by extension of two more weeks.

17. These preliminary acts by the clerks of the USDCEDM are indicative of the *pattern and practice* of corruption previously experienced by Grievance David Schied in Wayne County in prior court cases and when reporting crimes of corruption in Wayne County that were frequently committed *under color of law*, such as by dismissal of all these prior court cases and previous criminal complaints.

18. Further, as shown again by the “Sworn and Notarized Affidavit of Truth of David Schied” (i.e., see again, “**Exhibit #1**”), the conspiracy of deceptive *pattern and practice* and attitude of being *above the law* is exemplified by the Defendants associated with the Redford Township 17<sup>th</sup> District Court acting through their agents to first refuse personal “*service of process*” on the delivery of Complaints/Claims, then disguising the name of the person receiving “*service*” by mail on those Complaints/Claims.

19. Again, such deceptiveness is a pattern and practice of those operating in Wayne County as public functionaries empowered and paid by the People to otherwise be working as a legitimate *government* and providing *honest* government services; and in fact, is an indicator of *dishonest* services and an illegitimate operation under *color* of law.

20. Evidence of prior crime reports and civil complaints filed in and about Michigan’s executive and judicial branches between 2004 through 2012 can be easily located online through the traditional methods familiar with attorneys, judges, and their legal assistants via Lexis Nexus, Westlaw Publishing, and PACER, as well as by simple “*Googling*” by which mostly fraudulent state and federal judicial rulings prominently appear.

**21. In addition, copies of original filings telling a more truthful account of the underlying events surrounding some of these earlier state court filings, to**

**include a full accounting on the underlying causes<sup>6</sup> of Grievant David Schied’s years of litigation actions against public functionaries of multiple counties, against the State, and against various individuals under employ of the federal government operating in the Eastern District of Michigan based in Wayne County, can be located at:**

**<http://michigan.constitutionalgov.us/Cases/DavidSchiedQW/> and at**

**<http://michigan.constitutionalgov.us/Cases/DavidSchiedQW/NewerDocuments/>**

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<sup>6</sup> The *pattern and practice* being set for Wayne County government corruption is by example of the Michigan Supreme Court (as detailed in former Michigan Supreme Court Justice Elizabeth Weaver’s book, *Judicial Deceit: Tyranny and Unnecessary Secrecy at the Michigan Supreme Court*) and by the Michigan Attorney General(s) Cox and Schuette, and Michigan Governor(s) Granholm and Snyder (as detailed online at <https://www.youtube.com/watch?v=u84rCiOYZhM>, at <http://www.powercorruptsagain.com/>, and at the two [“Michigan.constitutionalgov.us”](http://michigan.constitutionalgov.us) locations referenced at the end of this paragraph.) These documents and public news stories depict how the underlying criminal and civil tort offenses began with criminal misdemeanors being committed by “Dr.” Sandra Harris, former “Interim Superintendent” of the Lincoln Consolidated Schools, and by Leonard Rezmierski and David Bolitho, the Superintendent and Assistant Superintendent of Northville Public Schools where former Wayne County Circuit Court Judge Jeanne Stempien’s child had attended grade school under administrative supervision of these two public functionaries. As the nearly 13 year “*saga*” reflects, for each new government level where Mr. Schied has presented his evidence by exercise of his First Amendment right to “*redress of grievances*,” there is constructed yet another layer of criminal cover-up by corruption of the very people in charge of investigating and remedying these problems.

22. A detailed “*Felony Criminal Complaint of Racketeering, Conspiracy, Fraud, Theft, Bribery, Perjury, Abuse of Public Office, Official Misconduct, Obstruction of Justice; and, Other Crimes in Corruption too numerous to list here*” listing 94 criminal perpetrators operating in Wayne County and elsewhere around the state to also include Kym Worthy, James Gonzales, Robert Donaldson, and Maria Miller of the Wayne County Prosecutor’s office can also be found publicly posted at <http://michigan.constitutionalgov.us/Cases/DavidSchiedQW/SchiedExRelMichQW%20Criminal%20Complaint.pdf> providing more insight into the overall nature of the crimes, as well as each listed person’s role in the aiding and abetting and/or in being an accessory after the fact of the “*predicate crimes*” being at that time in 2009 persistently reported to authorities.

23. As founded upon the above-stated reasons and plethora of referenced Evidence, Grievant David Schied has demonstrated just cause for removing this instant case away from the USDCEDM in Detroit and reassigning case to the District Court of the United States in Ann Arbor where he had originally intended to file this case for proper address and hearing by Demand for a Jury Trial.

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### **Substantive Cause for Removal of Judge Sean Cox From This Case**

24. Aside from the FACT that the above-stated *unfair and inappropriate* actions pertaining to the filing of this instant case are associated with the offices by which Judge Sean Cox is himself associated, and from which he operates as a judge, there are other more substantive causes for Sean Cox's removal from this case.
25. It is a FACT that Sean Cox is the brother of former Michigan attorney General Mike Cox, which numerous official court records, state crime reports, and federal crime reports altogether reference as having employed corrupt government officials who are known to be operating statewide, to include but not be limited to Attorney General Cox's former "*assistant attorney generals*," Richard Cunningham and Thomas Cameron.
26. Recent investigating into the criminal underpinnings of Richard Cunningham, as the current Attorney General's "*Criminal Division Chief*" clearly shows that Cunningham implicates the State of Michigan as a likely contributor to the "*state created danger*" being conditioned not only upon Grievant David Schied at the state level by Cunningham's direct association with this instant case against Defendants Wayne County and Defendants situated in Redford Township and in the 17<sup>th</sup> District Court, but also by his association with other cases referencing corruption and racketeering in Wayne County and elsewhere

in the state. (See video referenced below for supporting evidence about this statement.)

27. Evidence implicating Richard Cunningham's own criminal underpinnings, of "aiding and abetting" and/or being an "accessory after the fact" as it is directly associated with this instant case, is posted publicly in video format on YouTube as presented recently to a panel of the Michigan legislature under the leadership of Rep. Kurt Heise, who is literally "in bed" with the newly assigned judge for the Wayne County Circuit Court, Catherine Heise. **The public location of a portion of that Evidence against Richard Cunningham can be found at:**

**<https://www.youtube.com/watch?v=u84rCiOYZhM>**

28. This newly appointed "Judge Heise" was recently seated by Governor Rick Snyder after the retirement of at least two judges from that 3<sup>rd</sup> Judicial Circuit Court that Grievant David Schied has a plethora of Evidence against – Jeanne Stempien and Amy Hathaway<sup>7</sup> – who are also associated with the Wayne

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<sup>7</sup> Jeanne Stempien, who was for a long while the "chair" and longtime member of the Board of Commissioners for the Judicial Tenure Commission in charge of investigating and/or **dismissing** complaints about judges, including her own peer group of other judges operating in the Wayne County Circuit Court. She is directly associated with *corruption and racketeering* reports and the dismissal of lawsuits filed by Grievant David Schied against the Wayne County Prosecutor Kym Worthy, against the Wayne County Sheriff Benny Napoleon, and against the former Wayne County Sheriff Warren Evans who is now the reigning "Wayne County Executive" who is asking the State for a formal declaration of the Defendant Wayne County being fiscal state of "Emergency," which Evidence shows is actually due to the underlying cause of all this corruption and

County corruption and racketeering, along with Amy Hathaway's sister, former Michigan Supreme Court "*justice*" Diane Hathaway, another former Wayne County Circuit Court judge, having been convicted and sent to federal prison for bank fraud in 2012.

29. **EXHIBIT #2** holds 32 total pages of supporting Evidence for the statements in the above-paragraph and footnotes as inclusive of the following:

- a) 1-page State BAR of Michigan news story about the appointment of the four new judges by Snyder;
- b) 3-pages "Michigan Judicial Tenure Commission Request for Investigation Form" dated 4/11/10 in complaint about Judge Jeanne Stempien, which references a plethora of supporting Affidavits and other filings proving her involvement in a "*chain pattern of corruption*"<sup>8</sup>;

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racketeering. Meanwhile, Amy Hathaway is directly associated with the instant Complaint/Claim and cause of action about Defendant Wayne County fostering a "*state created danger*" by both Amy Hathaway and Richard Cunningham, on behalf of the county judiciary and the state executive branch, refusing to provide Grievant David Schied with access to a county, state, or federal grand jury for formally delivering his reports of such criminal conduct being carried out throughout Wayne County, and indeed, throughout the state.

<sup>8</sup> Specifically, this Judicial Misconduct Complaint alleges that Jeanne Stempien acted in such way as to "*cover up her own judicial and criminal misconduct by quashing, silencing, disregarding, and dismissing [Grievant's] numerous written motions, affidavits, and oral statements in the courtroom [otherwise] calling continuous attention to the defendants' attorneys and her own unprofessional behaviors. Moreover, she continuously disregarded the underlying facts serving as*



c) 19 total pages (12 pages of Affidavit + 7 additional signature pages for the same Affidavit) “Affidavit of Court-Watchers” in formally sworn and notarized testimony of witnesses to the events of the courtroom of “judge” Jeanne Stempien occurring on 7/23/10 as signed by John R. Sitar, Patricia Kraus, David Lonier, Ronald Paul Keller, John A. Holeton, Pauline J. Holeton, and Andy Marvin of the Wilkins family. These documented witness statements verifying that Jeanne Stempien was seen:

- 1) dismissing – without due process and/or under color of law – allegations that the Clerk of the Court had “lost” some of Mr. Schied’s court filings;
- 2) denying and dismissing – without due process and/or under color of law – Mr. Schied’s “Motion to Compel Discovery” from Wayne County’s Corporation Counsel in defense of their Wayne County clients;
- 3) knowingly entering false information into the court record through gross omissions of some facts and misstatement of other facts;
- 4) denying Mr. Schied’s request for access to a criminal grand jury for reporting his crimes;

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*the basis of the Complaint, being that for the past 7 1/2 years since 2003, [Grievant] and [his] family have been crime victims of numerous Michigan government officials committing a ‘chain of misdemeanor and felony crimes’. She also disregarded and dismissed all of [Grievant’s] repeated requests and demands that she do something to assist [Grievant] in getting a resolve of [his] criminal allegations by facilitating a criminal grand jury investigation of these crimes.”*

- 5) denying Mr. Schied constitutionally guaranteed Crime Victims' Rights as a purported crime victim of government corruption;
- 6) denying Mr. Schied his request for a *judicial* investigation of the alleged crimes as otherwise statutorily required (as also cited by reference to these individual statutes);
- d) 3-pages reflecting the official self-recusal of Wayne County Circuit Court Judge Daphne Curtis (page 1) and the reassignment of the case – by Judge Jeanne Stempien – to Amy Hathaway (page 2). **Notably, this was a prior case involving David Schied as “Plaintiff” and Defendant Redford Township as “Defendant” in May, 2012.** The third page is the dismissal of that case by Amy Hathaway on 6/11/12, right AFTER the Defendants of this instant case had falsely imprisoned Grievant David Schied on 6/8/12.
- e) 6-pages of a fraudulent “Opinion and Order Affirming 17<sup>th</sup> District Court’s September 30, 2011 Judgment” issued by former judge Amy Hathaway as **chock full of gross omissions.** For example, her entry on p.2 of “*Appellant Files Motions*” offers a “timeline of events” that grossly omits the nature of Grievant Schied’s individual causes of action against co-Defendants while stating the cause for demanding that judge Daphne Means Curtis recuse herself as otherwise written into Grievant Schied’s cover-page captioning on the documents he filed. Instead, **Hathaway deceptively wrote “Appellant**

***files motions***” (for entry on 3/14/12) rather than to reflect that the motions were for “*judge*” Daphne Means Curtis’ criminal misconduct in denying Mr. Schied due process and being an “*accessory after the fact*” in covering up the fraud being exposed through Grievant Schied’s previous “*motion*” paperwork submitted to the Wayne County Circuit Court about other fraudulent activities of co-Defendants Karen Khalil, the 17<sup>th</sup> District Court, and the Redford Township.

f) 1-page “MLive” news article spotlighting the attorney for convicted former Detroit Mayor Kwame Kilpatrick questioning the “*ethics and integrity*” of Amy Hathaway’s husband, fellow Wayne County Circuit Court judge David Groner and Amy Hathaway’s brother, Wayne County Circuit Court prosecutor Richard Hathaway, when it comes to the discretionary actions of Wayne County prosecutors deciding when or when not to pursue criminal charges against other corrupt public functionaries in Wayne County.

30. Another judge recently appointed by Governor Snyder to fill in for the total of four (4) judges that retired from the 3<sup>rd</sup> Circuit Court in Wayne County was Thomas Cameron, who is another of Mike Cox’s former “*assistant attorney generals*” who had been head of the Cox’s “*Criminal Division*” prior to Cunningham’s appointment under Bill Schuette. “*Judge*” Thomas Cameron is yet another person spotlighted by the recent video found at

<https://www.youtube.com/watch?v=u84rCiOYZhM> . (See also p.1 of “Exhibit #2”)

31. As presented by “EXHIBIT #3,” as the cover page of a Michigan Supreme Court filing, Thomas Cameron was named along with Laura Cox and numerous others of the Wayne County Commission and those under employ by Sean Cox’s brother, the former Attorney General Mike Cox, in a lawsuit (Case No. 139162) filed directly into the Michigan Supreme Court in 2009, in complaint of *“criminal racketeering...and other crimes in corruption.”*
32. Sean Cox’s familial relationship with the former Wayne County Commissioner Laura Cox creates a substantial *conflict of interest* due to the FACT that Laura Cox and her husband have been targets of Grievant David Schied’s corruption complaints since 2007, and with Laura Cox participating in the cover-up of Mr. Schied’s reporting – with substantive evidence – of the corrupted involvement of Kym Worthy and her staff, inclusive of Robert Donaldson, James Gonzales, and Maria Miller.
33. In support of the above allegations, “Exhibit #3” contains a second page of Evidence shown as a letter written by Wayne County Commissioner Laura Cox addressed to *“Chief Prosecutor James Gonzales”* pertaining to Grievant Schied’s publicly issued complaint (as presented at a meeting of the Board of Commissioners) about *“assistant prosecutor”* Robert Donaldson’s abuse of

discretion and refusal to prosecute evidence that government officials of the Northville Public School District [being (now retired) Superintendent Leonard Rezmierski, (now retired) Assistant Superintendent David Bolitho, and (now retired) Katy Doerr-Parker] for criminal misdemeanor offenses being committed against Mr. Schied stemming from 2004 and 2005<sup>9</sup>.

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<sup>9</sup> Notably, while all of this was going on there were parallel actions being executed in Washtenaw County involving the abuse of discretion of the Prosecutor Brian Mackie and his “assistant” Joseph Burke as it pertained to the criminal misdemeanors being perpetrated by the “interim” superintendent of the Lincoln Consolidated Schools, “Dr.” Sandra Harris, which were being criminally cover-up by the Michigan State Police, the Washtenaw County Commission, the Washtenaw County Sheriff Jerry Clayton, and again, the staff under employ of Mike Cox in Lansing. **As a result of these prosecutors’ refusal in two counties to prosecute these allegations, the Evidence shows that the crimes continued to cause Grievant David Schied serious defamatory damages and the incalculable losses of his teaching career, his educational expenses toward that professional career, all of his savings in seeking “justice” in Michigan, and ultimately, his family and his own physical health.** Additionally, the content of Laura Cox’s writing in **“Exhibit #3”** demonstrates the “*pattern and practice*” of those like Laura Cox who Mr. Schied pursued in effort to get help in dealing with these criminal misdemeanors being perpetrated in the aftermath of Mr. Schied being initially denied (by Sandra Harris and the Lincoln Consolidated Board of Education) his federally guaranteed “*due process*” right to “*challenge and correct*” erroneous fingerprint results upon application for employment as a public schoolteacher. As shown in paragraph #1 of this letter, Cox misleadingly states that “*Mr. Schied claims his personal expunged criminal records...*” which is fraudulent as the actual complaint by Grievant Schied expressed that “*no criminal history EVER existed*” as a matter of actual fact because the FBI criminal background check received by the Lincoln Consolidated Schools in 2003 and by the Northville Public Schools in 2004 were erroneous in reflecting a *final disposition* of “*conviction*” and a *status* of “*probation*” 25 years after a determination proving that “**probation**” necessarily precludes a final determination under the relevant Texas statutes and attorney general opinions; and thus, the erroneous “record” was never Mr. Schied’s to begin with. Such an assertion by Cox, in the face of being

34. Thus, as founded upon the above-stated reasons and a plethora of Evidence, some which is presented as above, **Grievant David Schied has demonstrated just cause for removing Judge Sean Cox from this instant case with demand for a jury trial.**

**Additional Causes for Removal of Judge Sean Cox From This Case and Removal of This Case Away From Wayne County**

35. Additional FACTS supporting this instant action for change of judge and venue are provided in the accompanying documents as listed above on p.3 and incorporated by reference as if written herein verbatim.

- a) “*Sworn and Notarized Affidavit of Truth of David Schied*” (see **“Exhibit #1”**);
- b) “*Memorandum of Law and Jurisdiction*” (see **“Exhibit #4”**);

**STANDARD OF REVIEW**

Grievant David Schied incorporates by reference all statements and footnotes that appear at the beginning of this instant filing on pages 1 through top of page 3 as if restated herein verbatim reasserting his sovereignty as one of the People, reasserting the constitutional basis of this instant litigation in common law,

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told the truth of the situation and under the cloak of vagueness and gross omissions as is shown in this letter, contributed to the future injuries sustained by Grievant Schied as a result of this intentional negligence.

and reasserting his acceptance of oaths and bonds of all public functionaries on this case, as based upon their respective *prima facie* and underlying values.

Grievant Schied takes note that MCL 566.132 (“*Of Fraudulent Conveyances and Contracts...*”) defines written agreements, contracts, or promises that are “*signed with an authorized signature by the party to be charged with the agreement, contract, or promise,*” which would include a signed promise such as is found by an Oath of Office, as a legally TRUST agreement that is enforceable.

Moreover, MCL 566.132 (“*Of Fraudulent Conveyances and Contracts...*”) maintains, “*The consideration of any contract, agreement or promise required by this chapter to be in writing, need not be expressed in the written contract, agreement or promise, or in any note or memorandum thereof, but may be proved by any other legal evidence.*” Thus, any public functionary accepting consideration in the form of public *trust*, payment for services, etc. is obligated to fulfill their *oaths and duties*, otherwise their conveyances are deemed as *fraudulent*; and by which, according to MCL 566.110 (“*Court of chancery; powers not abridged*”), the “*court of chancery*” maintains the power to “*compel the specific performance of agreements*”, even in cases of partial performance.

Title 28, United States Code (U.S.C.) §144 maintains in relevant part,

*“Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall*

*proceed no further therein, but another judge shall be assigned to hear such proceeding.”*

## **ARGUMENT**

As noted in the accompanying “*Memorandum of Law (and Jurisdiction)*,” (“**Exhibit #4**”) the state exists only by the consent of the people. **Only the people are sovereign**, and all public servants, Judges, prosecutors, D.A’s, A.G’s, police, Sheriffs, governors, and legislators are under statutes having a fiduciary duty to *We the People*.

As presented in the background FACTS above, supported by Affidavit in “**Exhibit #1**” and making known through his initial filing, Grievant David Schied is a “*natural man acting in his own capacity, grant[ing] the name to the court... and submitting as his causes of action...to this Article III, District Court of the United States, as a court of record.*”

As presented also in the background FACTS, as supported by Evidence of “**Exhibit #2,**” the public functionaries governing Wayne County are overwhelmingly dominated by a corrupt “*good ol’ boy*” and/or incestuous political network connected by blood, conjugal, nepotistic, and other similar self-enriching and self-promoting relationships, and of mega-corporations wielding legal and judicial abuses of power.

With a long history of litigation in Wayne County, and in naming – often repeatedly – public functionaries of Wayne County in crime reports and in civil



proceedings as co-Defendants, Grievant David Schied has a long track record of strife toward the pursuit of justice in Michigan, only to find himself instead repeatedly injured by “the accused” and their cohorts; and inundated with even further evidence of attorney and judicial misconduct, of tyranny in the local and state courts, and of treason against both Michigan and United States constitutions.

By definition, such evidence conveys a revealing of DOMESTIC TERRORISM by many more than a handful of usurpers of de jure government offices in Wayne County. Notably, the relationships of these county “officials” include members of the federal judiciary in Detroit, being nearly also registered members of the State BAR of Michigan.

As the Evidence in **“Exhibit #1”** conveys, as well as the Complaint/Claims in this instant case similarly conveys, the acts of Defendant Wayne County, as those accused by Grievant Schied and others of usurping the powers and authorities of elected and appointed public functionaries in Wayne County, have resulted in a genesis and fostering of “*state created dangers*” for certain people like Mr. Schied (and Mr. Schied himself). These dangers, imposed by public functionaries of Wayne County, are clearly conditioned as retaliatory measures and victimization by certain abuses of power targeted against those, including Grievant David Schied, who exercise their First Amendment rights to speak out (i.e., through his civil filings and crime reports) against these injustices, and who use

their First Amendment rights to seek “*redress of grievances*” when faced with the forceful challenges of corruption and the denial of access to a grand jury or petit jury of *the People* for constitutionally guaranteed resolves.

Grievant David Schied has become increasingly aware of these “*state created dangers*”, more keenly so after sitting in the public gallery courtroom of the Defendant Redford Township 17<sup>th</sup> District Court and being assaulted, kidnapped, and falsely imprisoned for his merely being within the non-jurisdictional proximity of those about whom he had criminally accused and against those whom he had filed previous civil complaints. Mr. Schied is thus, taking proper and prudent steps to ensure the same type of thing does not happen to him in Wayne County. He thus, is removing this instant case to the District Court of the United States in Ann Arbor.

Such “*removal*” of this case to Ann Arbor is also justified by the overwhelming Evidence presented herein and a matter of public record, that the familial relationship between (judge) Sean Cox and (Wayne County Commissioner) Laura Cox has lasted much longer than the full decade that Laura Cox has instrumentally been at the financial hub of Wayne County corruption by her position as “*employer*” and “*policymaker*” for Wayne County; and by which she left her position as Commissioner only shortly before Defendant Wayne County’s final collapse into what has recently been publicly declared by the

County Executive to be in a fiscal state of “*Emergency*.” (See “**EXHIBIT #5**” as two mainstream news articles published on the declaration of *emergency*.)

The Evidence is clear: The fiscal “*emergency*” and the bankruptcy of Detroit is a direct cause of the racketeering and corruption that has usurped Wayne County government to such degree that the condition is now, without a shadow of a doubt, characteristic of DOMESTIC TERRORISM.

According to the FBI, “*domestic terrorism*” (i.e., see <https://www.fbi.gov/aboutus/investigate/terrorism/terrorismdefinition>) is defined with the following three characteristics: 1) involve acts *dangerous* to human life that violate federal or state law; 2) *appear* intended *to* (i) intimidate or *coerce* a civilian population; (ii) *influence the policy of a government* by intimidation or *coercion*...and 3) occur primarily within the territorial jurisdiction of the U.S.

FEMA also defines “*terrorism*” as “*the use of force or violence against persons or property in violation of the criminal laws of the United States for purposes of intimidation, coercion, or ransom.*” (See <http://www.fema.gov/pdf/areyouready/terrorism.pdf>)

By these definitions, given the FACTUAL events that have been playing out in Wayne County, with the number of fraudulent and illegal foreclosures taking place, the human rights violations occurring against the people of the county with water shutoffs, the number of news stories, court complaints, and crime reports

about public corruption, and the historical foundations of the region being associated with various mafias, are all indicators that domestic terrorism is taking place. [See the well-researched documentary, "*Detroit Mob Confidential*" mafia documentary (1 ½ hours) at <https://www.youtube.com/watch?v=Lw9FKOm5uIE> (Written and produced by Scott M. Bernstein and Al Profit, and starring Scott M. Bernstein and directed by Al Profit of Illuminated Films, LLC.) which reflects a viable basis for claiming that the mob is still engaged in lucrative criminal businesses activities as of 2009.]

Add to the above indicators that "*terrorism*" is indeed taking place all around Detroit, is the FACT that one "*chief*" member of Michigan's highest court, former Michigan Supreme Court "*chief justice*" Elizabeth Weaver having resigned in 2010 while blowing the whistle on "*dark money*" and "*tyranny*" taking place throughout the Michigan court system; and subsequently publishing factual accounts of her experiences as an insider to the judiciary with her book, "*Judicial Deceit: Tyranny and Unnecessary Secrecy at the Michigan Supreme Court.*" Justice Elizabeth Weaver is now dead, with no "*cause of death*" being released to the public.

Added to that is the FACT that for nearly the past ten (10) years a prestigious University of Michigan aerospace engineering university professor and explosion research and investigation expert, has been blowing the whistle on the

UM President and Regents, as well as the Michigan Governor Rick Snyder, creating a huge national security issue by sharing “*dual use technology*” with communist nation of China.

These *national security threats*, as cited above, have even Washington, D.C. expressing their concerns, as it is a FACT that all this has been going on with the full knowledge and condoning participation of the U.S. Attorney Barbara McQuade, who is stationed in Detroit and who is otherwise aggressively operating in outrageous fashion in Wayne County by instead placing people like Doreen Hendrickson (i.e., see reference to the sworn and notarized Affidavit of “*Exhibit #1*” for further reference) into federal prison.<sup>10</sup>

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<sup>10</sup> Note that U.S. Attorney Barbara McQuades and others employed by the U.S. Department of Justice (DOJ) have imprisoned Ms. Hendrickson by way of retaliating against her husband for publishing his successful book, “*Cracking the Code: The Fascinating Truth About Taxation in America*” which has resulted in thousands of people getting higher tax returns. Note also that, as provided by numerous video testimonies and sworn Affidavits of witnesses, McQuade was found to be successful in securing a “*conviction*” of Doreen Henderson by the unlawful assistance of two judges operating in *tag-team* fashion as “*agents*” of the U.S. District Court for the Eastern District of Michigan in Detroit, Together, these agents of the federal government operating in Wayne County violated Ms. Hendrickson’s First Amendment right to freedom of religion and belief – with “*judge*” Nancy Edmonds ordering her to perjure herself on a tax return (by *coercing* her to express beliefs that are not truly hers) – and then “*judge*” Victoria Roberts convicting and *forcefully* sentencing her to federal prison for “*contempt*” because she refused to comply with that unconstitutional order by Edmonds. McQuade took part in the “*prosecution*” of each stage of this *terrorism*. Additional information about this story, told in the Hendrickson’s own words, can be found at: <https://www.youtube.com/watch?v=F6s2QxWUxyA> .

All of the above is in addition to all of the Evidence that has been filed by Grievant David Schied to demonstrate the involvement of massive numbers of these and many other public functionaries that are *aiding and abetting* in this terrorism as also *accessories after the fact*, who are facilitating the criminal cover-up of their peer group of other public functionaries, and thus, furthering of crimes against Mr. Schied, even after destroying his reputation, his career, what remained of his finances, and his cherished family.

The continuation of these acts are intolerable to Mr. Schied. Therefore, this case should be and, in fact, *is* being removed from the venue of Wayne County and transferred to the District Court of the United States in Ann Arbor. Grievant Schied is also reserving his right to take further action in the event other conflicts of interest and/or evidence is uncovered giving just cause for any other changes that may be necessary in the interest of justice and not “*just us*” (being government functionaries) in this case.

**NOTICE OF RELIEF DEMANDED AND HEREBY UNDERTAKEN**

By means and for the reasons stated above, Judge Sean Cox is being REMOVED from this case, and this case is hereby being REMOVED from the District Court situated in downtown Detroit in Wayne County and transferred to

the District Court of the United States situated in Ann Arbor of Washtenaw County where it will be reassigned to another judge.

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I declare under penalty of perjury that the forgoing is true to the best of my knowledge and belief. If requested, I will swear in testimony to the accuracy of the above if requested by a competent court of law and of record.

Respectfully submitted,



David Schied  
P.O. Box 1378  
Novi, Michigan 48376  
248-974-7703

\_\_\_\_\_ (all rights reserved)

David Schied

Dated: 6/27/15

**DISTRICT COURT OF THE UNITED STATES  
(FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION)**

David Schied,

*Sui Juris Grievant*

Case No. 15-11840

v.

Karen Khalil, et al

Judge:

Defendants /

**CERTIFICATE OF SERVICE**

**Attn: Clerk of the Court  
District Court of the  
United States**

Federal Bldg. & U.S. Crthse  
600 Church St., Rm. 140  
Flint, Michigan 48502  
313-234-5000

Defendant

**Charter County of Wayne**

Davidde A. Stella  
Zenna Elhasan  
Wayne County Corporation Counsel  
500 Griswold St., 11<sup>th</sup> Floor  
Detroit, Michigan 48226  
313-224-5030

Defendants

**The Insurance Company of the  
State of Pennsylvania**

AND

**American International Group, Inc.**

AIG Claims, Inc.  
175 Water Street, 22<sup>nd</sup> Floor  
New York, New York 10038  
excessfnol@AIG.com  
No known phone number  
FAX: 866-743-4376

Defendants

**Karen Khalil  
Redford Township 17<sup>th</sup>  
District Court**

**Cathleen Dunn  
John Schipani**  
15111 Beech Daly  
Redford, Michigan 48239  
313-387-2790

Defendants

**Tracey Schultz-Kobylarz  
Charter Township of Redford  
DOES 1-10**  
c/o Redford Town Hall, 2<sup>nd</sup> Fl.  
15145 Beech Daly  
Redford, Michigan 48239  
313-387-2705

Defendants

**Redford Township Police Department  
Joseph Bommarito  
James Turner  
David Holt  
Jonathan Strong  
"Police Officer" Butler**

25833 Elsenore  
Redford, Michigan 48239  
313-387-2500

Defendants

**Michigan Municipal Risk  
Management Authority**

James T. Mellon  
Mellon Pries, P.C.  
2150 Butterfield Dr., Ste. 100  
Troy, Michigan 48084-3427  
248-649-1330



I hereby certify that on 6/27/15, I sent by U.S. Postal Service copies of the following documents to the United States District Court in Flint, and to all of the co-Defendants listed above in the preceding page.

- 1) “*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*” plus all referenced “exhibits” (1-5);
- 2) “*Sworn and Notarized Affidavit of Truth of David Schied*” (see **“EXHIBIT #1”** of the above filing);
- 3) “*Memorandum of Law and Jurisdiction*” (see **“EXHIBIT #4”** of the above filing)
- 4) This “*Certificate of Service*”

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Schied".

*Sui Juris Grievant*  
**David Schied**  
P.O. Box 1378  
Novi, Michigan 48376  
248-974-7703

David Schied  
P.O. Box 1378  
Novi, Michigan 48376  
248-974-7703

6/27/15

Attn: Clerk of the Court  
District Court of the United States  
Federal Bldg. & U.S. Courthouse  
600 Church St., Rm. 140  
Flint, Michigan 48502  
313-234-5000

Re: 1) filing of documents; 2) Request for time-stamped copies returned via SASE

Dear Clerk of the Court,

Enclosed you will find ONE signed "original" and ONE copy (one bound and the other unbound) of the filings listed in the attached "*Certificate of Service*."

The "*Certificate of Service*" shows that I served all of the named co-appellees with copies of these same documents:

**Attached to this letter is a Self-Addressed Stamped Envelope (SASE) with extra copies of the cover pages of the "Writ..." the "Sworn and Notarized Affidavit..." the "Memorandum..." and the "Certificate of Service". Please "time-stamp" and return them at your earliest convenience.**

Thank you.

Respectfully,

A handwritten signature in cursive script, appearing to read "David Schied". The signature is written in dark ink on a light background.