IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Gordon Wayne Watts, Individually,
and on behalf of similarly situated persons
Lead Plaintiff,

vs. **Case No: 8:19-cv-829-T-36CPT**

CIRCUIT COURT OF COOK COUNTY, ILLINOIS, et al.,,
Defendants.
_____/

Reply to the Order of This Court, dated April 10, 2019, to Show Cause

Pursuant to the Order of This Court, dated Wednesday, 10 April 2019, Lead Plaintiff[1]**,** Gordon Wayne Watts, files a written response to **SHOW CAUSE** as to why this case should not be dismissed pursuant to the *Rooker-Feldman* doctrine for lack of subject matter jurisdiction or transferred to the Northern District of Illinois, Eastern Division. Additionally, there were new developments intervening between the initial complaint and today's reply to the April 10 order referenced**.** These "bookkeeping" matters need to be addressed first.

I. Bookkeeping matters: new developments

Since the initial complaint was filed and docketed on Monday, 08 April 2019, **there were three (3) new developments** about which This Court should be informed; so, as a courtesy, plaintiffs are "getting this out of the way," before moving on to matters of weight. **First and second are this:** This Court issued orders, the following day, to [1] file statements

[1] This court hasn't ruled on the request of Plaintiff to certify a class of plaintiffs, pursuant to Local Rule 4.04 and Rules 23(a) and (b), Fed.R.Civ.P., as to the detailed allegations of fact showing the existence of the several prerequisites to a class action, see e.g., ¶ 77, under the separate heading styled**: "**IX. MEMORANDUM OF LAW [[R.I.C.O. and Class Action]]**,"** i.e., to refer to "CLASS ACTION ALLEGATIONS," as local rule 4.04 requires. However, the clerks have informed Plaintiff that it's OK to style the complaint in this way if he's suing and requesting a class action order **;** so**,** to maintain internal consistency, this reply is so-styled.

regarding any "related" cases, as well as [2] a statement with a list of all-known "Interested persons." While this may not have bearing on this reply, nonetheless, to be safe, plaintiffs ask This Court to take judicial notice of these 2 replies (which are filed today, concurrent with the instant reply). There were related cases, of course, including the cases referenced in the complaint, as well as interested parties (in this case, merely the other parties to the state action—no one else). **Third, however,** Plaintiffs invoke Rule 15, Fed.R.Civ.P. and local rule local Rule 4.01(a), and "file the amended pleading in its entirety with the amendments incorporated therein." **This is significant because, besides correcting numerous typos, the amended brief includes key information left out of the initial complaint** (and courts, recognising that "plaintiffs are human too," have allowed for one amendment as a ministerial duty of This Court). **The four (4) key omissions** (which were corrected in the amended complaint) are as follows: **(1)** Plaintiffs allege, in ¶25 and elsewhere, that there was in excess of One-Hundred Thousand ($100,000.oo) dollars of "documented" equity in Daniggelis' stolen house, a strong claim, but left This Court to sift through his *amicus* briefs for the citation, and even then, Plaintiffs failed to include actual documentation in filings to This Court, only *referencing* state filings. The amended complaint (with additional exhibits) now includes the brief on file in the state action, which makes this complaint the "law of the case," as it wasn't rebutted. See e.g., see point 42 of **EXHIBIT-N.** This allegation was serious, as theft equities was a major factor in harm done to Daniggelis, which, in turn, made it impossible for Watts to collect his "interests" from Daniggelis, giving rise to the Intervention by Watts. **(2)** In ¶ 38 and elsewhere, Plaintiff, Watts, alleged that the state docket listed him as a 'defendant' (a key fact in his allegation of 1983 violations),

but failed to provide a copy of said docket. This omission is fixed in the amended complaint. **(3)** Plaintiff, Watts, forgot to include a libelous defamation of character, in which Judge Otto accuses Watts of bragging that it's OK to engage in vexatious litigant tactics. This slander is not protected by the cloak of judicial robe, and "Complaint #2" is added to document this. (Watts' only statement on this head was that if a known vexatious litigant got his fair day in court, why couldn't Watts—who was NOT a frivolous filing vexatious litigant, and Judge Otto's slanderous libel caused immense pain to Watts, who was already beleaguered by 1983 violations heretofore.) Complaint #2 addresses that. **(4)** Numerous other statements failed to properly cite the source in the Exhibits**;** these errors and many small typos were corrected in the amended complaint.

II. Background

The district court (Hon. Charlene Edwards Honeywell, U.S. District Judge, writing for The Court) gave a very thorough, and mostly-accurate description of the legal & factual background of this case. **The Court's review was excellent, and** the two (2) errors found appeared to be *"de minimus,"* as it affects the case, but I write to correct both small errors, so-as-to avoid any potential problem down the road**: **1** The Court writes that:** "When Daniggelis' mortgage holder filed a foreclosure lawsuit, Plaintiff filed a Motion for Intervention in the lawsuit, to protect his interests in money owed to him by Daniggelis." **This is technically accurate, but far from precise.** It sounds as though the debt (monies owed interests) occurred before the foreclosure, but the debts were actually incurred sometime later—actually not a legally-relevant point (as Intervention doesn't depend on a timing element), **but Plaintiffs write to clarify context. **2** The**

Court writes that: “the circuit court dismissed the case before it could rule on the Motion for Intervention.” This isn't totally correct**:** The Chancery case was transferred before the Intervention motion was filed, **but the Law Division did *appear* to:** “dismiss[] the case before it could rule on the Motion for Intervention,” since the nonsuit order dated 12-7-2017 was, indeed, after the 7-7-2017 Intervention motion. **Even that, however, isn't correct:** Saying that it dismissed the case before it “could” rule on the motion implies that it “couldn't” due to a timing issue, which prevented the Law Division (Hon. Diane M. Shelley, for the court) from ruling**;** however**,** the judge was not prevented or unable**.** She was simply **unwilling** to grant basic procedural & substentative due process directed to Watts' intervention—and subsequently dismissed the case by granting a nonsuit (aka Voluntary Dismissal) motion of Atty. Galic (Daniggelis' attorney) in her 12-7-2017 order. Other than those two (2) small factual errors, This Court's factual & legal 'Background' statement appears both complete and correct.

After thorough review, however, we conclude that the claim brought in federal court was not “inextricably intertwined” with the foreclosure case, the claim was not barred by the *Rooker-Feldman* doctrine, and the district court has jurisdiction to entertain it. The federal suit did not seek -- indeed could not have sought -- to relitigate claims decided by the state court in its foreclosure action. (Indeed, they were never litigated at all, as the state court record clearly shows.) Moreover, although 28 U.S.C. § 1404 gives the district court wide latitude to transfer the case *sua sponte,* **we conclude that the district court erred in its legal analysis of the 11th Circuit's case-law governing venue.**

III. Subject Matter Jurisdiction

Plaintiffs question the legal analyses of the circuit court, asserting that it is required to dismiss the complaint for lack of subject matter jurisdiction. The essential issue raised is whether the *Rooker-Feldman* doctrine can bar a federal suit regarding events occurring long after the entry of a state court decision. We hold that *Rooker-Feldman* cannot bar such a claim: The *Rooker-Feldman* doctrine eliminates federal court jurisdiction over those cases that are essentially an appeal by a state court loser seeking to relitigate a claim that has already been decided in a state court. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.,* 544 U.S. 280, 284-85 (2005) (citing *Rooker v. Fidelity Tr. Co.,* 263 U.S. 413, 416 (1923); *D.C. Ct. App. v. Feldman,* 460 U.S. 462 (1983)). **The district court wrote in its order that: "**The *Rooker-Feldman* doctrine applies where a claim is "inextricably intertwined" with a state court judgment such that a decision by the district court would "effectively nullify the state court judgment," or the claim could "succeed[] only to the extent that the state court wrongly decided the issues." *Target Media Partners v. Specialty Mktg. Corp.,* 881 F.3d 1279, 1286 (11th Cir. 2018) (citation omitted)**."** However, the "citations omitted" give a different picture, when applied to the facts of Watts' complaint**:** *Target* cited *Casale v. Tillman,* 558 F.3d 1258, 1260 (11th Cir. 2009) (per curiam), which, originally, referenced *Pennzoil v. Texaco, Inc.,* 481 U.S. 1, at 25 (Marshall, J., concurring). Justice Marshall wrote a 'concurring' opinion, in which he 'concurred' with the final holding, but concurring opinions – while "persuasive" – are not binding precedent and cannot be cited as such. **Justice Marshall wrote that a: "**federal claim is inextricably intertwined with the state-court judgment if the federal claim succeeds only to the extent that the state court wrongly decided

the issues before it**."** ***Pennzoil v. Texaco, Inc.,*** **481 U.S. At 25** *But, is this correct?* Maybe. Maybe not. But this point is moot: The 11th Circuit's order, which This Court which This Court cited in its 4-10-2019 Show Cause order, is binding upon This court —and went on to say that: "Notably, however, a federal claim is not "inextricably intertwined" with a state court judgment when there was no "reasonable opportunity to raise" that particular claim during the relevant state court proceeding. *Id.* (quoting *Powell v. Powell,* 80 F.3d 464, 467 (11th Cir. 1996))." (*Target Media Partners v. Specialty Mktg. Corp.,* 881 F.3d at 1287) Now, we turn to Watts' proceedings, and note that Watts' main complaint was that there was no "reasonable opportunity to raise" his Intervention claim during the relevant state court proceeding—whether at the circuit court level or at the appellate level. That was, precisely, Watts' complaint. "Thus, the class of federal claims that we have found to be "inextricably intertwined" with state court judgments is limited to those raising a question that was or should have been properly before the state court." (*Id.* At 1287) The state courts in question acted in concert to block, abrogate, and prevent Watts from raising his Intervention complaint, on the merits, making up a hayload of excuses to justify this civil rights violation.

That *Rooker-Feldman* cannot apply to the case at hand is stated simply**:** the civil rights claims brought by Watts, et. al., in federal district court, do not invite the review and rejection of the Illinois state court judgment in the previously-litigated foreclosure matter. See *Nicholson v. Shafe, 558 F.3d 1266, 1268 (11th Cir. 2009)*. Here, there are multiple reasons why the requirements found in *Rooker-Feldman* have not been met. Most starkly, as a matter of temporality, it's difficult to imagine a case where a federal court could be barred by *Rooker-Feldman* from hearing a claim that arose only after the relevant

state court decision had been issued. Indeed, in this case, the Illinois state courts could not possibly have adjudicated a question arising from conduct that occurred after it had finally decided the foreclosure dispute between these parties. This temporal sequence forecloses the applicability of *Rooker-Feldman* and removes our need to inquire into whether the claim presented is identical to or "inextricably intertwined" with a previously decided state court claim. A claim about conduct occurring after a state court decision cannot be either the same claim or one "inextricably intertwined" with that state court decision, and thus cannot be barred under *Rooker-Feldman.*

More specifically, however, the timing of the alleged 42 U.S.C. 1983 violations means that it cannot be grounds for a *Rooker-Feldman* bar. Well before Exxon Mobil's limitation of the doctrine, the 11th Circuit recognised that *Rooker-Feldman* is **not** a bar to jurisdiction where "[an] issue did not figure, and could not reasonably have figured, in the state court's decision." *Wood v. Orange Cty.,* 715 F.2d 1543, 1547 (11th Cir. 1983) ("[A]n issue that a plaintiff had no reasonable opportunity to raise cannot properly be regarded as part of the state case."). On the facts before us, the Illinois circuit judge (Hon. Michael F. Otto) rendered verdicts against Watts' friend, the elderly Richard Daniggelis, on the matter of his motion to quiet the title of his (stolen) home, land, and much equity in said home/land--see e.g., **EXHIBIT-F,** the 3-8-**2013** order by Judge Otto, and the two (2) orders by Judge Otto, the 02/15/2013 Summary Judgment or the 05/15/2014 order handing over title, alluded to in his two orders denying Watts' amicus motions (EXHIBITS P and Q). Most-notably, the 10-29-**2015** and 12-7-**2015** orders by Judge Otto, against Watts (in which Otto slanderer/libeled Watts –see Count 2 in the Amended complaint being

filed today), came after the **2013 and 2014** verdicts rendered against Daniggelis, indeed, they had to have, or else Otto would not have been able to make reference to them in his orders denying Watts' *amicus* motions. More to-the-point, however, the even more-recent **2018** and **2019** orders by the ILLINOIS state appeals court **(see: EXHIBIT-M)** also came only after the relevant state court decision had been issued. **Watts'** federal complaint arises only on claims related to unconstitutional acts which all parties agree occurred long after the earlier state court foreclosure litigation. The allegedly unconstitutional acts committed by both Illinois circuit & appellate courts, under the colour of law, postdated both the decisions of the state courts to strip title from Daniggelis, and give it to Atty. Joseph Younes. Quite simply, the Illinois state courts' decision couldn't reasonably—and indeed couldn't possibly—have considered language in the subsequent Intervention actions filed by Watts in their courts – well after the conclusion of Daniggelis' efforts to reclaim his home, eventually having his case tossed out of court at all levels**:** An allegedly tortious act occurring long after the state court rendered its judgment cannot be barred by *Rooker-Feldman* because there was no opportunity to complain about the allegedly injurious act in the state court proceedings. ***Target Media.*, 881 F.3d at 1288 (11th Cir. 2018)** Moreover, a 1983 Civil Rights claim cannot be the same claim as, or one "inextricably intertwined" with, the Illinois state courts' judgment, regarding a distinct foreclosure matter, where the nature of the claims reveals that they present distinct issues. **(*Id.* At 1288)** Here, the essence of the Illinois foreclosure suit is distinct from the essence of the federal suit. The legal issues presented to the Illinois courts inquired about the contractual obligations between the parties—and the rightful owner of a house. The main legal issue presented in this federal claim, however,

is whether the Illinois courts violated Watts' civil rights when various courts acted in concert (colluded, via R.I.C.O.) to deny his own action to intervene. The factual issues before the Illinois courts included whether the signature on the warranty deed in question was forged, and whether Daniggelis' house could be taken—and him not being paid even a dime for it, based on what Judge Otto admitted was a forged signature. (See Watts' ***Amended*** complaint for details, and documented proof of this claim.) The factual issues in this suit, however, concern not only libel (a new complaint as amended) but also collusion to ensure Deprivation of Rights without Due Process of Law, Equal Protection, and other 1983 civil right issues not at all alleged in the previous litigation in those state courts.

It is true that the factual background of the civil rights claims raised by Watts, et. al., in federal court today—the contents of the *amended* complaint—does relate to the state court judgment and so is "intertwined" in *some* sense. Nevertheless, it is not merely "any" interconnection of state and federal suits that constitutes the type of "inextricably intertwined" issues that are relevant for *Rooker-Feldman* purposes. Rather, the question posed to the federal court must be intertwined with the "state court judgment" not only to the extent that it involves the state court proceedings **but *also* to the extent that** a determination reached by the state court would have to be relitigated in federal court. **(*Id.* At 1288)** It is not the factual background of a case but the judgment rendered—that is, the legal and factual issues decided in the state court and at issue in federal court—that must be under direct attack for *Rooker-Feldman* to bar our reconsideration. The *Rooker-Feldman* bar is avoided in this suit because the Illinois state courts could rule on the foreclosure and “title-theft” fraud claims between these parties without deciding the civil rights and

libel claims related to this complaint. Likewise, a federal court could decide on the merits of Watts' civil rights and libel claims without rendering a judgment on the merits of Daniggelis' foreclosure and “title-theft” fraud claims. The critical distinction between materials relevant to the factual background surrounding a state case and the actual judgment rendered by a state court has been emphasized by the 11th Circuit Court **–both before and after** *Exxon Mobil.*(*Id. At* 1288)

> “As we have said, "our [*Rooker-Feldman*] decisions focus on the federal claim's relationship to the issues involved in the state court proceeding." *Goodman ex rel. Goodman v. Sipos*, 259 F.3d 1327, 1333 (11th Cir. 2001) (cited in *Casale*, 558 F.3d at 1260). In *Goodman*, two claims brought in federal court were barred by *Rooker-Feldman* while a third was not. *Id.* The two barred claims involved challenges to the legality of evidence and proceedings used by the state court, both issues that were or could have been decided by the state court. *Id.* at 1334. However, a third claim challenged the legality of a search that was proximate to events leading to the state court proceedings but was not the source of any "evidence or other information" used in the state court. Id. A challenge to the legality of the search, then, could not have been considered in the state court. That issue was not "inextricably intertwined" with the relevant state court decision because it was not "premised on the state court having ruled erroneously." Id.” (*Target Media Partners v. Specialty Mktg. Corp.,* 881 F.3d 1279, at 1289 (11th Cir. 2018))

Like the third, non-barred claim in *Goodman*, Watts' challenge to allegedly unconstitutional acts by various ILLINOIS state courts couldn't have been considered in the Illinois court foreclosure proceedings. There may be a factual relationship between these parties' litigation in Daniggelis' foreclosure litigation and Watts' 42 U.S.C. 1983 claims, just as there was a relationship between the *Goodman* search and events that led to the state court proceeding there. However, Watts, et. al., don't contend (nor could we) that Illinois courts had ruled erroneously in the state court trial. Indeed, they didn't rule at all—never reaching the merits of Daniggelis' complaints (for a combination of 'slowness' on the part

of state court judges, plus want of prosecution by Daniggelis' lawyer). Instead, Watts' civil suit claims only that his civil rights of Redress, Procedural & Substantive Due Process, Equal Protection, & other 1983 violations, were committed—and couldn't have been adjudicated in the foreclosure action –and is thus not barred by *Rooker-Feldman.*(*Id.* At 1288) Finally, Watts' 1983 civil rights claims were independent of the foreclosure suit litigated in state court. Under *Exxon Mobil,* the Supreme Court has observed that the *Rooker-Feldman* doctrine is so limited that even where a truly new claim in federal court does require some reconsideration of a decision of a state court, such a claim still might not barred:

> "If a federal plaintiff 'present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party . . . , then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion.'" *Exxon Mobil*, 544 U.S. at 293 (alterations in original) (quoting *GASH Assocs. v. Rosemont*, 995 F.2d 726, 728 (7th Cir. 1993))." **(*Id.,* at 1289)**

Watts, et. al., <u>don't</u> make a direct attack on the foreclosure action (even if they have strongly-held opinions, provided for context, these don't constitute an actual attack on the foreclosure action).

> "Finding a claim to be barred by *Rooker-Feldman* requires that it amount to a direct attack on the underlying state court decision. A challenge can be contextually similar to an issue adjudicated in state court without activating *Rooker-Feldman.* The propriety of the alleged various civil rights violations here was not the specific question addressed by the relevant state court decision in the foreclosure action**;** rather**,** it is an independent claim. *Feldman* itself recognized the distinction. There, in a challenge to the District of Columbia's bar admission requirements, federal district courts lacked subject matter jurisdiction to review particular adjudications of individuals' applications for bar admission. *Feldman,* 460 U.S. at 482. However, the federal district courts did have jurisdiction to examine a general constitutional challenge to the validity of the bar admissions scheme. Id. at 482–83. This Court has similarly held that *Rooker-Feldman* bars federal district court jurisdiction over appeals from particular state court adjudications but not over

> challenges to general rules and procedures. See *Berman v. Fla. Bd. of Bar Exam'rs,* 794 F.2d 1529 (11th Cir. 1986); *Kirkpatrick v. Shaw,* 70 F.3d 100, 102 (11th Cir. 1995). Even if the general subject matter of the instant suit involves some of the factual background found in the state court trial, the suit here is not barred by *Rooker-Feldma*n because the claims are independent from those that constituted the Alabama case.
>
> A challenge to holdings actually adjudicated by a state court plainly would be barred by *Rooker-Feldman.* Thus, for example, post-Exxon Mobil, this Court has held that an as-applied challenge to state DNA access procedures was barred by *Rooker-Feldman. Alvarez v. Att'y Gen.,* 679 F.3d 1257, 1263 (11th Cir. 2012). In still another case upholding the dismissal of a § 1983 claim as *Rooker-Feldman*–barred, we emphasized that a challenged search had been adjudicated to be lawful by the relevant state court. *Datz v. Kilgore,* 51 F.3d 252, 254 (11th Cir. 1995). Here, the state court was not asked, and could not have been asked to answer the question of whether Specialty Marketing's letter was libelous. The contextual similarity of Target Media's federal claim to the prior state court decision cannot suffice to bring the claim within Rooker-Feldman's ambit." **(*Id.,* at 1289—1290)**

The ILLINOIS Courts, would, no doubt, claim, however, that the "real purpose" behind Watts' federal suit is to "compel the state courts to revisit the foreclosure suit, and use the 'Intervention' as an excuse to do so."

> "But even in situations where such a purpose does exist, a suit may be brought in federal court, and the federal court cannot avoid jurisdiction under *Rooker-Feldman,* so long as the federal claim that is raised is independent of any claim raised in state court. While Specialty Marketing may assert some ongoing frustration from the state suit, the injury complained of in the defamation action was not caused by the Alabama state court judgment." (*Id.,* at 1290)

Here, the injury caused by the refusal to grant Watts intervention and other 1983 violations wasn't caused by the foreclosure action, and thus not *Rooker-Feldman* barred:

> "To be clear, we make no determination today about the merits of the defamation claim. We simply hold that the district court had the power, and therefore the unflagging obligation, to hear the case the parties presented. Because there was no reasonable opportunity to raise the instant claim in Alabama's state courts, and because the claim was not "inextricably intertwined" with the judgment rendered in Alabama court, *Rooker-Feldman* cannot bar this suit. [] VACATED and REMANDED." **(*Id.,* at 1290)**

Under the long-held **Doctrine of *Stare Decisis,*** This Court is bound by valid precedent of higher courts, and as case-law from the 11th Circuit has told us, Watts' assertion of subject-matter jurisdiction has valid caselaw authorisation. This court may confirm our legal citations, but it must comply.

IV. Venue

Further, regarding venue, the circuit court questions whether venue is proper in the Middle District of Florida, Tampa Division, and properly cites **28 U.S.C. §1404(a)** regarding discretion of the circuit court to transfer venue **"**[f]or the convenience of parties and witnesses in the interest of justice…to any other district or division where it might have been brought**."** And, citing *Manuel v. Convergys Corp.,* 430 F.3d 1132, 1135 n. 1 (11th Cir. 2005) (citation omitted), the District Court quotes/cites the Eleventh Circuit's standard on what factors to consider when deciding whether to transfer venue:

> "Section 1404 factors include (1) the convenience of the witnesses; (2) the location of relevant documents and the relative ease of access to sources of proof; (3) the convenience of the parties; (4) the locus of operative facts; (5) the availability of process to compel the attendance of unwilling witnesses; (6) the relative means of the parties; (7) a forum's familiarity with the governing law; (8) the weight accorded a plaintiff's choice of forum; and (9) trial efficiency and the interests of justice, based on the totality of the circumstances. See, e.g., *Gibbs & Hill, Inc. v. Harbert Int'l, Inc.,* 745 F. Supp. 993, 996 (S.D.N.Y.1990)."

However, after careful review, we find that the circuit court overlooked, or did not give proper weight, to these factors. Moreover, the circuit court violated clear precedent when it failed to comply with the Eleventh Circuit's *other* standard, which the circuit court, itself, listed in its 4-10-2019 order, namely this one**:**

> **"**Notably, there is a "long-approved practice of permitting a court to transfer a

> case *sua sponte* under the doctrine of *forum non conveniens,* as codified at 28 U.S.C. § 1404(a)," but only "so long as the parties are first given the opportunity to present their views on the issue." *Costlow v. Weeks,* 790 F.2d 1486, 1488 (9th Cir. 1986). ***Tazoe v. AIRBUS SAS, 631 F.3d 1321 (11th Cir. 2011)"***

However, the district court didn't ensure that **"**the [other] parties [to Watts' case] are **first** given the opportunity to present their views on the issue**."** Before we examine ***Tazoe***, we must first define "parties." The Legal Dictionary says**:** "In court proceedings, the parties have common designations. In a civil lawsuit, the person who files the lawsuit is called the plaintiff, and the person being sued is called the defendant." https://legal-dictionary.thefreedictionary.com/Parties Under the Plain Meaning Rule**, "**statutes are to be interpreted using the ordinary meaning of the language of the statute**."** https://definitions.uslegal.com/p/plain-meaning-rule/ The Legal Dictionary agrees with US Legal: "The plain meaning of the contract will be followed where the words used—whether written or oral—have a clear and unambiguous meaning. Words are given their ordinary meaning..." https://legal-dictionary.thefreedictionary.com/Plain-Meaning+Rule **Indeed, the U.S. Supreme Court agrees with these legal dictionaries:**

> It is well established that **"**when the statute's language is plain, the sole function of the courts—at least where the disposition required by the text is not absurd—is to enforce it according to its terms." *Hartford Underwriters Ins. Co. v. Union Planters Bank, N. A.,* 530 U.S. 1, 6, 120 S. Ct. 1942, 147 L. Ed. 2D 1 **(2000)** (internal quotation marks omitted) (quoting *United States v. Ron Pair Enterprises, Inc.,* 489 U.S. 235, 241, 109 S. Ct. 1026, 103 L. Ed. 2d 290 **(1989),** in turn quoting *Caminetti v. United States,* 242 U.S. 470, 485, 37 S. Ct. 192, 61 L. Ed. 442 **(1917)).**
>
> ***and:***
>
> "When the language of a statute is plain and does not lead to absurd or impracticable results, there is no occasion or excuse for judicial construction; the language must then be accepted by the courts as the sole evidence of the ultimate legislative intent, and the courts have no function but to apply and enforce the statute accordingly. [] Statutory words are presumed, unless the

> contrary appears, to be used in their ordinary sense, with the meaning commonly attributed to them." *Caminetti v. United States,* 242 U.S. 470 **(1917)**

While the district court's docket doesn't list an 'appearance' for the other parties, no one would dispute that these Illinois courts be considered parties, were plaintiff, Watts, rich enough to serve them a summonses. That he couldn't afford to serve them merely implicates Equal Protection, and, to the extent that they might have been served, they are parties just the same, because that's the "plain language" meaning of 'parties'**:** Some are plaintiffs, who sue in class-action fashion**;** others are defendants, who get sued.

Here, as a 'technical matter', this district court appears to be considering making a venue ruling on this complaint without following the Eleventh Circuit's basic standards in *Tazoe v. AIRBUS SAS,* 631 F.3d 1321 (11th Cir. 2011). (Of course, the Illinois courts who broke the law would be pleased in no small amount were Watts' request for This Court to comply with *Tazoe* be ignored**:** After all, aren't they too busy to be called upon to obey the law? These Illinois judges think they're above the law. They aren't**:** their behavior brings disrepute, dishonour, & shame upon <u>all</u> courts, even *This* Court—a matter which becomes a factor *later* in the 11th Circuit's 9-prong test.) In fact, since it's been established that there's a colourable argument that civil rights violations have occurred, and that this court has jurisdiction, where there's **an even *lower* standard** for a preliminary injunction (as compared to a permanent injunction), a "party thus is not required to prove his case in full at a preliminary-injunction hearing." See: *Univ. of Texas v. Camenisch,* 451 U.S. 390, 395, 101 S. Ct. 1830, 68 L. Ed. 2D 175 **(1981)**

It's not improper for This Court to seek clarification via a "Show Cause" order, but if it seeks to limit its inquiry *solely* to plaintiff, that would be improper**.**

Here, **given the even *lower* standards in the incipient stages** of this complaint, and given the Eleventh Circuit's holding *supra* in ***Tazoe***, it's improper –indeed a reversal of the "burden of proof" –to inquire solely of the plaintiff, without inquiring (and putting on notice) defendants, regarding both venue and civil rights abuses they've committed**:** This Court should issue a Show Cause order, asking defendants to show cause as to why venue should be changed from the Middle District of Florida, why they aren't guilty of civil rights claims, and why a preliminary injunction should not issue. Then & only then, would This Court have a competent bank of information on which to base future decisions about jurisdiction, venue, or guilt. **This reply now addresses the nine (9) factors that the Eleventh Circuit lists:**

(1) the convenience of the witnesses ;

Does This Court seek to compel the judges being sued to testify as to their acts? *Oh, really?* Why? (The paper trail, which can be supplied electronically, from the ILLINOIS COURTS, should it be needed, is more than enough to **verify or deny** Watts' claims of fact. Moreover, should the judges – the only "people" being sued – be required to testify, could they not testify via teleconferencing? (Lastly, they are rich and have 'means' – and can – even if not needed – travel to Florida "at the drop of a dime." – but, that is merely *obiter dictum:* The last I heard, teleconferencing is alive and well in the 21st Century of technology.)

(2) the location of relevant documents and the the relative ease of access to sources of proof ;

Again, the "documents" in question are **ONLY** court documents – nothing less, but nothing more. What effect would venue have one way or the other?

(3) the convenience of the parties ;

Now, this factor weighs very heavily in favour of denying a

change of venue**:** While it does appear that the Illinois Federal Court in question does have some form of ECF (Electronic Case Filing) amendable to *pro se* litigants, so does This Court. Moreover, plaintiff, who lives in neighbouring Plant City, FL, has found it possible to file in person with the Tampa Division, but impossible to file out-of-state (given that he easily qualifies for Food Stamps). If the undersigned Plaintiff has misapprehended or overlooked something on this point, This Court is welcome to clarify.

(4) the locus of operative facts;

Again, this relates to electronically filed and stored court documents, which are stored at both the court systems of defendants and the online dockets of plaintiff. (See e.g., https://GordonWatts.com (hosted by GoDaddy, in Mesa, AZ) or https://GordonWayneWatts.com (hosted by HostGator, in Dallas, TX), and note the "Open Source Docket" link near top of the page, in front-page news of the "Mortgage Fraud" story. The "locus of operative facts, and the preferred forum for litigation, is usually where the accused products [were] designed and developed." *PhD Research Grp. v. Asetek,* No. 14-578, 2014 WL 12617912, at *3 (M.D. Fla. Oct. 23, 2014), but the "products" are electronic, not physical**:** This relates back to *supra* point #2, re: "**relevant documents,**" and with the same outcome**:** Defendants are not harmed or inconvenienced in this regard.

(5) the availability of process to compel compel the attendance of unwilling witnesses ;

Again, this relates to point #1, *supra*, with regard to witnesses, in the first place**:** Does This Court seek to compel the judges being sued to testify as to their acts? *Oh, really?* Why? And, if not, then this point is moot, and thus null and void *ab initio*.

(6) the relative means of the parties ;

Again, plaintiff, who is Conservative—and disdains welfare—wouldn't be on it if he could avoid it. However, the economy—and plaintiff's financial condition—is so bad that even *he's* lining up for food stamps, "welfare" phone, and, has recently, used PolkCare (indigent healthcare when a Polk County, FL resident—and hopes to soon find time to look into Hillsborough County's indigent healthcare—if he can find time to "tear away" from this time-consuming lawsuit). That the "means of the parties" weighs so-very heavily in favour of plaintiff's choice of forum is an understatement of the vast difference in the relative 'means' of the parties—both financial and political clout—both of the which **cannot** be understated.

(7) a forum's familiarity with the governing law ;

Any suggestion that This Court in unfamiliar with basic laws cited is an insult to This Court's intelligence –very inappropriate**:** Indeed, when plaintiff inadvertently failed to give a full citation to "Rule 321" in 1 or 2 instances (even though he gave complete citation in other places), the District Judge assigned to this case clearly recognised this as an ILCS (Illinois State Compiled Statute) & one of the "Rules of the Illinois [state] Supreme Court," binding upon all Illinois state courts. Moreover, while this district judge is human (like all judges) & clearly overlooked some points of law, as evidenced by the Show Cause order, the governing law is Federal, the specialty of both this district judge, the magistrate assigned, **and all their staff.** (It's a FEDERAL court, after all?) Indeed, even if the judge overlooked some points of fact or law (both happened), there's no doubt in anyone's mind that this judge (and for that matter, all judges, magistrates, & staff at this Court) will have absolutely no problems understating and being familiar with all the governing law.

(8) the weight accorded a plaintiff's choice of forum ;

Plaintiff, has previously (see ¶16, Amended complaint) shown that The Eleventh Circuit frowns upon a change of venue from the plaintiff's choice:

> "The Eleventh Circuit has recognized that a "plaintiff's choice of forum should not be disturbed unless it is clearly outweighed by other considerations." *Robinson v. Giarmarco & Bill,* P.C., 74 F.3d 253, 260 (11th Cir. 1996) (quotation and citation omitted); see *Response Reward Sys., L.C. v. Meijer, Inc.,* 189 F. Supp. 2d 1332, 1339 (M.D. Fla. 2002) (stating that "[o]nly if the [p]laintiff's choice [of forum] is clearly outweighed by considerations of convenience, cost, judicial economy and expeditious discovery and trial process should this Court disregard the choice of forum and transfer the action" (citation omitted)). Indeed: "Generally, in determining the merits of a § 1404(a) motion to transfer, this Court gives strong consideration to the plaintiff's choice of forum." *Suomen Colorize Oy v. DISH Network, L.L.C.,* 801 F. Supp. 2d 1334, 1338 (M.D. Fla. 2011).

So, the "burden of proof" (if you want to call it that) lies with the Defendants, should there be an issue or question—all things being equal. (And even more-so, if factors favour the plaintiff's choice of forum—which they do.)

(9) trial efficiency and the interests of justice, based on the totality of the circumstances

Here, I want to "camp out" for a bit: Since I've demonstrated This Court has jurisdiction to entertain the complaint, even if it has 'side effects' for the state, then it would be safe (finally) to remind This Court of one-such side effect**:** Namely, Illinois courts might be forced to revisit the merits of Daniggelis' complaint (which was never litigated on the merits), give him back his house, thus prevent this elderly man from being made to remain homeless***—thereby possibly* saving *his life.*** If that isn't in the **"Interests of Justice,**" then I don't know what is. **"Justice":** Speaking of which, I want to briefly revisit a claim that the District Court made, when it said**: "**The defendants are all in Illinois and Plaintiff sues them for

acts committed in Illinois**."** This implies that location of 'acts' committed (e.g., in Illinois) is just cause to change venue to that location (Illinois). However, looking at the nine (9) factors of The Eleventh Circuit, I find no mention of "where" acts are committed as a 'factor' for venue—the closest possible one being point "(4) the locus of operative facts." This assumes that the location of the crimes were isolated to Illinois. But, even assuming, *arguendo*, that point #4 (locus of operative facts) somehow refers to the 'location', this would still weigh strongly in favour of Plaintiff: Indeed, while the judges who broke the law, in ILLINOIS, held the "BUTT" (or 'handle') of Lady Justice's "Sword of Redress" (which, by the way, they egregiously misused), nonetheless, the 'tip' of the sword pierced the Plaintiff, by the several injuries he incurred. This means that even though the "bad guys" all live (and work) in Illinois, the injury was sustained here (in Florida). Since Federal law allows "Long-Arm" jurisdiction to "piggyback" onto a state's "long-arm" statute, and since we all recall Florida's very strong "Sword Wielder" principle, it's an undisputed fact that an injured Plaintiff may "swing the sword" from his own home venue to defend himself:

> The "sword wielder" doctrine applies when a plaintiff seeks direct judicial protection from a real or imminent danger of unlawful invasion of the plaintiff's constitutional rights by a state agency or subdivision. *Barr v. Florida Board of Regents,* 644 So. 2D 333, at 355 (Fla. 1st DCA 1994); *Florida Public Service Commission v. Triple "A" Enterprises, Inc.,* 387 So. 2d 940 (Fla. 1980). In those limited circumstances, a plaintiff can sue for the protection of those rights in the county where the infringement of rights is threatened or has occurred. *Department of Community Affairs v. Holmes County,* 668 So. 2d 1096 (Fla. 1st DCA 1996).

Here, it's not legally relevant that this applies to one suing from one county for torts committed in another. What's relevant is that the "Long Arm" statute is indeed a "Federal analogue" comparable to the "State" case-law "Sword Wielder" principle**:**

It operates the same exact way (except on a Federal level): An injured plaintiff can swing the sword of redress from his home venue, in self-defense. Plaintiff's complaint (see ¶¶11—17) gives legal bases for Long Arm jurisdiction. Thus, in point #9, there are three (3) prongs: [[a]] trial efficiency; [[b]] the interests of justice, and [[c]] the totality of the circumstance. I've already demonstrated how "trial efficiency" isn't affected (since <u>all</u> documents can be transmitted electronically & no witnesses need be called). Moreover, "totality of the circumstance" is merely a nebulous phrase meaning "let's add up everything else." (I am, so we can safely ignore that.) Thus, the last remaining point that need be considered is "the interests of justice," and this is where I want to camp a while (until I hit my 25-page limit for briefs, replies, & motions, meaning the remaining reply, *infra,* won't be long—as I'm almost at the TWENTY-FIVE (25) PAGE limit) –see Local Rule 3.01(a)). Now, justice requires an ability to defend via "Long Arm" if necessary, but that's not the only factor to consider when inquiring into interests of justice**:** Were This Court to transfer venue to the Northern District of Illinois, Eastern Division, there might be venue bias. While judges, especially Federal judges, are trained to not have bias, it's a scientifically-proven fact that Judges are human too**; so,** acknowledgment of venue bias is <u>not</u> inappropriate. Even if risk is small, it's non-zero**:** Indeed, asking an Illinois judge to, basically, say that half his state's judiciary is corrupt, isn't an easy task. Moreover, given the gravity of the situation (my elderly friend made homeless, & This Court's transferal of the case is playing fast & loose with property, health, life, & death), these following factors need to be considered**: <u>First,</u>** besides venue bias (highly probably, even if a small factor), and **<u>second</u>** (life & death nature of a transferal), **<u>thirdly,</u>** there is no doubt that a venue transfer would

definitely introduce an unnecessary time-delay. **Fourth,** many plaintiffs were harmed (both Watts' financial interests, Daniggelis' homelessness, and others so-named in the complaint). While a venue transfer may be "legal," that does not necessarily make it "right." Or to quote one of the history's best lawyers:

> "All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not...all things are lawful for me, but I will not be brought under the power of any." (Saul of Tarsus, aka "Paul the Apostle" quoted in 1 Cor. 10:23, 6:12, Christian Holy Bible)

Paul won't be brought under emotion's compelling spell. Will you? With regard to venue, This Court should only transfer venue if it thinks that the Illinois courts are both more able and more willing to do justice. Given the poor track record of Illinois courts in handling the previous matters with Daniggelis, who's to say that he won't be in court for *another* twelve (12) years? (Count: 2019 minus 2007, viz: Chancery Case: 2007-CH-29738, CHANCERY DIVISION, *GMAC v. Daniggelis, et. al.* equals 12 years). He's old. Also: Who is to say that This Court wasn't placed, by Providence, into this place to help all aggrieved parties? For if you remain silent at this time, relief and deliverance for the all party-plaintiffs will arise from another place, but This Court will have blood on its hands if Daniggelis is harmed for lack of redress. And who knows but that you have come to your judicial position for such a time as this? This Court has been placed – by Providence – into this point in history "for such a time as this" – to do justice: Oh, judges and magistrates: What is proper and good? What does Truth require of you? But to do justice, righteousness, and with professional and patient attention to detail, to finish the job once begun.

The last point to consider in the Eleventh Circuit's "change of venue" standard, again – are "**interests of justice,**" but this time with the aim and goal of

saving <u>This Court</u> from harm**:** If the state circuit judges **and state <u>appellate</u> justices** are allowed to flat-out-lie, then this causes the public to hate and disdain all judges. (The public will not discriminate in "which" judges are 'good' and which are 'bad'**: <u>One</u>** lying judge makes **<u>ALL</u>** judges look bad—and **a whole *<u>bunch</u>* of lying judges** make This Court (and all other courts) look VERY, VERY bad**.** (Again, it may not be 'illegal' for those judges to lie, but it's not only immoral, but also <u>impractical</u>, that is, harms—very greatly—the "Interests of Justice," the last prong of the 11th Circuit's totality venue test. We must inquire: Either the judges lied—or they didn't, ok? I'll ignore new "Count 2" of the amended complaint (as it was personal, by 1 judge to 1 victim—myself), but looking at **the <u>amended</u> complaint** (whose numbering may be 'off' from the original complaint), we see **two <u>(2)</u> VERY troubling things:** First, **COUNT 7** documents that **Justices <u>Mason</u>, <u>Lavin</u>, & <u>Hyman</u>** alleged **(see the Sept.28, 2018 order: Exhibit-M)** that their court didn't have jurisdiction. This isn't some "gray" area open for interpretation: **Either they lied—or they didn't:" Which is it?** Art.6, Sec. 6 of the ILLINOIS CONSTITUTION (sentence 3) clearly says: "The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review," which, of course, includes Mandamus actions. Also, in my Complaint, I cited *Gassman v. THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY* (1-15-1738) and *Midwest Medical v. Dorothy Brown* (1-16-3230). Both are examples of Illinois appeals court having authority to issue Mandamus Writs. (Can this court not verify those cites? Both case-law & the Constitutional provision? Hint: ILLINOIS has materials online.) Secondly, **Justices <u>Mikva</u>, <u>Griffin</u>, & <u>Walker</u>** alleged **(see the Mar.08, 2019 order: Exhibit-M)** that "Appellant is advised that this court cannot

issue an order determining the contents of the record to be provided by the circuit court," meaning they either had jurisdiction (and lied) or they didn't (and Rule 321 is a liar). Which is it? **BONUS:** Plaintiff, when compiling Exhibits, inadvertently omitted the 05/03/2018 order by **Justice Pierce,** in which he says basically the same thing: "'"IT IS HEREBY ORDERED THAT This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572). Motion denied. IT IS SO ORDERED. /s/ Justice Daniel J. Pierce"'" (Which order This Court can get from either my online docket or the defendants—or both.) Now, either these justices lied about their alleged lack of Rule 321 authority (to limit the record to an affordable amount) or they didn't. Therefore, it's no small leap of logic to conclude that transferal of venue to Illinois would introduce no small amount of "venue bias," by asking local judges to call a whole bunch of their friends & neighbors **"liars,**" and unnecessarily delaying justice (as the new court has to 'catch up' on the case *de novo*). Justice delayed is justice denied, and playing fast and loose with life, limb, property, & justice affecting a large class of litigants (while refusing to address lying judges, who harm reputation, honour, & good name of **This Court** –and all other courts) is adverse to the "interests of justice," in any real world. I didn't even mention that Illinois state courts required the entire common law record (which is thousands of pages) to consider a simple IFP (*In Forma Pauperis*) motion. **This Court didn't require an onerous barrier like that, did it? No: This court asked me for financial records—nothing more.** So, if **This Court** is honest in record requirements, why should Illinois courts place unreasonable barriers to appellate review (thus committing 1983 violations)? How many *other* people

will they harm by denial of justice? And, how has this affected (read: harmed) This Court's reputation—before the general public—for acts that **This Court** didn't commit? This Court may think my cause is "hopeless," since both lower & higher court judges are unafraid to "go on record" with bald-faced, blatant, incontrovertible lies & falsehood. However, it's not like that**:** Plaintiff Watts represents to This Court that after he got curious as to why judges would act so irrationally & blatantly break laws, he went online to view interviews many of these 'bad' judges & found all of them—without exception—to be sincere in their apparent desire to be honest, do justice, and avoid bias to the "rich and powerful" litigants. Therefore, Plaintiff believes that many Illinois state-court judges are indeed very honest, but even more-so afraid & scared of losing their jobs –silently praying for some "higher court" (might that be you?) to pull out a titanium-steel gavel & whack their court with Federal Powers—compelling them to stop breaking the law. Thus, even if This Court is prohibited by *Rooker-Feldman* from sitting in review of the merits of the "Substentative" Due Process, nonetheless, a firm "whack" of their court to ensure "Procedural" Due Process (e.g., 1983 violations including, *inter alia*, denial of appellate review) would **very greatly increase** the availability of "real" review of grievances—absent "rich and powerful" bias, which has been sorely lacking heretofore. Wherefore, Plaintiff respectfully replies to this Show Cause order and respectfully asks This Court to **(1)** acknowledge jurisdiction; **(2)** deny change of venue, **(3)** avoid unnecessary time-delays, unnecessarily taking chances, & unnecessary risks—introducing unnecessary "unknowns" into the equations of justice, and lastly: **(4)** review the various complaints on their merits. Respectfully submitted, /s/_____

Date:_____, this _____ day of _____, 2019 **Mr. Gordon Wayne Watts**

(Day of Week) [[Full address, etc. below in Cert. Of Svc .]]

Certificate of Service

I, GordonWayne Watts, hereby certify that I have filed a copy of this court-ordered reply ("**Reply to the Order of This Court, dated April 10, 2019, to Show Cause**") with the clerk of the Circuit Court, Middle District of Florida, Tampa Division, this _____ day of _____, 2019, but on no one else, as I am filing *In Forma Pauperis,* and am depending – with full faith and credit – upon The Court to authorise and order the U.S. Marshall Service to serve all other parties of record.

Date: _____(Day of Week) ,

the _____ day of _____, 2019 **Respectfully submitted,**

_____
(Signature of Counsel)

Typed Name of Counsel: Gordon Wayne Watts, non-lawyer, proceeding ***pro se***

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(Technically, page 26 of 25, but Plaintiffs pray This Court to not count the Certificate of Service in the 25-page limit – or, in the alternative, to grant leave to file this one extra page)