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

Gordon Wayne Watts, Individually, and on behalf of similarly situated persons (some, but not all, whom are named in the instant complaint)

Lead Plaintiff,

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

* Circuit Court of Cook County, Illinois ; and,

Hon. JAMES P. FLANNERY, JR., **in his Individual Capacity – and in his Official Capacity as** Presiding Judge, Law Division, Cook County, IL circuit court ;
Hon. DIANE M. SHELLEY, **in her Individual Capacity – and in her Official Capacity as** Circuit Judge, Law Division, Cook County, IL circuit court ;
Hon. MICHAEL F. OTTO, **in his Individual Capacity – and in his Official Capacity as** Associate Judge, Chancery Division, Cook County, IL circuit court ; and,

* Appellate Court of STATE OF ILLINOIS, First District ; and,

JUSTICE DANIEL J. PIERCE ; JUSTICE MARY L. MIKVA ; JUSTICE JOHN C. GRIFFIN ; JUSTICE MARY ANNE MASON ; JUSTICE TERRENCE J. LAVIN ; JUSTICE MICHAEL B. HYMAN ; and, JUSTICE CARL ANTHONY WALKER ; **in their Individual Capacities – and, in their Official Capacity as** Justices for the First District Appellate Court of STATE OF ILLINOIS,

Defendants.

_____/

Amended VERIFIED COMPLAINT and REQUEST for Declaratory and Injunctive relief; For unspecified monetary damages ; Request for Certification as a Class (Class Action) ; For R.I.C.O. Certification; and, Incorporated MEMORANDUM OF LAW

Pursuant to R.15, Fed.R.Civ.P., Plaintiff is filing this amended complaint once within the 21-day time-limit after service to **This Court;** and, pursuant to local Rule 4.01(a), does now **"**file the amended pleading in its entirety with the amendments incorporated therein**."** Plaintiff, Gordon Wayne Watts, ***pro se,*** hereby sues the defendants, and alleges as follows**:**

I. INTRODUCTION

1. Plaintiff is an individual, representing himself ***pro se,*** with residence located at

2046 Pleasant Acre Drive, Plant City, Florida 33566-7511, and whose residence, during the majority of the litigation underpinning this complaint, was at 821 Alicia Road, Lakeland, Florida 33801-2113, until his landlord gave notification of a planned demolition of the property, and requisite eviction of the tenants, which included Plaintiff, Watts. [This is mentioned to verify that the "Gordon Watts from Lakeland" who signed paperwork in underlying litigation is the same "Gordon Watts in Plant City" filing the instant complaint.]

2. Plaintiff, Watts, is not a lawyer, but he is:

[[A]] the same "Gordon Watts" who nearly won **the infamous "Terri Schiavo" case all by himself, in proceedings before** the Florida Supreme Court. **[See Exhibit-A]** ; and:

[[B]] the same "Gordon Watts" who was the only ***pro se*** (non-lawyer) litigant which the U.S. 11TH CIRCUIT Federal Appeals Court allowed to submit an *Amicus Curiae* (Friend of the Court) brief in the recent consolidated "Gay Marriage" cases **[See Exhibit-B]** ; and:

[[C]] the same "Gordon Watts" who wrote 2 columns and 1 letter to *The Lakeland Ledger* with very embarrassing allegations of social media blocking and claims of promises made by his good friend, former Congressman, Dennis A. Ross, of Lakeland, Florida. **[See Exhibit-C]**

3. Plaintiff includes these "off-topic" items in point #2, above, in order to assure **This Court** that while the instant complaint may be a "difficult" legal matter (both politically difficult, in accusing almost entire state court system of serious 42 U.S.C. 1983 violations, *and* legally-complex, as well), that the plaintiff, while human, has demonstrated that he can be trusted to not waste a reader's time**:** Specifically, he did better in court than Gov. Jeb Bush in the *Schiavo* case, almost winning it (and thus can be trusted to present a coherent legal

presentation to This Court). Moreover, no matter your views on Higher Ed economics or social media bullying (the 2 subjects of the columns and letter which plaintiff wrote for the paper), **the "relevant" point for <u>This Court</u> is plain-and-simple:** *The Lakeland Ledger* refused to publish anything about what the lawmaker allegedly said in town halls and/or did when rogue staff (which later got fired for this) were "blocking" people on the official governmental social media of said congressman**—<u>until</u> the writer (Plaintiff, Watts) offered cited sources and documented proof** of all such allegations. Therefore, Plaintiff includes this "off-topic" material (in point #2, above) to show **This Court** that while he makes **'strong' allegations of <u>fact and law</u>,** about what he alleges are "corrupt" ILLINOIS Courts, plaintiff can be trusted to be both <u>academically</u> coherent (legal bases) as well as <u>morally-trustworthy</u> (to only allege what actually happened, and not exaggerate or "make up" stuff out of revenge or anger or frustration with bad state court decisions), – and be able to document all allegations.

<u>4.</u> Named defendants, in the caption, acting under Colour of Law, not only deprived Plaintiff, Watts, of his Due Process (causing great monetary loss), <u>but also placed the **life and health** of another party (who is elderly) in grave danger, by virtue of</u> title-theft of his Home, Land, & a <u>documented</u> **[see: point 42. of Exhibit-N]** Hundreds of Thousands of dollars of equity in said property. Since making an elderly person homeless necessarily **places ones <u>life and health</u> in danger,** this fact is being stated "up front" to give This Court a "head's up" as to why Plaintiff, Watts, seeks injunctive relief (and may, if it becomes necessary to avoid irreparable and imminent harm, seek TRO relief), as cited in the title of this complaint.

5. Plaintiff shall include a representative sample of **legal documentation** in this complaint, to help the court understand –and verify –and grasp the complaint**; however, due to limitations on computer printer capabilities,** some of the documentation may have to be submitted in one of four (4) *other* ways: **(1.)** Plaintiff has posted ALL documents in question on 2 mirrors online, which can be accessed at the **"Mortgage Fraud" story, dated Fri. 14 April 2017**—see e.g., the "Open Source Docket" link in said **"front-page news"** item at either https://GordonWatts.com (Hosted by GoDaddy in Mesa, AZ) or https://GordonWayneWatts.com (Hosted by HostGator in Dallas, TX) ; **(2.)** Alternatively, Plaintiff hopes to motion This Court for **CM/ECF** privileges and submit key docs electronically ; **(3.)** This Court can order the state courts in question to submit filings (but this isn't favoured, as it's slow & tedious) ; **(4.)** Lastly, This Court can simply take my word on assertions of fact (but this isn't favoured, as it would probably violate both the Due Process of the defendants, and most certainly violate the moral underpinnings of Fair Play).

II. PARTIES TO THE CASE (summary)

6. "Defendant" parties to the complaint are all named in caption. However, there are several more potential "plaintiff" parties **[see par.85, below],** whose Federal Civil Rights were deprived in the underlying state actions. Lead plaintiff, Gordon Wayne Watts, not being a lawyer, doesn't know if it's appropriate to include all of them in the caption, as we're unable to get a lawyer to properly address "how to" include all "class action" parties in a complaint. But, lead plaintiff, Watts, hopes to motion This Court to include Richard Daniggelis (whose house and land were taken in title theft, and who owes Watts **much documented monies** for

research, tech/computer help, etc.—see **EXHIBIT-L** for said documentation), Daniggelis' attorney, Andjelko Galic, and Robert J. More, a former tenant of Daniggelis. There are also more potential class parties, as I represent to This Court that I've been contacted by some of my blog's readers that they, too, have had their Civil Rights deprived by ILLINOIS STATE COURTS, but, as yet, I have no further information.

III. PRELIMINARY STATEMENT

7. Defendants violated numerous national laws, statutes, ordinances, & regulations, including but not limited to: Federal Due Process & 1st Amendment rights of Redress & access to the courts and the ability to have meaningful access to appeal an adverse decision, under the 5th amendment (as incorporated to the states through the 14th amendment), as well as Federal Equal Protection for said access on "equal basis" as protected by 14th amendment and relevant Federal case law. **The overt acts of fraud and collusion in this matter, which were engaged in by the defendants to deprive Gordon Wayne Watts *(and other members of the plaintiff class)* of his *(their)* Federal Civil Rights [and which give rise to a R.I.C.O. (Racketeer Influenced and Corrupt Organizations Act) claim], include, but are not limited to: [[a]]** blatant lies by the appeals court about its alleged lack of authority to hear appeals, **[[b]]** blatant lies by the appeals court about its alleged lack of authority to **hear / grant** "Rule 321" motions to limit the record (to an amount that Plaintiff, Watts, could afford), **[[c]]** requiring an impossibly-expensive fee to produce decades of court records for things such as a simple IFP *(In Forma Pauperis)* petition/application to proceed without payment of fees, and **[[d]]** collusion by circuit court

judges to ensure that a proper motion for intervention was not going to be heard on the merits at the circuit court level, as well as **[[e]]** collusion between the circuit and appellate court to ensure that a "limited record" – which Plaintiff, Watts, could afford, **wouldn't** be permitted, thus resulting in Plaintiff having only two (2) choices: [[#1]] Either pay an estimated TEN THOUSAND ($10,000.oo) DOLLARS for a simple appeal & request for Summary Judgment, –or else [[#2]] be deprived of access to appeal an adverse decision. Point [[e]] was accomplished by R.I.C.O. cooperation between Circuit and Appellate judges to deny the Rule 321 motion, evident by the fact that both courts had such authority. The result was lack of ability to appeal an adverse decision, unless one had tens of thousands of dollars handy—to order up the entire 'Record on Appeal' to gain access to for appeals court review.

IV. BASIS FOR JURISDICTION and VENUE / NATURE OF SUIT – ORIGIN

8. The **nature** of this complaint is a 42 U.S.C. §1983 Civil Rights basis, and its **origin** is an original proceeding, filed in the Federal Circuit Court, under Rule 3, Fed.R.Civ.P., Commencing an Action. Plaintiff brings this action under 42 U.S.C. §§1983 and 1988, to redress the deprivation under colour of state law (both facial, and as applied—specifically, the ILLINOIS state law, "Rule 321," which prohibits access to appeal an adverse decision if "the entire" record is not produced—even for simple decisions like IFP applications).

9. This court has **territorial jurisdiction** because plaintiff lives within the Tampa Division of the Middle District of Florida, U.S. District Court. This Court also has **subject-matter jurisdiction** over this matter pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights).

10. Moreover, This Court has authority and jurisdiction to enter **declaratory judgment** and to provide both **preliminary and permanent injunctive relief** pursuant to Rules 57 (Declaratory Judgment) and 65 (Injunctions and Restraining Orders), Fed.R.Civ.P., and 28 U.S.C. §§2201 (Creation of remedy) and 2202 (Further relief) – as well as "Issuing Without Notice" a **Temporary Restraining Order** pursuant to Rule 65(b), to prevent "irreparable injury, loss, or damage." **Rule 57** provides that "The existence of another adequate remedy does not preclude a **declaratory judgment** that is otherwise appropriate."

11. This Court has **personal jurisdiction** over defendants, via "Long Arm Jurisdiction": Rule 4(k)(1)(A), Fed.R.Civ.P., provides that "Serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant: who is subject to the jurisdiction of a court of general jurisdiction in the state where the district court is located," which means that if Florida's state laws confer personal jurisdiction in state matters, then This Court can use R.4(k)(1)(A) to "piggyback" onto Florida's long-arm statutes.

12. Florida's "Long-Arm" statute is **§48.193,** which provides that: "A person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her personal representative to the jurisdiction of the courts of this state for any cause of action arising from any of the following acts: … Committing a tortious act within this state." **§48.193(1)(a)(2.), Fla.Stats. (2018).** Moreover, in ***Posner v. Essex Ins. Co., Ltd.,*** 178 F.3d 1209 (Fla. Dist. Ct. App. 1999), the Circuit Court of Appeals for the 11th Circuit (our circuit) held that under the Florida long-arm statute, the court may assert

personal jurisdiction over nonresident for tortious act committed outside the state that causes injury inside the state—which, of course, applies here, as ILLINOIS STATE COURTS, and their employees, in their Individual Capacities, have indeed committed numerous tortious acts. So, This Court has personal jurisdiction—if it meets Federal caselaw standards (below).

13. The U.S. Supreme Court, in ***International Shoe v. Washington,* 326 U.S. 310 (1945)** and later on in ***World-Wide Volkswagen Corp. v. Woodson,* 444 U.S. 286 (1980),** has held that a person must have minimum contacts with a State, in order for a court in one state to assert personal jurisdiction over a defendant from another state. ***Int'l Shoe*** held that held that for a defendant to have "minimum contacts," the defendant needs some combination of the two following factors: ((1)) systematic and continuous activity within the forum jurisdiction; and ((2)) a cause of action arising from that activity. In ***Asahi Metal Industry Co. v. Superior Court*, 480 U.S. 102 (1987),** the Supreme Court clarified that even when the defendant has a minimum contact, a court's asserting jurisdiction over the defendant may still be improper as if it would be unfair to the defendant: ***Asahi Metal*** held that "Long-Arm" Personal Jurisdiction over an out-of-state defendant should be evaluated according to the following five factors: [[1]] burden on the defendant, [[2]] interests of the forum state, [[3]] interests of the plaintiff in choosing the forum, [[4]] efficiency concerns, and [[5]] interstate policy interests.

14. There was both "systematic and continuous activity within the forum jurisdiction" (by virtue of the numerous tortious acts committed under colour of law), as well as a "cause of action" (namely the Civil Rights deprivations cited above in this complaint), which

satisfies ***Int'l Shoe.*** Evaluating the factors in ***Asahi Metal,*** it is clear that "interstate policy interests" in clearing up long-held & well-known corruption in ILLINOIS and CHICAGO courts **is** favourable to asserting personal jurisdiction. Moreover, the burden on the defendants in litigating out-of-state is minimal because they have the time and resources to both participate electronically (teleconferencing), as well as travel (should they need to). Plaintiff, on the other hand, beleaguered by poverty, has interests in avoiding the possible risks of having to travel to a circuit court in ILLINOIS, as well, as face "venue bias" for asking a local circuit judge to – basically – say that a huge portion of that state's judges (whom he or she would likely know on first-name basis) are committing civil, and possibly criminal, torts. Lastly, efficiency concerns (especially time-saved in declining to transfer the case under review, here) weigh heavily in favour of asserting personal jurisdiction over defendants, and declining to invoke 28 USC §1404(a) (Change of venue).

V. VENUE is proper in the Middle District of Florida

15. This Court has jurisdiction, and venue is proper in this district (28 USC §1391). "A civil action may be brought in...a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." **(28 USC §1391(b)(2), Venue generally)**

16. ***Fuji Photo v. Lexar Media*, 415 F.Supp.2d 370, 373 (S.D.N.Y. 2006)** held that for a change of venue to be granted, The Court must establish not only whether a transfer is even possible (it is, under 28 USC §1391(b)(1)), but also whether the convenience of the parties and the interest of justice favor transfer. (It **doesn't:** See above.) **Moreover:** "[T]he

parties seeking transfer [that would be an ILLINOIS defendant, should he/she so move This Court] carries the burden of making out a strong case for transfer." ***New York Marine v. Lafarge*, 599 F.3d 102, 114 (2d Cir. 2010)** and must point to clear and convincing evidence on which the court can base its decision. ***Lewis-Gursky v. Citigroup*, 2015 WL 8675449, *2 (S.D.N.Y. Dec. 11, 2015).** Indeed, the moving party "bears the burden of clearly establishing that these factors favor transfer." ***Citigroup v. City Holding,* 97 F.Supp.2d 549, 561 (S.D.N.Y. 2000). While these cases were from New York's 2nd Circuit, they are good guidelines – and agree with our circuit, the 11th Circuit, as well: 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). [Which is <u>our</u> district, the Middle District of Florida.]**

<u>17.</u> Therefore, venue is proper in the Middle District of Florida, and **This Court** may, here & now, via Long-Arm Jurisdiction over out-of-state plaintiffs (the Federal analogue to the 'Sword Wielder' principle), exercise personal jurisdiction <u>and</u> retain venue—

in order to speedily execute justice for all aggrieved parties –one of whom is very elderly, **and was made homeless (thus putting his life & health in jeopardy)** through deprivation of his Federal Civil Rights by ILLINOIS State Courts—acting under Colour of Law.

VI. STATEMENT of the FACTS PERTAINING to the CASE

18. In early 2006, Richard B. Daniggelis (a friend of Plaintiff, Gordon Wayne Watts), began having trouble paying on the mortgage for his house and land, and sought refinance assistance from Paul L. Shelton (a former attorney who was subsequently disbarred**—for mortgage fraud—**by the ILLINOIS STATE BAR—The Court may Google to verify), and Attorney Joseph Younes (who was Shelton's law partner at the time).

19. On May 12, 2006, Daniggelis signed an agreement with Shelton to let Shelton hold his house's warranty deed (title) in escrow, solely for the purposes of refinancing, with a "protection" clause in the contract, declaring the contract "null and void" if the closing didn't take place by May 19, 2006. (Elderly Mr. Daniggelis put that "time-restriction" in the contract to protect himself against title-theft Mortgage Fraud.) **[See Exhibit-D]**

20. Daniggelis obtained a signed statement, **dated May 19, 2006,** from Erika Rhone, who was working with Shelton and Younes, in which she declared that any POA (Power of Attorney) powers she might obtain were to be used solely for the refinancing described in the previous contract. (Elderly Mr. Daniggelis put that "use-restriction" in this contract to protect himself against title-theft Mortgage Fraud.) **[See Exhibit-E]**

21. On 10/17/2007, slightly over a decade ago, GMAC MORTGAGE LLC, who was owed monies by Mr. Daniggelis, filed suit in Cook County, IL Chancery, Circuit Court,

to foreclose on Daniggelis' house and property because he was underwater (owed) on his mortgage. **[See Watts' online docket]** Daniggelis subsequently retained Andjelko Galic, Esq.

22. On 7/24/2012, then-Chancery-Judge Mathias William DeLort (who was promoted to the appellate court) issued a ruling, royally chewing out Galic for focusing too much on a spotty record of written transfer documents (including, of course, the infamous "Linda Green" assignment fraud issues) instead of focusing on the actual mortgage fraud in question, **which was later found to be genuine, and admitted forgery of Daniggelis' signature.**

23. On 2/15/2013, Associate Judge Michael F. Otto (Chancery Division) granted a summary judgment motion of Atty. Joseph Younes, apparently holding that Daniggelis was not owner (but not ordering a change of title at that time).

24. On 3/8/2013, Judge Otto entered a 9-page Order **[see Exhibit-F], admitting** that the July 9, 2006 warranty deed "is in most respects identical" to the May 9, 2006 warranty deed that Daniggelis signed (except, of course, for the word 'July' being hand-written in), which supports Daniggelis claims that there was photocopy forgery of his signature, which forgery - all by itself - would void the entire illegal transfer of title. **[Ex.-F, p.4, top of page]**

25. Even though Judge Otto admitted the basic facts proving a felony photocopy forgery fraud (title-theft Mortgage Fraud), it is documented that neither he, nor any other judge, has ever reversed his order handing over title to Younes, in which Daniggelis **didn't get paid a even a penny for the loss of his house, land, and the documented (**by court records—see point 42 of **EXHIBIT-N) several hundred thousand dollars of equity he had in it.** (See also Watts' filing before the ILLINOIS SUPREME COURT, dated 4/20/2018 and

7/19/2018, in case no.: 123481, ***Watts v. Flannery et. al.,*** for a deeper discussion.)

26. On 5/15/2014, Judge Otto entered an order, formally finding Atty. Joseph Younes, Esq. to be the owner of the property in question—and handing Younes the title to Daniggelis' house and land, which had a documented several hundred thousand dollars of equity in it—even though Daniggelis is documented to not having ever gotten paid even a dime.

27. Based on what Daniggelis told Watts, in a numerous phone conversations, Watts represents to This Court (upon information and belief) that Daniggelis jumped up in court that say, and yelled at Judge Otto, to the effect**: "**Hey, how can you hand title over of my house, if your court has already admitted that I'm a victim of fraud, and allowing a judgment against Stewart Title – forcing them to settle with me**!?"**

28. Upon information and belief, Watts represents to This Court that Judge Otto got nervous, and explained that he would – instead – be transferring the case to The Law Division—apparently in response to having been caught using the "colour of law" to aid and abet a title theft, thus depriving Daniggelis of his Civil Rights.

29. Subsequently, Watts spoke by phone with Daniggelis, who related that both copies of the Warranty Deeds on file had EXACTLY the same signature, proving his claims that there was a forgery-based Mortgage Fraud-type title theft **of his house / land / equity.**

30. Watts, who respects Mr. Daniggelis, like an uncle or grandfather, became upset, and ordered (under Public Records access) records from the Cook County, ILLINOIS circuit court, and verified the accuracy of Daniggelis' claims: Both signatures were identical, impossible for a mere mortal, thus proving a "photocopy-based" forgery of a 2nd Warranty

Deed, when the 1st deal fell through—thus enabling the title theft of said house and land.

31. In early to mid August 2015, Watts filed an *Amicus Curiae* brief with both circuit court **[see: Exhibit-K],** and appellate court, both of which were reviewing issues with Daniggelis' foreclosure (aka Mortgage Fraud) case. Both courts subsequently denied Watts' *Amicus* motions. Watts disagreed with these rulings, appealing one for a time, but chose not to complain to **This Court** about the 'bad' *Amicus* rulings, since *amicus* filings are discretionary, not obligatory: An *Amicus Curiae* doesn't have standing to assert Due Process.

32. All along, Watts was doing online research, helping to procure records from both the courts and the Internet, for Daniggelis (who didn't use a computer). Additionally, Watts was helping Daniggelis learn to use a computer, Internet, e-mail, etc. Daniggelis agreed to pay Watts a very large, but unspecified, amount of monies for his labour, but was—at that time—unable to pay Watts anything because he was dealing with loss of a house, homelessness, having to put things in storage, and physical & emotional stress on an elderly person who is the victim of courts' aiding/abetting of title theft of his house, land, & equity.

33. On 07/06/2017 (Court-stamped on "07/07/2017," when it arrived by overnight 1st Class U.S. Postal Mail, the next day), asserting his absolute rights under intervention law of The State of Illinois, Watts immediately filed an Intervention action in the Circuit Court, **Law Division,** of Cook County ILLINOIS, the Division to which the foreclosure / fraud case was transferred—to protect his interests in regard to, *inter alia,* monies owed to him by Daniggelis—and documented said claims. **(See: Exhibit-L)**

34. No one contested Watts' allegations on monies owed him, which is legally-binding

upon ILLINOIS courts and litigants**:** Per **735 ILCS 5/15-1506(a),** that which the other parties to this case don't deny is admitted, Thus, the "law of the case" is that Watts has huge monetary interests (e.g., "sufficiency of interest," one of the three (3) prongs necessary to assert Intervention—see e.g., this quotation of Illinois statutory and case law:

> ILLINOIS state law: **735 ILCS 5/2-408(a)(2)** grants intervention as an absolute right because "the representation of the applicant's interest by existing parties is or may be inadequate and the applicant will or may be bound by an order or judgment in the action." ILLINOIS state law grants intervention as an absolute right because**: 735 ILCS 5/2-408(a)(3)** because "the applicant is so situated as to be adversely affected by a distribution or other disposition of property in the custody or subject to the control or disposition of the court or a court officer." **ILLINOIS case-law governing Intervention** holds that: Where intervention as of right is asserted, "the trial court's jurisdiction is limited to determining timeliness, inadequacy of representation and sufficiency of interest; once these threshold requirements have been met, the plain meaning of the statute directs that the petition be granted." See: ***City of Chicago v. John Hancock Mutual Life Ins. Co.,*** **127 Ill.App.3d 140, 144 (1st Dist. 1984).**

35. Daniggelis' attorney, Andjelko Galic (as the record amply shows) failed to prosecute the case, eventually getting dismissed at every level, & thus didn't represent anyone's interests, at that point. Watts, sensing Daniggelis' attorney wasn't representing his interests, moved for Intervention, asserting "inadequacy of representation."

36. Trial court never ruled on Watts' Motion for Intervention, filed & court-stamped on 7-7-2017, even though the court stamp **(see: Exhibit-L)** documents that it was received.

37. On 12/17/2017, Circuit Judge, Diane M. Shelley, entered an order granting Galic's motion for non-suit (aka voluntary dismissal), in **case number 2007-CH-29738, *GMAC v. Younes, et. al.,*** in the Law Division, after the case was transferred there from Chancery.

38. Watts, in reliance of seeing his name on the docket **(see: EXHIBIT-O),** and in

reliance of what clerks repeatedly told him, believed that his name being listed as "Defendant" was proof that his Intervention motion had been granted—and that he was now a party to the case, with legal standing to file documents, appeal rulings, etc. [See court's official docket, which lists Watts as a Defendant, and thus a party to the case, links and screen-shots of which are **included here as 'Exhibit-O'** – and also in state court filings.]

39. On 01/08/2018, Watts filed a timely Notice of Appeal of said order, with the ILLINOIS First Appellate Court. [Docketed case #: **1-18-0091** before the 1st App. court]

40. On 01/19/2018, the appeals court granted his fee waiver application, so Watts wouldn't have to pay the small, approximately fifty ($50.oo) dollar fee. (IL Supreme Court Rule 313). However, on **03/01/2018,** Judge James Flannery denied Watts fee waiver application, applicable for the circuit court's fees. Both courts have the same standards for indigent applicants, and Watts, a Food Stamp recipient, easily qualified.

41. Judge Flannery's 03/01/2018 order (see: Exhibit-M) claimed that the court never granted leave (permission) to intervene, and thus Watts wasn't a party, with legal standing to be entitled to fee waiver, in spite of Watts' name being clearly displayed on the official court docket as the second-lead defendant, just under Daniggelis' name—and without any explanation as to why Intervention might, legally, be denied. On **3/19/2018,** Watts sought Mandamus relief from the 1st Appellate Court to compel Flannery to do his ministerial duty and grant the fee waiver application, intervention, & preparation of a record on appeal for the 1-18-0091 appeal, which was (and still is) pending the Appeals court's receiving the record on appeal. The mandamus petition was assigned case number **1-18-0538** in the appeals court.

42. Watts was dissatisfied with Flannery's ruling (Denying Fee Waiver application, Intervention, and preparation of the record on appeal for 1-18-0091, which is still pending, as I speak/write), and appealed that adverse order. The appeals court docketed it on **03/22/2018, and assigned it case number 1-18-0572.**

43. The appeals court allowed Watts to prosecute his appeal of **1-18-0572** without payment of the fee, but Watts, knowing that his prior application has been denied by Flannery for 1-18-0091, declined to ask the circuit court again for fee waiver.

44. On 04/20/2018, Watts moved the appeals court for **Summary Judgment** of his appeal in case number 1-18-0572, which was simply an appeal of Flannery's order denying Fee Waiver. Shortly thereafter (on 05/02/2018), Atty. Rosa M. Tumialán, and one other attorney, who has reportedly quit her law firm, entered an appearance for Plaintiff, GMAC, but did nothing further than enter an appearance.

45. The following day, on 05/03/2018 (the same day that Watts' father, Bobby Watts, unexpectedly passed away), the appeals court entered an order denying summary judgment in appeal number **1-18-0572**—a simple "Fee Waiver" matter, for which Watts qualified.

46. On 05/09/2018, the ILLINOIS Supreme Court entered an order denying Watts' petition for a Supervisory Order to compel the circuit and appeals courts to obey the law with regard to Intervention, Fee Waiver, and Preparation of the Record on Appeal.

47. On 08/28/2018, the appeals court dismissed appeal number **1-18-0572** (an appeal of Judge Flannery's order fee denying waiver), alleging "want of prosecution," in spite of the fact that it was an appeal of a simple fee waiver denial, not a "complex" matter.

48. On 09/28/2018, the appeals court entered an order denying Watts' petition for a Writ of Mandamus, **appeal number 1-18-0538,** and justifying that it was**: "**DISMISSED for lack of this Court's jurisdiction**," an obvious lie,** in light of clear case law and Illinois State Constitutional provisions which ***explicitly*** permit an ILLINOIS appellate state court to issue Writs of Mandamus. Subsequently, the appeals court, in an order dated, **11/29/2018,** denied a timely motion for reconsideration of its **09/28/18** order—without any explanation as to why its court allegedly lacked jurisdiction to issue such writs**.**

49. Watts, recalling an e-mail reply from then-Deputy Chief of Civil Appeals, Patricia O'Brien, that the record on appeal was very, very huge ("Boxes") **[See Exhibit-G],** and the docket was very, very lengthy, Watts knew that it would likely cost thousands, perhaps tens of thousands, of dollars to pay for a "complete" Record on Appeal.

50. Watts represents to This Court that he inquired of the cost, and as both his recollection, and O'Brien's e-mail reply indicate, the circuit court was unwilling and/or unable to give an estimate of the costs of prep of the entire common law record in this case—a requirement for a litigant who wants to appeal, unless the record can get limited.

51. Illinois rules only allow for a "limited" record by stipulation (agreement among all the parties—very hard, if not impossible, for warring factions), or grant of a 'Rule 321' motion, which gives both circuit and appeals courts authority to allows a "limited" (read: smaller, and thus not cost-prohibitively unaffordable) Record on Appeal.

52. On 02/27/2019, Watts filed a "Rule 321 motion to limit Contents of the Record on Appeal" with the appeals court **(see: Exhibit-I),** so he could get access to the appeals court.

53. **On 03/08/2019 (see last item in Exhibit-M),** the appeals court entered an order granting the motion to extend time to file Record on Appeal (and has granted similar motions to extend time for this one case that is still "alive," namely**: 1-18-0091,** the other two appeals having been dismissed). However, in that same order, the court (Justices Mikva, Griffin, & Walker, for the court), said that**: "**Appellant is advised that this court **cannot** issue an order determining the contents of the record to be provided by the circuit court. All issues regarding the record must be addressed with the circuit court**,"** *(emphasis/underline added)* **in spite of clear language** of ILLINOIS Supreme Court Rule 321, showing they **can** do so.)

54. **In that same order, dated 03/08/2019,** the appeals court declared that: "This is the FINAL EXTENSION that will be allowed for filing the record. If the record is not filed by May 28, 2019, this appeal will be dismissed for want of prosecution," **which roughly translates to: "**we will be soon punishing you, and dismissing your appeal – for failing to file a record, even though **it is clearly our fault that you can't file** an affordable record, much-smaller, for your open-and-shut case**."**

55. Lead Plaintiff, Gordon Wayne Watts (as documented in filings before these ILLINOIS state courts) has experienced numerous hardships, including (but not limited to), his father passing away (Bobby Watts: 01-27-1935 — 05-03-2018), Watts, himself, almost dying the following month due to a bad reaction to OTC (over the counter) pain meds, and nearly bleeding to death with a G.I. (gastrointestinal) bleed, and then, he and his mother getting evicted, and having to move all their life's belongings to the family house – which then needed extensive cleaning and repair before it could be livable. This is relevant to show

two (2) things: First, it helps explain slowness and time-gaps in filing on some occasions, on the part of Watts, and secondly, it gives an idea of how a person is already under heavy life-stresses, and thus more vulnerable (and helpless) in the face of serious deprivations of liberty, one of which made an elderly man homeless, thus being no small jeopardy to both his life and health. (The second point, in general, references both Watts, whose hardships are summarised, and Daniggelis, who is elderly and was made homeless by the title-theft styled Mortgage Fraud, facilitated by what even the trial court admitted was, basically, a duplicate signature type forgery.)

56. When it became clear that Illinois circuit and appellate courts, *both of whom had "Rule 321" jurisdiction to "limit the record (on appeal)" to an amount that was affordable (thus allow Watts a chance to seek appellate review of the decision denying him intervention, where he had/has great interests, financial & emotional, to name a few),* **decided to "pass the buck" back and forth, and deny Watts access** to have his redress reviewed on the merits (by either circuit *or* appeals courts)**, then Lead Plaintiff, Watts,** invoked the jurisdiction of **This Court** to seek redress of the numerous Federal Civil Rights denials done by state actors acting under the "colour of law," **and is doing so, here and now, by this "amended" brief, here—correcting numerous typos in the original complaint.**

VII. MEMORANDUM OF LAW [[42 U.S.C. §1983]]

57. In order to establish liability under §1983, the plaintiff must prove that he has been deprived of a federal statutory or constitutional right by someone acting "under color of" state law. ***Parratt v. Taylor*, 451 U.S. 527, 535 (1981).** *See also* ***Lugar v. Edmonson Oil***

***Co.,* 457 U.S. 922 (1982)** ("state action" under Fourteenth Amendment equated with "under color of law" for Section 1983 purposes). Well-established rule that the **Eleventh Amendment** generally does not bar suits for damages against state officers, so long as those officers are sued in their individual capacities. See, e.g., ***Kentucky v. Graham,* 473 U.S. 159, 165-66, 105 S.Ct. 3099, 87 L.Ed.2d 114 (1985).** All government employees are "persons" under §1983 and can be sued for anything they do at work that violates clearly established constitutional rights. ***Hafer v. Melo,* 502 U.S. (1991).** In addition, the Supreme Court has held that the state has immunity from suit in federal court under the 11th Amendment to the Constitution. ***Quern v. Jordan,* 440 U.S. 332 (1979).** As the Supreme Court stated in ***United States v. Classic*, 313 U.S. 299, 326 (1941),** "[m]isuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken `under color of' state law."

58. So, that means that This Court can only issue, say, injunctive or declaratory relief against the ILLINOIS state circuit and appellate courts**; however,** state actors can be sued in their individual capacities for monetary damages: **11th Am.** generally doesn't bar such suits.

59. Preliminary Note: While the list of defendants is great, PLAINTIFF, GORDON WAYNE WATTS is not suing **all** judges who issued adverse orders against him**:** While some orders may be 'bad' or 'wrong,' some of the 'bad' rulings were on matters in which the court had "discretion" to say 'no,' such as a motion for *amicus*. **This fact is important in showing that Plaintiff, Watts, while not an attorney, does respect the Rule of Law, and isn't seeking to "sue everybody" in a frivolous filing like a vexatious litigant.**

VIII. CAUSES of ACTION / CLAIMS for RELIEF

Count 1: Deprivation of a right without Due Process of Law

60. In the state court filings (see online docket links provided by Plaintiff), the term "Jury Demand" was all over over the docket, but, as the record shows, elderly Daniggelis' house, land, & HUNDREDS OF THOUSANDS OF DOLLARS IN DOCUMENTED EQUITY were taken from him, without even one single jury of his peers. He had a **right** to own & possess his house without theft. **Judge Michael F. Otto is named here,** as he had authority to either prevent title-theft, or, if he insisted in handing over title, to at least allow Daniggelis his right to trial by jury. Judge Otto knew there was fraud (see point #25, above). Moreover, in subsequent filings, he denied the *Amicus* brief of WATTS **(see: Exhibits P & Q),** which, while 'bad',' was well-within his rights. However, he read Watts' *amicus* **(Exhibit-K)**, where Watts gave additional documented proof of forgery fraud. **So, Judge Otto is without excuse.**

Count 2: Emotional pain / suffering via false statements, libel, under Colour of Law

61. In his Order dated 12-7-2015 **(**par.2, page 3 of **EXHIBIT-Q),** Otto falsely claimed that Watts bragged that he **"**should be allowed to engage in the tactics of a vexatious litigant," which statement is **FALSE.** It never happened. This inflicted unnecessary pain upon Watts.

Count 3: Deprivation of a right without Due Process of Law – again

62. The Intervention filed by Watts **(see: Exhibit-L)** documented in excruciating detail claims of interests, fees, receipts, & costs. Even if the court ruled "against" Watts' INTERVENTION motion, that might not constitute a Due Process violation, but **Judge Diane M. Shelley** got multiple copies (both printed, emailed, via e-filing, & even posted in

WATTS' own docket –see certificates of service, mailing receipts, posted email, etc.), and, with clear *mens rea* (criminal intent, not something just done "by accident," mind you), Judge Shelley purposely refused to issue an explicit ruling on the Intervention motion, which gave Judge Flannery an 'excuse' to deny Watts' Application to proceed via Fee Waiver. This, in turn, prevented Watts from ordering the record on appeal, because it was **very** huge & lengthy. This denied Watts a meaningful chance to have his Intervention motion heard on the merits, which is why **Judges Shelley and Flannery** are named in their individual capacities.

Counts 4 and 5: Deprivation of a right without Due Process of Law – again

63. Illinois "Supreme Court Rule 321" acts to deprive a litigant of his or her fair day in court (Procedural Due Process), and is invalid **both 4. facially and 5. as applied:**

> **Rule 321. Contents of the Record on Appeal**
> The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, or the trial court, after notice and hearing, or the reviewing court, orders less. The common law record includes every document filed and judgment and order entered in the cause and any documentary exhibits offered and filed by any party. Upon motion the reviewing court may order that other exhibits be included in the record. The record on appeal shall also include any report of proceedings prepared in accordance with Rule 323. There is no distinction between the common law record and the report of proceedings for the purpose of determining what is properly before the reviewing court. Amended July 30, 1979, effective October 15, 1979; amended December 17, 1993, effective February 1, 1994. Source: http://www.illinoiscourts.gov/supremecourt/Rules/Art_III/artiii.htm

64. First off, Rule 321 is unconstitutional, and thus void, as applied: Remember, both the trial court and the reviewing (appeals) court could have "order[ed] less," and the effect of them refusing to do so was either Watts paid for DECADES of record in a very

"open-and-shut," easy-to-determine case (cost prohibitive), or, in the alternative, Watts simply didn't get his day in court, because of how the courts "applied" this Rule.

65. More-importantly, however, this rule is simply unconstitutional **facially.** Let's look more closely**:** Besides a trial court or 'reviewing' (appeals) court avenue, there is also the option for stipulation (agreement among the parties). However, getting a whole bunch of lawyers on both sides to agree to ANYTHING (much less something to help a small, non-lawyer outsider) is like "herding cats"**:** It ISN'T happening very often. (And even if it "could" happen, it is very difficult at best.) The effect of this Rule is to make it very difficult to "order less." However, the 1983 violation comes when we see that there is NO provision for a litigant to proceed and get heard on the merits if he or she doesn't have the "complete" Common Law Record, huge in some cases (See **Exhibit-G,** the letter from the Civil Appeals division, admitting that the record was "boxes" in size, or see the **Docket in *GMAC v. Daniggelis, et al.*, 2007-CH-29738,** in the Chancery Division. The case in the Law Division being appealed is the same case**:** It was transferred—so the record is the same, huge record.)

Multiple Counts: Deprivation of a right without Due Process of Law – and
- **requirement that courts have held to be denial of Equal Protection**

–

- **66.** In his 02/27/2019 "Rule 321 motion to limit Contents of the Record on Appeal," which was filed before Judge Diane M. Shelley's court (and which was an exhibit in the Motion to Extend Time, filed in the appeals court) [see: **EXHIBIT-I,** proof it was filed multiple ways, electronically, email, online posting, etc.—meaning both CIRCUIT and APPELLATE courts were so-notified], Plaintiff Watts clearly told both courts **the following legal analyses by former Fla. Sup. Ct. clerk, and legal scholar, Robert Craig Waters:**

> **"**In preventing appellant an opportunity to appeal the actions of the circuit court, both the Illinois circuit and appellate State judges are not protected by Federal Judicial Immunity under the highest FEDERAL standards: "A

> judge thus remains unquestionably immune as long as he does not take actions that intentionally and plainly prevent further review. The duty imposed on a state-court judge, then, is only to recognize that his own decisions may sometimes be in error and to ensure that orders affecting important constitutional rights can be reviewed in another court." **["JUDICIAL IMMUNITY VS. DUE PROCESS: WHEN SHOULD A JUDGE BE SUBJECT TO SUIT?," by Robert Craig Waters, page 473, par.3, cl.4—5, *Cato Journal,* Vol.7, No.2 (Fall 1987). Copyright © Cato Institute.** All rights reserved. The author is Judicial Clerk to Justice Rosemary Barkett of the Florida Supreme Court. Emphasis added in bold, underline, italics, for clarity; not in original.]
> Cite: https://www.cato.org/cato-journal/fall-1987
> File: http://www.cato.org/sites/cato.org/files/serials/files/cato-journal/1987/11/cj7n2-13.pdf
> Cite: https://ideas.repec.org/a/cto/journl/v7y1987i2p461-474.html
> *
> https://econpapers.repec.org/article/ctojournl/v_3a7_3ay_3a1987_3ai_3a2_3ap_3a461-474.htm
> Cite:
> https://EconPapers.Repec.org/RePEc:cto:journl:v:7:y:1987:i:2:p:461-474
> "

67. While some random law clerk's "opinion" is not legally-binding upon this court (especially given that it is merely a clerk in a STATE court), nonetheless, the clerk does this for a living, and must know the FEDERAL law in question, so he could advise his boss (former Justice Rosemary Barkett of the Florida Supreme Court) how to rule.

68. More-importantly, the FEDERAL case-law and statutory law standards within the "Four Corners" of this complaint completely (and then some) show that Robert Craig Waters is quite correct—and, that Watts gave clear notice to the state courts of their violation (and, implicit within that citation, Watts' intent to bring Federal complaints). Therefore, Watts can not be accused of "gotcha!" Legal Tactics**:** Plaintiff, Watts, gave clear notice of intent to sue, and reasons why ILLINOIS STATE COURTS were ripe for judgment against many victims.

69. COUNT 6 of this violation was the action of the appeals court in their 08/28/2018 ruling (Justices Pierce, Mikva, & Griffin) dismissing **1-18-0572** for "want of prosecution." What's the problem with that you might ask? That case appealed Judge Flannery's denial of a fee waiver (which prevented him from preparing the record). So, the appeals court, conveniently, issued a "Catch-22" ruling**:** You can't get heard without the record, but you can't get the record without being heard & winning your appeal. The court thought it was slick, and that a litigant so poor as to be unable to pay for a huge record would also be unable to invoke the jurisdiction of This Court, but apparently, they were wrong. The appeals court panel acted with ***mens rea,*** clearly, because to say this was an accident would insult the judges and say they aren't intelligent**:** These judges are very intelligent, making their crime an intentional one.

70. COUNT 7 of this series was the action of the appeals court in their 09/28/2018 ruling (Justices Mason, Lavin, & Hyman) dismissing the mandamus petition **(1-18-0538),** allegedly**: "**DISMISSED for lack of this Court's jurisdiction**."** There's just one problem with that**:** The court clearly has jurisdiction under both the Constitution and under relevant case law**:** ***Gassman v. THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY*** **(1-15-1738)** and ***Midwest Medical v. Dorothy Brown*** **(1-16-3230),** both of which are examples of that Illinois appeals court having authority to issue Mandamus Writs, as 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. They acted under colour of law to deprive Watts of Due Process.

71. COUNT 8: In their 10/25/2018 order, said appeals court did extend time to file the record, but, again, refused to allow a record which appellant, Watts, could afford**: "'**Appellant must direct inquiries on the content of [the] record on appeal to [the] clerk of the circuit court of Cook County**.'" (Justices Mikva, Pierce, & Griffin)**

72. COUNT 9: In their 03/08/2019 order (/s/ Justices Mikva, Griffin, & Walker), said appeals court made it a point to extend time to file the record **one last time: "**This is the FINAL EXTENSION that will be allowed for filing the record. If the record is not filed by May 28, 2019, this appeal will be dismissed for want of prosecution**."** The problem with *that?* Right before that, the court clearly said that**: "**Appellant is advised that this court cannot issue an order determining the contents of the record to be provided by the circuit court. All issues regarding the record must be addressed with the circuit court**."** *Does anyone else see the problem with that?* Yes, the appeals court is "passing the buck" and making sure to "cooperate with" the circuit court in denying Watts his ability to have meaningful appeals-review of his adverse order—and using, as their excuse, the requirement that the entire Common Law record would be needed. The reputation (think: "the Chicago machine," or more-recently, the Jussie Smollet corruption & meddling) of CHICAGO, ILLINOIS courts (often nicknamed " **'Crook' County,"** ILLINOIS, for being corrupt, a play on words from "**Cook County,** IL"—Google: ""Crook County, Illinois"" if you haven't heard this term) is thus well-earned, **as documented here.** Indeed, **"'**Chicago-style politics**'"** is a phrase which has been used to refer to the city of Chicago, regarding its hard-hitting, sometimes corrupt, politics. It was used to refer to the Republican machine in the 1920's run by William Hale

Thompson, as when ***TIME*** magazine said**: "**to Mayor Thompson must go chief credit for creating 20th Century Politics Chicago Style**."** Source**:** (***Time Incorporated,*** 1931, volume 17, page 16, Link**:** https://www.google.com/search?tbm=bks&hl=en&q="Thompson+must+go+chief+credit+for+creating+20th+Century+Politics+Chicago+Style")

73. NOTE on Parties: Justice Carl Anthony Walker, when signing his 03/08/2018 order, had handwriting that was barely legible (see: WATTS' online docket), but "process of elimination" guessed it might be his signature, and a phone call to Hon. Tina Schillaci, Esq., clerk for the FIRST APPELLATE COURT, confirmed this was his signature. While bad handwriting slows down justice, **Justice Walker isn't be named for handwriting issues** (no Federal Tort for bad handwriting), and, indeed, he only participated in (read: committed) one single tort, that act done on Friday, 03/08/2018. Moreover, on 08/17/2015, Justice James G. Fitzgerald Smith signed off on an order denying the *amicus* motion filed by WATTS, but **Justice Smith isn't named** in this complaint because Watts' absolute FEDERAL PROCEDURAL & SUBSTENTATIVE DUE PROCESS rights **don't** guarantee the right to come before the courts as an *amicus curiae,* in which they are neither a party to the case, nor have any interests that need to be protected. Neither is Justice Mary Jane Theis (ILLINOIS Supreme Court) who first GRANTED Watts' Motion *In Forma Pauperis* (dated: 05/01/2018, for Case No**.:** 123481, ***Watts v. Flannery et. al.*****),** and then later participated in **a "hidden vote" denial** of said petition on the merits**. (The IL Sup. Ct. isn't named** as a defendant, because, although they could've easily corrected the violations of Federal Law, about which

they were amply notified, that court is one of discretionary, not mandatory, jurisdiction, thus no absolute right to appeal to the IL Supreme Court—or, for that matter, the U.S. Sup. Court.)

74. COUNT 10: Intentional infliction of pain and suffering by The Courts: Let's take a closer look at the 11/16/2015 ORDER by Hon. Sanjay T. Tailor (Law Division), denying both the *amicus* motion by Lead Plaintiff, Gordon Wayne Watts, and the intervention motion by class plaintiff, Robert J. More, shall we? As stated elsewhere, a litigant has no "Due Process" rights to file an *Amicus Curiae* in any court (lacks standing, no interests, etc.), so Tailor is not named in the complaint. But, look, closely, at his 11/16/2015 order **[Exhibit-H],** ok? It was a proposed order written by (see caption, bottom-left of order) Atty. Andjelko Galic, who represented Daniggelis in the mortgage fraud aka foreclosure proceeding, which was transferred from Chancery to Law, ok? Now, under both ILLINOIS and FLORIDA state laws, an attorney is an "officer of the court," and thus can act under the "Colour of Law," meaning Galic could be liable if he committed a tort. Indeed, Galic's proposed motion asks Judge Tailor to strike Watts' *amicus* motion (which was not a guaranteed Due Process right) and More's "intervention" motion. (More was already a named party, and thus needed not intervene, but that is immaterial to this count, here.) ***Our point??*** – Well, it should be obvious to any reader**:** Galic was on "the same side" as Watts and More, and so his request of Judge Tailor to strike their motions was VERY, VERY unusual, and can **only** be explained by this obvious fact**:** The courts were so, so corrupt and menacing to Galic that Galic found it necessary to "buddy up" to Tailor, and the only way he could do it was to "bully" both Watts and More**.** While this is merely an allegation, it is a CORRECT allegation, insofar as **NO**

OTHER explanation under the sun exists to explain Galic's bizarre motion, here**.** This proves that The Courts intentionally inflicted emotional harm upon all class plaintiffs by intimidation and scaring the pure living daylights out of Galic, who, in turn (chain-reaction), acted against other class plaintiffs. (This may, also, have had an effect on the loss of financial interests, which lead plaintiff, Watts, documented in his intervention motion.) Thus, this **pain and suffering** is yet another **42 U.S. Code §1983** violation of defendants, the trial & appeals courts, and said judges so named. See e.g., ***Lawson 32 v. Dallas County,* 112 F.Supp.2d 616, 636 (N.D. Tex. 2000)** (plaintiff is "entitled to recover compensatory damages for the physical injury, pain and suffering, and **mental** anguish that he has suffered in the past – and is reasonably likely to suffer in the future – because of the defendants' wrongful conduct"), aff'd, 286 F.3d 257 (5th Cir. 2002), (emphasis added in bold and underline for clarity – not in original, internal citations removed) which, while a 5TH Cir. holding (and not an 11TH cir. holding, in our circuit) comports to our case and statutory law, all the same—see e.g., other case-law within the "Four Corners" of this complaint, and also: ***Ray v. Foltz,* 370 F.3d 1079, 1083-84 (11th Cir. 2004)** (issue is whether "defendants had actual knowledge or deliberately failed to learn of the serious risk to R.M. of the sort of injuries he ultimately sustained"). Defendants knew (and know) full-well that their actions caused both emotional and financial harm to both Daniggelis and Watts, to say the least.

75. Count 11 –and CONCLUSION on points above: To illustrate, let's revisit point #69, above, ok? Watts' appeal**, 1-18-0572**, was merely of the fee waiver application denial. So, why in the world would the appeals court deem it necessary for Watts to produce the

entire common law record (with decades of filings, which took up boxes and boxes)!? Why would an appeals court (or, for that matter, any court), need reams and reams of filings simply to decide a simple fee waiver matter? **ANSWER:** They are using this as a tool to deprive due process under the colour of law, and I believe their motives are to protect fellow-lawyers who come before their courts, friends, and associates. FEDERAL LAW AGREES: See, e.g., ***Griffin v. Illinois*, 351 U.S. 12, 18-20 (1956)** (holding that requiring indigent defendants to pay for transcript of trial in order to appeal **denies FEDERAL Equal Protection even though there is no absolute right to appeal).** Basically, what was done to Plaintiff, WATTS, was even worse: Griffin, as the court held, did not have an absolute right to appeal. (Ironic that ILLINOIS is the same state in this instant case, but not unexpected.) Watts, however, did have an absolute right **under ILLINOIS State Law: "Rule 301. Method of Review** [] Every final judgment of a circuit court in a civil case is appealable as of right. The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding." Source: http://www.illinoiscourts.gov/supremecourt/rules/art_iii/artiii.htm

So, if Watts did have an absolute right to appeal, his Equal Protection rights were clearly violated even more, thus giving rise to **yet another tort, "Count 10," this Equal Protection cause of action—here.**

IX. MEMORANDUM OF LAW [[R.I.C.O. and Class Action]]

76. ** R.I.C.O.: One definition of R.I.C.O. (the federal Racketeer Influenced and Corrupt Organization provisions as part of the Organized Crime Control Act of 1970) is that

it is **Federal Law that condemns <u>any</u> person** who **<u>conducts or participates</u>** in the affairs of, ***or <u>conspires</u> to invest in, acquire, or conduct*** the affairs of an enterprise which engages in, or whose activities affect, interstate (or foreign) commerce through (a) the collection of an unlawful debt, or (b) the patterned commission of various **<u>state</u> and <u>federal</u> crimes.** Under the law, the meaning of racketeering activity is set out at 18 U.S.C. §1961, and, as currently amended, includes <u>any</u> act of fraud, which, clearly, includes the TEN (10) serious Federal causes of action, cited and documented above. [18 U.S.C. §§1341 (relating to mail fraud) 1343 (relating to wire fraud) come to mind, but are, by no means, limiting to the RICO crimes here.] The U.S. Supreme Court, in ***H.J. Inc. v. NW Bell Tel. Co.*, 492 U.S. 229 (1989)** held that**: "**"Racketeering activity" means "any act or threat involving" specified state law crimes, any "act" indictable under specified federal statutes, and certain federal "offenses." § 1961(1). A "pattern" requires "at least two acts of racketeering activity" within a 10-year period. § 1961(5)**."** Moreover, RICO contains a provision that allows for commencement of a civil action by a private party to recover damages sustained as a result of the commission of a RICO predicate offense. (See: 18 U.S. Code §1964, Civil remedies) Without beating a dead horse, it suffices to say that the three (3) circuit court judges and the seven (7) appellate state court judges can **not** be said to have avoided conspiring to commit acts, under the Colour of Law, to deny Procedural and Substantive Due Process and Equal Protection under the law. (There are, no doubt, more violations, but plaintiffs don't have standing to go on a witch hunt or a wild goose chase**; however,** the "more violations" is mentioned because This Court should ask 'How many *other*' people will be denied—people who don't have the resources or

expertise that Lead Plaintiff, Watts, possesses?)

77. ** Class Action: A class of plaintiffs was (and continue to be) harmed, so—in the interests of Judicial Economy—and pursuant to Rule 23(a)(2), Fed.R.Civ.P. (common questions of law or fact), Plaintiffs now bring this action as a class action. This legal strategy allows courts to manage lawsuits that would otherwise be unmanageable if each class member victim were required to be joined in the lawsuit as a named plaintiff. See: ***Hansberry v. Lee,* 311 U.S. 32, 41, 61 S.Ct. 115, 118 (1940).** Therefore, plaintiffs seek Class certification, as well as R.I.CO. Certification-- with requisite **treble (triple) damages** – to send a message to state courts to tread lightly on rights:

> Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court **and shall recover threefold the damages he sustains** and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. (See: 18 U.S. Code §1964(c))

X. MEMORANDUM OF LAW [[Injunctions / T.R.O.'s]]

78. *Inter alia,* this complaint seeks [1] a preliminary injunction, and [2] a permanent injunction, and may, if it becomes necessary to avoid irreparable and imminent harm, seek a T.R.O. (Temporary Restraining Order)—governed by Rule 65, Fed.R.Civ.P., and local Rules 1.06, 4.05, and 4.06: "The court may issue a preliminary injunction only on notice to the adverse party." **Rule 65(a)(1), Fed.R.Civ.P.**

79. Since plaintiff, Watts, is acting quickly to seek redress of This Court**, it appears that a T.R.O. will *probably* be unnecessary, but** this is mentioned, to cover all legal bases.

80. Since the stated "dismissal" date given by one of the defendants, of the only live appeal pending, is May 28, 2019, and it might be possible that this case pends beyond that point, Plaintiff, Watts, asks This Court to speedily enjoin, **via a preliminary injunction,** the Appellate Court, so-named, from dismissal of the case until a genuine review, on the merits, of the Federal Equal Protection and Due Process deprivations can be had. Then, if This Court is persuaded, Plaintiff asks This Court to give declaratory relief for this particular complaint, that is, a judgment of a court which determines the rights of parties without ordering anything be done or awarding damages. Then, based upon that holding, plaintiff seeks both permanent injunctive relief and award for damages, including (but not limited to) [[1]] loss suffered when defendants made it impossible for Daniggelis to pay Watts for much (documented) work & research done; [[2]] pain and suffering of all the class parties, not just Watts; [[3]] any attorney fees that may accrue; [[4]] any other damages as This Court deems appropriate ; and [[5]] That in treble, due to RICO requirements. [[6]] Plaintiff asks This Court to permanently enjoin defendants from enforcing the unconstitutional rule, described in these pleadings, ILLINOIS Supreme Court Rule 321, holding it unconstitutional both on the face and as applied, and thereby striking it. [[7]] Lastly, plaintiff asks This Court to give declaratory relief along the lines of ordering the ILLINOIS state courts (specifically the appellate court) to review the original mortgage fraud pleadings (a Due Process issue), which is permissible because, although there has been much litigation, no courts have reviewed the merits (depriving both Procedural and Substentative Due Process), and, as a result, these torts are not barred by ***Res Adjudicata*** or ***Collateral Estoppel***—and must be heard on the merits to

satisfy Equal Protection, 1st Amendment Redress, Civil Rights, and Due Process.

81. This court may, indeed, issue an injunction against ILLINOIS State Courts, so-named in this complaint**:** Based on the Anti Injunction Act (U.S. federal statute enacted in 1793), and as codified in 28 U.S.C. §2283. Stay of State court proceedings, "A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or where necessary in aid of its jurisdiction, or to protect or effectuate its judgments." However, there are three (3) exceptions to this act: 1. the injunction is expressly authorized by Congress; 2. the injunction is necessary in aid of the federal court's jurisdiction; and, 3. the injunction is to protect or effectuate federal judgments. Among the statutes recognized as express authorization to grant an injunction under the first exception is Section 1983 of the Civil Rights Act: The U.S. Supreme Court, in ***Mitchum v. Foster,*** **407 U.S. 225, 237 (1972),** held that a 42 U.S.C. §1983 suit is an exception to §2283 and that persons suing under this authority may, if they satisfy the requirements of comity, obtain an injunction against state court proceedings:

> "[I]n order to qualify as an 'expressly authorized' exception to the anti-injunction statute, an Act of Congress must have created a specific and uniquely federal right or remedy, enforceable in a federal court of equity, that could be frustrated if the federal court were not empowered to enjoin a state court proceeding. This is not to say that in order to come within the exception an Act of Congress must, on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-injunction statute." ***Mitchum v. Foster,*** **407 U.S. 225, 237 (1972).**

82. Since 42 U.S.C. §1983 is just such an exception, This Court may issue injunctive relief—and ***Mitchum*** even went further, holding that an exception need not "on its face and in every one of its provisions, be totally incompatible with the prohibition of the anti-

injunction statute."

XI. Irreparable Injury

83. As stated above, one of the plaintiffs is the elderly Mr. Richard B. Daniggelis, whose house, land, and about ONE HUNDRED THOUSAND ($100,000.oo) DOLLARS of documented equity (documented in both point 42 of **Exhibit-N** and **Exhibit-K,** the *Amicus* filings by Watts), who is, upon information and belief, about eighty (80) years old**.** Also, given that the ONLY "live" case in the matter is Watts' case before the First Appellate Court, State of Illinois (in case number 1-18-0091), Daniggelis' attorney having been dismissed due to want (lack) of prosecution, This Court is the "last stop" on the "legal highway," and failure of This Court to redress these grievances would ensure that the Maximum Amount of Harm be done to a host of litigants, and that, by virtue of no remaining remedies, Irreparable Harm would accrue, both financial, emotional, and, no doubt, jeopardy to the physical health of elderly Daniggelis, whose only hope of winning his house back is this lawsuit, which would force state courts to hear Watts' intervention, and review the entire case on its merits**.**

XII. Related Cases

84. This court will probably ask: "Are there are any related cases.? If you have sued the same defendants in this or any other Court, write down the names of the judge(s) and case number(s)." – ANSWER:

1. ***GMAC MORTGAGE LLC, et al. v. RICHARD DANIGGELIS, et al.,*** Chancery Division Case #: **2007-CH-29738,** Circuit Court of Cook County, ILLINOIS
2. ***Atty. Joseph Younes v. Mr. Richard B. Daniggelis*****,** Civil (Municipal) Case #: **2014-M1-701473,** Circuit Court of Cook County, ILLINOIS [This case was simply a "FORCIBLE ENTRY AND DETAINER," i.e., an "EVICTION" case, in which Younes used the holding in the Chancery case, above, as a legal basic to evict

Daniggelis from his own house. Thus, as it was a byproduct of the illegal due process violations in the Chancery case, and not a case where the civil judge appeared to have much "discretion" to "do the right things," the judge in this case, Hon. DIANA ROSARIO, is not being named as a defendant.]

3. ***GMAC MORTGAGE LLC, et al. v. DANIGGELIS, WATTS, et al.,*** Law Division Case #: **2007-CH-29738,** Circuit Court of Cook County, ILLINOIS [Note: This is the same case as #1, above, but was "transferred" to the Law Division.]
4. ***City of Chicago, IL v. 1720 N. SEDGWICK ST., Atty. JOSEPH YOUNES, et al.,*** Municipal (Civil) Division, Case#: **2017-M1-400775** (City of Chicago, IL v. 1720 N. SEDGWICK ST., Atty. JOSEPH YOUNES, et al.) [Note: This case involves Joseph Younes, Daniggelis' former lawyer, who stole his house via title-theft-based Mortgage Fraud. In this suit, The City of Chicago is alleging that Younes purposely allowed the house to fall into disrepair in order to "get around" Historic District & Landmark deed restrictions, that would, otherwise, prohibit him from razing the house to the ground via a demolition crew. Since Younes was allowed title to a house that isn't his, Daniggelis' house was unnecessarily damaged by the title-thief, Atty. Younes.]
5. ***GMAC v. Watts, et. al.,*** **Case #:1-18-0091, ILLINOIS First Appellate Court** [NOTE: This is the only "live" case, not counting the code/housing case above, all others having been dismissed for a number of reasons. But the code case does not address the Mortgage Fraud, so This Court should not put its hopes on that head.]
6. ***Watts v. Flannery, et. al.,*** **Case #:1-18-0538, ILLINOIS First Appellate Court** [A mandamus proceeding, which was illegally dismissed based on alleged lack of authority/jurisdiction to hear the case, a bald-faced lie, and thus deprivation of one's procedural due process.]
7. ***GMAC v. Watts, et. al.,*** **Case #:1-18-0572, ILLINOIS First Appellate Court** [NOTE: This was simply an appeal of Judge Flannery's fee-waiver denial order, nothing more. It, too ,was dismissed for alleged lack of authority/jurisdiction to hear the case, a bald-faced lie, and thus deprivation of one's procedural due process.]

XIII. PARTIES TO THE CASE (detailed)

85. As referenced in paragraph 6, above, there are other parties to this case. This court could go online to get the contact information for the ILLINOIS First Appellate Court, and all parties to state court proceedings were/are enumerated/listed in the "Service List" in all of Watts' filings in the lower court. The filings in the case are available on Watts' online docket (which filings This Court will probably need), but as far as the parties to the case, Plaintiff Watts shall list that within the "Four Corners" of this brief, to help This Court have

necessary information at hand:

*** DEFENDANT, Clerk of the Circuit Court,** Richard J. Daley Center, 50 West Washington - Suite 1001, Chicago, IL 60602, General Information: 312-603-5030, Help-desk: 312-603-HELP (4357), eFilehelp@cookcountycourt.com

*** DEFENDANT, Hon. Michael F. Otto,** Associate Judge, Law Division (according to clerk's website, even though he was in Chancery when torts occurred) c/o: Daley Center, 50 W. Washington St., Rm. 2505, Chicago, Illinois 60602, (312) 603-4467, Email: Michael.Otto@CookCountyIL.gov
via: http://www.CookCountyCourt.org/JudgesPages/OttoMichaelF.aspx

*** DEFENDANT, Hon. Diane M. Shelley,** Circuit Judge, Law Division, c/o Daley Center 50 W. Washington St., Rm. 1912, Chicago, Illinois 60602, (312) 603-5940, Christine Marinakis - Case Coordinator, Daniel N. Robbin - Law Clerk, (312) 603-4001, Email: 2 Law@CookCountyCourt.com ; ccc.LawCalendarW@CookcountyIL.gov ; Diane.Shelley@CookCountyIL.gov per:
http://www.CookCountyCourt.org/JudgesPages/ShelleyDianeM.aspx

*** DEFENDANT, Hon. James P. Flannery, Jr.,** Presiding Judge, Law Division, c/o Daley Center, 50 W. Washington St., Rm. 2005, Chicago, Illinois 60602, (312) 603-6343, Email: James.Flannery@CookCountyIL.gov via:
http://www.CookCountyCourt.org/JudgesPages/FlanneryJrJamesP.aspx

*** DEFENDANT, Appellate Court of STATE OF ILLINOIS, First District,** Clerk's Office, 160 North LaSalle St., Chicago, IL 60601, (312) 793-5484 , Office Hours: 8:30a.m.-4:30p.m., Mon-Fri, Excl. Holidays, per:
http://www.IllinoisCourts.gov/AppellateCourt/ClerksDefault.asp

*** DEFENDANTS, Justices listed in caption from IL 1st Appellate court.** No unique mailing address, phone number, name of clerk, or email address given, per: http://www.IllinoisCourts.gov/AppellateCourt/Judges/Bio_1st.asp but may be contacted through the clerk's office, for federal legal purposes.

*** LEAD PLAINTIFF, Gordon Wayne Watts,** 2046 Pleasant Acre Drive, Plant City, FL 33566-7511, Phone: (863)687-6141 (unlimited minutes, but spotty reception) and (863)688-9880 ('Welfare' phone with limited minutes but excellent connectivity/reception), Email: Gww1210@gmail.com and Gww1210@aol.com Web: https://GordonWayneWatts (hosted by HostGator, in Dallas, TX) and https://GordonWatts.com (hosted by GoDaddy, in Mesa, AZ)

*** Class Plaintiff, Richard B. Daniggelis,** based on court comments made by his lawyer, Andjelko Galic (see state court proceedings) may be contacted at 312-774-4742, c/o John Daniggelis, 2150 North Lincoln Park West, Apartment #603, Chicago, IL 60614-4652

*** Class Plaintiff, Robert J. More,** on information and belief, P.O. Box 6926, Chicago, IL, 60680-6926, PH: (708) 317-8812, former tenant of Daniggelis

*** Class Plaintiff, Andjelko Galic,** (Atty. for Richard B. Daniggelis, in state court proceedings—before he lost possession for want of prosecution) (Atty#:33013) Cell:312-217-5433, Fax:312-986-1810, Ph:312-986-1510(?), AGForeclosureDefense@Gmail.com ;

AndjelkoGalic@Hotmail.com 45 Sherwood Road, LaGrange Park, IL 60526-1547

*** Class Plaintiffs, John Doe and Mary Jane Doe** – many other unnamed victims exist.

XIV. Prayer for Relief (DEMAND FOR RELIEF)

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue Declaratory relief, holding, as a matter of the law of the case, that all the torts named in this complaint have, indeed, occurred, and were committed by the defendants named, against the plaintiff victims named.

2. Issue Declaratory relief, holding, as a matter of the law of the case, Rule 321, of the ILLINOIS SUPREME COURT to be unconstitutional, both on its face and as applied.

3. Issue Declaratory relief, holding that R.I.C.O. applies regarding alleged collusion.

4. Issue Declaratory relief, certifying the class so-enumerated within this complaint.

5. Issue Preliminary Injunctive relief, staying any dismissal of the case in question, 1-18-0091, which is the only "live" case in this series of cases.

6. Issuing Permanent Injunctive relief, not only striking "Rule 321" as unconstitutional, but also permanently barring dismissal of the appeal in question, until both Procedural and Substantive Due Process can be had for class plaintiffs—both Daniggelis' mortgage fraud claims, Watts' intervention interests, and any other damages which This Court deems appropriate.

7. Awarding unspecified monetary damages for both financial and emotional harm suffered by class plaintiffs (loss of house, land, equity, for Daniggelis, loss of interests by Watts in huge, documented, monies owed for research and tech services rendered), and vast emotional pain suffered by all parties) —at least $500,000.oo awarded to Richard B. Daniggelis for loss of house, land, equity, rental fees, costs of storage, and pain/suffering, $7,000.oo awarded to Gordon Wayne Watts for loss of his financial interests, and pain/suffering, and to Atty. Andjelko Galic and Mr. Robert J. More, The Court orders an award of $5,000.oo to each for pain/suffering—and that, in treble (triple) due t o R.I.C.O.

8. Other relief as This Court deems appropriate.

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***
Florida Bar Identification Number (if admitted to practice in Florida): – N/A
Firm or Business Name: ***The Register*** (non-profit, online blog: links below)
Mailing Address: 2046 Pleasant Acre Drive
City, State, Zip Code: Plant City, FL 33566-7511
Telephone Number(s): (863)687-6141 and (863)688-9880
Facsimile Phone Number (if available): – N/A
E-mail address(es): Gww1210@Gmail.com and Gww1210@aol.com
Official website(s): https://GordonWatts.com and https://GordonWayneWatts.com

Verification
Certificate of Service