

**Hearing: June 29, 2017 (11:00 a.m.)**  
**Objections: June 22, 2017 (5:00 p.m.)**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Case No. 12-12020 (MG)  
**RESIDENTIAL CAPITAL, LLC, *et al.*,** (Chapter 11)  
Debtors. Jointly Administered  
----- x

**NOTICE OF HEARING ON UNITED STATES TRUSTEE'S  
MOTION FOR ENTRY OF CIVIL CONTEMPT ORDER AGAINST  
CHALEDEEANKA DEBORAH ANN WILLIAMS GOYENS-BELL EBERWEIN**

**PLEASE TAKE NOTICE** that upon the within motion, memorandum of law and declaration, William K. Harrington, the United States Trustee for Region 2 ("United States Trustee") will move and hereby does move this Court before the Honorable Martin Glenn, United States Bankruptcy Judge, in the United States Bankruptcy Court, One Bowling Green, New York, New York **on June 29, 2017, at 11:00 a.m.**, or as soon thereafter as counsel can be heard, for the entry of an order imposing civil contempt against Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein ("Goyens"). The original motion is on file with the Clerk of the Bankruptcy Court, and has been served on Goyens.

**PLEASE TAKE FURTHER NOTICE** that the United States Trustee requests that the Court enter a contempt order requiring Goyens to file a notice of withdrawal of her filing entitled, "Request for Special Notice – Notice of Automatic Stay of Chapter 15 Filing in the \_\_\_\_ District of \_\_\_\_" ("Request for Notice," Dkt. No. 10358), within 30 days. The United States Trustee further requests, in the event that Goyens fails to withdraw the Request for Notice in this 30-day time frame, that a \$100 daily sanction be imposed against Goyens. In the event that Goyens then fails to withdraw the

Request for Notice within 60 days, the United States Trustee requests that the Clerk of the Court then be directed to restrict the Request for Notice from public view, and that the accrual of the daily sanctions be ceased.

**PLEASE TAKE FURTHER NOTICE**, that objections or other responses, if any, to the Motion must (a) be in writing, (b) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of the Southern District of New York, (c) be filed with the Bankruptcy Court in accordance with General Order M-242 (as amended), (registered users of the Bankruptcy Court's case filing system must file electronically, and all other parties in interest must file on a 3.5-inch disk (preferably in Portable Document Format, or PDF, WordPerfect, or any other Windows-based word processing format)), (d) be submitted in hard-copy form directly to the chambers of the Honorable Martin Glenn, and (e) be served upon the United States Trustee, U.S. Federal Office Bldg., 201 Varick Street, Suite 1006, New York, New York 10014 (Attn: Andrew D. Velez-Rivera), **no later than the return date set forth above (i.e., June 22, 2017, at 5:00 p.m.)**. Such papers shall conform to the Federal Rules of Civil Procedure and identify the party on whose behalf the papers are submitted, the nature of the response, and the basis for such response.

Dated: New York, New York  
May 17, 2017

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE

**By:** /s/ Andrew D. Velez-Rivera  
Trial Attorney  
U.S. Federal Office Bldg.  
201 Varick Street, Room 1006  
New York, New York 10014  
Tel. (212) 510-0500; Fax (212) 668-2255



**CERTIFICATE OF SERVICE**

STATE OF NEW YORK                    )  
  : ss  
COUNTY OF NEW YORK                )

I, Andrew D. Velez-Rivera, hereby declare, under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that on May 17, 2017, I caused to be served copies of the Notice of United States trustee’s Motion for Entry of Civil Contempt Order Against Chaleddeeannka Deborah Ann Williams Goyens-Bell Eberwein (“Motion”), the Memorandum of Law in Support of the Motion, the Declaration of Andrew D. Velez-Rivera in Support of the Motion, and the [proposed] Order Imposing Civil Contempt, by regular mail upon each of the parties listed on the service list below, by depositing true copies of same in sealed envelopes, with postage pre-paid thereon, in an official depository of the United States Postal Service within the City and State of New York.

Dated: New York, New York

/s/ Andrew D. Velez-Rivera

***SERVICE LIST***

Chaleddeeannka Goyens  
101 Hyde Street Post Office  
PMB 426666  
San Francisco, CA 94142

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
In re

Case No. 12-12020 (MG)

**RESIDENTIAL CAPITAL, LLC, *et al.*,**

(Chapter 11)

Debtors.

Jointly Administered  
----- x

**MEMORANDUM OF LAW IN SUPPORT OF UNITED STATES TRUSTEE'S  
MOTION FOR ENTRY OF CIVIL CONTEMPT ORDER AGAINST  
CHALEDEEANKA DEBORAH ANN WILLIAMS GOYENS-BELL EBERWEIN**

**TO: THE HONORABLE MARTIN GLENN,  
UNITED STATES BANKRUPTCY JUDGE:**

William K. Harrington, the United States Trustee for Region 2 (“United States Trustee”), in furtherance of the duties and responsibilities set forth in 28 U.S.C. §§ 586(a)(3) and (5), and pursuant to 11 U.S.C. §§ 105(a) and 307, 28 U.S.C. §§ 157, 586 and 1334, Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 9020; and decisional law, does hereby file this memorandum of law in support of his motion (“Motion”) for the entry of an order holding Chaledееannka Deborah Ann Williams Goyens-Bell Eberwein (“Goyens”) in civil contempt, and accordingly imposing sanctions. In addition to this Memorandum, the Motion is supported by the accompanying Declaration of Andrew D. Velez-Rivera (“Velez Decl.”). In support of his Motion, the United States Trustee represents and alleges as follows:

**I. SUMMARY STATEMENT**

In June 2013, the Court entered a final judgment clearly and permanently enjoining Goyens and Robert Daniel Eberwein from filing any documents in these cases without first obtaining leave of court, and from communicating with the Court or its personnel. In these chapter 11 cases, though,

Goyens has violated the permanent injunction at least three times. Specifically, she has filed two documents, most recently a “Request for Notice,” and telephoned an officer of the Clerk’s Office, all violative of the permanent injunction.

Goyens’ non-compliance with the permanent injunction appears to be willful and intentional. Due to her violation of the permanent injunction, and also because of Goyens’ disregard towards this Court and the bankruptcy system, ample cause exists to enter an order of civil contempt.

On account of Goyens’ clear and convincing violation of the permanent injunction, the United States Trustee requests that the Court enter a contempt order requiring Goyens to file a withdrawal of her “Request for Notice” within 30 days. The United States Trustee further requests, in the event that Goyens fails to withdraw the document in this 30-day time frame, that a \$100 daily sanction be imposed against Goyens. In the event that Goyens then fails to withdraw the Request for Notice within 60 days, the United States Trustee requests that the Clerk of the Court then be directed to restrict the Request for Notice from public view, and that the accrual of the daily sanctions be ceased.

## **II. BACKGROUND**

### **A. The United States Trustee’s Complaint Against Eberwein and Goyens**

1. On April 17, 2012, Goyens and Robert Daniel Eberwein filed a joint voluntary petition for chapter 11 relief in this Court. Case No. 12-11580 (SHL).

2. On October 4, 2012, in such chapter 11 case, the United States Trustee filed the Complaint for Injunctive Relief by United States Trustee (“Complaint”) against Eberwein, Goyens and others. Adv. Pro. 12-1901 (SHL) (“A.P.”), Dkt No. 1.

3. The Complaint alleged, among other things, that Goyens had used 45 different aliases when filing for bankruptcy throughout the nation. Complaint, ¶ 12.

4. The Complaint further alleged that between 1991 and 2009 on her own behalf or on behalf of others, and using one or more aliases, Goyens filed 34 bankruptcy cases, six bankruptcy appeals, four adversary proceedings, nine civil cases in the federal district courts, and six Federal appeals nationwide. Complaint, ¶¶ 16-100.

5. The Complaint further alleged that between 2010 and 2012, on her own behalf or on behalf of others and using one or more aliases, Goyens filed seven bankruptcy cases in this Court. Complaint, ¶¶ 101-111.

6. The Complaint further alleged that, on June 27, 2012, in Case No. 12-11486 (SHL), the Court entered its Order Prohibiting Use of Email to Correspond with Federal Court Employees. Complaint, ¶ 106. “According to such Order, employees of the Court received seven emails from “Robert Eberwein” on June 22, 2012. The Order requires ‘that Mr. Eberwein or other party in interest or anyone affiliated or associated with any Debtor or other party in interest . . . and any recipients of the emails sent by Robert Eberwein to the Court, is prohibited from sending emails or other forms of electronic transmission, including facsimile, to any employee of this federal bankruptcy court, to the United States Trustee (Region 2), or any employee of the United States Trustee, and to any case or standing trustee.’ ” *Id.*

7. The Complaint further alleged that, on July 24, 2012, in Case No. 12-11486 (SHL), the Court entered its Order Directing Submission of Documents in Electronic Format. Complaint, ¶ 107. “The Order finds that ‘The parties listed as Debtors and/or Plaintiffs in the above-captioned cases and adversary proceedings have repeatedly submitted voluminous paper filings. [ ] This has placed a substantial burden on the Clerk’s Office.’ ” *Id.* “The Order requires that, for any document

exceeding 20 pages in length filed by any party, an electronic copy of the filing also must be submitted.” *Id.*

8. The Complaint further alleged that, in 2002, the U.S. Bankruptcy Court for the Eastern District of California entered a 180-day bar order against future filings by Goyens. Complaint, ¶ 112.

9. The Complaint further alleged that, in 2005, the U.S. Bankruptcy Court for the Northern District of California entered a one-year bar order against future filings by Goyens. Complaint, ¶ 113.

10. The Complaint further alleged that, in 2006, the U.S. Bankruptcy Court for the Northern District of California entered a three-year filing injunction against future filings by Goyens. Complaint, ¶ 114.

11. The Complaint further alleged that, also in 2006, the U.S. Bankruptcy Court for the Northern District of California entered a “Permanent Filing Injunction” against Goyens. Complaint, ¶ 116. “Pursuant to the Permanent Filing Injunction, Defendant Goyens ‘using the name Artis C. Bell or any aliases listed on the caption of this default judgment, is hereby permanently enjoined from filing, in any United States bankruptcy court, any bankruptcy case or adversary proceeding, or any document therein.’ ” *Id.*

12. The Complaint further alleged: “On January 4, 2010, the United States Trustee for Region 17 filed a motion seeking an order of civil contempt for Defendant Goyens’ violation of the Permanent Filing Injunction. On February 25, 2010 the United States Bankruptcy Court for the Northern District of California entered its Order Holding Defendant in Contempt. Pursuant to such contempt order, the bankruptcy court held Defendant Goyens ‘in contempt of court for violating the judgment in this case enjoining further bankruptcy filings.’ ” Complaint, ¶ 117.

13. The Complaint further alleged that, on January 18, 2007, the U.S. Bankruptcy Court for the Northern District of California “entered its Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. §§ 110 and 105(a), Prohibiting Provision of Document Preparer Services and Imposing Fine (the ‘Preparer Injunction’). Pursuant to the Preparer Injunction, Defendant Goyens ‘is permanently enjoined from providing to any individual or entity any service relating to the preparation of documents to be filed in any bankruptcy case,’ and ‘as a fine,’ Defendant Goyens was ordered to return the sum of \$3,000 to the debtor.” Complaint, ¶ 120.

14. The Complaint further alleged that, on February 25, 2010, the U.S. Bankruptcy Court for the Northern District of California “entered its Order Holding Defendant in Contempt.” Complaint, ¶ 121. “Pursuant to such contempt order, the bankruptcy court held Defendant Goyens ‘in contempt of court for violating the judgment in this case enjoining her from assisting others with respect to filing bankruptcy.’ *Id.*

15. The Complaint further alleged that Goyens had been placed on the “Vexatious Litigant List” maintained by the Judicial Council of the California state courts. Complaint, ¶¶ 122-125.

**B. The Permanent Injunction Against Goyens**

16. On June 3, 2013, the Court entered its Default Judgment and Summary Judgment Granting Injunctive Relief against Goyens (“Permanent Injunction”). A.P. Dkt. No. 13. In relevant parts, the Permanent Injunction provides:

(B) [Goyens], and all persons in concert and participation with her,  
whether acting on their own behalves or on behalves of others, and whether  
using their own names or one or more aliases hereby are:

(1) permanently enjoined from filing any new bankruptcy case

or adversary proceeding in this and any other United States Bankruptcy Court, and

(2) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

...

(D) [Goyens], and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph B(2) above).

*Id.*, at 11-12.

17. Goyens has been given service of the Permanent Injunction. A.P. Dkt. No. 14 (Notice of Entry).

**C. Goyens' Violations of the Permanent Injunction**

18. In these chapter 11 cases (collectively, “Case”), on April 20, 2015, Eberwein and Goyens filed an “Ex-Parte Application Vacatur Dismissals and Request for Judicial Notice.” Dkt. No. 8597. This document has been unilaterally “**restricted from public view**” by the Court, because it violates the Permanent Injunction. *Id.* (bold in original docket entry).

19. In this Case, on April 7, 2017, Goyens also filed a 62-page document captioned “Request for Special Notice – Notice of Automatic Stay of Chapter 15 Filing in the \_\_\_\_ District of \_\_\_\_” (“Request for Notice”). Dkt. No. 10358. A handwritten notation immediately below such caption states “URGENT 9th Circuit 16-16936” (“9th Circuit Appeal”).

20. The Request for Notice does not seek specific relief from this Court.

21. Instead, Goyens’ Request for Notice is an assortment of orders and excerpts of documents filed in this Case, mortgage-related correspondence addressed to Eberwein, documents and excerpts of documents filed by Goyens in the U.S. Bankruptcy and District Courts for the Northern District of California and the Eastern District of California, a mortgage delinquency notice concerning another private individual, an “Eviction Restoration Notice” issued against Goyens by the Sheriff of Alameda County, California in 2010, and a “Notice to Vacate” issued by the Sheriff against Eberwein in 2016. *Id.*

22. Without redaction, the Request for Notice also includes an individual’s financial information that Rule 9037 requires to be redacted.

**D. Other Filings by Goyens in This Case**

23. On July 16, 2012, prior to the entry of the Permanent Injunction, Goyens filed Proofs of Claim No. 295 through 313 in this Case on behalf of herself and several other claimant entities.



Claims Register, No. 295-313. These claims were expunged in an order entered on May 15, 2015. Dkt. No. 8620 (Exh. B).

24. In addition, shortly before the entry of the Permanent Injunction, Goyens filed an untitled 33-page document in this Case. Dkt. No. 3340. Like Goyens' later-filed Request for Notice, the document at Dkt. No. 3340 only consists of assorted excerpts of documents filed by Goyens and purportedly others in the U.S. Bankruptcy Courts for the Northern and Eastern Districts of California, and mortgage-related documents concerning other private individuals. *Id.*

**E. Goyens' Telephone Contact with Personnel of this Court**

25. After the entry of the Permanent Injunction, on June 10, 2016, in the U.S. District Court for the Northern District of California, Eberwein and Goyens, among others, filed a complaint ("SF Complaint") for "Wrongful Cancellation of Extension of Credit" in relation to certain bank accounts. 3109 King St. Property Management et al. v. Vasona Management et al., Case No. 16-cv-3219-VC ("San Francisco Action" or "SF Action").

26. Goyens and Eberwein specifically named two officers of this Court's Clerk's Office as defendants in their San Francisco Action.

27. At the outset of the San Francisco Action, Goyens telephoned one of such officers to advise her of the commencement of the San Francisco Action, and advised the officer that she was being served with the SF Complaint through such call.

28. On June 20, 2016, a U.S. Magistrate Judge to whom the complaint in the San Francisco Action was assigned issued her Order Reassigning the Case; Report and Recommendation to Dismiss the Complaint Without Prejudice. SF Action Dkt. No. 9. The Magistrate determined that the SF Complaint failed to state a claim for relief. *Id.* at 1.

29. Later, the San Francisco District Court adopted the Magistrate's Report and Recommendation. SF Action Dkt. No. 17. On September 9, 2016, the San Francisco District Court entered a Judgment dismissing the SF Complaint, as amended. SF Action Dkt. No. 31.

30. Goyens and Eberwein appealed such Judgment to the Ninth Circuit Court of Appeals on October 14, 2016. SF Action Dkt. No. 35. This is the 9th Circuit Appeal referenced on the cover sheet to the Request for Notice filed in this Case. See Dkt. No. 10358, at 1.

31. On January 23, 2017, the Ninth Circuit issued an order dismissing the 9th Circuit Appeal for failure to prosecute. Eberwein et al. v. Deutsche Bank Americas, et al., No. 16-16936, Dkt. No. 5. Eberwein and Goyens later filed a motion to reconsider *en banc*, which the Ninth Circuit construed as a motion to reinstate their appeal. 9th Circuit Appeal Dkt. No. 7. That motion was denied without prejudice. *Id.*

32. On April 10, 2017 – *i.e.*, only three days after filing the Request for Notice in this Case stating, “URGENT 9th Circuit 16-16936,” – Eberwein and Goyens filed a subsequent motion to reinstate their SF Appeal. 9th Circuit Appeal Dkt. No. 8. That motion remains pending in the Ninth Circuit. *See id.*

### **III. ARGUMENT**

#### **A. The Court has Jurisdiction and Authority to Hold Goyens in Civil Contempt**

The Court has broad jurisdiction to enforce the Permanent Injunction. “Bankruptcy courts retain jurisdiction to enforce their own orders.” *In re Millenium Seacarriers, Inc.*, 419 F.3d 83, 97 (2d Cir. 2005).

Congress has granted bankruptcy courts civil contempt power through both 11 U.S.C. § 105(a) and 28 U.S.C. § 157. *Maritime Asbestosis Legal Clinic v. LTV Steel Co. (In re Chateaugay Corp.)*, 920 F.2d 183, 187 (2d Cir. 1990); *Caldwell v. Unified Capital Corp. (In re Rainbow Magazine, Inc.)*, 77 F.3d 278, 284-85 (9th Cir. 1996). Civil contempt proceedings arising out of core matters are themselves core matters. *Mountain Am. Credit Union v. Skinner*, 917 F.2d 444, 447-48 (10th Cir. 1990).

Under Bankruptcy Code section 105(a), the Court may issue orders necessary “to prevent an abuse of process.” 11 U.S.C. § 105(a). Moreover, the Court, as an Article I court, has the inherent power to sanction vexatious conduct presented before it. *Rainbow Magazine, Inc.*, 77 F.3d at 283-85; *see also In re MF Global Holdings Ltd.*, 562 B.R. 41, 52 (Bankr. S.D.N.Y. 2017) (“Courts have inherent power to enforce compliance with their lawful orders through civil contempt . . . bankruptcy courts have power to enter civil contempt orders.”) The Court’s powers under Bankruptcy Code § 105(a) include the power to hold parties in civil contempt of court. *Chateaugay*, 920 F.2d at 187.

Through section 105(a), Congress has impliedly recognized that this Court, as an Article I court, has the same inherent power to sanction that the Supreme Court, in *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991), recognized exists in Article III courts. *Rainbow Magazine*, 77 F.3d at 284. This inherent power is vested necessarily in the Court to assist it in managing its affairs. *Chambers*, 501 U.S. at 43. Invoking the Court’s inherent power requires a finding of bad faith, vexatious or wanton conduct, oppression, fraud upon the Court, the delaying or disruption of litigation, or the hampering of enforcement of a Court order. *Id.*, 501 U.S. at 49.

Bankruptcy Rule 9020 also expressly contemplates that a bankruptcy court may hold a party in contempt of court. *Chateaugay*, 920 F.2d at 187; *Rainbow Magazine*, 77 F.3d at 284-85. Under Bankruptcy Rule 9020, notice and an opportunity to respond must be given to the putative contemnor. *Id.*

Civil contempt is intended “to compel a reluctant party to do what a court requires of him.” *MF Global*, 562 B.R. at 52; *Badgley v. Santacrose*, 800 F.2d 33, 36 (2d Cir. 1986). Furthermore, “[c]ivil contempt sanctions may also compensate for any harm that previously resulted.” *MF Global*, 562 B.R. at 52.

Under prevailing standards, Federal courts consider two factors in determining whether to hold a party in civil contempt: whether the alleged contemnor had notice of the court order and whether that person complied with the order. *In re Keane*, 110 B.R. 477, 482-83 (S.D. Cal. 1990). Furthermore, with respect to compliance with a specific order, the Court may impose civil contempt only where (1) the underlying order is clear and unambiguous, (2) proof of non-compliance is clear and convincing, and (3) the contemnor has not been reasonably diligent and energetic in attempting to accomplish what was ordered. *EEOC v. Local 580*, 925 F.2d 588, 594 (2d Cir. 1991); *MF Global*, 562 B.R. at 53. In this regard, the “clear and convincing” prong “means that the clarity of the order is such that it enables the enjoined party ‘to ascertain from the four corners of the order precisely what acts are forbidden.’ ” *Id.*, quoting *Monsanto Co. v. Haskel Trading, Inc.*, 13 F.Supp 2d 349, 363 (E.D.N.Y. 1998). In addition, in the “context of civil contempt, the clear and convincing standard requires a quantum of proof adequate to demonstrate ‘reasonable certainty’ that a violation occurred.” *Levin v. Tiber Holding Corp.*, 277 F.3d 243, 250 (2d Cir. 2002). And where a Court

finds contempt, “the defendant must not have diligently attempted to comply with the order.” *In re Chief Executive Officers Clubs, Inc.*, 359 B.R. 527, 535 (Bankr. S.D.N.Y. 2007).

**B. The Court Should Hold Goyens in Civil Contempt**

Goyens has received proper notice of the entry of the Permanent Injunction. A.P. Dkt. No. 14. In light of Goyens’ conduct in violating the Permanent Injunction, it is necessary and appropriate to hold her in civil contempt of court, and to order the imposition of additional conditional sanctions.

Here, the Permanent Injunction is an enforceable order that is clear, specific and unambiguous in its command to Goyens to perform in accordance with its operative provisions. *International Longshoremens Assoc., Local 1291 v. Philadelphia Marine Trade Ass’n*, 389 U.S. 64, 76 (1967) (“Congress . . . [requires] that a federal court frame its orders so that those who must obey them will know what the court intends to require and what it means to forbid.”) The Permanent Injunction is “clear and unambiguous,” in that it directs Goyens very simply to stop doing something. That is, the Permanent Injunction directs Goyens to merely refrain from filing any new bankruptcy cases or adversary proceedings, from filing any document (including proofs of claim) in any bankruptcy case or adversary proceeding, and from “sending any communications in any form” to any Court officers, including the deputy clerks. Because the Permanent Injunction, at its core, prohibits Goyens from filing papers in the Court and from contacting any Court officers, compliance requires no personal effort whatsoever from Goyens. In other words, complying with the Permanent Injunction is a very easy thing to do.

As evidenced plainly, however, by her filings of two documents in this Case after the entry of the Permanent Injunction, and by her telephone call to a Court officer, Goyens has failed to comply with two of the main commands of the Permanent Injunction. In light of Goyens' extensive experiences in this Court, in other Federal bankruptcy, district and appellate courts, and in the California state courts, for almost 30 years, she cannot credibly dispute the edicts of the Permanent Injunction, much less her understanding of them. "We [ ] deal here with a violation of a court order by someone one who fully understands its meaning but chooses to ignore its mandate."

*International Longshoremen's*, 389 U.S. at 76.

The audacity of filing two documents here and phoning a Court officer to tell the officer that she's being served, means that Goyens has not reasonably tried to comply with the Permanent Injunction. In light of her time-tested experiences dealing with the Court and the Office of the Clerk, both here and across the country, it is clear that Goyens is ignoring the Permanent Injunction intentionally, if not flaunting it. There is no indication that Goyens intends to discontinue her prolific filings, as ordered in the Permanent Injunction, unless and until forcefully commanded through more compelling means.

**C. The Court May Structure a Series of Escalating Sanctions**

In light of the foregoing, civil contempt sanctions are warranted here. Once a bankruptcy court finds contempt, it has "broad discretion to fix fines to coerce compliance." *Stockschlaeder & McDonald, Esqs. (In re Stockbridge Funding Corp.)*, 158 B.R. 914, 918 (Bankr. S.D.N.Y. 1993). In the civil contempt context, the Court may impose sanctions "for either or both purposes: to coerce the defendant into compliance with the court's order, and to compensate the complainant for losses sustained." *Local 28 v. EEOC*, 478 U.S. 421, 443 (1986). Sanctions "designed to compel

compliance with a court order [ ] are considered to be coercive and avoidable through compliance.”  
*International Union v. Bagwell*, 512 U.S. 821, 827 (1994).

Here, the United States Trustee seeks that the Court hold Goyens in civil contempt for the sole purpose of compelling her compliance with this Court’s lawful Permanent Injunction. Thus, the United States Trustee’s requested sanctions, as set forth in more detail below, are civil in nature because they are “specifically designed to complete the doing of some act,” [*Hicks v. Feiock*, 485 U.S. 624, 633 (1988)], and bring “a defiant party into compliance with [a] court order.” *In re Galleria Enters. of Maryland, Ltd.*, 102 B.R. 472, 475 (Bankr. D. Md. 1989), *quoting* Weiss, *Contempt Powers of the Bankruptcy Court*, 6 Bankr. Dev. L.J. 205, 210 (1989). The Permanent Injunction has as its clear enunciated purposes Goyens’ simple forbearance from filing new cases, filing papers, and contacting Court personnel.

Although civil in nature, penalties for civil contempt may be relatively severe. *See In re Repp*, 218 B.R. 518 (Bankr. D. Ariz. 1998) (finding petition preparers in civil contempt for violating prior injunction, and imposing \$1.0 million sanction). Since the purpose of civil contempt is to coerce compliance with a lawful court order, the United States Trustee seeks that the Court exercise its broad discretion, and enter a civil contempt order structuring a series of sequentially-escalating sanctions.

First, on account of Goyens’ wilful and intentional violation of the Permanent Injunction, the United States Trustee requests that the Court enter an order requiring that, in this Case, Goyens file a withdrawal of her Request for Notice within 30 days of the date of service of a contempt order. Such a withdrawal would serve a dual purpose – it would bring Goyens back into compliance with

the Permanent Injunction to the extent now possible, and it would erase from the record personally-identifiable information that Bankruptcy Rule 9037 requires be off record.

Second, the United States Trustee also requests additional remedies, in the event Goyens fails to comply with the foregoing within a 30-day time frame. If Goyens fails to file a withdrawal of the Request for Notice within the 30-day time frame, the United States Trustee requests that Goyens then be assessed a daily sanction in the amount of \$100 (“Daily Sanctions”). It is requested that such Daily Sanctions continue being accrued against Goyens until the date she files a withdrawal of the Request for Notice. However, in the event that Goyens fails to withdraw the Request for Notice within 60 days from the date of entry of a contempt order, then the United States Trustee requests that the Clerk be directed to restrict the Request for Notice from public view, and that the Daily Sanctions cease accrual at such time and remain outstanding until fully paid.

Sanctions which accrue daily until compliance is achieved are civil in nature. *Stockbridge Funding*, 158 B.R. at 919. Accordingly, in cases of dilatory conduct by contemnors, the bankruptcy courts have assessed contempt fines on a daily basis, commencing as of the date the contemnor was ordered to perform the relevant act. *See Walker*, 257 B.R. at 493 (assessing daily fines against petition preparer); and *In re Affairs With a Flair, Inc.*, 123 B.R. 721 (Bankr. E.D. Pa. 1990) (counsel to chapter 7 trustee sanctioned \$25 for each of 30 days he failed to file an order for distribution), *aff’d* 123 B.R. 724 (E.D. Pa. 1991).



**IV.**

**CONCLUSION**

There is clear and convincing evidence here to hold Goyens in civil contempt, and the two fundamental requirements for holding her in civil contempt have been met. First, through the filing of the Motion, which intentionally includes a notice period much longer than the minimum requirement, Goyens will be given adequate notice and due process under the circumstances. And, second, Goyens simply has failed to comply with the Permanent Injunction, which is plain and clear.

**WHEREFORE**, in light of the foregoing, the United States Trustee respectfully requests that the Court find Goyens in civil contempt of this Court, and enter an order imposing the structured sanctions set forth above, and for such other relief as the Court determines is just and proper.

Dated: New York, New York  
May 17, 2017

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE

**By:** /s/ Andrew D. Velez-Rivera

Trial Attorney  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
In re Case No. 12-12020 (MG)  
**RESIDENTIAL CAPITAL, LLC, *et al.*,** (Chapter 11)  
Debtors. Jointly Administered  
----- x

**DECLARATION OF ANDREW D. VELEZ-RIVERA IN SUPPORT OF UNITED STATES  
TRUSTEE'S MOTION FOR ENTRY OF CIVIL CONTEMPT ORDER AGAINST  
CHALEDEEANKA DEBORAH ANN WILLIAMS GOYENS-BELL EBERWEIN**

I am a Trial Attorney for movant, William K. Harrington, the United States Trustee ("United States Trustee"). Within his Office, I am responsible for monitoring certain events in the chapter 11 cases captioned above on his behalf. I make this declaration based on personal knowledge, information and belief formed from records of the Office of the United States Trustee, kept in the ordinary course of its business, and my personal review earlier today of the docket of this case on the PACER information system. If called, I would testify to the following:

1. On April 17, 2012, Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein ("Goyens") and Robert Daniel Eberwein filed a joint voluntary petition for chapter 11 relief in this Court. Case No. 12-11580 (SHL).
2. On October 4, 2012, in such chapter 11 case, the United States Trustee filed the Complaint for Injunctive Relief by United States Trustee ("Complaint") against Eberwein, Goyens and others. Adv. Pro. 12-1901 (SHL) ("A.P."), Dkt No. 1. A true and correct copy of the Complaint, which I drafted and signed on behalf of the United States Trustee, is attached hereto as **Exhibit A.**

3. The Complaint alleged, among other things, that Goyens had used 45 different aliases when filing for bankruptcy throughout the nation. Complaint, ¶ 12.

4. The Complaint further alleged that between 1991 and 2009 on her own behalf or on behalf of others, and using one or more aliases, Goyens filed 34 bankruptcy cases, six bankruptcy appeals, four adversary proceedings, nine civil cases in the federal district courts, and six Federal appeals nationwide. Complaint, ¶¶ 16-100.

5. The Complaint further alleged that between 2010 and 2012, on her own behalf or on behalf of others and using one or more aliases, Goyens filed seven bankruptcy cases in this Court. Complaint, ¶¶ 101-111.

6. The Complaint further alleged that, on June 27, 2012, in Case No. 12-11486 (SHL), the Court entered its Order Prohibiting Use of Email to Correspond with Federal Court Employees. Complaint, ¶ 106. “According to such Order, employees of the Court received seven emails from “Robert Eberwein” on June 22, 2012. The Order requires ‘that Mr. Eberwein or other party in interest or anyone affiliated or associated with any Debtor or other party in interest . . . and any recipients of the emails sent by Robert Eberwein to the Court, is prohibited from sending emails or other forms of electronic transmission, including facsimile, to any employee of this federal bankruptcy court, to the United States Trustee (Region 2), or any employee of the United States Trustee, and to any case or standing trustee.’ ” *Id.*

7. The Complaint further alleged that, on July 24, 2012, in Case No. 12-11486 (SHL), the Court entered its Order Directing Submission of Documents in Electronic Format. Complaint, ¶ 107. “The Order finds that ‘The parties listed as Debtors and/or Plaintiffs in the above-captioned cases and adversary proceedings have repeatedly submitted voluminous paper filings. [ ] This has placed a

substantial burden on the Clerk's Office.' ” *Id.* “The Order requires that, for any document exceeding 20 pages in length filed by any party, an electronic copy of the filing also must be submitted.” *Id.*

8. The Complaint further alleged that, in 2002, the U.S. Bankruptcy Court for the Eastern District of California entered a 180-day bar order against future filings by Goyens. Complaint, ¶ 112.

9. The Complaint further alleged that, in 2005, the U.S. Bankruptcy Court for the Northern District of California entered a one-year bar order against future filings by Goyens. Complaint, ¶ 113.

10. The Complaint further alleged that, in 2006, the U.S. Bankruptcy Court for the Northern District of California entered a three-year filing injunction against future filings by Goyens. Complaint, ¶ 114.

11. The Complaint further alleged that, also in 2006, the U.S. Bankruptcy Court for the Northern District of California entered a “Permanent Filing Injunction” against Goyens. Complaint, ¶ 116. “Pursuant to the Permanent Filing Injunction, Defendant Goyens ‘using the name Artis C. Bell or any aliases listed on the caption of this default judgment, is hereby permanently enjoined from filing, in any United States bankruptcy court, any bankruptcy case or adversary proceeding, or any document therein.’ ” *Id.*

12. The Complaint further alleged: “On January 4, 2010, the United States Trustee for Region 17 filed a motion seeking an order of civil contempt for Defendant Goyens’ violation of the Permanent Filing Injunction. On February 25, 2010 the United States Bankruptcy Court for the Northern District of California entered its Order Holding Defendant in Contempt. Pursuant to such

contempt order, the bankruptcy court held Defendant Goyens ‘in contempt of court for violating the judgment in this case enjoining further bankruptcy filings.’ ” Complaint, ¶ 117.

13. The Complaint further alleged that, on January 18, 2007, the U.S. Bankruptcy Court for the Northern District of California “entered its Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. §§ 110 and 105(a), Prohibiting Provision of Document Preparer Services and Imposing Fine (the ‘Preparer Injunction’). Pursuant to the Preparer Injunction, Defendant Goyens ‘is permanently enjoined from providing to any individual or entity any service relating to the preparation of documents to be filed in any bankruptcy case,’ and ‘as a fine,’ Defendant Goyens was ordered to return the sum of \$3,000 to the debtor.” Complaint, ¶ 120.

14. The Complaint further alleged that, on February 25, 2010, the U.S. Bankruptcy Court for the Northern District of California “entered its Order Holding Defendant in Contempt.” Complaint, ¶ 121. “Pursuant to such contempt order, the bankruptcy court held Defendant Goyens ‘in contempt of court for violating the judgment in this case enjoining her from assisting others with respect to filing bankruptcy.’ *Id.*

15. The Complaint further alleged that Goyens had been placed on the “Vexatious Litigant List” maintained by the Judicial Council of the California state courts. Complaint, ¶¶ 122-125.

16. On June 3, 2013, the Court entered its Default Judgment and Summary Judgment Granting Injunctive Relief against Goyens (“Permanent Injunction”). A.P. Dkt. No. 13. In relevant parts, the Permanent Injunction provides:

(B) [Goyens], and all persons in concert and participation with her,  
whether acting on their own behalves or on behalves of others, and whether  
using their own names or one or more aliases hereby are:

(1) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and

(2) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

...

(D) [Goyens], and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph B(2) above).

*Id.*, at 11-12. A true and correct copy of the Permanent Injunction is attached hereto as **Exhibit B**.

17. Goyens has been given service of the Permanent Injunction. A.P. Dkt. No. 14 (Notice of Entry). Attached hereto as **Exhibit C** is a true and correct copy of the Notice of Entry effectuating such service.

18. In these chapter 11 cases (collectively, “Case”), on April 20, 2015, Eberwein and Goyens filed an “Ex-Parte Application Vacatur Dismissals and Request for Judicial Notice.” Dkt. No. 8597. This document has been unilaterally “**restricted from public view**” by the Court, because it violates the Permanent Injunction. *Id.* (bold in original docket entry). A true and correct copy of an excerpt of the docket containing entry no. 8597 is attached hereto as **Exhibit D**.

19. In this Case, on April 7, 2017, Goyens also filed a 62-page document captioned “Request for Special Notice – Notice of Automatic Stay of Chapter 15 Filing in the \_\_\_\_ District of \_\_\_\_” (“Request for Notice”). Dkt. No. 10358. A handwritten notation immediately below such caption states “URGENT 9th Circuit 16-16936” (“9th Circuit Appeal”). A true and correct copy of the Request for Notice is attached hereto as **Exhibit E**.

20. The Request for Notice does not seek specific relief from this Court.

21. Instead, Goyens’ Request for Notice is an assortment of orders and excerpts of documents filed in this Case, mortgage-related correspondence addressed to Eberwein, documents and excerpts of documents filed by Goyens in the U.S. Bankruptcy and District Courts for the Northern District of California and the Eastern District of California, a mortgage delinquency notice concerning another private individual, an “Eviction Restoration Notice” issued against Goyens by the Sheriff of Alameda County, California in 2010, and a “Notice to Vacate” issued by the Sheriff against Eberwein in 2016. *Id.*

22. Without redaction, the Request for Notice also includes an individual’s financial information that Rule 9037 requires to be redacted.

23. On July 16, 2012, prior to the entry of the Permanent Injunction, Goyens filed Proofs of Claim No. 295 through 313 in this Case on behalf of herself and several other claimant entities.

Claims Register, No. 295-313. These claims were expunged in an order entered on May 15, 2015. Dkt. No. 8620 (Exh. B).

24. In addition, shortly before the entry of the Permanent Injunction, Goyens filed an untitled 33-page document in this Case. Dkt. No. 3340. Like Goyens' later-filed Request for Notice, the document at Dkt. No. 3340 only consists of assorted excerpts of documents filed by Goyens and purportedly others in the U.S. Bankruptcy Courts for the Northern and Eastern Districts of California, and mortgage-related documents concerning other private individuals. *Id.*

25. After the entry of the Permanent Injunction, on June 10, 2016, in the U.S. District Court for the Northern District of California, Eberwein and Goyens, among others, filed a complaint ("SF Complaint") for "Wrongful Cancellation of Extension of Credit" in relation to certain bank accounts. 3109 King St. Property Management et al. v. Vasona Management et al., Case No. 16-cv-3219-VC ("San Francisco Action" or "SF Action").

26. Goyens and Eberwein specifically named two officers of this Court's Clerk's Office as defendants in their San Francisco Action.

27. At the outset of the San Francisco Action, Goyens telephoned one of such officers to advise her of the commencement of the San Francisco Action, and advised the officer that she was being served with the SF Complaint through such call.

28. On June 20, 2016, a U.S. Magistrate Judge to whom the complaint in the San Francisco Action was assigned issued her Order Reassigning the Case; Report and Recommendation to Dismiss the Complaint Without Prejudice. SF Action Dkt. No. 9. The Magistrate determined that the SF Complaint failed to state a claim for relief. *Id.* at 1. A true and correct copy of the Magistrate's order is attached hereto as **Exhibit F**.



29. Later, the San Francisco District Court adopted the Magistrate's Report and Recommendation. SF Action Dkt. No. 17. On September 9, 2016, the San Francisco District Court entered a Judgment dismissing the SF Complaint, as amended. SF Action Dkt. No. 31.

30. Goyens and Eberwein appealed such Judgment to the Ninth Circuit Court of Appeals on October 14, 2016. SF Action Dkt. No. 35. This is the 9th Circuit Appeal referenced on the cover sheet to the Request for Notice filed in this Case. See Dkt. No. 10358, at 1.

31. On January 23, 2017, the Ninth Circuit issued an order dismissing the 9th Circuit Appeal for failure to prosecute. Eberwein et al. v. Deutsche Bank Americas, et al., No. 16-16936, Dkt. No. 5. Eberwein and Goyens later filed a motion to reconsider *en banc*, which the Ninth Circuit construed as a motion to reinstate their appeal. 9th Circuit Appeal Dkt. No. 7. That motion was denied without prejudice. *Id.*

32. On April 10, 2017 – *i.e.*, only three days after filing the Request for Notice in this Case stating, “URGENT 9th Circuit 16-16936,” – Eberwein and Goyens filed a subsequent motion to reinstate their SF Appeal. 9th Circuit Appeal Dkt. No. 8. That motion remains pending in the Ninth Circuit. See *id.* A true and correct copy of the docket of the Ninth Circuit Appeal is attached hereto as **Exhibit G**.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this seventeenth day of May, 2017 at New York, New York.

/s/ Andrew D. Velez-Rivera

# EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

ROBERT DANIEL EBERWEIN and  
CHALEDEEANNKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,

Chapter 11  
Case No. 12-11580 (SHL)

Debtors.  
-----X

TRACY HOPE DAVIS, as  
UNITED STATES TRUSTEE FOR REGION 2,

Adv. Pro. No. 12-\_\_\_\_\_ (SHL)

vs.

**COMPLAINT FOR  
INJUNCTIVE RELIEF BY  
UNITED STATES TRUSTEE**

CHALEDEEANNKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,  
dba CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS-BELL,  
aka ALICE WINBORN  
aka ALICE E. WINBORN,  
aka ALICE ELIZABETH WINBORN,  
aka ARTIS BELL,  
aka ARTIS C. BELL,  
aka BARBARA WOODS,  
aka BLACK BAY,  
aka C.D.P.G.,  
aka C.D.P. GOYENS,  
aka CHALEDEEANNKA D GOYENS,  
aka CHALEDEEANNKA D.A GOYENS,  
aka CHALEDEEANNKA DA GOYENS,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS-BELL,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS-BELL (WILLIAMS),  
aka CHALEDEEANNKA DEBORAH GOYENS,

(caption continues on next page)

aka CHALEDEEANNKA DOC PR GOYENS,  
aka CHALEDEEANNKA DOC PRPR,  
aka CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS,  
aka CHALEDEEANNKA GOYENS,  
aka DEBORAH A. WILLIAMS,  
aka DEBORAH ANN WILLIAMS,  
aka DEE ANN GOYENS,  
aka DEE ANN WILLIAMS-GOYENS,  
aka FRED GOVENS,  
aka FREDDIE GOYENS,  
aka FREDDIE GOYENS, JR.,  
aka GARLAND TYLER,  
aka LIONS JUDAH SPIRITUAL WARFARE  
TRAINING MINISTRY,  
aka O'LEVIA DE'AGAPE-D GOYENS,  
aka O'LEVIA DE'-AGAGE-D'GOYENS,  
aka O'LEVIA DEL-AGAPE GOYENS,  
aka OLEVIA GOYENS,  
aka ROBERT DANIEL EBERWEIN,  
aka MICHELLE O'CONNOR,  
aka PAUL CHRISTENSEN,  
aka LISA SWAIN-MORRIS,  
aka TRUSTOR FOR LEHMAN BROTHERS  
HOLDINGS,  
aka PROPERTY ASSET MANAGERS,  
aka 3109 KING ST. PROPERTY MGMT.,  
aka C D A W G-B EBERWEIN ST.  
PROPERTY MANAGEMENT,  
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and  
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

Tracy Hope Davis, the United States Trustee for Region 2 (the “Plaintiff,” or the “United States Trustee”), by and through the undersigned attorney, as and for her complaint for injunctive relief against Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein (“Defendant Goyens”), Fedelina Roybal-Roybal de Aguero, and Fedelina Roybal-Roybal de Aguero 2008 Trust, (collectively, “Defendant Roybal de Aguero”), pursuant to 11 U.S.C. § 105(a) and applicable decisional law, respectfully alleges as follows:

### **PARTIES**

1. Plaintiff, Tracy Hope Davis, is the United States Trustee for Region 2 (the “United States Trustee”), with offices located at 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York 10004.
2. Defendant Goyens is the joint debtor in Case No. 12-11580 (SHL), currently pending under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York (the “Court”).
3. Defendant Fedelina Roybal-de Aguero is the debtor in Case No. 12-12203 (SHL), previously pending under Chapter 13 of the Bankruptcy Code in this Court.
4. Defendant Fedelina Roybal-de Aguero 2008 Trust is the debtor in Case No. 12-12203 (SHL), previously pending under Chapter 13 of the Bankruptcy Code in this Court.

### **JURISDICTION, VENUE AND STATUTORY PREDICATES FOR RELIEF**

5. Plaintiff is the United States Trustee. United States Trustees are officials of the Department of Justice appointed by the Attorney General to supervise the administration of bankruptcy cases and trustees. See 28 U.S.C. §§ 581-589.

6. The United States Trustee has standing to pursue her complaint under 11 U.S.C. § 307, and 28 U.S.C. § 586.

7. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334 and the “Standing Order of Referral of Cases to Bankruptcy Judges” of the United States District Court for the Southern District of New York, dated July 10, 1984 (Ward, Acting C.J.).

8. Venue is proper pursuant to 28 U.S.C. § 1409(a).

9. The filing of this Complaint initiates an adversary proceeding. Federal Rule of Bankruptcy Procedure (“Rule”) 7001(7).

10. Such adversary proceeding constitutes a core proceeding. 28 U.S.C. § 157(b)(2)(O), (P).

11. The statutory and other predicates for the relief sought in this matter are 11 U.S.C. § 105(a), Rule 7001 and decisional law.

#### **FACTUAL BACKGROUND**

12. Defendant Goyens has used the following aliases when filing for bankruptcy throughout the nation: (1) Alice Winborn, (2) Alice E. Winborn, (3) Alice Elizabeth Winborn, (4) Artis C. Bell, (5) Artis Bell, (6) Barbara Woods, (7) Black Bay, (8) Chaledeeannka D Goyens, (9) C.D.P.G., (10) C.D.P. Goyens, (11) Chaledeeannka DA Goyens, (12) Chaledeeannka D.A. Goyens, (13) Chaledeeannka Deborah Ann Goyens, (14) Chaledeeannka Deborah Ann Goyens-Bell, (15) Chaledeeannka Deborah Ann Goyens-Bell (Williams), (16) Chaledeeannka Deborah Goyens, (17) Chaledeeannka Doc PR Goyens, (18) Chaledeeannka Doc PRPR, (19) Chaledeeannka Document Preparer Goyens, (20) Chaledeeannka Document Preparer Goyens - Bell, (21) Chaledeeannka Goyens, (22) Deborah A. Williams, (23) Deborah Ann Williams, (24) Dee Ann Goyens, (25) Dee Ann Williams-Goyens, (26) Fred Govens, (27) Fred Goyens, (28)

Freddie Goyens, (29) Freddie Goyens, Jr., (30) Garland Tyler, (31) Lions Judah Spiritual Warfare Training Ministry, (32) O'Levia De'Agape -D Goyens, (33) O'Levia De'-Agape-D'Goyens, (34) O'Levia De'Agaped'-D Goyens, (35) O'Levia Del-Agape Goyens, (36) Olevia Goyens, (37) Robert Daniel Eberwein, (38) Michelle O'Connor, (39) Paul Christensen, (40) Lisa Swain-Morris, (41) Trustor for Lehman Brothers Holdings, (42) Property Asset Managers, (43) 3109 King St. Property Mgmt., (44) C D A W G-B Eberwein St. Property Management, and (45) Vaca City Tow. This list may not be inclusive of all aliases used by Defendant Goyens.

13. Upon information and belief, Kamaal Goyens is Defendant Goyens' son.
14. Upon information and belief, Olevia Goyens is Defendant Goyens' daughter.
15. Upon information and belief, Defendant Goyens has filed bankruptcy cases as and on behalf of Olevia Goyens under the following aliases: (1) O'Levia De'Agape-D Goyens, (2) O'Levia De'-Agape-D'Goyens, (3) O'Levia De'-Agape-D'Goyens, (4) O'Levia Del-Agape Goyens, and (5) Olevia Goyens.

**1991: Bankruptcy Case Filed by Defendant Goyens in the United States Bankruptcy Court for the Western District of Missouri**

16. On March 22, 1991, Defendant Goyens filed the Chapter 13 case styled In re Freddie nmn and Dee Ann Goyens, Case No. 91-41035-13, in the United States Bankruptcy Court for the Western District of Missouri. The case was dismissed on September 4, 1991. In this case, Defendant Goyens filed an adversary proceeding against Mortgage Bankshares. Adv. Pro. No. 91-4100.

**1992 to 1994: Bankruptcy Cases Filed by Defendant Goyens in the United States  
Bankruptcy Court for the Eastern District of California**

17. Between 1992 and 1994, using one or more aliases, Defendant Goyens filed at least eight bankruptcy cases and three adversary proceedings in the United States Bankruptcy Court for the Eastern District of California. Such cases and adversary proceedings are set forth in paragraphs 18 through 25 below.

18. On April 24, 1992, Defendant Goyens filed the Chapter 13 case styled In re Dee Ann Goyens, Case No. 92-23640. The case was dismissed on August 17, 1992. In this case, Defendant Goyens filed an adversary proceeding against the Internal Revenue Service. Adv. Pro. No. 92-2254.

19. On July 9, 1992, Defendant Goyens filed the Chapter 7 case styled In re Freddie Goyens, Jr. and Fred Goyens, Case No. 92-26018. The case was dismissed on September 29, 1992.

20. On July 16, 1993, Defendant Goyens filed the Chapter 13 case styled In re Fred Goyens, FR, Case No. 93-26096. The case was dismissed on November 4, 1993.

21. On December 14, 1993, Defendant Goyens filed the Chapter 13 case styled In re Alice E. Wilborn, Case No. 93-30391. The case was dismissed on February 10, 1994. In this case, Defendant Goyens filed a complaint commencing an adversary proceeding against the United States Dept. of Defense. Adv. Pro. No. 94-2046.



22. On December 14, 1993, Defendant Goyens also filed the Chapter 13 case styled In re Freddie Goyens, Jr., Case No. 93-30414. The case was dismissed on February 10, 1994. In this case, Defendant Goyens filed a complaint commencing an adversary proceeding against the United States. Adv. Pro. No. 94-2045.

23. On January 11, 1994, Defendant Goyens filed the Chapter 13 case styled In re Deborah Ann Goyens, Case No. 94-20234. The case was dismissed on May 16, 1994.

24. On January 25, 1994, Defendant Goyens filed the Chapter 13 case styled In re Freddie Goyens, Case No. 94-20590. The case was dismissed on March 10, 1994.

25. On January 25, 1994, Defendant Goyens filed the Chapter 13 case styled In re Alice Elizabeth Wilborn, Case No. 94-20593. The case was dismissed on March 10, 1994.

**1996 to 2001: Bankruptcy Cases Filed by Defendant Goyens in the United States Bankruptcy Court for the Eastern District of North Carolina**

26. Between 1996 and 2001, using one or more aliases, Defendant Goyens filed at least seven bankruptcy cases in the United States Bankruptcy Court for the Eastern District of North Carolina below. Such cases are set forth in paragraphs 27 through 33 below.

27. On September 23, 1994, Defendant Goyens filed the Chapter 13 case styled In re Deborah Ann Goyens, Case No. 94-02945-8-JRL. The case was dismissed on November 14, 1994.

28. On September 27, 1995, Defendant Goyens filed the Chapter 13 case styled In re Freddie Goyens, Jr., Case No. 95-03399-8-JRL. The case was dismissed on January 10, 1996.

Defendant Goyens filed a motion to reopen the case on October 4, 1996. The motion to reopen was denied in an order entered on November 7, 1996.

29. On January 17, 1996, Defendant Goyens filed the Chapter 13 case styled In re Freddie Goyens, Jr., Case No. 96-00241-8-JRL. The case was dismissed on January 19, 1996.

30. On January 18, 1996, Defendant Goyens filed the Chapter 13 case styled In re Chaledeeannka Doc. Preparer Goyens, Case No. 96-00275-8-JRL. The case was dismissed on March 11, 1996.

31. On October 2, 1996, Defendant Goyens filed the Chapter 13 case styled In re O'Levia De'Agaped'-D Goyens, Case No. 96-04917-8-JRL. The case was dismissed on October 3, 1996.

32. On January 15, 1997, Defendant Goyens filed the Chapter 13 case styled In re O'Levia De'Agape-D Goyens and Chaledeeannka D Goyens, Case No. 97-00273-8-JRL. The case was dismissed on February 28, 1997.

33. On June 1, 2001, Defendant Goyens filed the Chapter 13 case styled In re Chaledeeannka Goyens, Case No. 01-04233-8-JRL. The case was dismissed on November 8, 2001.

**1996 to 1999: Bankruptcy Appeals and Civil Cases Filed by Defendant Goyens in the United States District Court for the Eastern District of North Carolina**

34. Between 1996 and 1999, using one or more aliases, Defendant Goyens filed at least one bankruptcy appeal and four civil cases in the United States District Court for the Eastern District of North Carolina. Such appeals and cases are set forth in paragraphs 35 through 39 below.

35. On February 8, 1996, Defendant Goyens filed a notice of appeal of the bankruptcy court's denial of her motion for turnover and violation of the automatic stay in Case No. 96-0275-8-JRL, commencing the appeal styled In re Chaledeeannka Document Preparer Goyens, Case No. 5:96-cv-00290-BR. This bankruptcy appeal was dismissed by the district court on May

3, 1996. Defendant Goyens' subsequent motion for reconsideration of such dismissal was denied on December 19, 1996.

36. On November 12, 1996, Defendant Goyens filed the action styled Edgecombe County Department of Social Services v. Freddie Goyens, Jr., Case No. 5:96-cv-00946-F. This action was dismissed as "patently frivolous" on December 5, 1996.

37. On November 24, 1998, Defendant Goyens filed a Petition for Writ of Habeus Corpus, thereby commencing the action styled Chaledeeannka Deborah Goyens v. State of North Carolina, Case No. 5:98-hc-00741-BO. This action was dismissed on December 17, 1998.

38. On March 23, 1999, Defendant Goyens filed a Petition for Writ of Habeus Corpus, thereby commencing the action styled Chaledeeannka Deborah Goyens v. Freddie Goyens, Jr., Case No. 5:99-hc-00195-BO. This action was dismissed on March 26, 1999, and Defendant Goyens' motion for reconsideration of such dismissal was denied on May 4, 1999.

39. On December 6, 1999, Defendant Goyens filed the action styled Chaledeeannka Document Preparer Goyens et al. v. North Carolina Department of Health and Human Services, Case No. 4:99-cv-00196-H. The district court adopted the recommendation of a Magistrate, and on January 28, 2000, dismissed the action with prejudice.

**1996 to 2000: Bankruptcy and Civil Appeals Filed by Defendant Goyens in the United States Court of Appeals for the Fourth Circuit**

40. Between 1996 and 2000, using one or more aliases, Defendant Goyens filed at least four appeals in the United States Court of Appeals for the Fourth Circuit. Such appeals are set forth in paragraphs 41 through 44 below.

41. On December 16, 1996, Defendant Goyens filed a notice of appeal of the dismissal order entered in Case No. 5:96-cv-00946-F, thereby commencing the appeal styled Edgecombe County Department of Social Services v. Freddie Goyens, Jr., Appeal No. 96-2851. The Fourth Circuit Court of Appeals dismissed the appeal on March 3, 1997 for want of prosecution.

42. On December 18, 1996, Defendant Goyens filed a notice of appeal of the dismissal order entered in Case No. 5:96-cv-00290-BR, thereby commencing the appeal styled In re Chaledeeannka Document Preparer Goyens, Appeal No. 96-2852. The appeal was dismissed for want of prosecution on February 5, 1997.

43. On January 15, 1999, Defendant Goyens filed a notice of appeal of the dismissal order entered in Case No. 5:98-hc-00741-BO, thereby commencing the appeal styled Chaledeeannka Deborah Goyens v. State of North Carolina. The Fourth Circuit Court of Appeals dismissed the appeal for failure to prosecute on March 12, 1999.

44. On February 4, 2000, Defendant Goyens filed a notice of appeal of the dismissal order entered with prejudice in Case No. 4:99-cv-00196-H, thereby commencing the appeal styled Chaledeeannka Document Preparer Goyens et al. v. North Carolina Department of Health and Human Services, Appeal No. 00-1210. The dismissal order with prejudice was affirmed on the merits by the Fourth Circuit Court of Appeals on November 27, 2000.

**2001 to 2012: Bankruptcy Cases and Involuntary Petitions Filed by Defendant Goyens in the United States Bankruptcy Court for the Eastern and Northern Districts of California**

45. Between 2001 and 2009, using one or more aliases, Defendant Goyens filed at least 18 bankruptcy cases and eight adversary proceedings in the United States Bankruptcy Court for the Eastern and Northern Districts of California, and one involuntary petition in the United States Bankruptcy Court for the Eastern District of California. Such cases and adversary proceedings are set forth in paragraphs 46 through 79 below.

46. On July 13, 2001, Defendant Goyens filed the Chapter 13 case styled In re Chaleddeeannka Goyens, Case No. 01-31870 DM, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on December 4, 2001.

47. On December 11, 2001, Defendant Goyens filed the Chapter 13 case styled In re Chaleddeeannka Goyens, Case No. 01-33144 DM, in the United States Bankruptcy Court for the Northern District of California. The case was converted to one under Chapter 7 on June 21, 2002, and a discharge was granted on February 10, 2003. The case was closed on February 28, 2003.

48. In foregoing Case No. 01-33144 DM, Defendant Goyens filed four motions to determine the non-dischargeability of certain debts.

49. On August 8, 2002, Defendant Goyens filed the Chapter 13 case styled In re Chaleddeeannka Doc Pr Goyens and Kamaal Goyens, Case No. 02-28859-A-13-J, in the United States Bankruptcy Court for the Eastern District of California. The case was dismissed on October 24, 2002.

50. In the foregoing Case No. 02-28859-A-13-J, Defendant Goyens filed her Complaint About a California Judge, Court Commissioner of Referee.

51. On October 1, 2002, Defendant Goyens filed the Chapter 13 case styled In re Kamaal R. Goyens, Case No. 02-30868-A-13-J, in the United States Bankruptcy Court for the Eastern District of California. The case was converted to one under Chapter 7 on November 20, 2002, and dismissed on November 27, 2002.

52. On November 20, 2002, Defendant Goyens filed the Chapter 7 case styled In re Kamaal Romon Goyens and Chaledeeannka Document Preparer Goyens, Case No. 02-32909-B-7, in the United States Bankruptcy Court for the Eastern District of California. The case was dismissed on December 19, 2002.

53. On December 3, 2002, Defendant Goyens filed the Chapter 13 case styled In re C.D. P. Goyens, Case No. 02-33288-A-13, in the United States Bankruptcy Court for the Eastern District of California. The case was converted to one under Chapter 7 on January 3, 2003, and dismissed on March 10, 2003.

54. On December 20, 2002, Defendant Goyens filed the involuntary petition commencing the Chapter 7 case styled In re John Brezzo, Case No. 02-34013-B, in the United States Bankruptcy Court for the Eastern District of California. On the motion of the debtor, the case was dismissed on February 13, 2003. On February 12, 2003 (*i.e.*, one day prior to the entry of the dismissal order in the case), Defendant Goyens filed a motion to reconsider the dismissal order. The bankruptcy court denied reconsideration in an order entered on March 20, 2003.

55. On April 5, 2004, Defendant Goyens filed the Chapter 13 case styled In re Chaledeeannka D.A. Goyens, Case No. 04-30916 TEC, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on October 13, 2004.

56. On October 14, 2004, Defendant Goyens filed the Chapter 13 case styled In re Artis C. Bell, Case No. 04-32901 TEC, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on January 26, 2005.

57. On May 16, 2005, Defendant Goyens filed the Chapter 13 case styled In re Chaledeeannka Deborah-Ann Goyens-Bell (Williams), Case No. 05-31546 TEC, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on September 1, 2005. Defendant Goyens filed a motion to reopen the case on June 2, 2006. Such motion to reopen was denied in an order entered on June 26, 2006.

58. In Case No. 05-31546 TEC, Defendant Goyens filed a complaint commencing an adversary proceeding against Jane McKeag, United States Bankruptcy Judge for the Eastern District of California, and another individual. Adv. Pro. No. 05-03326 TEC. The adversary proceeding was dismissed on the Court's own motion on July 8, 2005.

59. On August 9, 2005, Defendant Goyens filed the Chapter 13 case styled In re Artis C. Bell, Case No. 05-32521 TEC, in the United States Bankruptcy Court for the Northern District of California. The case was converted to one under Chapter 7 on January 9, 2006, and a discharge order was entered on June 22, 2006.

60. In foregoing Case No. 05-32521 TEC, Defendant Goyens filed an adversary proceeding against David Burchard, the Chapter 13 Standing Trustee, and several other parties on February 22, 2006. Adv. Pro. No. 06-03063 TEC. The bankruptcy court dismissed the action on its own motion for lack of subject matter jurisdiction, in an order entered on March 14, 2006.

61. In foregoing Case No. 05-32521 TEC, Defendant Goyens filed motion for removal of a divorce action pending in the Superior Court of California, County of San Francisco.

62. On November 7, 2008, Defendant Goyens filed the Chapter 13 case styled Defendant Goyens filed the Chapter 13 case styled In re 3109 King Street Property Mgmt / Promulgatoress 394717 and Chaledceannka Deborah Ann Williams Eberwein Goyens-Bell, Case No. 08-36386-B-13-J, in the United States Bankruptcy Court for the Eastern District of California. The case was converted to one under Chapter 7 on December 18, 2008, and a dismissal order was entered on December 23, 2008.

63. In the foregoing Case No. 08-36386-B-13-J, Defendant Goyens filed four adversary proceedings against various parties, to wit: Adv. Pro. No. 08-2633-B, against Michael Sigala *et al.*, Adv. Pro. No. 08-2634B, against the City of Berkeley, Adv. Pro. No. 08-02638-B, against Christopher Appleton, and Adv. Pro. No. 08-02639-B, against Zera Demas. All four adversary proceedings, which consisted of actions removed from the Superior Court of California, were remanded to such Court.

64. In the foregoing Case No. 08-36386-B-13-J, Defendant Goyens filed 52 proofs of claim on behalf of purported creditors in the case.



65. On March 9, 2009, Defendant Goyens filed the Chapter 13 case styled In re 3109 King Street Property Mgmt / Promulgatoress 394717 and Chaledeeannka Deborah Ann Williams Eberwein Goyens-Bell, Case No. 09-23690-B-13-J, in the United States Bankruptcy Court for the Eastern District of California. An order entered on September 25, 1999 held that the case was automatically dismissed as of April 18, 2009 pursuant to 11 U.S.C. § 521(i).

66. In the foregoing Case No. 09-23690-B-13-J, Defendant Goyens filed 111 proofs of claim on behalf of purported creditors in the case.

67. On March 9, 2009, Defendant Goyens filed the Chapter 13 case styled In re OSO Cold Records and Kamaal Romon Goyens, Sr., Case No. 09-70509 LT, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed in an order entered on December 9, 2009.

68. In the foregoing Case No. 09-70509 LT, Defendant Goyens filed Adversary Proceeding No. 09-4560 LT against the Bank of New York on December 4, 2009. The action was dismissed on January 25, 2010.

69. In the foregoing Case No. 09-70509 LT, Defendant Goyens filed a motion for a more definitive statement and for the substitution of the Chapter 13 Standing Trustee on November 24, 2009. The motion was denied in separate orders entered on December 7, 2009.

70. On January 27, 2010, Defendant Goyens filed the Chapter 13 case styled In re Robert Daniel Eberwein, Case No. 10-40860 EDJ, in the United States Bankruptcy Court for the Northern District of California. The case was converted to Chapter 7 on February 10, 2010, and dismissed in an order entered on December 17, 2010.

71. On March 26, 2010, in the foregoing Case No. 10-40860, Defendant Goyens filed Adv. Pro. No. 10-4076 (EDJ), styled Property Asset Management vs. Lisa Morris. The adversary proceeding was dismissed on May 24, 2010.

72. On April 27, 2010, in the foregoing Case No. 10-40860 EDJ, the Court entered its Supplemental Order (Amended). In pertinent part, such Order states that: “Certain persons, including [Defendant Goyens], continue their efforts to disrupt the clerk’s office of the Oakland Division of the court, and court proceedings in the above case . . . Such efforts include, without limitation, disruption of court proceedings, refusal to regard instructions from the bench in open court, refusal to regard instructions from the U.S. Marshals Service [ ], and harassment by various means of deputy clerks and other officers of the court.”

73. The Supplemental Order (Amended) further states that, upon the presentation by Defendant Goyens of a document for filing, “the judge may determine, without the necessity or a hearing, whether the document was filed in violation of this order, the [Permanent Filing] Injunction [defined in para. 116 below], or the rules of this court, and whether the document appears to have been filed with a valid purpose.”

74. The Supplemental Order (Amended) further states that if Defendant Goyens “or any person acting on behalf of [Defendant] Goyens . . . appears at the clerk’s office . . . other than in the company of a Marshal, any deputy clerk may refuse to provide services to [Defendant] Goyens . . . or the person acting on behalf of Goyens.”

75. On January 27, 2010, Defendant Goyens filed the Chapter 13 case styled In re Robert Daniel Eberwein, Case No. 10-40860 EDJ, in the United States Bankruptcy Court for the Northern District of California. The case was converted to Chapter 7 on February 10, 2010, and dismissed in an order entered on December 17, 2010.

76. On April 26, 2010, prior to the dismissal of Case No. 10-40860 EDJ, styled In re Robert Daniel Eberwein, Defendant Goyens filed the Chapter 13 case styled In re Robert Daniel Eberwein, Case No. 10-11516 AJ, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed the following day, April 27, 2010.

77. On December 13, 2010, Defendant Goyens filed the Chapter 13 case styled In re Paul Christensen, Case No. 10-14798 AJ, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on January 3, 2011.

78. On February 10, 2011, Defendant Goyens filed the Chapter 13 case styled In re Paul Christensen, Case No. 11-10451 AJ, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on February 28, 2011.

79. On March 26, 2012, Defendant Goyens filed the Chapter 13 case styled In re Artis Connelly Bell, Case No. 12-25860-A-13, in the United States Bankruptcy Court for the Eastern District of California. The case was dismissed in an order entered on June 12, 2012.

**1992 to 2009: Bankruptcy Appeals and Civil Cases Filed by Defendant Goyens in the Bankruptcy Appellate Panel for the Ninth Circuit, and the United States District Courts for the Eastern and Northern Districts of California**

80. Between 1992 and 2009, using one or more aliases, Defendant Goyens filed at least five bankruptcy appeals and seven civil cases in the Bankruptcy Appellate Panel for the Ninth Circuit, and the United States District Courts for the Eastern and Northern Districts of California. Such appeals and cases are set forth in paragraphs 81 through 97 below.

81. On May 19, 1992, in the Chapter 13 case styled In re Dee Ann Goyens, Case No. 92-23640, Defendant Goyens filed a notice of appeal of an order granting relief from the automatic stay. The Bankruptcy Appellate Panel for the Ninth Circuit dismissed the appeal on November 14, 1992.

82. On January 15, 1999, Defendant Goyens filed a notice of appeal of the dismissal order entered in Case No. 01-31870 DM, thereby commencing the appeal styled Chaledeeannka D.P. Goyens v. Social Security et al., Case No. 3:01-cv-04945-WHA in the United States District Court for the Northern District of California. In such appeal, the district court affirmed the bankruptcy court's dismissal order on February 15, 2002. A reconsideration of such affirmance sought by Defendant Goyens was denied in an order entered on April 3, 2002.

83. On January 3, 2002, Defendant Goyens commenced the civil action styled Byron Claiborne v. Freddie Goyens, Jr. and Chaledeeannka D.P. Goyens, Case No. 3:02-cv-00032-MMC in the United States District Court for the Northern District of California. This action consisted solely of Defendant Goyens' request to proceed *in forma pauperis* in an unknown matter, which request was denied on January 7, 2002. A motion by Defendant Goyens for reconsideration was denied on March 1, 2002.

84. On February 12, 2003, in the Chapter 7 case styled In re John Brezzo, Case No. 02-34013-B (United States Bankruptcy Court for the Eastern District of California), Defendant Goyens filed a notice of appeal of an order dismissing the bankruptcy case.

85. On March 7, 2002, Defendant Goyens commenced the civil action styled Chaledeeannka D.P. Goyens v. Maxine Chesney et al., Case No. 4:02-cv-01116-CW in the United States District Court for the Northern District of California. This action, filed against the Hon. Judge Maxine M. Chesney, a District Court Judge presiding in the Northern District of California, among others, was dismissed on May 22, 2003.

86. On March 21, 2003, in the Chapter 7 case styled In re John Brezzo, Case No. 02-34013-B (United States Bankruptcy Court for the Eastern District of California), Defendant Goyens filed a notice of appeal of an order denying reconsideration of an order dismissing the bankruptcy case.

87. On May 29, 2002, Defendant Goyens commenced the civil action styled Chaledeeannka D.P. Goyens v. Shasta Terrace Associates et al., Case No. 4:02-cv-02591-SBA, in the United States District Court for the Northern District of California. This action was dismissed on July 15, 2002.

88. On May 31, 2002, Defendant Goyens commenced the civil action styled Shasta Terrace Apts. v. Kamaal Goyens and Chaledeeannka D.P. Goyens, Case No. 3:02-cv-03818-JSW, in the United States District Court for the Northern District of California. This action was dismissed on July 15, 2002.

89. On August 7, 2002, Defendant Goyens filed a Complaint commencing the civil action styled Chaledeeannka D.P. Goyens v. John Brezzio et al., Case No. 3:02-cv-03818-JSW, in the United States District Court for the Northern District of California. This action was dismissed on April 14, 2003.

90. On September 18, 2002, Defendant Goyens commenced the civil action styled Kamaal R. Goyens and Chaledeeannka D.P. Goyens v. Ford Motor Credit Company, LLC, Case No. 2:02-cv-02419-WBS-JFM, in the United States District Court for the Eastern District of California. Following a Magistrate's recommendation that the action be dismissed, the district court dismissed the action on January 28, 2003.

91. On September 18, 2002, Defendant Goyens commenced the civil action styled Kamaal R. Goyens and Chaledeeannka D.P. Goyens v. Ford Motor Credit Company, LLC, Case No. 2:02-MC-00289-WBS-JFM, in the United States District Court for the Eastern District of California. The action was dismissed on October 1, 2002.

92. On September 30, 2002, Defendant Goyens filed a notice of appeal of an order granting a motion for relief from the automatic stay in Case No. 02-28859-A-13-J, a Chapter 13 case filed in the United States Bankruptcy Court for the Eastern District of California.

93. On September 30, 2002, Defendant Goyens filed a notice of appeal of an order denying her motion to set aside an order for relief from the automatic stay in Case No. 02-30868-A-13-J, a Chapter 13 case filed in the United States Bankruptcy Court for the Eastern District of California.

94. On August 30, 2004, in the Chapter 13 case styled In re Chaledeeannka D.A. Goyens, Case No. 04-30916 TEC (United States Bankruptcy Court for the Northern District of California), Defendant Goyens filed a notice of appeal of the bankruptcy court's order for the filing of amended required documents or dismissal. The Bankruptcy Appellate Panel for the Ninth Circuit dismissed the appeal on November 16, 2004.

95. On January 9, 2006, in the Chapter 13 case styled In re Artis C. Bell, Case No. 05-32521 TEC (United States Bankruptcy Court for the Northern District of California), Defendant Goyens filed a notice of appeal of the bankruptcy court's order denying confirmation of a proposed Chapter 13 plan. The Bankruptcy Appellate Panel for the Ninth Circuit dismissed the appeal for lack of jurisdiction on March 1, 2006.

96. In the Chapter 13 case styled In re Artis C. Bell, Case No. 05-32521 TEC (United States Bankruptcy Court for the Northern District of California), Defendant Goyens also appealed the bankruptcy court's dismissal order on March 24, 2006. The Bankruptcy Appellate Panel for the Ninth Circuit dismissed such appeal on December 12, 2006.

97. On June 30, 2009, in Case No. 09-23690-B-13-J, styled In re 3109 King Street Property Mgmt / Promulgatoress 394717 and Chaledeeannka Deborah Ann Williams Eberwein Goyens-Bell, Defendant Goyens filed a premature notice of appeal, following a hearing in which the bankruptcy court granted a motion to amend an order modifying the automatic stay. The order granting the motion to amend eventually was entered on July 24, 2009. The Bankruptcy Appellate Panel dismissed the appeal for lack of prosecution on December 1, 2009.

**2002: Civil Appeals Filed by Defendant Goyens in the United States Court of Appeals for the Ninth Circuit**

98. In 2002, using one or more aliases, Defendant Goyens filed two civil appeals in the United States Court of Appeals for the Ninth Circuit. Such appeals are set forth in paragraphs 99 and 100 below.

99. On February 6, 2002, Defendant Goyens filed a notice of appeal of the denial of her request to proceed *in forma pauperis* in civil Case No. 3:02-cv-00032-MMC (United States District Court for the Northern District of California), thereby commencing the appeal styled Byron Claiborne v. Freddie Goyens, Jr. and Chaledeeannka D.P. Goyens, Appeal No. 02-15277. The Ninth Circuit Court of Appeals dismissed for lack of jurisdiction on April 15, 2002.

100. On April 11, 2002, Defendant Goyens filed a notice of appeal of the district court's denial of a motion to reconsider the dismissal order entered in Case No. 3:01-cv-04945-WHA, a bankruptcy appeal. Such appeal to the Ninth Circuit commenced the appeal styled Chaledeeannka D.P. Goyens v. Social Security, Appeal No. 02-15798. The Ninth Circuit Court of Appeals dismissed the appeal due to Defendant Goyens' failure to prosecute on July 10, 2002.

**2010-2012: Bankruptcy Cases Filed by Defendant Goyens in this Court**

101. Between 2010 and the present, using one or more aliases, Defendant Goyens has filed seven bankruptcy cases in this Court. Such cases are set forth in paragraphs 102-111 below.

102. On June 17, 2010, Defendant Goyens filed the Chapter 13 case styled In re Lisa Swain-Morris, Case No. 10-13222 (SCC). On the motion of the Chapter 13 Standing Trustee, the case was dismissed on August 2, 2010.



103. In the foregoing Case No. 10-13222 (SCC), Defendant Goyens filed a combined opposition to the dismissal of the case, along with a motion to convert the Chapter 13 case to one under Chapter 15, on July 19, 2010. The motion to convert was denied on August 2, 2010.

104. On January 5, 2012, Defendant Goyens filed the Chapter 13 case styled In re Paul Christensen, Case No. 12-10042 (SHL). On the motion of the Chapter 13 Standing Trustee, venue of the case was transferred to the United States Bankruptcy Court for the Northern District of California on April 13, 2012. Following such transfer, the case was assigned Case No. 12-31159-DM, and dismissed by the United States Bankruptcy Court for the Northern District of California on April 26, 2012.

105. On April 10, 2012, Defendant Goyens filed the Chapter 13 case styled In re Robert Daniel Eberwein, Case No. 12-11486 (SHL). On the motion of the Chapter 13 Standing Trustee, the case was dismissed on July 24, 2012.

106. On June 27, 2012, in foregoing Case No. 12-11486 (SHL), this Court entered its Order Prohibiting Use of Email to Correspond with Federal Court Employees. According to such Order, employees of the Court received seven emails from “Robert Eberwein” on June 22, 2012. The Order requires “that Mr. Eberwein or other party in interest .or anyone affiliated or associated with any Debtor or other party in interest . . . and any recipients of the emails sent by Robert Eberwein to the Court, is prohibited from sending emails or other forms of electronic transmission, including facsimile, to any employee of this federal bankruptcy court, to the United States Trustee (Region 2), or any employee of the United States Trustee, and to any case or standing trustee.” The Order also applies in Case No. 12-11578 (SHL), Adv. Pro. No. 12-1574 (SHL), Case No. 12-11580 (SHL), and Case No. 12-12203 (SHL).

107. On July 24, 2012, in foregoing Case No. 12-11486 (SHL), this Court entered its Order Directing Submission of Documents in Electronic Format. The Order finds that “The parties listed as Debtors and/or Plaintiffs in the above-captioned cases and adversary proceedings have repeatedly submitted voluminous paper filings. [ ] This has placed a substantial burden on the Clerk’s Office.” The Order requires that, for any document exceeding 20 pages in length filed by any party, an electronic copy of the filing also must be submitted. The Order also applies in Case No. 12-11578 (SHL), Adv. Pro. No. 12-1574 (SHL), Case No. 12-11580 (SHL), and Case No. 12-12203 (SHL).

108. On April 17, 2012, Defendant Goyens filed the Chapter 15 case styled In re Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, Case No. 12-11578 (SHL). In this case, Defendant Goyens filed a Complaint against Bijan Gharechedaghy on April 30, 2012, commencing Adversary Proceeding No. 12-01574 (SHL). The case and the adversary proceeding were dismissed in separate orders on August 7, 2012.

109. On June 11, 2012, in the foregoing Case No. 12-11578 (SHL), Defendant Goyens filed the Statement of Financial Affairs of Robert Daniel Eberwein, which Statement had been previously filed in the Chapter 13 case styled In re Robert Daniel Eberwein, Case No. 10-40860 EDJ, in the United States Bankruptcy Court for the Northern District of California.

110. On April 17, 2012, Defendant Goyens filed the Chapter 11 case styled In re Robert Daniel Eberwein and Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, Case No. 12-11580 (SHL). The case is currently pending in this Court.

111. On August 9, 2012, Defendant Goyens filed the Chapter 13 case styled In re Robert M. Miller, Case No. 12-13397 (SHL). The Chapter 13 Standing Trustee has filed a motion to change the venue of this case to the Northern District of California. The case is currently pending in this Court.

**The 180-Day Bar Order Entered Against Defendant Goyens in 2002**

112. On December 20, 2002, in the case styled In re Kamaal Romon Goyens and Chaledeeannka Document Preparer Goyens, Case No. 02-32909-B-7 (United States Bankruptcy Court for the Eastern District of California), the court granted the United States Trustee's motion to dismiss with prejudice. The dismissal order barred the filing of any new bankruptcy petitions by Defendant Goyens or her son, Kamaal Goyens, whether jointly or individually, and whether using those names or other names, for at least 180 days, and not until all unpaid filing fees for the following Eastern District of California cases were paid in full: (1) 02-28859-A-13-J; (2) 02-30868-A-13-J; (3) 02-32909-B-7; and (4) 02-33288-A-13.

**The One-Year Bar Order Entered Against Defendant Goyens in 2005**

113. On January 26, 2005, the United States Bankruptcy Court for the Northern District of California dismissed the Chapter 13 case styled In re Artis C. Bell, Case No. 04-32901 TEC, which was filed by Defendant Goyens. In its Memorandum re Dismissal of Bankruptcy Case, the bankruptcy court "instructed [the Clerk] not to accept future filings from Debtor within the next year if the petition is not accompanied by properly completed schedules, a properly completed Statement of Financial Affairs and, if a chapter 13 petition, a properly completed plan."

**The Three-Year Filing Injunction Issued Against Defendant Goyens in 2006**

114. On March 14, 2006, in the case styled In re Artis C. Bell, Case No. 05-32521 TEC (United States Bankruptcy Court for the Northern District of California), the bankruptcy court found on its own motion that Defendant Goyens had engaged in the “filing of bankruptcy cases with incomplete and incomprehensible schedules, . . . [and] motions that are either incomprehensible or that seek relief the court lacks jurisdiction to provide.” Based upon these findings, the bankruptcy court entered its Order Barring Future Motions, Bankruptcy Cases, and Adversary Proceedings by Artis Bell Without Prior Leave of Court. Such order barred Defendant Goyens (*aka* debtor, Artis C. Bell), from filing, without prior leave of court from the Honorable Thomas E. Carlson, United States Bankruptcy Judge, until March 14, 2009: any motion, adversary proceeding, pleading, exhibit or other item, other than a notice of appeal, in her then pending bankruptcy case or in Adversary Proceeding No. 06-3063 (TEC). The order also barred Defendant Goyens from filing any new bankruptcy case or adversary proceeding until March 14, 2009, and stated that “The Clerk shall not accept from Debtor for filing any item Debtor is barred from filing under [ ] this order.”

**The Permanent Filing Injunction Issued Against Defendant Goyens in 2006**

115. On August 9, 2006, in the United States Bankruptcy Court for the Northern District of California, the United States Trustee for Region 17 also filed her Complaint for Permanent Injunctive Relief Pursuant to 11 U.S.C. § 105(a). Kistler v. Bell, (In re Bell), Adv. Pro. No. 06-3129 (Case No. 05-32521) (TEC). Such Complaint sought a permanent injunction “enjoining Defendant [Goyens] and any person acting in concert with her from filing any new bankruptcy case or adversary proceeding in the United States.”

116. On November 14, 2006, the bankruptcy court entered its Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. § 105(a) (the “Permanent Filing Injunction”). Pursuant to the Permanent Filing Injunction, Defendant Goyens “using the name Artis C. Bell or any aliases listed on the caption of this default judgment, is hereby permanently enjoined from filing, in any United States bankruptcy court, any bankruptcy case or adversary proceeding, or any document therein.”

117. On January 4, 2010, the United States Trustee for Region 17 filed a motion seeking an order of civil contempt for Defendant Goyens’ violation of the Permanent Filing Injunction. On February 25, 2010 the United States Bankruptcy Court for the Northern District of California entered its Order Holding Defendant in Contempt. Pursuant to such contempt order, the bankruptcy court held Defendant Goyens “in contempt of court for violating the judgment in this case enjoining further bankruptcy filings.”

118. In connection with the hearing on the foregoing contempt motion, the United States Bankruptcy Court for the Northern District of California also entered an Order Directing Clerk’s Office Not to File Documents. In relevant part, such order provided as follows: “Pending the hearing on the contempt motion, the Clerk is directed not to accept for filing any document by any person (other than the acting United States Trustee and her staff): (1) in any bankruptcy case involving Artis Bell or Chaledeeannka Goyens; or (2) proceeding 06-3129 and Ms. Goyens may file in adversary proceeding 06-3130 one written response to the motion for contempt, which shall not exceed 15 pages, and the Clerk shall not accept for filing any additional response to the motion for contempt, or any response that does not conform to the page limit.”

**The Document Preparer Injunction Issued Against Defendant Goyens in 2007**

119. On August 9, 2006, in the United States Bankruptcy Court for the Northern District of California, the United States Trustee for Region 17 filed her Complaint for Permanent Injunctive Relief and Fines Pursuant to 11 U.S.C. §§ 105(a) and 110. Kistler v. Goyens (In re Dobard), Adv. Pro. No. 06-3130 (Case No. 99-34016) (TEC). Such Complaint generally sought to bar Defendant Goyens from acting as a bankruptcy petition preparer under 11 U.S.C. § 110, and from “in any way providing any service relating to the preparation of documents to be filed in a bankruptcy case.”

120. On January 18, 2007, the bankruptcy court entered its Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. §§ 110 and 105(a), Prohibiting Provision of Document Preparer Services and Imposing Fine (the “Preparer Injunction”). Pursuant to the Preparer Injunction, Defendant Goyens “is permanently enjoined from providing to any individual or entity any service relating to the preparation of documents to be filed in any bankruptcy case,” and “as a fine,” Defendant Goyens was ordered to return the sum of \$3,000 to the debtor.

121. On January 4, 2010, the United States Trustee for Region 17 filed a motion seeking an order of civil contempt for Defendant Goyens’ violation of the Preparer Injunction. On February 25, 2010 the United States Bankruptcy Court for the Northern District of California entered its Order Holding Defendant in Contempt. Pursuant to such contempt order, the bankruptcy court held Defendant Goyens “in contempt of court for violating the judgment in this case enjoining her from assisting others with respect to filing bankruptcy.”

**Defendant Goyens Is a “Vexatious Litigant” in the California State Courts**

122. California Code of Civil Procedure section 391.7 requires that the Judicial Council of the California courts, through its staff agency, the Administrative Office of the Courts, maintain a “Vexatious Litigant List.”

123. In connection with Case No. RG07312218, pending in the Superior Court of California, County of Alameda, the Judicial Council placed Defendant Goyens on such Vexatious Litigant List on April 30, 2007, under her name and 31 other aliases, as follows: (1) C D Goyens, (2) CDPP Goyens, (3) CDPR Goyens, (4) Chaleddeeannka CDPR Goyens, (5) Chaleddeeannka D. Goyens, (6) Chaleddeeannka D.A. Goyens, (7) Chaleddeeannka Debora Goyens, (8) Chaleddeeannka Debora Ann Goyens, (9) Chaleddeeannka Document Preparer Goyens, (10) Freddie Goyens, (11) Kaamal R. Goyens, (12) O’Levia Del-Agape Goyens, (13) Olevia Goyens, (14) Chaleddeeannka C. Goyens, (15) Chaleddeeannka Goyens Bell, (16) Chaleddeeannka D. Goyens Bell, (17) Chaleddeeannka Debora Ann Goyens Bell, (18) Chaleddeeannka Debora Ann Goyens Bell Williams, (19) Chaleddeeannka Goyens DBA Document Preparer Goyens, (20) Chaleddeeannka Goyens Doc Prep Goyens, (21) Chaleddeeannka Goyens Document Preparer, (22) Chaleddeeannka Goyens Document Preparer Goyens Bell, (23) Chaleddeeannka Goyens Living/Work Space Property Management, (24) Chaleddeeannka Goyens Promulgatoress, (25) Chaleddeeannka Goyens Property Management, (26) Chaleddeeannka Goyens Relocation, (27) Chaleddeeannka Goyens Relocation for Repairs Agent, (28) Chaleddeeannka Goyens Tenant in Possession, (29) Chaleddeeannka Goyens-Promulgatoress, (30) Deborah Ann Williams, (31) Robert Eberwein, and (32) Garland Tyler.

124. Defendant Goyens remains on the Vexatious Litigant List as of the undersigned date.

125. Under California Code of Civil Procedure § 391(b), a “vexatious litigant” is a person who, among other things, (1) in an immediately preceding seven-year period, has commenced, prosecuted or maintained in *propia persona* at least five litigations (other than small claims matters) that have been finally determined adversely to the person or unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing; (2) after a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in *propia persona*, either the validity of the determination or the causes of action or any factual or legal issues determined by the final determination; or (3) in any litigation while acting in *propia persona*, repeatedly files unmeritorious papers or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

**2010 to 2012: Bankruptcy Cases Filed by Fedelina Roybal de Aguero in the United States Bankruptcy Courts for the Northern and Eastern Districts of California and the Southern District of New York**

126. Between 2010 and 2012, Defendant Roybal de Aguero filed at least nine bankruptcy cases in the United States Bankruptcy Courts for the Northern and Eastern Districts of California and the Southern District of New York. Such cases are set forth in paragraphs 127 through 138 below.

127. On February 10, 2010, Defendant Roybal de Aguero filed the Chapter 13 case styled In re Fedelina Roybal de Aguero, Case No. 10-41428 LT, in the United States Bankruptcy Court for the Northern District of California. On Defendant Roybal de Aguero’s own motion, the case was dismissed on February 26, 2010.



128. On April 12, 2010, Defendant Roybal de Aguero filed the Chapter 7 case styled In re Fedelina Roybal de Aguero, Case No. 10-44071 WL, in the United States Bankruptcy Court for the Northern District of California. On Defendant Roybal de Aguero's own motion, the case was dismissed on April 27, 2010.

129. On May 12, 2010, Defendant Roybal de Aguero filed the Chapter 7 case styled In re Fedelina Roybal de Aguero, Case No. 10-45423 RE, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on June 8, 2010, due to Defendant Roybal de Aguero's failure to file required documents.

130. On June 14, 2010, Defendant Roybal de Aguero filed the Chapter 7 case styled In re Fedelina Roybal de Aguero, Case No. 10-46732 EH, in the United States Bankruptcy Court for the Northern District of California. The case was dismissed on July 1, 2010. Defendant Roybal de Aguero filed a motion to reopen the case on March 16, 2012, which motion was denied in an order entered on April 9, 2012.

131. On August 5, 2010, Defendant Roybal de Aguero filed the Chapter 13 case styled In re Fedelina Roybal de Aguero, Case No. 10-48942 WL, in the United States Bankruptcy Court for the Northern District of California. On the motion of the Chapter 13 Standing Trustee, the case was dismissed on September 20, 2010, due to Defendant Roybal de Aguero's failure to file required documents.

132. On January 3, 2012, Defendant Roybal de Aguero filed the Chapter 13 case styled In re Fedelina Roybal de Aguero, Case No. 12-40017 MEH, in the United States Bankruptcy Court for the Northern District of California. On January 19, 2012, Defendant Roybal de Aguero filed a motion to extend the time to file all required documents, and a motion to transfer venue of the

case “to New York Bankruptcy Court Due to Property Being in Trust and Litigation in that State.” Such motion was denied on January 24, 2012. On the motion of the Chapter 13 Standing Trustee, the case was dismissed in an order entered on January 27, 2012. On April 13, 2012, August Landis, the United States Trustee for Region 17, filed a motion to reopen the case to investigate the conduct of Defendant Roybal de Aguero. On April 17, 2012, Defendant Roybal de Aguero filed a letter (dated April 16, 2012), stating: “Stipulation: reopening of my case as long as I can reopen all of my cases for the rule 2004 business examination for each previous case [ ] I have already asked permission for this, which is why I asked all of my cases to be reopened.” The case was reopened in an order entered on April 17, 2012.

133. In foregoing Case No. 12-40017 MEH, the United States Trustee filed a motion for the Rule 2004 examination of Defendant Roybal de Aguero. On April 13, 2012, the United States Bankruptcy Court for the Northern District of California entered its order authorizing such examination, and requiring Defendant Roybal de Aguero to appear for examination on May 3, 2012 at the Offices of the United States Trustee, in Oakland, California. Defendant Roybal de Aguero did not appear for such examination.

134. In foregoing Case No. 12-40017 MEH, Defendant Roybal de Aguero filed a motion entitled “United States Trustee Motion for Rule 2004 Examination, Records Request Response and Ex-Parte Application to Completely Open [Case No.] 12-40017,” along with several bank records. In such motion, Defendant Roybal de Aguero stated that “I have six property that were gifts to me by Tillman Keller of Knoxville, Tennessee International Jobber before he died . . . I pray for relief that these records should satisfy that I have six separate properties, that got stolen, and are being stolen now.” On August 9, 2012, the United States Bankruptcy Court for the

Northern District of California entered its order denying Defendant Roybal de Agüero's motion, stating "The court is unable to determine what relief exactly is requested. [ ] Currently, the debtor does not have an active case in the bankruptcy court. Re-opening bankruptcy case no. 12-40017 was a mere ministerial act to allow the U.S. Trustee to investigate the debtor's multiple filings."

135. On March 16, 2012, Defendant Roybal de Agüero filed motions to reopen her Case No. 10-44071 WL, Case No. 10-45423 RE, and Case No. 10-48942 WL, in the United States Bankruptcy Court for the Northern District of California. Such motions were denied on March 27, 2012 in Case No. 10-45423 RE, on April 6, 2012 in Case No. 10-44071 WL, and on April 14, 2012 in Case No. 10-48942 WL.

136. On March 27, 2012, Defendant Roybal de Agüero filed Chapter 13 Case No. 12-25979-B-13 in the United States Bankruptcy Court for the Eastern District of California. The case was dismissed in an order entered on April 16, 2012. Defendant Roybal de Agüero filed a motion to vacate the dismissal order on May 19, 2012. Such motion was denied on May 23, 2012.

137. On May 18, 2012, Defendant Roybal de Agüero filed the Chapter 13 case styled In re Fedelina Roybal-de Agüero 2008 Trust, Case No. 12-12203 (SHL) in this Court. On the motion of the Chapter 13 Standing Trustee, the case was dismissed in an order entered on July 24, 2012.

138. On July 26, 2012, Defendant Roybal de Agüero filed the Chapter 13 case styled In re Fedelina Roybal de Agüero, Case No. 12-12023 AJ, in the United States Bankruptcy Court for the Northern District of California. The case is pending, and a hearing to consider confirmation of a Chapter 13 Plan filed by Defendant Goyens has been calendared for October 10, 2012.

**2012: Appeals Filed by Fedelina Roybal de Aguero in the United States Bankruptcy  
Appellate Panel for the Ninth Circuit**

139. On February 2, 2012, in Case No. 12-40017 MEH (United States Bankruptcy Court for the Northern District of California), Defendant Roybal de Aguero filed a notice of appeal of an order denying her motion to extend time to file required documents and transferring venue of her bankruptcy case to the Southern District of New York. Such appeal was dismissed in an order entered on June 11, 2012.

**2012: Proofs of Claim Filed by Fedelina Roybal de Aguero in the United States  
Bankruptcy Court for the Southern District of New York**

140. On July 16, 2012, in the Chapter 11 case styled In re Residential Capital, LLC et al., No. 12-12020 (MG), currently pending in this Court, Defendant Roybal de Aguero filed Proofs of Claim No. 295 through 313 on behalf of several claimant entities not including herself, against Residential Capital, LLC and several of its affiliated Chapter 11 debtors.

**COUNT ONE**

**Permanent Filing Injunction Against Defendant Goyens  
(11 U.S.C. § 105(a) and Decisional Law)**

141. Plaintiff incorporates herein by reference paragraphs 1 through 140 as though fully set forth herein.

142. For a period of 21 years, between 1991 and the present, in five different Judicial Districts nation-wide, and using one or more aliases, Defendant Goyens has filed 41 bankruptcy cases, consisting of two cases under Chapter 7, one case under Chapter 11, 36 cases under Chapter 13, one case under Chapter 15, and one involuntary petition. All of such 41 cases,

except four (including two current cases), have been dismissed. The 41 bankruptcy cases filed by Defendant Goyens have at times included concurrent cases.

143. In 36 cases filed by Defendant Goyens under Chapter 13, she has never obtained an order confirming a plan.

144. Using one or more aliases, Defendant Goyens has filed 11 adversary proceedings since 1991, including complaints against two United States Bankruptcy Judges. All of such adversary proceedings either have been dismissed or left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 adversary proceedings.

145. Using one or more aliases, Defendant Goyens has filed 12 bankruptcy and civil appeals in three Judicial Districts. All of such appeals have been dismissed or left unresolved. Defendant Goyens has not obtained an order favorable to her in any of such 12 appeals.

146. Using one or more aliases, Defendant Goyens has filed 11 civil cases in three Judicial Districts. All of such cases have been dismissed or left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 civil cases.

147. Defendant Goyens is the subject of: (a) a 180-day bar order entered by the United States Bankruptcy Court for the Eastern District of California in 2002; (b) a one-year bar order entered by the United States Bankruptcy Court for the Northern District of California in 2005; (c) a three-year filing injunction issued by the United States Bankruptcy Court for the Northern District of California in 2006; (d) the Permanent Filing Injunction Issued by the United States Bankruptcy Court for the Northern District of California in 2006; (e) the Document Preparer Injunction Issued by the United States Bankruptcy Court for the Northern District of California in

2007; and (f) the Vexatious Litigant List maintained by the Judicial Council of the California state courts.

148. Defendant Goyens has been found in contempt twice by the United States Bankruptcy Court for the Northern District of California -- once with respect to the Permanent Filing Injunction and once with respect to the Document Preparer Injunction.

149. In a 21-year history of multiple and abusive bankruptcy, civil and appellate cases filed in her own name and under approximately 45 aliases and names of other individuals, which cases have included the filing of several burdensome documents, Defendant Goyens has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process.

150. Defendant Goyens has an extended history of filing bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

151. Defendant Goyens has an extended history of bankruptcy appeals that have failed to result in the reversal of bankruptcy and district court orders deemed unfavorable by Defendant Goyens.

152. The bankruptcy, civil and appellate cases filed by Defendant Goyens have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks' Offices, the United States Trustees and their respective Offices, and creditors.

153. The bankruptcy filing history of Defendant Goyens has entailed vexation, harassment, and needless expense to other parties.

154. Defendant Goyens' numerous filings of bankruptcy cases and appeals in multiple courts over a prolonged period of time has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Also, such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

155. Section 105(a) of the Bankruptcy Code grants this Court the power to prevent such abuse through the issuance of an order, process or judgment, including a permanent injunction.

156. Accordingly, Plaintiff respectfully requests that Defendant Goyens, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases be:

- (a) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and
- (b) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

## COUNT TWO

**Permanent Injunction Against Defendant Goyens Regarding Access to Court Personnel,  
the Courthouse, the United States Trustee, and the Office of the United States Trustee**  
**(11 U.S.C. § 105(a) and Decisional Law)**

157. Plaintiff incorporates herein by reference paragraphs 1 through 156 as though fully set forth herein.

158. In this and other bankruptcy courts nation-wide, Defendant Goyens, in her own name and using one or more aliases, has engaged in repeated patterns of conduct disruptive to the Office of the Clerk and to the courts' judicial proceedings.

159. Such conduct has included, without limitation, disruption of Court proceedings, the filing of unnecessarily burdensome documents, refusal to regard instructions from the bench in open Court, and harassment by various means (including repetitive email communications) of the United States Bankruptcy Judges, the United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide.

160. Such conduct is an egregious abuse of process that hinders the administration of justice.

161. Section 105(a) of the Bankruptcy Code grants this Court the power to prevent such abuse through the issuance of an order, process or judgment, including a permanent injunction.

162. No other sanctions would be adequate. Injunctive relief is appropriate and necessary to prevent the further abuse and recurrence of the Defendant's wrongful conduct.

163. Accordingly, Plaintiff respectfully requests that Defendant Goyens, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases be:

- (a) permanently enjoined from entering the Office of the Clerk of this or any other United States Bankruptcy Court, without first obtaining permission for such entry from the Chief United States Bankruptcy Judge or, if seeking entry to the Office of the Clerk for the purpose of filing a document (including a proof of claim) in a bankruptcy case



or adversary proceeding, without first obtaining permission from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding, and

(b) permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph 158(a)).

### COUNT THREE

#### **Permanent Filing Injunction Against Defendant Roybal de Aguero** **(11 U.S.C. § 105(a) and Decisional Law)**

164. Plaintiff incorporates herein by reference paragraphs 1 through 163 as though fully set forth herein.

165. In a period of two years, between 2010 and the present, in three different Judicial Districts nation-wide, and using one or more aliases, Defendant Roybal de Aguero has filed nine bankruptcy cases, consisting of three cases under Chapter 7 and six cases under Chapter 13. All of such nine cases, except a currently-pending one, have been dismissed.

166. In three cases filed by Defendant Roybal de Aguero under Chapter 7, she has never obtained an order of discharge. In six cases filed by Defendant Roybal de Aguero under Chapter 13, she has never obtained an order confirming a plan.

167. Using one or more aliases, Defendant Roybal de Aguero has filed one bankruptcy appeal, adjudicated in the United States Bankruptcy Appellate Panel for the Ninth Circuit. Such appeal was dismissed.

168. In a two-year history of multiple and abusive bankruptcy and appellate cases filed in her own name and under one alias, Defendant Roybal de Aguero has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process. Defendant Roybal de Aguero has a history of filing successive bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

169. The bankruptcy and appellate cases filed by Defendant Roybal de Aguero have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks' Offices, the United States Trustees and their respective Offices, and creditors. The bankruptcy filing history of Defendant Roybal de Aguero has entailed vexation, harassment, and needless expense to other parties. Such history has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

170. Accordingly, Plaintiff respectfully requests that Defendant Roybal de Aguero, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases, be:

- (a) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and
- (b) permanently enjoined from filing any adversary proceeding or document (including proofs of claim) in any other bankruptcy case or adversary proceeding

without first obtaining leave to file from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding, as applicable.

**PRAYER**

WHEREFORE, Plaintiff respectfully requests this Court to enter a judgment permanently enjoining Defendant Goyens and Defendant Roybal de Agüero as set forth in Counts One through Three above, and granting such further relief as the Court deems appropriate and just.

Dated: New York, New York  
October 4, 2012

TRACY HOPE DAVIS  
UNITED STATES TRUSTEE

**By:** /s/ Andrew D. Velez-Rivera  
Trial Attorney  
33 Whitehall Street, 21st Floor  
New York, New York 10004-2209  
Tel. No. (212) 510-0500  
Fax No. (212) 668-2255

# EXHIBIT B

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

ROBERT DANIEL EBERWEIN and  
CHALEDEEANKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,

Chapter 11

Case No. 12-11580 (SHL)

Debtors.  
-----X

TRACY HOPE DAVIS, as  
UNITED STATES TRUSTEE FOR REGION 2,

Adv. Pro. No. 12-01901 (SHL)

vs.

**DEFAULT JUDGMENT  
AND SUMMARY JUDGMENT  
GRANTING INJUNCTIVE RELIEF**

CHALEDEEANKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,  
dba CHALEDEEANKA DOCUMENT  
PREPARER GOYENS-BELL,  
aka ALICE WINBORN  
aka ALICE E. WINBORN,  
aka ALICE ELIZABETH WINBORN,  
aka ARTIS BELL,  
aka ARTIS C. BELL,  
aka BARBARA WOODS,  
aka BLACK BAY,  
aka C.D.P.G.,  
aka C.D.P. GOYENS,  
aka CHALEDEEANKA D GOYENS,  
aka CHALEDEEANKA D.A GOYENS,  
aka CHALEDEEANKA DA GOYENS,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS-BELL,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS-BELL (WILLIAMS),  
aka CHALEDEEANKA DEBORAH GOYENS,

(caption continues on next page)

aka CHALEDEEANNKA DOC PR GOYENS,  
aka CHALEDEEANNKA DOC PRPR,  
aka CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS,  
aka CHALEDEEANNKA GOYENS,  
aka DEBORAH A. WILLIAMS,  
aka DEBORAH ANN WILLIAMS,  
aka DEE ANN GOYENS,  
aka DEE ANN WILLIAMS-GOYENS,  
aka FRED GOVENS,  
aka FREDDIE GOYENS,  
aka FREDDIE GOYENS, JR.,  
aka GARLAND TYLER,  
aka LIONS JUDAH SPIRITUAL WARFARE  
TRAINING MINISTRY,  
aka O'LEVIA DE'AGAPE-D GOYENS,  
aka O'LEVIA DE'-AGAGE-D'GOYENS,  
aka O'LEVIA DEL-AGAPE GOYENS,  
aka OLEVIA GOYENS,  
aka ROBERT DANIEL EBERWEIN,  
aka MICHELLE O'CONNOR,  
aka PAUL CHRISTENSEN,  
aka LISA SWAIN-MORRIS,  
aka TRUSTOR FOR LEHMAN BROTHERS  
HOLDINGS,  
aka PROPERTY ASSET MANAGERS,  
aka 3109 KING ST. PROPERTY MGMT.,  
aka C D A W G-B EBERWEIN ST.  
PROPERTY MANAGEMENT,  
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and  
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

**DEFAULT JUDGMENT and SUMMARY JUDGMENT**  
**GRANTING INJUNCTIVE RELIEF**

On April 24, 2013, this Court held a hearing (the “Hearing”) on the motion of Tracy Hope Davis, the United States Trustee for Region 2 (the “United States Trustee”), as plaintiff in the adversary proceeding captioned above (the “Adversary Proceeding”), for the entry of a default judgment, and in the alternative, for summary judgment (the “Motion”). A.P. Docket No. 12. The United States Trustee appeared at the Hearing through her counsel, Andrew D. Velez-Rivera, Esq. The Court, having considered the United States Trustee’s Complaint for Injunctive Relief (the “Complaint”), the Motion, each of their supporting documents, and the record of this Adversary Proceeding and underlying case, and having heard the statements and representations made at the Hearing, hereby makes the following findings:

1. As set forth in the Complaint, for a period of 21 years, between 1991 and the present, in five different Judicial Districts nation-wide, and using one or more aliases, Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein (“Defendant Goyens”) has filed 41 bankruptcy cases, consisting of two cases under Chapter 7, one case under Chapter 11, 36 cases under Chapter 13, one case under Chapter 15, and one involuntary petition. All of such 41 cases, except four, have been dismissed. The 41 bankruptcy cases filed by Defendant Goyens have at times included concurrent cases.

2. As set forth in the Complaint, in 36 cases filed by Defendant Goyens under Chapter 13, she has never obtained an order confirming a plan.

3. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 11 adversary proceedings since 1991, including complaints against two United States Bankruptcy Judges. All of such adversary proceedings either have been dismissed or have been left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 adversary proceedings.

4. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 12 bankruptcy and civil appeals in three Judicial Districts. All of such appeals have been dismissed or have been left unresolved. Defendant Goyens has not obtained an order favorable to her in any of such 12 appeals.

5. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 11 civil cases in three Judicial Districts. All of such cases have been dismissed or have been left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 civil cases.

6. Defendant Goyens is the subject of the following:

(a) A prior 180-day order barring future bankruptcy filings, entered by the United States Bankruptcy Court for the Eastern District of California on December 20, 2002. In re Kamaal Romon Goyens and Chaleddeeannka Document Preparer Goyens, Case No. 02-32909-B-7 (Docket No. 46).

(b) A prior, one-year bar order, entered by the United States Bankruptcy Court for the Northern District of California on January 26, 2005. In re Artis C. Bell, Case No. 04-32901 (TEC) (Docket No. 19).



(c) A prior three-year filing injunction issued by the United States Bankruptcy Court for the Northern District of California on March 14, 2006. In re Artis C. Bell, Case No. 05-32521 (TEC) (Docket No. 59).

(d) A Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. § 105(a) (the “Permanent Filing Injunction”) issued by the United States Bankruptcy Court for the Northern District of California on November 14, 2006. Kistler v. Bell (In re Bell), Adv. Pro. No. 06-3129 (Case No. 05-32521) (TEC) (A.P. Docket No. 12). Pursuant to the Permanent Filing Injunction, Defendant Goyens was enjoined on a permanent basis from “using the name Artis C. Bell or any aliases listed on the caption of this default judgment, is hereby permanently enjoined from filing, in any United States bankruptcy court, any bankruptcy case or adversary proceeding, or any document therein.” Id.

(e) A Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. §§ 110 and 105(a), Prohibiting Provision of Document Preparer Services and Imposing Fine (the “Preparer Injunction”) issued by the United States Bankruptcy Court for the Northern District of California on January 18, 2007. Kistler v. Goyens (In re Dobard), Adv. Pro. No. 06-3130 (Case No. 99-34016) (TEC) (A.P. Docket No. 14). Pursuant to the Preparer Injunction, Defendant Goyens was “permanently enjoined from providing to any individual or entity any service relating to the preparation of documents to be filed in any bankruptcy case.” Id. (Collectively, the bar orders and injunctions set forth in paragraphs 6(a)-(e) of this Default Judgment are the “Prior Injunctions”).

(f) The Vexatious Litigant List maintained by the Judicial Council of the California State Courts.

7. Defendant Goyens has been found in contempt twice by the United States Bankruptcy Court for the Northern District of California, for violating the Permanent Filing Injunction and the Document Preparer Injunction. See Kistler v. Bell (In re Bell), Adv. Pro. No. 06-3129 (Case No. 05-32521) (TEC) (A.P. Docket No. 41, and Kistler v. Goyens (In re Dobard), Adv. Pro. No. 06-3130 (Case No. 99-34016) (TEC) (A.P. Docket No. 28) (collectively, the “Prior Contempt Orders”).

8. In this and other bankruptcy courts nation-wide, Defendant Goyens, in her own name and using one or more aliases, has engaged in repeated patterns of conduct disruptive to the Office of the Clerk and to the courts’ judicial proceedings.

9. Such conduct by Defendant Goyens has included, without limitation, disruption of Court proceedings, the filing of unnecessarily burdensome documents, refusal to regard instructions from the bench in open Court, and harassment by various means (including repetitive email communications) of the United States Bankruptcy Judges, the United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide.

10. As set forth in the Complaint, in a period of two years, between 2010 and the present, in three different Judicial Districts nation-wide, and using one or more aliases, Defendants Fedelina Roybal de Agüero and the Fedelina Roybal de Agüero 2008 Trust (collectively, “Defendant Roybal de Agüero,” and collectively with Defendant Goyens, the “Defendants”) have filed nine bankruptcy cases, consisting of three cases under Chapter 7 and six cases under Chapter 13. All of such nine cases have been dismissed.

11. As set forth in the Complaint, in three cases filed by Defendant Roybal de Agüero under Chapter 7, she has never obtained an order of discharge. In six cases filed by Defendant Roybal de Agüero under Chapter 13, she has never obtained an order confirming a plan.

12. As set forth in the Complaint, using one or more aliases, Defendant Roybal de Aguero has filed one bankruptcy appeal, which was adjudicated in the United States Bankruptcy Appellate Panel for the Ninth Circuit. Such appeal was dismissed. In re Roybal de Aguero, Case No.12-40017 (MEH) (U.S. Bankruptcy Court for the Northern District of California), Docket No. 52.

13. In this Adversary Proceeding, the United States Trustee filed her Complaint on October 4, 2012. Adv. Pro. No. 12-1901 (SHL). The Clerk issued a corresponding Summons on October 9, 2012, and service of the Complaint and Summons was given to the Defendants on October 9, 2012. A.P. Docket Nos. 3-4.

14. Service of the Complaint, Summons and Motion have been made upon the Defendants at their last known addresses, including with respect to Defendant Goyens, at the addresses known as 25 Amberwood Lane, Walnut Creek, California 94598, and 3131 Grand Concourse, Apt. 4-E, Bronx, New York 10468. A.P. Docket No. 4. Defendant Goyens specifically represented to the Court at a hearing held in the underlying Chapter 11 case on July 12, 2012, that documents could be mailed to her at such addresses. *See* Transcript of Hearing, Case No. 12-11580 (SHL), Docket No. 20, at 39.

15. The Court held an Initial Pre-Trial Conference in this Adversary Proceeding on December 4, 2012. The Defendants failed to appear at such Conference.

16. The Defendants have failed to file an answer or motion with respect to the Complaint within the time limit fixed by Bankruptcy Rule 7012(a), or as of the date hereof. See A.P. Docket.

17. The Clerk of the Court entered the default of the Defendants on the docket of this Adversary Proceeding on January 31, 2013. A.P. Docket No. 8.

18. No objection has been filed by the Defendants with respect to the Motion as of the date hereof. See A.P. Docket.

19. The Defendants did not appear at the Hearing on the Motion.

Based on the foregoing, the Court hereby concludes:

20. Pursuant to Federal Rule of Civil Procedure (“Rule”) 8(b)(6), as applicable in this Adversary Proceeding pursuant to Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 7008, “an allegation [ ] is admitted if a responsive pleading is required and the allegation is not denied.” Fed. R. Civ. P. 8(b)(6); Fed. R. Bankr. P. 7008.

21. In a 21-year history of multiple and abusive bankruptcy, civil and appellate cases filed in her own name and under approximately 45 aliases and names of other individuals, which cases have included the filing of several burdensome documents, Defendant Goyens has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process.

22. Defendant Goyens has an extended history of filing bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

23. Defendant Goyens has an extended history of bankruptcy appeals that have failed to result in the reversal of bankruptcy and district court orders deemed unfavorable by Defendant Goyens.

24. The bankruptcy, civil and appellate cases filed by Defendant Goyens have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks’ Offices, the United States Trustees and their respective Offices, and creditors.

25. The bankruptcy filing history of Defendant Goyens has entailed vexation, harassment, and needless expense to other parties.

26. Defendant Goyens' numerous filings of bankruptcy cases and appeals in multiple courts over a prolonged period of time has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Also, such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

27. The Prior Injunctions, Contempt Orders and the placement of Defendant Goyens on the Vexatious Litigant List in the California state courts have not prevented the Defendants from filing for bankruptcy in this Court because they are of narrow, specific scopes, and do not apply to Defendant Roybal de Agüero.

28. Goyens' disruptive conduct in this and other bankruptcy courts and Clerks' Offices nation-wide has resulted in an egregious abuse of process that hinders the administration of justice.

29. In a two-year history of multiple and abusive bankruptcy and appellate cases filed in her own name and under one alias, Defendant Roybal de Agüero has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process. Defendant Roybal de Agüero has a history of filing successive bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

30. The bankruptcy and appellate cases filed by Defendant Roybal de Agüero have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks' Offices, the United States Trustees and their respective Offices, and creditors. The bankruptcy filing history of Defendant Roybal de Agüero has entailed vexation, harassment, and

needless expense to other parties. Such history has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

31. Under Second Circuit law, in determining whether an injunction should issue against a vexatious litigant, including a bankruptcy debtor, the Court in its discretion need only review the vexatious and harassing nature of the defendant's filing history. In re Martin-Trigona, 737 F.2d 1254, 1262 (2d Cir. 1984). The traditional standards governing the issuance of a permanent civil injunction – i.e., irreparable harm and no remedy at law – do not apply. Id.

32. In this Adversary Proceeding, the Defendants have not contested the offensive and prolific character of their burdensome filings and conduct, as such have been set forth in the United States Trustee's Complaint.

33. Based on the foregoing, it appears further that appropriate notice of the Complaint and Motion have been given, that a default judgment should issue in favor of the United States Trustee in the Adversary Proceeding pursuant to Bankruptcy Code section 105(a), Federal Rule of Civil Procedure ("Rule") 55, as applicable herein by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7055, and applicable law, and that summary judgment should issue in favor of the United States Trustee in the Adversary Proceeding pursuant to Bankruptcy Code section 105(a), Rule 56, as applicable herein by Bankruptcy Rule 7056, and applicable law.

Based on the foregoing, the Court hereby enters its Default Judgment and Summary Judgment for Injunctive Relief, as follows:

**DEFAULT JUDGMENT and SUMMARY JUDGMENT:**

(A) For purposes of both the Default Judgment and Summary Judgment entered hereby, all allegations made in the Complaint are deemed admitted and resolved against the Defendants.

(B) Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are:

(1) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and

(2) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

(C) Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from entering the Office of the Clerk of this or any other United States Bankruptcy Court, without first obtaining permission for such entry from the Chief United States Bankruptcy Judge or, if seeking entry to the Office of the Clerk for the purpose of filing a document (including a proof of claim) in a bankruptcy case or adversary proceeding, without first obtaining permission from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

(D) Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph B(2) above).

(E) Fedelina Roybal de Agüero and the Fedelina Roybal de Agüero 2008 Trust, and all persons in concert and participation with them, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases, hereby are permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and permanently enjoined from filing any adversary proceeding or document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding, as applicable.

Dated: New York, New York  
June 3, 2013

/s/ Sean H. Lane  
HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE



# EXHIBIT C

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

ROBERT DANIEL EBERWEIN and  
CHALEDEEANKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,

Chapter 11  
Case No. 12-11580 (SHL)

Debtors.  
-----X

TRACY HOPE DAVIS, as  
UNITED STATES TRUSTEE FOR REGION 2,

Adv. Pro. No. 12-01901 (SHL)

vs.

**NOTICE OF ENTRY**

CHALEDEEANKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,  
dba CHALEDEEANKA DOCUMENT  
PREPARER GOYENS-BELL,  
aka ALICE WINBORN  
aka ALICE E. WINBORN,  
aka ALICE ELIZABETH WINBORN,  
aka ARTIS BELL,  
aka ARTIS C. BELL,  
aka BARBARA WOODS,  
aka BLACK BAY,  
aka C.D.P.G.,  
aka C.D.P. GOYENS,  
aka CHALEDEEANKA D GOYENS,  
aka CHALEDEEANKA D.A GOYENS,  
aka CHALEDEEANKA DA GOYENS,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS-BELL,  
aka CHALEDEEANKA DEBORAH ANN  
GOYENS-BELL (WILLIAMS),  
aka CHALEDEEANKA DEBORAH GOYENS,

(caption continues on next page)

aka CHALEDEEANNKA DOC PR GOYENS,  
aka CHALEDEEANNKA DOC PRPR,  
aka CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS,  
aka CHALEDEEANNKA GOYENS,  
aka DEBORAH A. WILLIAMS,  
aka DEBORAH ANN WILLIAMS,  
aka DEE ANN GOYENS,  
aka DEE ANN WILLIAMS-GOYENS,  
aka FRED GOVENS,  
aka FREDDIE GOYENS,  
aka FREDDIE GOYENS, JR.,  
aka GARLAND TYLER,  
aka LIONS JUDAH SPIRITUAL WARFARE  
TRAINING MINISTRY,  
aka O'LEVIA DE'AGAPE-D GOYENS,  
aka O'LEVIA DE'-AGAGE-D'GOYENS,  
aka O'LEVIA DEL-AGAPE GOYENS,  
aka OLEVIA GOYENS,  
aka ROBERT DANIEL EBERWEIN,  
aka MICHELLE O'CONNOR,  
aka PAUL CHRISTENSEN,  
aka LISA SWAIN-MORRIS,  
aka TRUSTOR FOR LEHMAN BROTHERS  
HOLDINGS,  
aka PROPERTY ASSET MANAGERS,  
aka 3109 KING ST. PROPERTY MGMT.,  
aka C D A W G-B EBERWEIN ST.  
PROPERTY MANAGEMENT,  
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and  
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

**Please take notice**, that the United States Bankruptcy Court for the Southern District of New York has entered a Default Judgment and Summary Judgment ("Judgment") in the adversary proceeding captioned above. Adv. Pro. Docket No. 13. A true and correct copy of such Judgment is attached hereto.

Dated: New York, New York  
June 4, 2013

TRACY HOPE DAVIS  
UNITED STATES TRUSTEE

**By:** /s/ Andrew D. Velez-Rivera  
Trial Attorney  
33 Whitehall Street, 21st Floor  
New York, New York 10004  
Tel. No. (212) 510-0500  
Fax No. (212) 668-2255

CERTIFICATE OF SERVICE

STATE OF NEW YORK                    )  
  : ss  
COUNTY OF NEW YORK                )

I, Andrew D. Velez-Rivera, hereby declare, under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that on June 4, 2013, I caused to be served copies of the NOTICE OF ENTRY, by regular mail upon each of the parties listed on the service list below, by depositing true copies of same in sealed envelopes, with postage pre-paid thereon, in an official depository of the United States Postal Service within the City and State of New York.

Dated: New York, New York

/s/ Andrew D. Velez-Rivera

*SERVICE LIST*

Defendants

Chaledeeannka Goyens  
25 Amberwood Lane  
Walnut Creek, CA 94598

Chaledeaankka Goyens  
3131 Grand Concourse, Apt. 4-E  
Bronx, NY 10468

Fedelina Roybal de Agüero  
Federlina Roybal de Agüero 2008 Trust  
42265 Little Lake Road  
Mendocino, CA 94560

Fedelina Roybal de Agüero  
Federlina Roybal de Agüero 2008 Trust  
25 Amberwood Lane  
Walnut Creek, CA 94598

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

ROBERT DANIEL EBERWEIN and  
CHALEDEEANNKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,

Chapter 11

Case No. 12-11580 (SHL)

Debtors.  
-----X

TRACY HOPE DAVIS, as  
UNITED STATES TRUSTEE FOR REGION 2,

Adv. Pro. No. 12-01901 (SHL)

vs.

**DEFAULT JUDGMENT  
AND SUMMARY JUDGMENT  
GRANTING INJUNCTIVE RELIEF**

CHALEDEEANNKA DEBORAH ANN  
WILLIAMS GOYENS-BELL EBERWEIN,  
dba CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS-BELL,  
aka ALICE WINBORN  
aka ALICE E. WINBORN,  
aka ALICE ELIZABETH WINBORN,  
aka ARTIS BELL,  
aka ARTIS C. BELL,  
aka BARBARA WOODS,  
aka BLACK BAY,  
aka C.D.P.G.,  
aka C.D.P. GOYENS,  
aka CHALEDEEANNKA D GOYENS,  
aka CHALEDEEANNKA D.A GOYENS,  
aka CHALEDEEANNKA DA GOYENS,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS-BELL,  
aka CHALEDEEANNKA DEBORAH ANN  
GOYENS-BELL (WILLIAMS),  
aka CHALEDEEANNKA DEBORAH GOYENS,

(caption continues on next page)

aka CHALEDEEANNKA DOC PR GOYENS,  
aka CHALEDEEANNKA DOC PRPR,  
aka CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS,  
aka CHALEDEEANNKA GOYENS,  
aka DEBORAH A. WILLIAMS,  
aka DEBORAH ANN WILLIAMS,  
aka DEE ANN GOYENS,  
aka DEE ANN WILLIAMS-GOYENS,  
aka FRED GOVENS,  
aka FREDDIE GOYENS,  
aka FREDDIE GOYENS, JR.,  
aka GARLAND TYLER,  
aka LIONS JUDAH SPIRITUAL WARFARE  
TRAINING MINISTRY,  
aka O'LEVIA DE'AGAPE-D GOYENS,  
aka O'LEVIA DE'-AGAGE-D'GOYENS,  
aka O'LEVIA DEL-AGAPE GOYENS,  
aka OLEVIA GOYENS,  
aka ROBERT DANIEL EBERWEIN,  
aka MICHELLE O'CONNOR,  
aka PAUL CHRISTENSEN,  
aka LISA SWAIN-MORRIS,  
aka TRUSTOR FOR LEHMAN BROTHERS  
HOLDINGS,  
aka PROPERTY ASSET MANAGERS,  
aka 3109 KING ST. PROPERTY MGMT.,  
aka C D A W G-B EBERWEIN ST.  
PROPERTY MANAGEMENT,  
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and  
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

**DEFAULT JUDGMENT and SUMMARY JUDGMENT  
GRANTING INJUNCTIVE RELIEF**

On April 24, 2013, this Court held a hearing (the "Hearing") on the motion of Tracy Hope Davis, the United States Trustee for Region 2 (the "United States Trustee"), as plaintiff in the adversary proceeding captioned above (the "Adversary Proceeding"), for the entry of a default judgment, and in the alternative, for summary judgment (the "Motion"). A.P. Docket No. 12. The United States Trustee appeared at the Hearing through her counsel, Andrew D. Velez-Rivera, Esq. The Court, having considered the United States Trustee's Complaint for Injunctive Relief (the "Complaint"), the Motion, each of their supporting documents, and the record of this Adversary Proceeding and underlying case, and having heard the statements and representations made at the Hearing, hereby makes the following findings:

1. As set forth in the Complaint, for a period of 21 years, between 1991 and the present, in five different Judicial Districts nation-wide, and using one or more aliases, Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein ("Defendant Goyens") has filed 41 bankruptcy cases, consisting of two cases under Chapter 7, one case under Chapter 11, 36 cases under Chapter 13, one case under Chapter 15, and one involuntary petition. All of such 41 cases, except four, have been dismissed. The 41 bankruptcy cases filed by Defendant Goyens have at times included concurrent cases.

2. As set forth in the Complaint, in 36 cases filed by Defendant Goyens under Chapter 13, she has never obtained an order confirming a plan.



3. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 11 adversary proceedings since 1991, including complaints against two United States Bankruptcy Judges. All of such adversary proceedings either have been dismissed or have been left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 adversary proceedings.

4. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 12 bankruptcy and civil appeals in three Judicial Districts. All of such appeals have been dismissed or have been left unresolved. Defendant Goyens has not obtained an order favorable to her in any of such 12 appeals.

5. As set forth in the Complaint, using one or more aliases, Defendant Goyens has filed 11 civil cases in three Judicial Districts. All of such cases have been dismissed or have been left unresolved. Defendant Goyens has not obtained a judgment favorable to her in any of such 11 civil cases.

6. Defendant Goyens is the subject of the following:

(a) A prior 180-day order barring future bankruptcy filings, entered by the United States Bankruptcy Court for the Eastern District of California on December 20, 2002. In re Kamaal Romon Goyens and Chaledeeannka Document Preparer Goyens, Case No. 02-32909-B-7 (Docket No. 46).

(b) A prior, one-year bar order, entered by the United States Bankruptcy Court for the Northern District of California on January 26, 2005. In re Artis C. Bell, Case No. 04-32901 (TEC) (Docket No. 19).

(c) A prior three-year filing injunction issued by the United States Bankruptcy Court for the Northern District of California on March 14, 2006. In re Artis C. Bell, Case No. 05-32521 (TEC) (Docket No. 59).

(d) A Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. § 105(a) (the “Permanent Filing Injunction”) issued by the United States Bankruptcy Court for the Northern District of California on November 14, 2006. Kistler v. Bell (In re Bell), Adv. Pro. No. 06-3129 (Case No. 05-32521) (TEC) (A.P. Docket No. 12). Pursuant to the Permanent Filing Injunction, Defendant Goyens was enjoined on a permanent basis from “using the name Artis C. Bell or any aliases listed on the caption of this default judgment, is hereby permanently enjoined from filing, in any United States bankruptcy court, any bankruptcy case or adversary proceeding, or any document therein.” Id.

(e) A Default Judgment Granting Permanent Injunctive Relief Pursuant to 11 U.S.C. §§ 110 and 105(a), Prohibiting Provision of Document Preparer Services and Imposing Fine (the “Preparer Injunction”) issued by the United States Bankruptcy Court for the Northern District of California on January 18, 2007. Kistler v. Goyens (In re Dobard), Adv. Pro. No. 06-3130 (Case No. 99-34016) (TEC) (A.P. Docket No. 14). Pursuant to the Preparer Injunction, Defendant Goyens was “permanently enjoined from providing to any individual or entity any service relating to the preparation of documents to be filed in any bankruptcy case.” Id. (Collectively, the bar orders and injunctions set forth in paragraphs 6(a)-(e) of this Default Judgment are the “Prior Injunctions”).

(f) The Vexatious Litigant List maintained by the Judicial Council of the California State Courts.

7. Defendant Goyens has been found in contempt twice by the United States Bankruptcy Court for the Northern District of California, for violating the Permanent Filing Injunction and the Document Preparer Injunction. See Kistler v. Bell (In re Bell), Adv. Pro. No. 06-3129 (Case No. 05-32521) (TEC) (A.P. Docket No. 41, and Kistler v. Goyens (In re Dobard), Adv. Pro. No. 06-3130 (Case No. 99-34016) (TEC) (A.P. Docket No. 28) (collectively, the "Prior Contempt Orders").

8. In this and other bankruptcy courts nation-wide, Defendant Goyens, in her own name and using one or more aliases, has engaged in repeated patterns of conduct disruptive to the Office of the Clerk and to the courts' judicial proceedings.

9. Such conduct by Defendant Goyens has included, without limitation, disruption of Court proceedings, the filing of unnecessarily burdensome documents, refusal to regard instructions from the bench in open Court, and harassment by various means (including repetitive email communications) of the United States Bankruptcy Judges, the United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide.

10. As set forth in the Complaint, in a period of two years, between 2010 and the present, in three different Judicial Districts nation-wide, and using one or more aliases, Defendants Fedelina Roybal de Agüero and the Fedelina Roybal de Agüero 2008 Trust (collectively, "Defendant Roybal de Agüero," and collectively with Defendant Goyens, the "Defendants") have filed nine bankruptcy cases, consisting of three cases under Chapter 7 and six cases under Chapter 13. All of such nine cases have been dismissed.

11. As set forth in the Complaint, in three cases filed by Defendant Roybal de Agüero under Chapter 7, she has never obtained an order of discharge. In six cases filed by Defendant Roybal de Agüero under Chapter 13, she has never obtained an order confirming a plan.

12. As set forth in the Complaint, using one or more aliases, Defendant Roybal de Agüero has filed one bankruptcy appeal, which was adjudicated in the United States Bankruptcy Appellate Panel for the Ninth Circuit. Such appeal was dismissed. In re Roybal de Agüero, Case No.12-40017 (MEH) (U.S. Bankruptcy Court for the Northern District of California), Docket No. 52.

13. In this Adversary Proceeding, the United States Trustee filed her Complaint on October 4, 2012. Adv. Pro. No. 12-1901 (SHL). The Clerk issued a corresponding Summons on October 9, 2012, and service of the Complaint and Summons was given to the Defendants on October 9, 2012. A.P. Docket Nos. 3-4.

14. Service of the Complaint, Summons and Motion have been made upon the Defendants at their last known addresses, including with respect to Defendant Goyens, at the addresses known as 25 Amberwood Lane, Walnut Creek, California 94598, and 3131 Grand Concourse, Apt. 4-E, Bronx, New York 10468. A.P. Docket No. 4. Defendant Goyens specifically represented to the Court at a hearing held in the underlying Chapter 11 case on July 12, 2012, that documents could be mailed to her at such addresses. *See* Transcript of Hearing, Case No. 12-11580 (SHL), Docket No. 20, at 39.

15. ~~The Court held an Initial Pre-Trial Conference in this Adversary Proceeding on~~ December 4, 2012. The Defendants failed to appear at such Conference.

16. The Defendants have failed to file an answer or motion with respect to the Complaint within the time limit fixed by Bankruptcy Rule 7012(a), or as of the date hereof. See A.P. Docket.

17. The Clerk of the Court entered the default of the Defendants on the docket of this Adversary Proceeding on January 31, 2013. A.P. Docket No. 8.

18. No objection has been filed by the Defendants with respect to the Motion as of the date hereof. See A.P. Docket.

19. The Defendants did not appear at the Hearing on the Motion.

Based on the foregoing, the Court hereby concludes:

20. Pursuant to Federal Rule of Civil Procedure ("Rule") 8(b)(6), as applicable in this Adversary Proceeding pursuant to Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7008, "an allegation [ ] is admitted if a responsive pleading is required and the allegation is not denied." Fed. R. Civ. P. 8(b)(6); Fed. R. Bankr. P. 7008.

21. In a 21-year history of multiple and abusive bankruptcy, civil and appellate cases filed in her own name and under approximately 45 aliases and names of other individuals, which cases have included the filing of several burdensome documents, Defendant Goyens has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process.

22. Defendant Goyens has an extended history of filing bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

23. Defendant Goyens has an extended history of bankruptcy appeals that have failed to result in the reversal of bankruptcy and district court orders deemed unfavorable by Defendant Goyens.

24. The bankruptcy, civil and appellate cases filed by Defendant Goyens have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks' Offices, the United States Trustees and their respective Offices, and creditors.

25. The bankruptcy filing history of Defendant Goyens has entailed vexation, harassment, and needless expense to other parties.

26. Defendant Goyens' numerous filings of bankruptcy cases and appeals in multiple courts over a prolonged period of time has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Also, such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

27. The Prior Injunctions, Contempt Orders and the placement of Defendant Goyens on the Vexatious Litigant List in the California state courts have not prevented the Defendants from filing for bankruptcy in this Court because they are of narrow, specific scopes, and do not apply to Defendant Roybal de Agüero.

28. Goyens' disruptive conduct in this and other bankruptcy courts and Clerks' Offices nation-wide has resulted in an egregious abuse of process that hinders the administration of justice.

29. In a two-year history of multiple and abusive bankruptcy and appellate cases filed in her own name and under one alias, Defendant Roybal de Agüero has engaged continually in conduct that is injurious, fraudulent, unfair and deceptive to creditors, this and other Courts, and the bankruptcy process. Defendant Roybal de Agüero has a history of filing successive bankruptcy cases under Chapters 7 and 13 nation-wide without sufficient grounds for obtaining either a bankruptcy discharge or confirmation of a personal repayment plan.

30. The bankruptcy and appellate cases filed by Defendant Roybal de Agüero have caused sustained annoyance, frustration and worry to the United States Bankruptcy Courts and their respective Clerks' Offices, the United States Trustees and their respective Offices, and creditors. The bankruptcy filing history of Defendant Roybal de Agüero has entailed vexation, harassment, and

needless expense to other parties. Such history has placed an unnecessary burden on this and other Courts and their respective supporting personnel, thereby hindering the administration of justice. Such history has placed an unnecessary burden on the United States Trustee Program, thereby hindering the administration of bankruptcy cases nation-wide.

31. Under Second Circuit law, in determining whether an injunction should issue against a vexatious litigant, including a bankruptcy debtor, the Court in its discretion need only review the vexatious and harassing nature of the defendant's filing history. In re Martin-Trigona, 737 F.2d 1254, 1262 (2d Cir. 1984). The traditional standards governing the issuance of a permanent civil injunction – i.e., irreparable harm and no remedy at law – do not apply. Id.

32. In this Adversary Proceeding, the Defendants have not contested the offensive and prolific character of their burdensome filings and conduct, as such have been set forth in the United States Trustee's Complaint.

33. Based on the foregoing, it appears further that appropriate notice of the Complaint and Motion have been given, that a default judgment should issue in favor of the United States Trustee in the Adversary Proceeding pursuant to Bankruptcy Code section 105(a), Federal Rule of Civil Procedure ("Rule") 55, as applicable herein by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7055, and applicable law, and that summary judgment should issue in favor of the United States Trustee in the Adversary Proceeding pursuant to Bankruptcy Code section 105(a), Rule 56, as applicable herein by Bankruptcy Rule 7056, and applicable law.

Based on the foregoing, the Court hereby enters its Default Judgment and Summary Judgment for Injunctive Relief, as follows:

**DEFAULT JUDGMENT and SUMMARY JUDGMENT:**

(A) For purposes of both the Default Judgment and Summary Judgment entered hereby, all allegations made in the Complaint are deemed admitted and resolved against the Defendants.

(B) Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are:

(1) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and

(2) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

(C) Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from entering the Office of the Clerk of this or any other United States Bankruptcy Court, without first obtaining permission for such entry from the Chief United States Bankruptcy Judge or, if seeking entry to the Office of the Clerk for the purpose of filing a document (including a proof of claim) in a bankruptcy case or adversary proceeding, without first obtaining permission from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.



(D) Chaledecannka Deborah Ann Williams Goyens-Bell Eberwein, and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph B(2) above).

(E) Fedelina Roybal de Agüero and the Fedelina Roybal de Agüero 2008 Trust, and all persons in concert and participation with them, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases, hereby are permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy Court, and permanently enjoined from filing any adversary proceeding or document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding, as applicable.

Dated: New York, New York  
June 3, 2013

/s/ Sean H. Lane  
HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

# EXHIBIT D

(212) 715-7736  
Fax : (212) 715-8000  
Email: [ssparling@kramerlevin.com](mailto:ssparling@kramerlevin.com)

**Creditor Committee**  
**Official Committee of Unsecured Creditors of**  
**Residential Capital, LLC, et al.**

represented by **Robert J. Feinstein**  
(See above for address)

**Stephen Zide**  
Kramer Levin Naftalis and Frankel,  
LLP  
1177 Avenue of the Americas  
New York, NY 10036  
(212) 715-9100  
Fax : (212) 715-8000  
Email: [szide@kramerlevin.com](mailto:szide@kramerlevin.com)

**Creditor Committee**  
**Pachulski Stang Ziehl & Jones LLP, Co-**  
**Counsel for the Official Committee of**  
**Unsecured Creditors**

represented by **Robert J. Feinstein**  
(See above for address)

**Creditor Committee**  
**Pachulski Stang Ziehl & Jones LLP, Co-**  
**Counsel for the Official Committee of**  
**Unsecured Creditors**

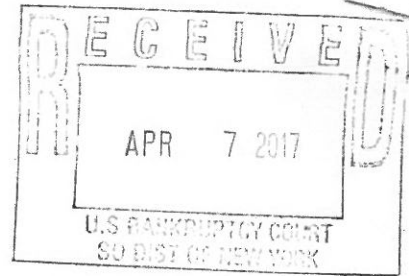
represented by **Robert J. Feinstein**  
(See above for address)

Filing Date	#	Docket Text
04/20/2015	<u>8597</u>	(This document is restricted from public view, see case no. 12-1901, document no. 13) Application for Ex Parte Relief /Ex-Parte Application Vacatur Dismissals and Request For Judicial Notice (related document(s) <u>7120</u> ) filed by Robert D. Eberwein. (Suarez, Aurea) <b>Modified on 5/13/2015 (Bush, Brent)</b> (Entered: 05/11/2015)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
05/08/2017 13:54:31			
<b>PACER Login:</b>	av0211:2790324:4299065	<b>Client Code:</b>	
			12-12020-mg Fil or Ent: filed Doc

# EXHIBIT E

394717/388 PM  
Name PMB 42 E 66th St  
Address NY  
City NY  
Zip 10022



Name of Court USBC SDNY

In Re Des Cap

12-12020-  
Case No. 12 11578

Adv No. \_\_\_\_\_

Debtor

Robert Eberwein  
URGENT  
12-11581 9th Circuit  
76-16936

Please Take Judicial Notice of Filing Of Bankruptcy Case[ s ]

TO JUDGE GLENN  
YOU SAID YOU ARE JUDGE  
JUDGE SEAN LANE  
1. HERE WE ARE  
Fighting Over

Wherefore Prayer for Relief, for that this case is stayed by filing of the above listed  
bankruptcy case in \_\_\_\_\_ District of \_\_\_\_\_

Harvey A. Cohen

Name  
Address

1000  
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SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. 1510 OF CA.

2017 MAR 28 P 5:04

RECEIVED

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
Debtors.	)	Jointly Administered

**ORDER DENYING DEBTORS' MOTION PURSUANT TO BANKRUPTCY RULE 3013  
AND BANKRUPTCY CODE SECTION 362(A) FOR A DETERMINATION THAT  
(I) GMAC MORTGAGE'S FRB FORECLOSURE REVIEW OBLIGATION IS A  
GENERAL UNSECURED CLAIM AND (II) THE AUTOMATIC STAY PREVENTS  
ENFORCEMENT OF THE FRB FORECLOSURE REVIEW OBLIGATION**

Upon consideration of the motion (the "**Motion**")<sup>1</sup> of the above-captioned debtors and debtors in possession (collectively, the "**Debtors**" and each, a "**Debtor**") for an order determining (i) that, for purposes of any proposed plan, GMAC Mortgage's obligation to conduct the FRB Foreclosure Review shall be classified as a general unsecured claim in an amount to be determined, and (ii) the automatic stay prevents the FRB and the FDIC from taking any action to enforce such claim against the Debtors; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of these Chapter 11 cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this proceeding on the Motion is a core proceeding pursuant to 28 U.S.C. § 157(b); and sufficient notice of the Motion having been given; and it appearing that no other or further notice need be provided; and the Court having authorized the Debtors to enter into and perform under an amendment to the Debtors' consent order with the

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.



12-12020-mg Doc 4727 Filed 08/16/13 Entered 08/16/13 10:04:41 Main Document  
Pg 2 of 2

Federal Reserve Board and the Federal Deposit Insurance Corporation, dated April 13, 2011

[Docket No. 4365], it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is DENIED as moot for the reasons stated on the record at the July 26, 2013 omnibus hearing in these Chapter 11 cases of the above-captioned Debtors.
2. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: August 16, 2013  
New York, New York

/s/Martin Glenn  
MARTIN GLENN  
United States Bankruptcy Judge

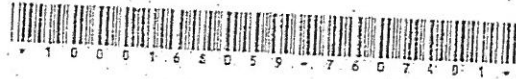
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:04

RECEIVED

Paying Agent - Rust Consulting, Inc.  
P.O. Box 3036  
Faribault, MN 55021-2636

IMPORTANT PAYMENT AGREEMENT INFORMATION ENCLOSED



\*\*SNGLP  
ROBERT D EBERWEIN

## Independent Foreclosure Review

January 27, 2014

Your payment is enclosed.

Reference Number: 1000168059

Property Address:

611-613 NORTH P STREET

LIVERMORE CA 94550

Si usted habla español, tenemos representantes que  
puedan asistirle en su idioma.

Dear Robert D Eberwein,

You were recently sent a notice that you are eligible to receive a payment as a result of an agreement between federal banking regulators and GMAC Mortgage, LLC in connection with an enforcement action related to deficient mortgage servicing and foreclosure processes.

This letter includes your check. It also explains the amount of the payment, why you are receiving a payment, how to cash the check, and other important information and disclosures.

Your payment is: \$4,500.00.

### Why you are receiving a payment

In July of 2013, GMAC Mortgage, LLC entered into an agreement with the Board of Governors of the Federal Reserve System. This agreement resolved the Independent Foreclosure Review required by the Board of Governors. Additional information about this agreement can be found at [www.federalreserve.gov](http://www.federalreserve.gov).

Regulators determined your payment amount based on the stage of your foreclosure process and other considerations related to your foreclosure.

### How to cash the check

You must cash or deposit the check within 90 days, or the check will be void. All borrowers listed on the check must sign it to cash it.

The payment amount is final.  
There is no process to appeal the payment.

Continued on reverse side

GMAC2014

A 1LDN 000207163

Fund 3 Independent Foreclosure Review Payment QSR

Loan Servicer: GMAC Mortgage, LLC

P.O. Box 3036

Faribault, MN 55021-2636

Financial institutions may call  
1-855-460-1528 to verify this check.

Pay to the order of: ROBERT D EBERWEIN  
FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS

The Huntington National Bank

55-1612  
411

Check No. 7607401

DATE	CLAIM NUMBER	AMOUNT
January 27, 2014	1000168059	\$4,500.00

VOID AFTER NINETY (90) DAYS

NOT VALID FOR AMOUNT OTHER THAN \$4,500.00

All Payee's signatures required on back in order for this instrument to be paid.

Paul V. [Signature]

RECEIVED  
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:04

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FOR COURT

2017 MAR 28 P 3:58

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Residential Capital, LLC  
c/o KCC  
2335 Alaska Ave  
El Segundo, CA 90245

PRF 53920 10938667

NDEX West LLC TS World Saving Bank Successo Fremont  
Investment & Loan APN  
Patrick De Jesus  
LSI Title Company/Agency Sales & Posting  
541 Banyan Circle  
Walnut Creek CA 94597

000818

SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:04

RECEIVED

• ATTACHMENT M-2  
Optional – Discard if not used  
**MOTIONS TO AVOID NONPOSSESSORY  
NONPURCHASE MONEY LIENS**  
(Pursuant to 11 U.S.C. § 522(f)(1)(B))

(A separate motion must be used to avoid each lien.)

NUMBER OF MOTIONS TO AVOID NONPOSSESSORY LIENS IN THIS PLAN  
DOCKET CONTROL NUMBER ASSIGNED TO THIS MOTION TO AVOID NONPOSSESSORY LIEN: FRD-33

NOTICE IS HEREBY GIVEN that Debtor moves to avoid the lien on Debtor's exempt property (consisting of household furnishing, household goods [as defined at section 522(f)(4)(A)], wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of Debtor or a dependent of Debtor; implements, professional books, or tools of the trade of Debtor or a dependent of Debtor; or professionally prescribed health aids for Debtor or a dependent of Debtor) held by the creditor identified below. If this motion is granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor whose nonpossessory, nonpurchase money security interest or lien on the below-described property is being avoided:

Detailed description of exempt property:

Debtor's opinion of the exempt property's "replacement value"  
[as defined and limited by section 506(a)(2)]: \$

Amount of the creditor's claim: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 03/15/17  
CLERK, U.S. DISTRICT COURT  
SUSAN Y. SOONG

2017 MAR 28 P 5:04

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U.S. DISTRICT COURT

394717  
Debtor  
Joint Debtor

Handwritten signature

ATTACHMENT M-2  
Optional - Discard if not used  
**MOTIONS TO AVOID NONPOSSESSORY  
NONPURCHASE MONEY LIENS**  
(Pursuant to 11 U.S.C. § 522(f)(1)(B))

(A separate motion must be used to avoid each lien.)

NUMBER OF MOTIONS TO AVOID NONPOSSESSORY LIENS IN THIS PLAN  
DOCKET CONTROL NUMBER ASSIGNED TO THIS MOTION TO AVOID NONPOSSESSORY LIEN: FRD-34

**NOTICE IS HEREBY GIVEN** that Debtor moves to avoid the lien on Debtor's exempt property (consisting of household furnishing, household goods [as defined at section 522(f)(4)(A)], wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry held primarily for the personal, family, or household use of Debtor or a dependent of Debtor; implements, professional books, or tools of the trade of Debtor or a dependent of Debtor; or professionally prescribed health aids for Debtor or a dependent of Debtor) held by the creditor identified below. If this motion is granted, the claim of the creditor named below will be treated as a general unsecured claim (Class 7).

Name of the creditor whose nonpossessory, nonpurchase money security interest or lien on the below-described property is being avoided:

Detailed description of exempt property:

Debtor's opinion of the exempt property's "replacement value"  
[as defined and limited by section 506(a)(2)]: \$

Amount of the creditor's claim: \$

Other information relevant to the resolution of this motion:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 03/28/17

RECEIVED  
2017 MAR 28 P 5:04

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. DIST. OF CA.

Debtor

Joint Debtor

04/23/12

Account Number 0359141821

Page Two

- \* Deed in Lieu of Foreclosure: If you have tried to sell your property for 90 days, you may be able to voluntarily return the deed to GMAC Mortgage, LLC to satisfy your debt and avoid foreclosure.

To be considered for any of these options, you may be required to provide us with financial information. Collection activity will continue and your monthly mortgage payment will still be due while we evaluate your financial situation. Not all options may be available to you.

To discuss your available options, please contact us immediately at 800-850-4622.

Sincerely,

Collection Department  
Loan Servicing

Please Note:

This is an attempt to collect a debt and any information obtained will be used for that purpose.

If you have filed for bankruptcy and your case is still active or if you have received an order of discharge, please be advised that this is not an attempt to collect a pre-petition or discharged debt. Any action taken by us is for the sole purpose of protecting our lien interest in your property and is not to recover any amounts from you personally. If you have surrendered your property during your bankruptcy case, please disregard this notice.

If you are currently in bankruptcy under Chapter 13, you should continue to make payments in accordance with your Chapter 13 Plan and disregard this notice.

For additional information about options that may help you avoid foreclosure, as well as brochures to educate you about foreclosure rescue scams and telephone and internet referrals to legitimate mortgage counselors, please contact the FDIC at 1-877-ASK-FDIC (1-877-275-3342) or via the web at: <http://www.fdic.gov/consumers/loans/prevention/index.htm>.

For your information, you may contact a HUD Counseling Agent at 1-800-569-4287. The toll free TDD number for the HUD Counseling Agency is 1-800-877-8339.

Please do not send medical information. As required by law, we are prohibited from obtaining or using medical information (e.g., diagnosis, treatment or prognosis) in connection with your eligibility or continued eligibility for credit. We will not use it when evaluating your request and it will not be retained.

5:06 (037)

Enclosure

RECEIVED  
2017 MAR 28 P 5:05  
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

04-.06 on ea dollar

LSBC

CA PROOF OF SERVICE  
09-23690-B-13J  
ADEQUATE PROTECTION

303111401 NEW C-08 8810612776

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

62-20/311 2379405875

OFFICIAL CHECK

MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS

WASHINGTON MUTUAL SIX FOUR TWO CENTS

\*Apr 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS\*

Drawer: Washington Mutual, a division of JPMorgan Chase Bank, N.A.

Pay to the order of: 0923690-B-13-J  
A/O ADEQUATE PROTECTION  
JAN JOHNSON

*Not A*

AUTHORIZED SIGNATURE

REMITTER  
ROBERT D EBERWEIN

1500 110

One Penn's Way - New Castle DE 19720

38769931

10311002091

1102379405875

62-20/311 2379405875

WASHINGTON MUTUAL SIX FOUR TWO CENTS

\*Apr 2, 2009 SIX THOUSAND FOUR HUNDRED TWENTY-SIX DOLLARS AND 20 CENTS\*

Washington Mutual, a division of JPMorgan Chase Bank, N.A.

DRAWER / PURCHASER COPY  
NON-NEGOTIABLE

Remitter  
ROBERT D EBERWEIN

1500 110

0923690-B-13-J  
A/O ADEQUATE PROTECTION  
JAN JOHNSON

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APR 2 - 2003

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

NE 19720

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:05

RECEIVED

waMu

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CHALEDEEAMMLA DEBORAH,

Plaintiff,

Case Number: CV13-02728 DMR

**CERTIFICATE OF SERVICE**

v.

PEOPLE OF THE STATE et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 20, 2013, I SERVED a true and correct copy(ies) of the Order to Submit Completed IFP Application, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Chaledeekan Deborah Ann Williams Goye Eberwein  
25 Amberwood Lane, Bldg 2  
Walnut Creek, CA 94597

Dated: June 20, 2013

Richard W. Wieking, Clerk



By: Ivy Garcia, Deputy Clerk

SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:05

RECEIVED

1 We have learned that the only answering defendant, added pursuant to the filing of a  
2 Prejudgment Claim of Right to Possession, 3109 KING STREET PROPERTY MANAGEMENT,  
3 CHALEDEEANKA DEBORAH ANN WILLIAMS-GOYENS BELL EBERWEIN  
4 (collectively, "Eberwein"),<sup>1</sup> ~~is~~ <sup>is not</sup> a vexatious litigant having no rights in the Premises, who has filed  
5 this claim without first obtaining leave of the Presiding Judge of this Court. Eberwein's violation  
6 of the Prefiling Order entered on April 30, 2007 in Alameda County Superior Court Consolidated  
7 Cases Nos. BG05-244910 and RG07-312218 is punishable as a contempt of court and warrants  
8 the sustaining of plaintiff's demurrer without leave to amend.

9 II. LEGAL ARGUMENT

10 A. Eberwein's Answer States Facts Demonstrating Agreements With Landlord Or  
11 Tenant Regarding the Premises And Can Make Claims Through The Defaulted  
12 Tenant.

13 The Answer contains facts or information that support the allegations in the boxes  
14 checked in the form answer. The Complaint makes it clear that the lease was with Michelle  
15 O'Connor, as tenant, so there is agreement with Landlord that would support a right to  
16 possession. Neither are there any facts in the Answer that support an agreement with the Tenant.  
17 Tenant *Michelle O'Connor has defaulted* in this action and can no longer appear and defend this  
18 action, so that *Eberwein's claim to a right to possession through Michelle O'Connor, as a*  
19 *successor in interest in some manner, can be asserted in this action.* Consequently,  
20 Eberwein cannot allege any basis for a right to possession and the demurrer must be  
21 with leave to amend.

22 B. Eberwein's Answer Violates The Prefiling Order Against Her As A Vexatious Litigant  
23 And Is Punishable As A Contempt of Court.

24 Eberwein has been determined to be a vexatious litigant pursuant to Code of Civil Procedure  
25 section 391 and a Prefiling Order has been entered against her. (See Supplemental Request for  
26  
27

28 <sup>1</sup> Neither the Prejudgment Claim nor the Answer were served on this office by Eberwein.



1 Post-petition Postmark on Notice:

2 At the hearing, Plaintiff also asserted the post-petition mailing of the Notice was a violation of the  
3 automatic stay. The parties do not dispute that the postmark date on the envelope for the Notice is December  
4 29, 2011. However, there are no facts alleged that the Defendants had notice of Plaintiff's bankruptcy filing at  
5 the time the Notice was deposited into the mail. Plaintiff filed her petition at 4:13 p.m. on December 28, 2011.  
6 At approximately 6 p.m., Plaintiff delivered to Mr. Pilgrim's place of business a letter dated December 28,  
7 2011 stating that "as of today I will be in active bankruptcy." The letter did not contain a copy of the petition  
8 or a reference to a case number. It is unclear whether the Notice was deposited in the mail prior to the delivery  
9 of Plaintiff's letter. Simply put, the substantially contemporaneous mailing of a Notice posted pre-petition is  
10 insufficient to establish a knowing and willful violation of the automatic stay.

11 Additional Allegations:

12 Plaintiff's statement references phone calls and statements purportedly made by Defendants after they  
13 received notice of the bankruptcy. However, no facts are provided as to when and where such statements were  
14 made. Further, they contradict Plaintiff's deposition testimony that after December 28, 2011 she never had  
15 any telephone contact with Ron Pilgrim. Plaintiff was requested to identify those facts supporting her claims  
16 for violation of the automatic stay. General statements without essential information regarding when the  
17 statements were made, particularly where contradicted by Plaintiff's testimony, are not sufficient to establish a  
18 claim.

19 Conclusion:

20 At the request of the Court, Plaintiff filed a statement identifying facts supporting her claim that  
21 Defendants knowingly and willfully violated the automatic stay. The facts asserted are insufficient to establish  
22 a knowing and willful violation of the automatic stay pursuant to Bankruptcy Code § 362(k). As such, the  
23 court finds that it would be unduly burdensome to Defendants and a waste of judicial resources to proceed to  
24 trial on claims for which there is no factual support. On that basis, Plaintiff's remaining claims will be  
25 dismissed by order of the court entered contemporaneously herewith.

26 **RECEIVED** \*\*END OF ORDER\*\*



PMB 424666  
SK CA 9410

21-5 ~~District~~

COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO, S.F. E.A.

Plaintiff,

vs.

Defendant

Decline U.S.  
Magistrate

~~The text of your document begins here.~~

DATED: March 1, 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. DIST. OF CA.

2017 MAR 28 P 5:05

RECEIVED

*[Signature]*  
your signature

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

ALAMEDA SUPERIOR COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

3109 KING ST PROPERTY  
MANAGEMENT, et al.,

Plaintiffs,

v.

VASONA MANAGEMENT, et al.,

Defendants.

Case No. 16-cv-03219-LB

**ORDER**

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the Honorable Vince Chhabria in the San Francisco division for all further proceedings. Counsel are instructed that all future filings shall bear the initials VC immediately after the case number.

All dates presently scheduled are vacated and motions should be renoticed for hearing before the judge to whom the case has been reassigned. Briefing schedules, ADR compliance deadlines, and other case deadlines remain unchanged. Matters for which a magistrate judge has already issued a report and recommendation shall not be rebriefed or noticed for hearing before the newly assigned judge; such matters shall proceed in accordance with Fed R. Civ. P. 72(b).

Dated: 6/21/2016

FOR THE EXECUTIVE COMMITTEE

*Susan Y. Soong*

Susan Y. Soong  
Clerk, United States District Court

NO. DIST. OF CA.  
CLERK, U.S. DISTRICT COURT  
SUSAN Y. SOONG

A true and correct copy of this order has been served by mail upon any pro se parties.

RECEIVED

Copy mailed to party(s).

United States District Court  
Northern District of California

1 **ROUTH CRABTREE OLSEN, PS**

2 EDWARD T. WEBER, ESQUIRE, #194963

3 JONATHAN J. DAMEN, ESQUIRE, #251869

4 KRISTI M. WELLS, ESQUIRE, #276865

5 KRISTIN S. WEBB, ESQUIRE, #258476

6 RENEE M. PARKER, ESQUIRE, #256851

7 NANCY LY, ESQUIRE # 272035

8 1241 E. Dyer Road, Suite 250

9 Santa Ana, CA 92705

10 714-277-4915 / Fax (714) 277-4899

11 RCO# 68415

12 Attorney for Creditor

13 WELLS FARGO BANK, N.A., AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT

14 RELATING TO IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES  
15 2005-1

16 UNITED STATES BANKRUPTCY COURT  
17 EASTERN DISTRICT OF CALIFORNIA  
18 SACRAMENTO

19 In Re:

20 Fedelina Roybal De-Aguero aka 2008 Trust 394717-  
21 388883 a/o Trustor aka Caspar Inn 1-10 aka Kelly Store  
22 aka The Caspar Lounge aka Miller aka Fedelinas

No. 13-23376-B-11

Chapter 11

REQUEST FOR SPECIAL NOTICE

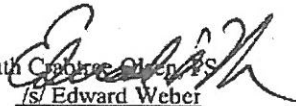
23 Debtor.

24 TO THE CLERK OF THE U.S. BANKRUPTCY COURT, THE DEBTOR(S), THE ATTORNEY OF RECORD, THE  
25 TRUSTEE, AND TO ALL PARTIES IN INTEREST.

26 PLEASE TAKE NOTICE that pursuant to the United States Bankruptcy Code and Bankruptcy Rules, WELLS  
FARGO BANK, N.A., AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT RELATING TO  
IMPAC SECURED ASSETS CORP., MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-1 requests that  
all notice given in this case and all papers served or required to be served in this case (including, but not limited to,  
Notice for Meeting of Creditors, Chapter 11 Plan and Schedules and any amended Chapter 11 Plan and Schedules,  
Dismissal Order, and Discharge Order), be given to and served upon the undersigned at the following address and  
telephone number. This notice can in no way be construed as a grant of authority from Creditor to counsel to accept  
service on behalf of Creditor or otherwise waive in any way the right of Creditor to the full rights of service as may be  
accorded under local and federal rules.

Edward Weber  
Routh Crabtree Olsen, PS  
1241 E. Dyer Road, Suite 250  
Santa Ana, CA 92705  
PH 714-277-4915

Dated: April 2, 2013

Routh Crabtree Olsen, PS  
By:  /s/ Edward Weber  
Attorneys for Creditor

aka CHALEDEEANNKA DOC PRPR,  
aka CHALEDEEANNKA DOCUMENT  
PREPARER GOYENS,  
aka CHALEDEEANNKA GOYENS,  
aka DEBORAH A. WILLIAMS,  
aka DEBORAH ANN WILLIAMS,  
aka DEE ANN GOYENS,  
aka DEE ANN WILLIAMS-GOYENS,  
aka FRED GOYENS,  
aka FREDDIE GOYENS,  
aka FREDDIE GOYENS, JR.,  
aka GARLAND TYLER,  
aka LIONS JUDAH SPIRITUAL WARFARE  
TRAINING MINISTRY,  
aka O'LEVIA DE'AGAPE-D GOYENS,  
aka O'LEVIA DE'-AGAGE-D'GOYENS,  
aka O'LEVIA DEL-AGAPE GOYENS,  
aka OLEVIA GOYENS,  
aka ROBERT DANIEL EBERWEIN,  
aka MICHELLE O'CONNOR,  
aka PAUL CHRISTENSEN,  
aka LISA SWAIN-MORRIS,  
aka TRUSTOR FOR LEHMAN BROTHERS  
HOLDINGS,  
aka PROPERTY ASSET MANAGERS,  
aka 3109 KING ST. PROPERTY MGMT.,  
aka C D A W G-B EBERWEIN ST.  
PROPERTY MANAGEMENT,  
dba, VACA CITY TOW,

and

FEDELINA ROYBAL-ROYBAL DE AGUERO, and  
FEDELINA ROYBAL DE-AGUERO 2008 TRUST,

Defendants.

-----X

Plaintiff:	BAUTISTA	CASE NUMBER:	CP10.5
Defendant:	OTTOVICH	RG16804977	

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

**NOTICE: If you fail to file this claim, you may be evicted without further hearing.**

13. Rental agreement. I have (check all that apply to you):
- a. ☐ an oral or written rental agreement with the landlord.
  - b. ☐ an oral or written rental agreement with a person other than the landlord.
  - c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
  - d. ☒ other (explain):  
I purchased the property evidenced by documents on file.

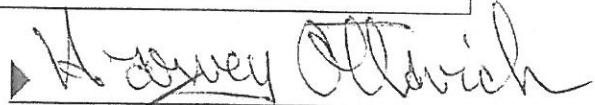
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**WARNING: Perjury is a felony punishable by imprisonment in the state prison.**

Date: 6 October 2016

Harvey Ottovich

(TYPE OR PRINT NAME)



(SIGNATURE OF CLAIMANT)

**NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.**

**— NOTICE TO OCCUPANTS —**

**YOU MUST ACT AT ONCE** if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

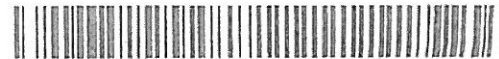
After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

Hearing Date: April 11, 2013 at 10:00am

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
	)	

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM'S  
SUPPLEMENTAL BRIEF IN SUPPORT OF ITS OBJECTION  
TO DEBTORS' MOTION FOR A DETERMINATION THAT  
(I) GMAC MORTGAGE'S INDEPENDENT FORECLOSURE  
REVIEW OBLIGATION IS A GENERAL UNSECURED CLAIM  
AND (II) THE AUTOMATIC STAY PREVENTS ENFORCEMENT  
OF THE INDEPENDENT FORECLOSURE REVIEW OBLIGATION



1212020130405000000000010

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The Board of Governors submits this supplemental brief (the “Supplemental Brief”) in support of its objection (the “Objection”) [Docket No. 3149] to the February 27, 2013 Motion of Residential Capital, LLC (“ResCap”) and its affiliated debtors in possession in the above-captioned cases, including GMAC Mortgage, LLC (“GMACM”) [Docket No. 3055].<sup>1</sup> In support hereof, the Board respectfully states as follows:

**PRELIMINARY STATEMENT**

1. The Board submits this Supplemental Brief, at the request of the Court, to address the following questions: “[One,] [a]re any payments for restitution or reimbursement general unsecured claims?<sup>2</sup> ... And two, would Ally Financial be liable for any shortfall in restitution or reimbursement payments if they are general unsecured claims and the pro rata share paid to unsecured creditors [is] less than the full amount?” March 21, 2013 Hr’g Tr. (the “Hr’g Tr.”) 98:6-12.<sup>3</sup> We also address the Court’s related questions of whether there is anything in the Consent Order that would “override the priorities of the Bankruptcy Code,” and whether restitution under section 8 of the Federal Deposit Insurance Act, as amended (the “FDI Act”), 12 U.S.C. § 1818 (“section 8”), the statutory framework governing the Board’s enforcement authority, “means payment in full even if bankruptcy law would determine that it’s a general unsecured claim that’s paid pro rata[.]” Hr’g Tr. 79:15-17 and 81:17-20.

<sup>1</sup> Undefined capitalized terms in this Supplemental Brief have the meaning set forth in the Motion and Objection.

<sup>2</sup> Because the Consent Order speaks in terms of remediation and reimbursement, see Exhibit A ¶ 3(d), we hereinafter use the terminology of the Consent Order.

<sup>3</sup> As the Court’s questions are limited to *payments*, this Supplemental Brief does not address remediation not involving payments, such as correcting a misfiled property deed, but note that the plain language of section 101(5) of the Bankruptcy Code, 11 U.S.C. § 101(5), clearly does not contemplate injunctive obligations that do not involve a “right to payment.” We also do not address whether the Board is a “creditor” with respect to any remediation or reimbursement payments, since the Board clearly has no right to (an in fact will not) receive any such payments.

**SUPPLEMENTAL ARGUMENT**

**A. Any Remediation or Reimbursement Payments Under the Board's Injunctive Consent Order Are Not General Unsecured Claims**

2. There is nothing in the Consent Order or section 8 of the FDI Act that could reasonably be construed to afford any third party the authority to enforce the injunctive obligations owed to the Board – in other words, any “right to payment” – under the Consent Order. In fact, paragraph 30 of the Consent Order unambiguously precludes third parties from having any rights or claims under the Consent Order, which would include any perceived right to remediation or reimbursement payments as part of the Independent Foreclosure Review; it reads, “[n]othing in this Order, express or implied, shall give to any person or entity, other than the parties hereto, and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim under this Order.” Exhibit A ¶ 30 (Consent Order). Simply put, borrowers who may receive remediation or reimbursement payments under the Consent Order have no “right to payment” that they may enforce.

3. Similarly, although borrowers will no doubt benefit from GMACM's fulfillment of its obligations under the Consent Order, such borrowers do not have a “claim” here premised on their beneficiary status. Paragraph 30 plainly negates *any* claim – even one premised on a contractual third-party beneficiary theory. The Consent Order is not a contract,<sup>4</sup> but even if it were, federal common law would look to the same considerations as the Restatement of Contracts in determining whether a third party is a beneficiary who may enforce the contract.

See Rivera v. Bank of America Home Loans, 2011 U.S. Dist. LEXIS 43138, \*11-\*12 (E.D. N.Y.

<sup>4</sup> The Consent Order is not the “contract” that is required to sustain a third-party beneficiary theory. Rather, it is a regulatory enforcement action that is enforceable by the Board pursuant to statute, not as a matter of contract law. See, e.g., In re Conner Corp., 127 B.R. 775 (E.D. N.C. 1991) (an agreement to comply with a federal banking agency's regulatory requirements does not constitute a contract that supported a “claim” based on a third-party beneficiary theory); Desouza v. Wells Fargo Bank, N.A., 2013 U.S. Dist. LEXIS 30551, \*9-\*11 (E.D. M.I. 2013) (neither the National Mortgage Settlement consent decree nor the independent foreclosure review request for review form constitutes a valid contract).

2011) (citing Maniolas v. United States, 741 F.Supp. 2d 555 (S.D.N.Y. 2010)); Caires v. JPMorgan Chase Bank, N.A., 880 F.Supp. 2d 288, 301-302 (D. Conn. 2012) (citing Falls Riverway Realty, Inc. v. City of Niagara Falls, 754 F.3d 49, 55 n. 4 (2<sup>nd</sup> Cir. 1985)); In re Conner Corp., 127 B.R. 775, 777 (E.D. N.C. 1991). Under the Restatement, “a [person] claiming to be the intended third party beneficiary of a government contract must show that he was ‘intended to benefit from the contract and that third-party beneficiary claims are consistent with the terms of the contract and the policy underlying it.’” Riviera, 2011 U.S. Dist. LEXIS at \*14 (quoting Speleos v. BAC Home Loans Servicing, L.P., 755 F.Supp. 2d 304 (D. Mass. 2010)). The Restatement treats individual members of the public as incidental beneficiaries of a government contract unless a different intention is manifested, and incidental beneficiaries cannot enforce a contract. See id. at \*12-\*13 (quoting Restatement (Second) of Contracts § 313 cmt. a.). Even where there is manifested an intent to benefit, negating language such as that in paragraph 30 precludes third party beneficiaries from enforcing a government contract. See e.g., Fellows v. CitiMortgage, Inc., 710 F.Supp. 2d 385, 406 (S.D. N.Y. 2011); Riviera, 2011 U.S. Dist. LEXIS at \*12.

4. Borrowers who may receive remediation or reimbursement payments under the Consent Order are at best incidental beneficiaries, since no intent to treat them as anything more was manifested by the parties to the Consent Order. Rather, the parties unambiguously evidenced their intent to not give to any third party any benefit under the Consent Order. Paragraph 30 precludes any third party, even if an intended beneficiary, from enforcing the Consent Order.

5. In sum, borrowers who may benefit from GMACM’s injunctive obligations to the Board – obligations that may result in remediation or reimbursement payments – are no



Ocwen Loan Servicing, LLC

WWW.OCWEN.COM

Helping Homeowners is What We Do!™

1661 Worthington Road, Suite 100  
West Palm Beach, FL 33409  
Toll Free: (800) 746-2936

11/01/2016

Loan Number: 7092019350

Harvey G Ottovich  
Randy S Ottovich  
36224 Pecan Ct  
Fremont, CA 94536-2658

Property Address: 37231 Mission Blvd  
Fremont, CA 94536

## Re: Delinquency Information

Dear Harvey G Ottovich  
Randy S Ottovich

We are providing the information in this notice because, as of the date of this letter, the above account is delinquent.

### **\*\*DELINQUENCY NOTICE\*\***

You are late on your mortgage payments. As of 11/01/16, you are 1461 days delinquent on your mortgage loan. Your account first became delinquent on 11/02/12. Failure to bring your loan current may result in fees and foreclosure - the loss of your home.

#### Recent Account History

- Payment due 11/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 10/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 09/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 08/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 07/01/16: UNPAID AMOUNT OF \$2695.66
- Payment due 06/01/16: UNPAID AMOUNT OF \$2695.66
- **Total: \$118603.52. You must pay this amount to bring your loan current. Please note that the Total Amount Due includes your next regular monthly payment.**

This amount may not include all fees and charges, as all fees and charges may not have been billed or posted to your account as of the letter date. Please contact us for your current reinstatement amount or payoff amount.

Your account has been referred to an attorney to foreclose. The first step in this process, the first filing, was completed.

**If You Are Experiencing Financial Difficulty:** If you are experiencing financial difficulties and would like counseling or assistance, you can contact the U.S. Department of Housing and Urban Development (HUD). For a list of homeownership counselors or counseling organizations in your area, go to [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm) or call 800-569-4287.

NMLS # 1852

MADNREM

This communication is from a debt collector attempting to collect a debt; any information obtained will be used for that purpose. However, if the debt is in active bankruptcy or has been discharged through bankruptcy, this communication is purely provided to you for informational purposes only with regard to our secured lien on the above referenced property. It is not intended as an attempt to collect a debt from you personally.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

Date: October 25, 2016 Hon. Judge KEVIN MURPHY , Presiding Judge Yasmin Singh DEPT. 01  
Not Reported , Deputy Clerk  
, Reporter

CHALEDEEANNKA DEBORAH ANN ILLIAMS GOYENS-BELL  
EBERWEIN  
ROBERT EBERWEIN

Counsel appearing  
for Plaintiff

Petitioner

VS

No Appearance

Counsel appearing  
for Defendant

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
HON. Kimberly Coldwell and Thomas Rasch

THIRD PARTY IN INTEREST: Lorenzo Commons, LLC

Respondent

No Appearance

NATURE OF PROCEEDINGS:

RULING RE:  
PETITION FOR WRIT OF  
MANADATE

Action No: 3191  
Trial Court : HG16819912  
WRIT CASE: RG16836180

Petitioner Eberwein's petition for writ is denied. Request for stay is also denied.

RECEIVED

2017 APR -5 P 6:07

CLERK, U.S. DISTRICT COURT  
CLK. NO. DIST. OF CA.

Copies of this minute order mailed this date: October 25, 2016

CHALEDEEANNKA  
DEBORAH ANN ILLIAMS  
GOYENS-BELL EBERWEIN  
(in proper)  
ROBERT EBERWEIN (in  
proper)  
PMB 426666  
SAN FRANCISCO, CA  
94142

TODD ROTHBARD, ESQ  
100 SARATOGA AVE.,  
SUITE #200  
SANTA CLARA, CA 95051

ALAMEDA COUNTY  
SUPERIOR COURT  
1225 FALLON STREET  
2ND FLOOR EXEC. OFFICE  
OAKLAND, CA 94612

PETITIONER'S ATTORNEY

RESPONDENT'S ATTORNEY



TODD ROTHBARD #67351  
STEVE NAUMCHIK #208985  
RYAN MAYBERRY #232622  
SELVEN ANDERSON #282976  
LAW OFFICE OF TODD ROTHBARD  
100 Saratoga Avenue, Suite #200  
Santa Clara, CA. 95051  
Tel: (408) 244-4200  
Fax: (408) 244-4267  
Attorneys for Plaintiff

FILED  
ALAMEDA COUNTY

SEP 19 2016

By

SUPERIOR COURT – SAN LEANDRO-HAYWARD JUDICIAL DISTRICT  
LIMITED CIVIL JURISDICTION  
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

LORENZO COMMONS, LLC,  
Plaintiff,  
vs.  
ROBERT EBERWEIN aka ROBERT D.  
EBERWEIN, DOES I through V, inclusive  
Defendant

No. HG16819912

JUDGMENT

This matter having come on regularly before the Court for trial on September 19, 2016 and the Court having heard and considered the evidence,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff LORENZO COMMONS, LLC have and recover from defendant ROBERT EBERWEIN aka ROBERT D. EBERWEIN restitution of possession of the premises located at 16201 Hesperian Boulevard, Unit #127, San Leandro, California 94580, together with rent and damages in the total sum of \$6,625.73 and costs of \$335.00, total of \$6,960.73.

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. DIST. OF CA.

DATED: 9/19/16

RECEIVED

JUDGE/COMMISSIONER OF THE COURT

Kimberly Colwell



MC-701

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Harvey Ottovich, owner, trustee. 15601 Washington Avenue, San Lorenzo, CA 94580		FOR COURT USE ONLY
TELEPHONE NO.: 510-7899234	FAX NO.:	
E-MAIL ADDRESS:		
ATTORNEY FOR (Name): In Propria Persona		
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 24405 AMADOR STREET MAILING ADDRESS: 24405 AMADOR STREET CITY AND ZIP CODE: Hayward 94544 BRANCH NAME: HAYWARD HALL OF JUSTICE		
PLAINTIFF/ PETITIONER: Harvey Ottovich, owner, trustee. DEFENDANT/ RESPONDENT: Leo F. Bautista OTHER:		
<b>REQUEST TO FILE NEW LITIGATION BY VEXATIOUS LITIGANT</b> Type of case: <input checked="" type="checkbox"/> Limited Civil <input type="checkbox"/> Unlimited Civil <input type="checkbox"/> Small Claims <input type="checkbox"/> Family Law <input type="checkbox"/> Probate <input type="checkbox"/> Other		CASE NUMBER: RG16804977

1. I have been determined to be a vexatious litigant and must obtain prior court approval to file any new litigation in which I am not represented by an attorney. Filing new litigation means (1) commencing any civil action or proceeding, or (2) filing any petition, application, or motion (except a discovery motion) under the Family or Probate Code.
2. I have attached to this request a copy of the document to be filed and I request approval from the presiding justice or presiding judge of the above court to file this document (name of document):
3. The new filing has merit because (Provide a brief summary of the facts on which your claim is based; the harm you believe you have suffered or will suffer; and the remedy or resolution you are seeking):
4. The new filing is not being filed to harass or to cause a delay because (give reasons):

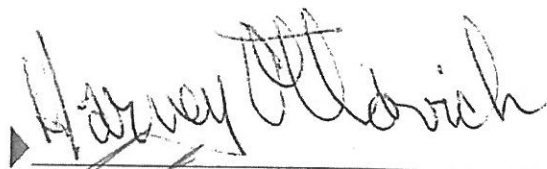
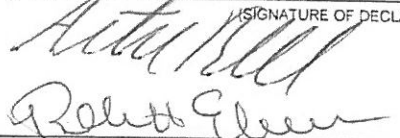
RECEIVED  
2017 APR -5 P 6:09  
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/07/2016

Harvey Ottovich

(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)  


Case 4:16-cv-00330-CW Document 1-1 Filed 11/08/16 Page 1 of 1

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]  
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Todd Rothbard Attorney  
N/C Vasona Management dba Lorenzo Commons LLC  
16201 Hesperian Blvd Office

DEFENDANTS

Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledeannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant Suffolk (securities litigation)  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

{this is because my rents, employment mortgages taxes, being  
slaYED BY usbcdsny 12-12020 ET AL pOC 294-31'3 FRBOG]  
pmb 426666, S.F., ca 94142-6666

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            |
| Citizen of Another State                                      | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country                       | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            |
| Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 IHA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☒ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 157, 1330-1336, et seq

Brief description of cause:

Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE: LAURA BEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE:  
08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

JS 44 (Rev. 07/16)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. PLAINTIFFS**

Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]  
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (If Known, Address, and Telephone Number)

Todd Rothbard Attorney  
N/C Vasona Management dba Lorenzo Commons LLC  
16201 Hesperian Blvd Office

**DEFENDANTS**

Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant Suffolk (Securities Litigation)  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(this is because my rents, employment mortgages taxes, being stayed BY usbcadsny 12-12020 ET AL pOC 294-31'3 FRBOG] pmb 426666, S.F., ca 94142-6666

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF DEF  
☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State PTF DEF  
☐ 4 ☐ 4  
Citizen of Another State ☐ 2 ☒ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☒ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instruments <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input checked="" type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 7 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless directed):  
28 USC 157, 1330-1336, et seq. We filed better paperwork and TRACEY Mercado midé a DEAL WITH kcc MLLC

Brief description of cause:  
Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

**VII. REQUESTED IN COMPLAINT:**

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDOE L. BEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE

08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

RECEIPT #		AMOUNT		APPLYING IFP		JUDGE		MAG. JUDGE	
DATE 08/05/2016		SIGNATURE OF ATTORNEY OF RECORD		SIGNATURE OF PLAINTIFF		SIGNATURE OF DEFENDANT		SIGNATURE OF COURT CLERK	
FOR OFFICE USE ONLY		IF ANY		JUDGE LAURA BEELER		DOCKET NUMBER 16-cv-3219, 16-cv-3212			
V. CAUSE OF ACTION		CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.		CHECK YES only if demanded in complaint		JURY DEMAND: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
V. ORIGIN (Place an "X" in One Box Only)		1 Original Proceeding		2 Removed from State Court		3 Remanded from Appellate Court		4 Retained or Recaptured or Transferred from Another District	
REAL PROPERTY		110 Land Condemnation		111 Land Condemnation		112 Foreclosure		113 Foreclosure	
PERSONAL INJURY		114 Personal Injury		115 Personal Injury		116 Personal Injury		117 Personal Injury	
LABOR		118 Labor		119 Labor		120 Labor		121 Labor	
PROPERTY RIGHTS		122 Property Rights		123 Property Rights		124 Property Rights		125 Property Rights	
CONTRACT		126 Contract		127 Contract		128 Contract		129 Contract	
TORTS		130 Torts		131 Torts		132 Torts		133 Torts	
OTHER		134 Other		135 Other		136 Other		137 Other	
NATURE OF SUIT (Place an "X" in One Box Only)		1 Personal Injury		2 Contract		3 Real Property		4 Labor	
Basis of Jurisdiction (Place an "X" in One Box Only)		1 U.S. Government Plaintiff		2 U.S. Government Defendant		3 Federal Question (U.S. Government Not a Party)		4 Diversity (Indicate Citizenship of Parties in Item III)	
III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)		1 U.S. Plaintiff		2 U.S. Defendant		3 Foreign Plaintiff		4 Foreign Defendant	
DEFENDANTS		Vasquez Management dba Lorenzo Commons LLC		H&B 19912		Attorney Unaffiliated Complaint		County of Residence of First Listed Plaintiff Alameda	
PLAINTIFFS		Vasquez Management dba Lorenzo Commons LLC		H&B 19912		Attorney Unaffiliated Complaint		County of Residence of First Listed Plaintiff Alameda	
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.		Attorneys (If Known)		pmb 426668, S.F., CA 94142-6668		STAYED BY USDCADNY 12-12020 ET AL POC 294-313 FRBOG			



JS 44 (Rev. 07/16)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

#### I. PLAINTIFFS

Vasona Management dba Lorenzo Commons LLC, [Todd Rothbard Attorney unverified Complaint]  
HG16819912

(b) County of Residence of First Listed Plaintiff Alameda  
(EXCEPT IN U.S. PLAINTIFF CASES)

#### (c) ATTORNEYS (Give Name, Address, and Telephone Number)

Todd Rothbard Attorney  
N/C Vasona Management dba Lorenzo Commons LLC  
16201 Hesperian Blvd Office

#### DEFENDANTS

Robert D Eberwein, Robert Eberwein dba 3109 King St Property Management, Chaledaannka Deborah Ann Williams Goyens-Bell Eberwein, Does

County of Residence of First Listed Defendant Suffolk (securities litigation)  
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(this is because my rents, employment mortgages taxes, being stayed BY usbcdsny 12-12020 ET AL pOC 294-31'3 FRBOG] pmb 426666, S.F., ca 94142-6666

#### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

#### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            |
| Citizen of Another State                                      | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country                       | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            |
| Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4            | <input type="checkbox"/> 4            |
| Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

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<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR/EMPLOYMENT</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>OTHER STATUTES</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
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☐ 8 Multidistrict Litigation - Direct File

#### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 157, 1330-1336, et seq

Brief description of cause:

Whistleblower retaliation for Attorney's [banks as attorneys for RMBS] filing in wrong court and seizing property

#### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

#### VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE LAURA DEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE 08/23/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

JS 44 (Rev. 07/16)

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CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

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(See Instructions):

JUDGE LAURA DEELER

DOCKET NUMBER 16-cv-3219, 16-cv-3212

DATE  
08/05/2016

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAJ. JUDGE

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA

The foregoing instruments are true and  
correct copies of the original  
on file in the office

ATTEST: AUG 26 2016

CLERK OF THE SUPERIOR COURT

By

*[Signature]*

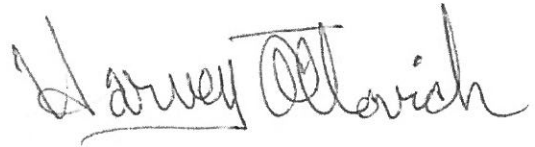
Deputy

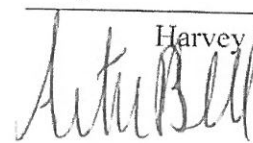


VERIFICATION

I, Harvey Ottovich, have read the above ~~REDACTED~~ ~~TO SHOW CAUSE~~  
and know its contents. The matters stated in the foregoing document are true of my own  
knowledge, except as to those matters that are stated on information and belief, and as to those  
matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct and that this Declaration is executed on the 14<sup>TH</sup> day of  
Nov., 2016.



 Harvey Ottovich

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
1300 Clay Street (2d fl.)  
Oakland, CA. 94612

1 Post-petition Postmark on Notice:

2 At the hearing, Plaintiff also asserted the post-petition mailing of the Notice was a violation of the  
3 automatic stay. The parties do not dispute that the postmark date on the envelope for the Notice is December  
4 29, 2011. However, there are no facts alleged that the Defendants had notice of Plaintiff's bankruptcy filing at  
5 the time the Notice was deposited into the mail. Plaintiff filed her petition at 4:13 p.m. on December 28, 2011.  
6 At approximately 6 p.m., Plaintiff delivered to Mr. Pilgrim's place of business a letter dated December 28,  
7 2011 stating that "as of today I will be in active bankruptcy." The letter did not contain a copy of the petition  
8 or a reference to a case number. It is unclear whether the Notice was deposited in the mail prior to the delivery  
9 of Plaintiff's letter. Simply put, the substantially contemporaneous mailing of a Notice posted pre-petition is  
10 insufficient to establish a knowing and willful violation of the automatic stay.

11 Additional Allegations:

12 Plaintiff's statement references phone calls and statements purportedly made by Defendants after they  
13 received notice of the bankruptcy. However, no facts are provided as to when and where such statements were  
14 made. Further, they contradict Plaintiff's deposition testimony that after December 28, 2011 she never had  
15 any telephone contact with Ron Pilgrim. Plaintiff was requested to identify those facts supporting her claims  
16 for violation of the automatic stay. General statements without essential information regarding when the  
17 statements were made, particularly where contradicted by Plaintiff's testimony, are not sufficient to establish a  
18 claim.

19 **Conclusion:**

20 At the request of the Court, Plaintiff filed a statement identifying facts supporting her claim that  
21 Defendants knowingly and willfully violated the automatic stay. The facts asserted are insufficient to establish  
22 a knowing and willful violation of the automatic stay pursuant to Bankruptcy Code § 362(k). As such, the  
23 court finds that it would be unduly burdensome to Defendants and a waste of judicial resources to proceed to  
24 trial on claims for which there is no factual support. On that basis, Plaintiff's remaining claims will be  
25 dismissed by order of the court entered contemporaneously herewith.

26 \*\*END OF ORDER\*\*

*Ante Bill*

Eberwein  
(1) PMB 4244, 5<sup>th</sup> CA 9442  
(2) 7520 Bellini Way,  
Sacramento, CA

U.S.D.C. N.D. CA

MAILED  
MAR 30 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OTTOVIA P500021

PLATIFF

BANTISTA

DEFENDANT

Eberwein, Investor

#

16-CV-3219  
2-16-CV-2745-MCH

NOTICE OF APPEAL  
TO U.S.D.C. N.D. CA -  
FROM FEBRUARY 24, 2017 OR U.S.D.C. EDCA

REMANDING  
P500021  
OF OTTOVICH'S  
FILED BY  
ROBERT D EBERWEIN

Court Name: U.S. District Court, MDCB  
Division: 3  
Receipt Number: 3461119876  
Carrier ID: 301004  
Transaction Date: 11/18/2016  
Payer Name: ROBERT D EBERWEIN

CIVIL FILING FEE  
For: COLOURED HENTAGSTAN  
Case/Party: P-000-4-16-CV-385330-001  
Amount: 1400.00

PAPER CHECK CONVERSION  
Check/Money Order Num: 218  
Amt Tendered: 1400.00

Total Due: 1400.00  
Total Tendered: 1400.00  
Change Amt: \$0.00

CU

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.

P500021,  
ESTATE

INVESTOR

UNDER PURTIS  
I WAS ORDERED  
TO CHANGE  
CASE NUMBER

Charles Debra Lian

03/24/17  
Robert Eberwein  
Ante Bill

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Arthur

1 plaintiff that does not exist and I am currently locked out twice from 15601 Washington Avenue  
2 San Lorenzo California and 16201 Hesperian Blvd San Lorenzo, California. These cases are  
3 hidden by the local employment of Trustees and the use of California law not the law of the  
4 tursts the co-workers put their wages into. After years of lawsuits The 50 plus states joined into a  
5 consent order. My employer a Joint venture with Japan Corporation filed Bankruptcy in New  
6 York in 2009 and their 51 REO Debt collector, Executive Trustee Service for example, in New  
7 York. They made a decision New York Law would control the lawsuits that were sold February  
8 2013 To Ocwen loan Servicing. In My employer on-going bankruptcy cases in New York.. So  
9 the debt collector do not ask for attorney fees and only default clerks' entry of default. This has  
10 been the pattern for yaers. So I currently sleep at 36224 Pecan Court Fremont California. And  
11 Been working out the office of 15600 lorenzo Avenue-15601 Washington Blvd, San Lorenzo  
12 Ca 94580.

13 Where fore I submit this prayer for relief that The Article Three Jurisdiction uphold the Orders  
14 From New York Bankrupptcy Court in all 51 cases and requiren NewYork Law be cited and  
15 ULD Cases be removed to New York . See Attached Lists

16 Date: November 17, 2016

*Chalgelemb Deboach*  
*Ann Hayan Berber*  
*Robert Eberwein*

17  
18 Robert Daniel Eberwein for Heirs of Jack

19 Ottovich Estate P-500021 and Jeanette Ottovich

20 Estate P-500022

*Autu Bull*

Case 2:16-cv-02745-MCE-CKD Document 2 Filed 11/21/16 Page 1 of 8

AO 240 (Rev. 07/70) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

MAR 30 2017  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## UNITED STATES DISTRICT COURT

for the

**FILED**

NOV 18 2016

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ESTATE OF JACK OTTOVICH P-500021

Plaintiff/Petitioner

v.

LEO F. BAUTISTA SPECIAL ADMINTR

Defendant/Respondent

Civil Action No.

BY

SEAL CLERK

2:16-CV-2745-MCE-CKD (PS)

### APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: \_\_\_\_\_  
If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ \_\_\_\_\_, and my take-home pay or wages are: \$ \_\_\_\_\_ per  
(specify pay period) \_\_\_\_\_.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- |  |   |                             |
|--|---|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes            | <input type="checkbox"/> No |
| (f) Any other sources                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

SEIZED, BY TAX LIENS, AND DISABLED VETERANS HARVEY OTTOVICH AND MARK OTTOVICH, HAVE  
RECIEVED FEE WAIVER IN STATE COURT

*Anti Bell*

Eberwein Et Al Investor  
PMB 426666 SF CA 94142  
7520 Bellini Way  
SACRAMENTO CA 95826  
IN PRO PER

FILED

MAR 30 2017

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT FOR ND CA OF \_\_\_\_\_

[ ] SUPERIOR / [ ] SUPREME COURT OF THE STATE OF 2-16-CV-2745-MCC

FOR THE COUNTY OF \_\_\_\_\_

OTTOVICH

Plaintiff,

vs.

BAUTISTA

Defendant.

No. Case Number.

Notice of Removals' MDL Cases

OF  
APPEAL OF REMANDED  
CASES

Judge \_\_\_\_\_

Department \_\_\_\_\_

Appeal order 02/24/17

In Re: EBERWEIN

By Opted Out Investor/Shareholder  
Robert Daniel Eberwein By POA Paying  
Agent dba 394717/388883

BY ORDER OF CLERK

HAVE TO CHANGE APPEAL CASE NUMBER  
To All Parties, Claims Agents, State Court Judges, Bankruptcy, Tax., Probate, SIPA, SEC

FRBOGR, DOJ, Sheriffs, Marshalls. I Robert Daniel Eberwein From 1991-2016 Invested in  
several failed RMBS. And having been told of losts with my bank stocks' I bought bonds that  
insure the lending institutions. I gave 1/3 Interest to my paying agent to track default loans here  
all over in ULD cases under 10,000.00. A default judgment for possession was obtained by a

Arthur Bell



B 4 (Official Form 4) (12/07)

## UNITED STATES BANKRUPTCY COURT

Northern District of California

In re Roybal-De-AGuero,  
Debtor

Case No. 12-12023-AJ13

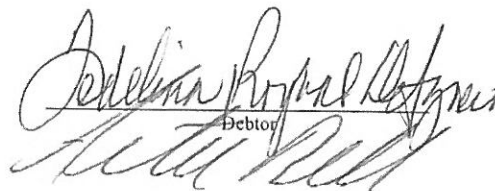
Chapter \_\_\_\_\_

### LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

(1)	(2)	(3)	(4)	(5)
Name of creditor and complete mailing address, including zip code	Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted	Nature of claim (trade debt, bank loan, government contract, etc.)	Indicate if claim is contingent, unliquidated, disputed or subject to setoff	Amount of claim [if secured also state value of security]
Susan Keller	Prime Pacific Realty	Lien against Caspar Inn	disputed and setoff	
Mark Munoz	Unknown	Wise & Eclipse Road, Auburn Ca	disputed and setoff	
GMAC NDEX				

Date: 07/27/12

  
Debtor

[Declaration as in Form 2]



EJ-130

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): WILLIAM L. PARTRIDGE, SBN 260166 JASON W. SHORT, SBN 263667 PITE DUNCAN, LLP 4375 Jutland Drive, Suite 200 P.O. Box 17934, San Diego, CA 92177-0934 TELEPHONE NO.: (858) 750-7600 FAX NO. (Optional): (619) 590-1385 EMAIL ADDRESS (Optional): ATTORNEY FOR (Name): HSBC Bank		FOR COURT USE ONLY
<input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 24405 Amador Street MAILING ADDRESS: Hayward, CA 94544 CITY AND ZIP CODE: BRANCH NAME: County of Alameda - Hayward Hall of Justice		
PLAINTIFF: HSBC Bank DEFENDANT: Chaaledeeannka Debra A. Williams Eberwein Goyens-Bell, et al.		
WRIT OF <input type="checkbox"/> EXECUTION (Money Judgment) <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property		CASE NUMBER: RG09441942

- To the Sheriff or Marshal of the County of: Alameda  
You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
- To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.
- (Name): HSBC Bank USA, National Association, as Trustee under the Pooling and Servicing Agreement dated as of May 1, 2006, Fremont Home Loan Trust 2006-A, its successors and/or assigns

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Chaaledeeannka Debra A. Williams  
Eberwein Goyens-Bell  
1853 9th Ave. Unit 1  
Oakland, CA 94606

9. ☒ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total Judgment .....	\$ 00.00
12. Costs after judgment (per filed order or memo CCP 685.090) .....	\$ 00.00
13. Subtotal (add 11 and 12) .....	\$ 00.00
14. Credits .....	\$ 00.00
15. Subtotal (subtract 14 from 13) .....	\$ 00.00
16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .....	\$ 00.00
17. Fee for issuance of writ .....	\$ 25.00
18. Total (add 15, 16, and 17) .....	\$ 25.00

19. Levying officer:

- (a) Add daily interest from date of writ (at the legal rate on 15) (not on GC 6103.5 fees) of ..... \$ 00.00  
(b) Pay directly to court costs included in 11 and 17 (GC 6103.5, 68511.3; CCP 699.520(i)) ..... \$ 00.00

20. ☐ The amounts called in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

☐ Additional judgment debtors on next page

5. Judgment entered on (date): Oct 16 2009

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested  
b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Issued on (date): JUN 09 2010

Clerk by  
PAT S. SWEETEN

MICHELLE ESGUERRA Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION

PLAINTIFF: HSBC Bank	CASE NUMBER: RG09441942
DEFENDANT: Chaaleddeannka Debra A. Williams Eberwein Goyens-Bell , et al.	

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):

22. ☐ Notice of sale has been requested by (name and address):

23. ☐ Joint debtor was declared bound by the judgment (CCP 989-994)

a. on (date):

b. name and address of joint debtor:

a. on (date):

b. name and address of joint debtor:

c. ☐ additional costs against certain joint debtors (itemize):

24. ☒ (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. ☒ Possession of real property: The complaint was filed on (date): March 18, 2009

(Check (1) or (2)):

(1) ☒ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ 30.00 was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following

Dates (specify):

b. ☐ Possession of personal property

☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.

c. ☐ Sale of personal property.

d. ☐ Sale of real property

e. Description of property: 1853 9th Ave. Unit 1, Oakland, CA 94606, County of Alameda

**NOTICE TO PERSON SERVED**

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a monetary judgment for the value of the property specified in the judgment or supplemental order.

WRIT OF POSSESSION OR REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable costs of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession for accompanies this writ (unless the Summons was served in compliance with CCP 415.46).

Pg 47 of 62

TO (Name and Address): <b>Chaaleddeannka Debra A Williams</b>  <b>1853 9th Avenue Unit I</b>  <b>Oakland, CA 94606</b>		LEVYING OFFICER (Name and Address):  <b>Alameda County Sheriff's Office</b> <b>Sheriff's Civil Unit</b> <b>Room 104</b> <b>1225 Fallon St.</b> <b>Oakland, CA 94612</b>  <b>(510) 272-6910</b> <b>Fax: (510) 272-6811</b>  <b>California Relay Service Number</b> <b>(800) 735-2929 TDD or 711</b>
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY:  <b>Alameda County Superior - Hayward</b> <b>24405 Amador Street</b> <b>Hayward, CA 94544</b> <b>Hayward Hall of Justice</b>		COURT CASE NO.:  <b>RG09441942</b>
PLAINTIFF: <b>HSBC Bank</b> DEFENDANT: <b>Chaaleddeannka Debra A Williams</b>		LEVYING OFFICER FILE NO.:  <b>2010006418</b>
<b>Eviction Restoration Notice</b>		

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

<b>Eviction Date:</b>	<b>Monday, September 20, 2010</b>
<b>Eviction Address:</b>	<b>1853 9th Avenue Unit I</b> <b>Oakland, CA 94606</b>

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), if the property is valued at less than \$300.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: 09 20 10

Gregory J. Ahern  
Sheriff-Coroner

By: \_\_\_\_\_

  
Sheriff's Authorized Agent



## AFFILIATED BROKERS

3630 - 35th Avenue  
Oakland, CA 94619-9982  
(510) 530-8555  
(510) 530-2465 Fax



~~Oct 6, 08~~  
~~Oct 2, 08~~  
~~September 9, 2008~~

3rd reg.

To: C. Goyens-Bell  
1853 9<sup>th</sup> Ave. 1  
Oakland CA

Please be advised that we need to receive copies of lease or rental agreements by 9/20/08.

Thanks

Joel Gomez

Important we receive  
copies of lease/rental  
agreements Now  
And,  
Call us right away

10/1/17  
10/1/17

10/1/17  
10/1/17

10/1/17  
10/1/17

<b>TO (Name and Address):</b> Robert Eberwien aka Robert D Eberwein  16201 Hesperian Blvd # 127 San Lorenzo, CA 94580		<b>LEVYING OFFICER (Name and Address):</b> Alameda County Sheriff's Office Sheriff's Civil Unit Room 104 1225 Fallon St. Oakland, CA 94612  (510) 272-6910 Fax: (510) 272-6811  California Relay Service Number (800) 735-2929 TDD or 711	
<b>NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY:</b> Alameda County Superior - Hayward 24405 Amador Street Hayward, CA 94544 Hayward Hall of Justice		<b>COURT CASE NO.:</b>  HG16819912	
<b>PLAINTIFF:</b> Lorenzo Commons LLC <b>DEFENDANT:</b> Robert Eberwein aka Robert D.Eberwein		<b>LEVYING OFFICER FILE NO.:</b>  2016006158	
<b>Notice to Vacate</b>			

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

<b>Eviction Address:</b>	16201 Hesperian Blvd # 127 San Lorenzo, CA 94580
--------------------------	---

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

<b>Final notice is hereby given that possession of the property must be turned over to the landlord on or before:</b>	<b>Tuesday, October 04, 2016 6:01 AM</b>
---	--

Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



Gregory J. Ahern  
Sheriff-Coroner

By: W. Eggers #1447  
Sheriff's Authorized Agent

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<b>TO (Name and Address):</b> <b>Robert Eberwien aka Robert D Eberwein</b>  <b>16201 Hesperian Blvd # 127</b> <b>San Lorenzo, CA 94580</b>		<b>LEVYING OFFICER (Name and Address):</b> <b>Alameda County Sheriff's Office</b> <b>Sheriff's Civil Unit</b> <b>Room 104</b> <b>1225 Fallon St.</b> <b>Oakland, CA 94612</b>  <b>(510) 272-6910</b> <b>Fax: (510) 272-6811</b>  <b>California Relay Service Number</b> <b>(800) 735-2929 TDD or 711</b>	
<b>NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY:</b> <b>Alameda County Superior - Hayward</b> <b>24405 Amador Street</b> <b>Hayward, CA 94544</b> <b>Hayward Hall of Justice</b>		<b>COURT CASE NO.:</b>  <b>HG16819912</b>	
<b>PLAINTIFF:</b> <b>Lorenzo Commons LLC</b> <b>DEFENDANT:</b> <b>Robert Eberwein aka Robert D.Eberwein</b>		<b>LEVYING OFFICER FILE NO.:</b>  <b>2016006158</b>	
<b>Notice to Vacate</b>			

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

<b>Eviction Address:</b>	<b>16201 Hesperian Blvd # 127</b> <b>San Lorenzo, CA 94580</b>
--------------------------	---

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

<b>Final notice is hereby given that possession of the property must be turned over to the landlord on or before:</b>	<b>Tuesday, October 04, 2016 6:01 AM</b>
---	--

Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.

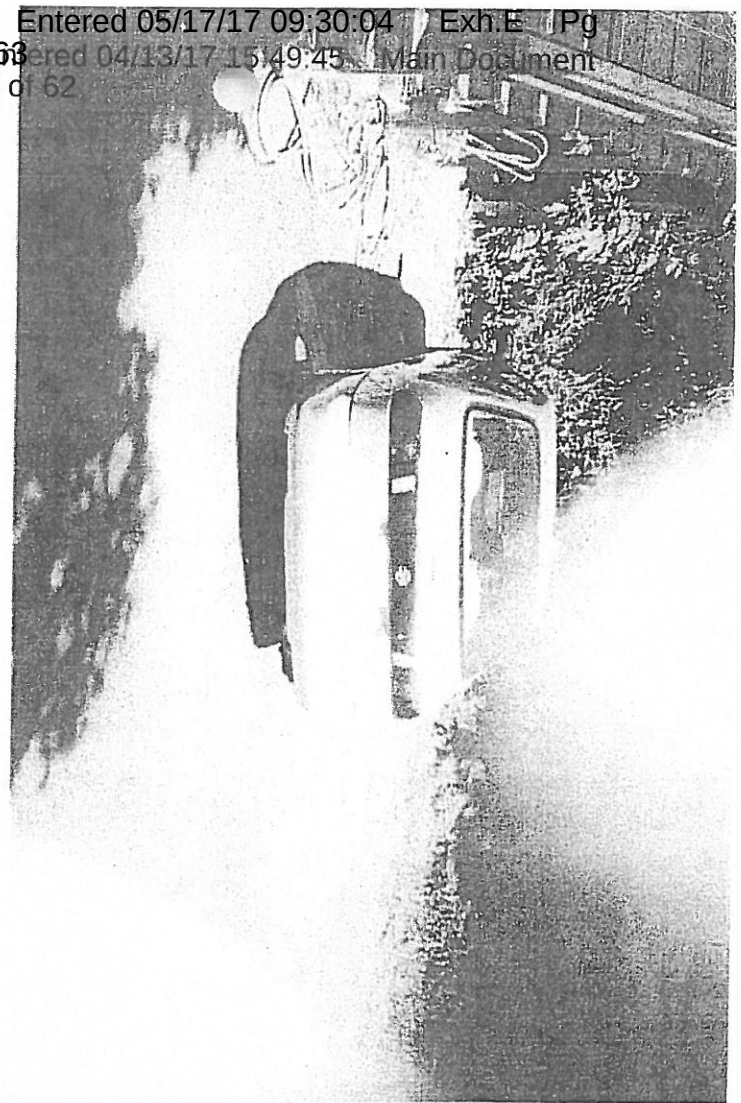
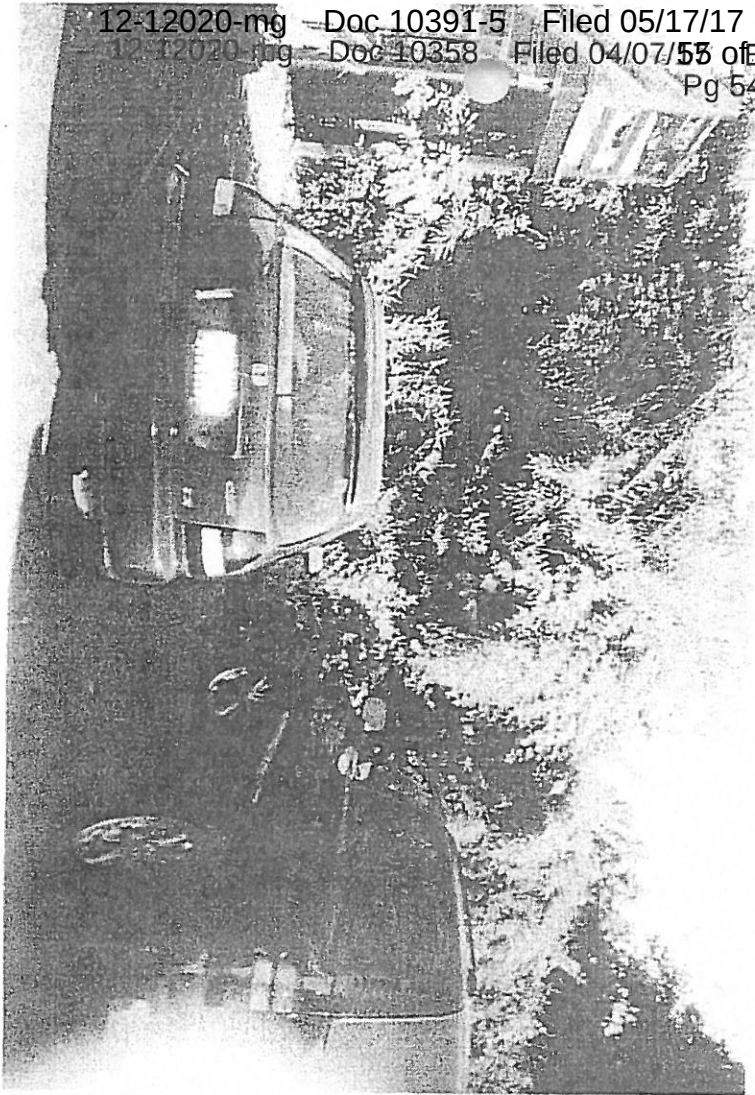


**Gregory J. Ahern**  
**Sheriff-Coroner**

By: W. Eggers #1447  
Sheriff's Authorized Agent



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RECEIVED  
2017 APR -5 P 6:00  
SUSAN Y. SOOJIB  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</b> Robert S. McWhorter (CA 226186) Jarrett S. Osborne-Revis (CA 289193) LeClairRyan, LLP 400 Capitol Mall, Suite 155 Sacramento, CA 95814 <b>TELEPHONE NO.:</b> (916) 246-1140 <b>FAX NO. (Optional):</b> (916) 246-1155 <b>E-MAIL ADDRESS (Optional):</b> robert.mcwhorter@leclairryan.com <b>ATTORNEY FOR (Name):</b> Defendant U.S. Bank		<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda</b> <b>STREET ADDRESS:</b> 24405 Amador Street <b>MAILING ADDRESS:</b> <b>CITY AND ZIP CODE:</b> Hayward, CA 94544 <b>BRANCH NAME:</b> Hayward Hall of Justice		
<b>PLAINTIFF/PETITIONER:</b> Randy Ottovich, et al. <b>DEFENDANT/RESPONDENT:</b> U.S. Bank National Association, et al.		
<b>CASE MANAGEMENT STATEMENT</b> (Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>LIMITED CASE</b> (Amount demanded is \$25,000 or less)		<b>CASE NUMBER:</b> HG 13688578
<b>A CASE MANAGEMENT CONFERENCE is scheduled as follows:</b> <b>Date:</b> November 7, 2016 <b>Time:</b> 3:00 pm <b>Dept.:</b> 18 <b>Div.:</b> <b>Room:</b> <b>Address of court (if different from the address above):</b> <input checked="" type="checkbox"/> <b>Notice of Intent to Appear by Telephone, by (name):</b> Robert S. McWhorter or Jarrett S. Osborne-Revis		

**INSTRUCTIONS:** All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
  - a. ☒ This statement is submitted by party (name): Defendant, U.S. Bank National Association, Successor In Interest To The Federal Deposit Insurance Corporation As Receiver For Downey Savings And Loan Association F.A. ("U.S. Bank")
  - b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
  - a. The complaint was filed on (date): Second Amended Complaint filed on April 9, 2014
  - b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
  - a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
  - b. ☐ The following parties named in the complaint or cross-complaint
    - (1) ☐ have not been served (specify names and explain why not):
    - (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
    - (3) ☐ have had a default entered against them (specify names):
  - c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):
4. **Description of case**
  - a. Type of case in ☒ complaint ☐ cross-complaint (Describe, including causes of action):  
Second Amended Complaint for: (1) Breach of Contract; (2) Unfair Business Practices; (3) Injunctive Relief; (4) Declaratory Relief; (5) Conversion; (6) Unjust Enrichment; (7) Common Count - Money Had and Received; (8) Constructive Trust. U.S. Bank demurred to the Second Amended Complaint. The Court entered an order sustaining the demurrer as to the third cause of action for injunctive relief. U.S. Bank answered the Second Amended Complaint on June 6, 2014.



PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.	

4. b. Provide a brief statement of the case, including any damages. *(If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)*  
The Second Amended Complaint alleges that U.S. Bank improperly collected placed funds in a suspense account and forced placed flood insurance upon Plaintiffs. U.S. Bank denies the allegations. Mr. Bautista and U.S. Bank agreed upon the terms of settlement.

The parties are finalizing their settlement agreement, which must be approved by the Probate Court. The Probate Court scheduled a hearing for November 28, 2016 for such approval.

☒ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. Trial date

a. ☐ The trial has been set for (date):

b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain)*: All trial dates were previously vacated

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability)*:  
October 24-31, 2016; November 28, 2016; December 19-31, 2016; January 2-5, 2017; February 22, 2017

7. Estimated length of trial

The party or parties estimate that the trial will take *(check one)*:

a. ☒ days *(specify number)*: 2-3 days

b. ☐ hours (short causes) *(specify)*:

8. Trial representation *(to be answered for each party)*

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference *(specify code section)*:

10. Alternative dispute resolution (ADR)

a. ADR information package. Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. Referral to judicial arbitration or civil action mediation *(if available)*.

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption)*:



PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.	

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (check all that apply and provide the specified information):

	The party or parties completing this form are willing to participate in the following ADR processes (check all that apply):	If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (attach a copy of the parties' ADR stipulation):
(1) Mediation	<input type="checkbox"/>	<input type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for (date): <input type="checkbox"/> Agreed to complete mediation by (date): <input type="checkbox"/> Mediation completed on (date):
(2) Settlement conference	<input type="checkbox"/>	<input type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for (date): <input type="checkbox"/> Agreed to complete settlement conference by (date): <input type="checkbox"/> Settlement conference completed on (date):
(3) Neutral evaluation	<input type="checkbox"/>	<input type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for (date): <input type="checkbox"/> Agreed to complete neutral evaluation by (date): <input type="checkbox"/> Neutral evaluation completed on (date):
(4) Nonbinding judicial arbitration	<input type="checkbox"/>	<input type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete judicial arbitration by (date): <input type="checkbox"/> Judicial arbitration completed on (date):
(5) Binding private arbitration	<input type="checkbox"/>	<input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for (date): <input type="checkbox"/> Agreed to complete private arbitration by (date): <input type="checkbox"/> Private arbitration completed on (date):
(6) Other (specify):	<input type="checkbox"/>	<input type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for (date): <input type="checkbox"/> Agreed to complete ADR session by (date): <input type="checkbox"/> ADR completed on (date):

PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.	

11. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
- b. Reservation of rights: ☐ Yes ☐ No
- c. ☐ Coverage issues will significantly affect resolution of this case (explain):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

13. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- ☐ Additional cases are described in Attachment 13a.
- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

14. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

15. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
- U.S. Bank anticipates it will file a motion for judgment on pleadings to strike all causes of action as pertaining to Mark Ottovich, a motion to require Mark Ottovich to post a bond as a result of his vexatious litigant status, and a summary judgment.

16. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (describe all anticipated discovery):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Defendant	Written Discovery	Per Code
Defendant	Depositions	Per Code

- c. ☒ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (specify):

The depositions of Randy Ottovich and Karen Rayl are completed. The deposition of Mr. Mark Ottovich commenced on October 21, 2015, and parties agreed to continue the deposition due to Mr. Ottovich's health. Parties agreed to waive the seven (7) hour limitation of the deposition. U.S. Bank repeatedly noticed the continued deposition of Mark Ottovich as well as Harvey Ottovich, but neither deposition has been completed given the parties' anticipated resolution of this case.

PLAINTIFF/PETITIONER: Randy Ottovich, et al.	CASE NUMBER: HG 13688578
DEFENDANT/RESPONDENT: U.S. Bank National Association, et al.	

17. Economic litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain): No meeting as occurred as the parties anticipate that this case will settled.
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): 0

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: October 20, 2016

Robert S. McWhorter

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached.



PROOF OF SERVICE

The undersigned declares:

I am employed in the County of Sacramento, State of California. I am over the age of 18 and am not a party to the within action; my business address is c/o LeClairRyan, 980 9<sup>th</sup> Street, 16th Floor, Sacramento, CA 95814.

On October 20, 2016 I served the foregoing

CASE MANAGEMENT STATEMENT

on parties to the within action as follows:

X (VIA U.S. MAIL) I placed for collection and deposit in the U.S. mail, copies of the above mentioned document(s), following the practice and procedure of LeClairRyan LLP.

I certify and declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 20, 2016 at Sacramento, California.

Dana Bardon

SERVICE LIST

Randall B. Schmidt, Esq. Law Offices of Randall B. Schmidt 555 California Street, Suite 4925 San Francisco, CA 94104 Telephone: (415) 659-1524 Facsimile: (415) 659-1525 Email: randalls@yahoo.com	Attorney for Plaintiffs RANDY OTTOVICH, MARK OTTOVICH, AND KAREN RAYL
Daniel A. Presher, Esq. Law Offices of Daniel A. Presher 303 W. Joaquin Avenue, Suite 140 San Leandro, CA 94577 Telephone: (510) 483-9834 Facsimile: (510) 357-3421 Email: lodap@sbcglobal.net	Attorney for Special Administrator LEO F. BAUTISTA
Mark Ottovich 36224 Pecan Court Fremont, CA 94536 Telephone: (510) 789-9234 Email: markoip@aol.com	Former Plaintiff <i>in Propria Persona</i>

# EXHIBIT F

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

3109 KING ST PROPERTY  
MANAGEMENT, et al.,

Plaintiffs,

v.

VASONA MANAGEMENT, et al.,

Defendants.

Case No. 16-cv-03219-LB

**ORDER REASSIGNING THE CASE;  
REPORT AND RECOMMENDATION  
TO DISMISS THE COMPLAINT  
WITHOUT PREJUDICE**

Re: ECF No. 1

**OVERVIEW**

Robert Eberwein and Fedelina Roybal de Aguero, d/b/a 3109 King Street Property Management, filed a complaint for “Wrongful Cancellation of Extension of Credit” in connection with certain bank accounts. (*See* Compl. – ECF No. 1.) They also filed applications to proceed *in forma pauperis* — which the undersigned granted — and declined magistrate jurisdiction. (ECF Nos. 7, 8.) The plaintiffs generally complain of frozen accounts, suspended electronic payments, issued credit cards, and considerable “pre-authorized payments.” (Compl. at 2, 13.) The complaint is, however, confusing, ambiguous, and fails to state a claim for relief. The undersigned accordingly directs the Clerk of Court to reassign the case to a district court judge and recommends that the reassigned judge dismiss the complaint with leave to amend.

## ANALYSIS

1. *Sua sponte* screening — 28 U.S.C. § 1915(e)(2)

The court recently granted the plaintiffs leave to proceed *in forma pauperis*. (ECF No. 8.) A complaint filed by any person proceeding *in forma pauperis* under 28 U.S.C. § 1915(a) is subject to a mandatory and *sua sponte* review and dismissal by the court to the extent that it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (en banc). Section 1915(e)(2) mandates that the court reviewing an *in forma pauperis* complaint make and rule on its own motion to dismiss before directing the United States Marshal to serve the complaint pursuant to Federal Rule of Civil Procedure 4(c)(2). *Lopez*, 203 F.3d at 1127. The Ninth Circuit has noted that “[t]he language of § 1915(e)(2)(B)(ii) parallels the language of Federal Rule of Civil Procedure 12(b)(6).” *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998).

Under Rule 12(b)(6) and § 1915(e)(2)(B), a district court must dismiss a complaint if it fails to state a claim upon which relief can be granted. Rule 8(a)(2) requires that a complaint include a “short and plain statement” showing the plaintiff is entitled to relief. “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) (internal quotation omitted); see *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The complaint need not contain “detailed factual allegations,” but the plaintiff must “provide the ‘grounds’ of his ‘entitle[ment]’ to relief,” which “requires more than labels and conclusions”; a mere “formulaic recitation of the elements of a cause of action” is insufficient. *Twombly*, 550 U.S. at 555.

In determining whether to dismiss a complaint under Rule 12(b)(6), the court is ordinarily limited to the face of the complaint. *Van Buskirk v. Cable News Network, Inc.*, 284 F.3d 977, 980 (9th Cir. 2002). Factual allegations in the complaint must be taken as true and reasonable inferences drawn from them must be construed in favor of the plaintiff. *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 337-38 (9th Cir. 1996). The court cannot assume, however, that “the [plaintiff] can prove facts that [he or she] has not alleged.” *Assoc. Gen. Contractors of Cal., Inc. v. Cal. State*

1 *Council of Carpenters*, 459 U.S. 519, 526 (1983). “Nor is the court required to accept as true  
2 allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable  
3 inferences.” *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001).

4 When dismissing a case for failure to state a claim, the Ninth Circuit has “repeatedly held that  
5 a district court should grant leave to amend even if no request to amend the pleading was made,  
6 unless it determines that the pleading could not possibly be cured by the allegation of other facts.”  
7 *Lopez*, 203 F.3d at 1130 (internal quotations omitted).

8 **2. The complaint does not state a plausible claim**

9 Here, the plaintiffs filed a complaint for “Wrongful Cancellation of Extension of Credit”, but  
10 fail to allege “sufficient factual matter, accepted as true, to state a claim to relief that is plausible  
11 on its face.” *Iqbal*, 556 U.S. at 678. The complaint is insufficient for several reasons.

12 First, it is unclear what claims the plaintiffs assert against each of the named defendants. They  
13 bring the case against nineteen different defendants, but it is unclear for what alleged wrong each  
14 defendant is responsible. For example, it is unclear if they allege that they had bank accounts at  
15 each of the defendant-institutions and what role the vendor-defendants (such as ATT) had in the  
16 events. It is similarly unclear what connection the apparent bankruptcy proceedings have to the  
17 allegations here — the only allegations that involve the IRS and the California Tax Board. (*See*  
18 *Compl.* at 8, 14.)

19 Second, they do not identify any legal basis for their claims, and for this reason, the court  
20 cannot tell if the alleged wrongful conduct is actionable under the law. For example, the plaintiffs  
21 do not say if they bring the claims under state or federal law, let alone what specific legal rights  
22 they seek to enforce.

23 Third, in connection with their failure to identify any applicable law, the plaintiffs do not  
24 identify the basis for federal jurisdiction. Under the caption “Diversity of Citizenship,” they  
25 provide no relevant information as to diversity jurisdiction and — midsentence — Mr. Eberwein  
26 attaches seemingly five unrelated documents (including, in this order: a deed of trust, a bankruptcy  
27 court claim form, a rent stabilization program letter, a bankruptcy court order, and one page of an  
28 unknown source). (*Compl.* at 2-7, 13-14.)

1 Fourth, in addition to these oddly placed attachments, the plaintiffs attach several other  
2 documents (without explanation) and render the complaint as a whole largely incomprehensible.  
3 For example, they attach "Part 2" of the complaint, which consists of identical allegations (but  
4 with the header: "Fedelina Roybal de Aguero"<sup>1</sup>), California State and Northern District court  
5 documents, Ocwen Loan Servicing documents, and a declaration of a Christopher Spradling in  
6 support of Litton Loan Servicing's removal (of a seemingly different case). (Compl. at 9-11, 15-  
7 25.) The court cannot tell how these documents are related to the allegations and will not fish  
8 through them to make the plaintiffs' claims; that is their responsibility.

9 Nevertheless, and despite these deficiencies, the court cannot say that amendment of the  
10 complaint would be futile; the plaintiffs may have a claim for relief. The undersigned accordingly  
11 recommends that the district judge dismiss the complaint with leave to amend.

#### 12 CONCLUSION

13 The undersigned directs the Clerk of Court to reassign this action to a district court judge and  
14 recommends that the district court judge 1) dismiss the complaint with leave to amend within  
15 thirty days and 2) direct the Clerk to close the case if an amended complaint is not filed within  
16 thirty days after the district court dismisses the complaint.

17 Any party may file objections to this report and recommendation with the district judge within  
18 fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b);  
19 N.D. Cal. Civ. L.R. 72. Failure to file an objection may waive the right to review of the issue in  
20 the district court.

21 **IT IS SO ORDERED.**

22 Dated: June 20, 2016

23   
24 LAUREL BEELER  
25 United States Magistrate Judge

26 <sup>1</sup> Ms. Roybal de Aguero appears to also be a plaintiff in the action, but she is not named in the  
27 case itself, and although "Part 2" appears to be intended as her version of the complaint, it repeats  
28 the exact same allegations as presumptive "Part 1", even including statements such as "I The  
Above Plaintiff Robert D Eberwein[.]" (*See, e.g.*, Compl. at 13.) The undersigned advises the  
plaintiffs to clearly state the parties to the action, including both the plaintiffs and the defendants.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

3109 KING ST PROPERTY  
MANAGEMENT, et al.,

Plaintiffs,

v.

VASONA MANAGEMENT, et al.,

Defendants.

Case No. 3:16-cv-03219-LB

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 6/21/2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

3109 King St Property Management  
101 Hyde Street  
PMB 426666  
San Francisco, CA 94142

Chaledeeannka D Goyens  
101 Hyde St  
PMB 426666  
San Francisco, CA 94142

Fedelina Roybal de Aguero  
7520 Bellini Way  
Sacramento, CA 95828

Robert D Eberwein  
7520 Bellini Way  
Sacramento, CA 95828

Dated: 6/21/2016

Susan Y. Soong  
Clerk, United States District Court

By:   
Lashanda Scott, Deputy Clerk to the  
Honorable LAUREL BEELER

United States District Court  
Northern District of California



# EXHIBIT G

If you view the Full Docket you will be charged for 2 Pages \$0.20

**General Docket**  
**United States Court of Appeals for the Ninth Circuit**

**Court of Appeals Docket #:** 16-16936

**Docketed:** 10/25/2016

**Nature of Suit:** 3230 Rent, Lease, Ejectment

**Termed:** 01/23/2017

**Robert Eberwein v. Deutsche Bank Americas, et al**

**Appeal From:** U.S. District Court for Northern California, San Francisco

**Fee Status:** IFP

**Case Type Information:**

- 1) civil
- 2) private
- 3) null

**Originating Court Information:**

**District:** 0971-3 : 3:16-cv-03219-VC

**Trial Judge:** Vince G. Chhabria, District Judge

**Date Filed:** 06/10/2016

**Date Order/Judgment:**

09/19/2016

**Date Order/Judgment EOD:**

09/19/2016

**Date NOA Filed:**

10/14/2016

**Date Rec'd COA:**

10/17/2016

- 10/25/2016 1 DOCKETED CAUSE AND ENTERED APPEARANCES OF PRO SE APPELLANT. SEND MQ: Yes. The schedule is set as follows: Appellant Robert D. Eberwein opening brief due 01/23/2017. [10172444] (IV) [Entered: 10/25/2016 09:58 AM]
- 11/04/2016 2 Filed referral notice (Deputy Clerk:CKP): Referring to the district court for determination whether in forma pauperis status should continue for this appeal. [10186090] (CKP) [Entered: 11/04/2016 09:15 AM]
- 11/25/2016 3 Received copy of District Court order filed on 11/21/2016. The Court certifies that the appeal is frivolous and not taken in good faith. [10212580] (RR) [Entered: 11/28/2016 04:03 PM]
- 12/01/2016 4 Filed clerk order (Deputy Clerk: CO): A review of the district court's docket reflects that the district court has certified that this appeal is not taken in good faith and has revoked appellant's in forma pauperis status. See 28 U.S.C. § 1915(a). This court may dismiss a case at any time, if the court determines the case is frivolous. See 28 U.S.C. § 1915(e)(2). Within 35 days after the date of this order, appellant must: (1) file a motion to dismiss this appeal, see Fed. R. App. P. 42(b), or (2) file a statement explaining why the appeal is not frivolous and should go forward. If appellant files a statement that the appeal should go forward, appellant also must: (1) file in this court a motion to proceed in forma pauperis, OR (2) pay to the district court \$505.00 for the filing and docketing fees for this appeal AND file in this court proof that the \$505.00 was paid. If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. See 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42 (b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice. The briefing schedule for this appeal is stayed. The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, (2) a form statement that the appeal should go forward, and (3) a Form 4 financial affidavit. Appellant may use the enclosed forms for any motion to dismiss the appeal, statement that the appeal should go forward, and/or motion to proceed in forma pauperis. [10217455] (CKP) [Entered: 12/01/2016 01:45 PM]
- 01/23/2017 5 Filed order (Deputy Clerk: CKP) Motion to dismiss case for failure to prosecute (Cir. Rule 42-1). Pursuant to Circuit Rule 42-1, this appeal is dismissed for failure to respond to order. This order served on the district court shall constitute the mandate of this court. [10275965] (CKP) [Entered: 01/23/2017 03:14 PM]
- 02/10/2017 6 Filed Appellant Robert D. Eberwein motion to reconsider order, for en banc review of the Clerk

of the Court filed on 01/23/2017. Deficiencies: None. Served on 02/10/2017. [10320521] (CW)  
[Entered: 02/15/2017 11:13 AM]

03/24/2017 7 Filed order (Appellate Commissioner): On January 23, 2017, this court issued an order dismissing this appeal for failure to prosecute. See 9th Circuit Rule 42-1. Appellant's motion to reconsider en banc is construed as a motion to reinstate the appeal. So construed, the motion [6] is denied without prejudice to renewal within 21 days after the date of this order, accompanied by a response to the December 1, 2016 order. The Clerk shall send a copy of the December 1, 2016 order to appellant along with this order. (Pro Se) [10370157] (CKP) [Entered: 03/24/2017 09:26 AM]

04/10/2017 8 Filed Appellant Robert D. Eberwein motion to reinstate case after FRAP 42-1 dismissal. Deficiencies: None. (Document entitled "Notice of appeal rehearing") [10390484] (RR) [Entered: 04/10/2017 03:18 PM]

PACER Service Center			
Transaction Receipt			
U.S. Court of Appeals for the 9th Circuit - 05/03/2017 11:15:58			
<b>PACER Login:</b>	av0211	<b>Client Code:</b>	
<b>Description:</b>	Case Summary	<b>Search Criteria:</b>	16-16936
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
In re Case No. 12-12020 (MG)  
  
**RESIDENTIAL CAPITAL, LLC, *et al.*,** (Chapter 11)  
  
Debtors. Jointly Administered  
----- x

**ORDER IMPOSING CIVIL CONTEMPT AGAINST  
CHALEDEEANNKA DEBORAH ANN WILLIAMS GOYENS-BELL EBERWEIN**

Based upon the hearing held before this Court and the motion of the United States Trustee, William K. Harrington, the United States Trustee, for the entry of an order of civil contempt order against Chaledeeannka Deborah Ann Williams Goyens-Bell Eberwein (“Goyens”), and it appearing that appropriate notice has been given and that no objection has been made to the motion, and cause existing for the relief requested, as set forth in the record of the hearing,

**THE COURT HEREBY FINDS:**

1. On June 3, 2013, in Adversary Proceeding No. 12-1901 (SHL) (“A.P.”), the Court entered its Default Judgment and Summary Judgment Granting Injunctive Relief against Goyens (“Permanent Injunction”). A.P. Dkt. No. 13.

2. In relevant parts, the Permanent Injunction provides:

(B) [Goyens], and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are:

(1) permanently enjoined from filing any new bankruptcy case or adversary proceeding in this and any other United States Bankruptcy

Court, and

(2) permanently enjoined from filing any document (including proofs of claim) in any other bankruptcy case or adversary proceeding without first obtaining leave to file such document from the United States Bankruptcy Judge presiding over such bankruptcy case or adversary proceeding.

...

(D) [Goyens], and all persons in concert and participation with her, whether acting on their own behalves or on behalves of others, and whether using their own names or one or more aliases hereby are permanently enjoined from sending any communications in any form, including written papers, electronic messages, and e-mails, to any United States Bankruptcy Judge, United States Marshals, deputy clerks, other officers of the bankruptcy courts, and the United States Trustees and their offices nation-wide (except for the purpose of filing a document as set forth above in paragraph B(2) above).

*Id.*, at 11-12.

2. Goyens has received adequate and proper notice of entry of the Permanent Injunction.
3. In these chapter 11 cases (collectively, “Case”), on April 20, 2015, after the entry of the Permanent Injunction, Goyens filed an “Ex-Parte Application Vacatur Dismissals and Request for Judicial Notice.” Dkt. No. 8597. This document has been unilaterally “**restricted from public view**” by the Court, because it violates the Permanent Injunction. *Id.* (bold in original docket entry).

4. In this Case, on April 7, 2017, after the entry of the Permanent Injunction, Goyens also filed a 62-page document captioned “Request for Special Notice – Notice of Automatic Stay of Chapter 15 Filing in the \_\_\_\_ District of \_\_\_\_” (“Request for Notice”). Dkt. No. 10358.

5. After the entry of the Permanent Injunction, on June 10, 2016, in the U.S. District Court for the Northern District of California, Goyens, among others, filed a complaint for “Wrongful Cancellation of Extension of Credit” in relation to certain bank accounts. 3109 King St. Property Management et al. v. Vasona Management et al., Case No. 16-cv-3219-VC (“San Francisco Action”).

6. Goyens specifically named two officers of this Court’s Clerk’s Office as defendants in the San Francisco Action.

7. At the outset of the San Francisco Action, Goyens telephoned one of such officers to advise her of the commencement of the San Francisco Action, and advised the officer that she was being served with the SF Complaint through such call.

8. The filings by Goyens of the document at Dkt. No. 8597 and of the Request for Notice at Dkt. No. 10358 violate the Permanent Injunction.

9. The telephone call to an officer of this Court also violates the Permanent Injunction.

**IT IS HEREBY ORDERED AND DECREED:**

A. Goyens be, and hereby is, in civil contempt of the Permanent Injunction.

B. Goyens shall file a notice of withdrawal of her Request for Notice within 30 days of the date of service of this Order.

C. In the event that Goyens fails to file a withdrawal of the Request for Notice within the 30-day time frame set forth above, Goyens shall then be assessed a daily sanction in the amount of \$100 (“Daily Sanctions”). Such Daily Sanctions shall continue to accrue against Goyens until

the date that Goyens files a notice of withdrawal of the Request for Notice. However, in the event that Goyens fails to withdraw the Request for Notice within 60 days from the date of entry of this Order, then the Clerk shall be and hereby is directed to restrict the Request for Notice from public view, and the Daily Sanctions shall cease accrual at such time and remain outstanding until fully paid.

D. Notwithstanding the closing of the underlying chapter 11 cases, the Court shall retain jurisdiction to interpret and enforce the terms of the Permanent Injunction and this Order.

Dated: June \_\_, 2017  
New York, New York

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Hon. Martin Glenn  
United States Bankruptcy Judge