

1 Russell Rope  
2 #1607 POB 1198  
3 Sacramento, CA, 95812  
4 323-536-7708  
5 [justice@russellrope.com](mailto:justice@russellrope.com)

6 *Plaintiff in Pro Per*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 RUSSELL ROPE,  
12 PLAINTIFF,  
13 VS.  
14  
15 FACEBOOK, INC., APPLE, INC.,  
16 ALPHABET, INC., TWITTER, INC.,  
17 JPMORGAN CHASE & CO. & JOHN  
18 DOES 1 TO 10,  
19 DEFENDANTS  
20

Case No.: 2:17-cv-04921-MWF-(PLAx)

**OPPOSITION TO DEFENDANT  
CHASE'S MOTION TO DISMISS  
1<sup>ST</sup> AMENDED COMPLAINT**

**Hearing Date:** 5/14/2018

**Time:** 10:00am **Courtroom:** 5A

**Judge:** Michael W. Fitzgerald

21 **SUMMARY OF OPPOSITION:**  
22

23 Plaintiff hereby responds in Opposition to Defendant JPMorgan Chase & Co.'s  
24 unfair and baseless lie of a Motion to Dismiss 1st Amended complaint. This  
25 opposition directly responds to every statement in the Defendant's motion and is  
26 logically and legally based on the following main reasons, several of which are  
27 grounds to DENY the Motions to Dismiss each on their own merits, supported by a  
28 combination of law, possible amendments, and good ethics:

OPPOSITION TO DEFENDANT CHASE'S MOTION TO DISMISS 1<sup>ST</sup> AMENDED COMPLAINT

1) "If any combination of the facts stated in the Plaintiff's complaint might qualify Plaintiff for any form of court action, then the judge is legally required to deny the Defendant's Motion to Dismiss." Legal Website(s) & 42 USC § 1981 granting all citizens equal rights under the law & 42 USC § 1983 granting the right to sue for deprivation of rights. \*RICO is more appropriate in this case.

2) Defendant Chase's attorney, Mr. Watson, is lying.

3) Plaintiff successfully stated all claims in the FAC, upon which relief can be granted, and along with short and plain statements of the claim(s) showing that the pleader is entitled to relief. Defendant Chase's attorney fails to recognize the first amendments, the fact that "All Defendants" applies to "All Defendants" including Chase for all causes of action through alleged conspiracy, and that each cause of action realleges specific information connecting the Defendants to both said conspiracy and each individual cause of action where all elements have been pled.

4) Plaintiff is In Pro Per and even if they were valid, no arguments based solely on pleading technicalities should be grounds for dismissal, certainly not without leave to amend where it is obvious that Plaintiff is still learning and can continue to improve on the complaint. Also, at least John Doe allegedly named Tom Tate needs to be amended as an official Defendant, served, and held to answer.

5) The principal of res judicata absolutely does not apply because: the first amended complaint successfully states all claims under the new claim of RICO (if the original did not), the parties and allegations are not identical, District Court is the designated venue with subject matter jurisdiction over these laws, all Defendants including Chase have continued to violate the Plaintiff's rights since previous cases were dismissed, there is new evidence supporting those allegations,

1 and this is an extraordinary case qualified as an exception to the lie of a defense  
2 being res judicata.

3  
4 6) Defendants would have denied wrongdoing and should be required to both  
5 address the actual allegations(s) and deny wrongdoing, which is the first thing  
6 someone would do if they were innocent and had a real defense.

7  
8 7) The law and this Court were established for justice, so bad banks cannot get  
9 away with doing terrible things like steal money belonging to their clients, and not  
10 so frauds can get off the hook where they have conspired and made obscene efforts  
11 to obstruct justice, and of all reasons it would be ridiculous to dismiss based on  
12 seemingly minor if any error in pro se pleading technicality that has nothing to do  
13 with the actual dispute, which has been clearly presented in spite of its complexity.

14 8) The judge not only has the power to DENY the Defendant's Motion to Dismiss  
15 in the name of justice, but that is an honorable Judge's duty.

16  
17 9) Plaintiff will never give up, can further amend with permission from The Court,  
18 can always appeal to a higher court where crooked Judges would become criminal  
19 Defendants, and Plaintiff can always appeal the lower court then return here, which  
20 would be a huge waste of time because state courts do not have jurisdiction.

21  
22 10) Plaintiff will send people to prison if this is not settled ASAP very possibly  
23 including the liar named Mr. Watson who repeats his truly conclusory and invalid  
24 arguments more than the Plaintiff repeats anything in the complaint(s), which is  
25 completely comprised of necessary statements.

1 **POINTS & AUTHORITIES:**

2  
3 In considering a Defendant's Motion to Dismiss, a judge must assume that every  
4 fact stated in the Plaintiff's complaint is true. The judge must then ask: if all those  
5 facts are true, is it plausible that Defendants violated the Plaintiff's rights? If any  
6 combination of the facts stated in the Plaintiff's complaint might qualify Plaintiff  
7 for any form of court action, then the judge is legally required to deny the  
8 Defendant's Motion to Dismiss. In making this decision, Courts are supposed to  
9 treat unrepresented parties more leniently than people who are represented by an  
10 attorney. In considering a Motion to Dismiss, a pro se complaint should be held to  
11 less strict standards than a complaint drafted by a licensed professional. Plaintiff is  
12 not making this stuff up and this information is easy to find with a simple web  
13 search. (Legal Website(s) & 42 USC § 1981 & 42 USC § 1983)

14 In the main body of the complaint, Plaintiff included brief and specific descriptions  
15 of what not only each Defendant did in relation to the allegations/causes of action,  
16 but also what most of the more than suspected John Does did and their connections  
17 to Defendants is described under seal in the attached Exhibit "52." The body of  
18 the complaint is realleged within statements pertaining to each cause of action  
19 where the elements of each legal assertion are alleged with basic facts thereby  
20 forming successful statements of each claim. Plaintiff was going to highlight the  
21 specific paragraphs in the complaint relating to each Defendant and Cause of  
22 Action but did not have enough time complete a more detailed indexing; however,  
23 enough information has been presented for any educated adult, attorney, or judge  
24 to make logical connections unnecessary of deductions.

25  
26 Defendant's Chase's Motion to Dismiss is once again full of fluff fishing for false  
27 justification to sweep their dirt under the rug while attempting to produce  
28 something that appears legitimate to others unable to decipher the legal trickery.

1 The Defendant's entire Motion to Dismiss the First Amended Complaint is a farce.  
2 The Judge said to remove redundant and repetitive details, but every statement in  
3 the complaint is relevant to both this case and foreseen future litigation. Chase's  
4 attorney is the truly redundant and unnecessarily repetitive liar making the same  
5 false assertions.

6  
7 **RESPONSE TO MOTION'S BACKGROUND:**

8  
9 Defendant Chase motioned to dismiss all claims under Rules 8 and 12(b)(6) for the  
10 following separate and independent reasons, each of which are followed with a  
11 much more dominant Plaintiff's rebuttal:

12 1) Defendant is wrong to state Plaintiff's FAC and all causes of action against  
13 Chase are barred by res judicata. Plaintiff is alleging that Defendant Chase is  
14 equally as accountable for all causes of action through RICO Conspiracy, which  
15 along with RICO are new claims against this Defendant. Paragraphs 90-162 in the  
16 FAC cover ongoing and new violations since filing in Superior Court. Even if res  
17 judicata were valid, which is certainly is not, it would not cover any of these new  
18 violations or the domain name related violations. RES JUDICATA IS NOT A  
19 LICENSE TO KEEP COMMITTING THE SAME CRIMES. More than the first  
20 half of this complaint is new, the domain name fraud part of the complaint was  
21 never dismissed with prejudice, the Defendants are different, and so is the main  
22 claim being RICO. That does not even include daily violations since filing this  
23 case 10 months ago.

24  
25 2) Defendant Chase is wrong to say Plaintiff's FAC also fails to state any valid  
26 cause of action against Chase because Plaintiff has successfully stated all claims  
27 and it only takes the possibility of one to move forward. Plaintiff also ran out of  
28 time and alleges that Defendant Chase conspired with the racketeering enterprise,

1 which is affirmative to Plaintiff based on harassing name hack selection of  
2 attorneys based on the names of individuals identified under seal in Exhibit “52,”  
3 and which should be obvious to the judge, plus names could not have been known  
4 to Chase without direct participation in the criminal racket. This new allegation  
5 supported by evidence and relevant causes of action should void res judicata on  
6 their own merit.

7  
8 3) Defendant Chase is wrong to state that Plaintiff has not sufficiently pled malice,  
9 fraud or oppression to support his claim for punitive damages. Plaintiff pled  
10 multiple forms and instances to support claims for punitive damages based on  
11 fraud, malice, oppression, and RICO/conspiracy, and can further plead for  
12 damages, but at this point it is really about Plaintiff having at least one reasonable  
13 claim for court action.

14 4) Defendant Chase is wrong to state that Plaintiff has not met the minimum  
15 pleading standards of Rule 8 because Plaintiff has gone far beyond the minimum  
16 and can keep going. Plaintiff further alleges that Chase's main attorney is a liar  
17 and should be consider by the Court to be committing perjury.

18  
19 Although Plaintiff added 55 paragraphs to the FAC and has now asserted two  
20 additional causes of action (for a total of 22 separate claims for relief), Plaintiff did  
21 not have enough time to complete his pleading and could also improve on  
22 Oppositions. The original complaint alleges new allegations against Chase being  
23 all 22 sperate claims under RICO and RICO Conspiracy, none of which should be  
24 barred by res judicata not only because RICO is a different crime not charged in  
25 Superior Court. Plaintiff can easily and substantively amend more allegations  
26 against Chase if necessary and granted permission to further amend the complaint.  
27 If Plaintiff did not properly state a claim for RICO before, he certainly did now,  
28 and that should change everything. As against Chase, their attorney is a clearly a

1 liar with seriously frivolous and conclusory statements not limited to regarding  
2 alleged incapability of amending, and the entire FAC, all 69 exhibits, plus this  
3 opposition must be fully considered as against Chase, with further leave to amend  
4 if necessary, but that would be another redundant waste of our time. Furthermore,  
5 there is a huge difference between being incapable and not having enough time  
6 where the timing of filing the FAC and corrected FAC support the fact that  
7 Plaintiff used every minute he had to amend.

8  
9 In addition, the FAC, even when not read under the most generous pleading  
10 standard given Plaintiff's pro per status, contains sufficient facts to support all  
11 causes of action specifically against Chase as referenced in response to Defendants  
12 invalid arguments against each cause of action. Accordingly, the FAC succeeds in  
13 stating claims against Chase for the following separate and independent reasons:

14 **First:** The FAC is not barred by the outrageous lie of res judicata.

15  
16 **Second:** Plaintiff not only alleged/pled all necessary elements with facts to support  
17 all claims against all Defendants, but the FAC succeeds in stating a multitude of  
18 valid claims against Chase.

19  
20 **Third:** Plaintiff's claims are based upon federal criminal statutes with private civil  
21 rights of action and both state and federal laws, some of which do not have private  
22 civil remedies on their own, but they can be used to have criminal Defendants  
23 arrested. Plaintiff is not seeking civil remedies for all predicate RICO crimes, but  
24 is required to plead some of them as prerequisites of RICO and the others for  
25 purpose of possibly holding Defendants accountable for criminal actions where  
26 justice is being obstructed by corrupt authorities playing into the racketeering  
27 enterprise. Plaintiff believes RICO laws were created for this purpose.

1 **Finally:** Plaintiff has sufficiently pled more than malice, FRAUD or oppression to  
2 support his claim for punitive damages and specifically cited laws with civil  
3 remedies for which Plaintiff seeks relief mostly based on violations of RICO  
4 covering all claims, which is both a crime in itself, and a claim that Plaintiff did  
5 not even know existed when filing in Superior Court, so it is asinine to say RICO is  
6 barred by res judicata. Plaintiff would have checked the RICO box rather than the  
7 “Intentional Tort” box on the Superior Court civil case form if this were the same  
8 claim.

9  
10 For these reasons, which are discussed above and in further detail below, Plaintiff  
11 respectfully requests that The Court DENY Chase’s Motion to Dismiss. Plaintiff  
12 has hardly had two “bites at the apple,” is still starving for justice, can further  
13 amend with permission from The Court, and criminal Defendants must be held  
14 accountable for their actions.

15 \*Plaintiff increased damages from \$10 billion to \$100 billion because there are  
16 new parties/more Defendants, they are causing more problems, exacerbating  
17 preexisting damages, and must be punished for worse than intentionally neglecting  
18 their responsibilities and dragging this out. Plaintiff differentiated between  
19 allegations pertaining to acts or omissions of individual Defendants in the main  
20 body of the complaint and exhibits, did not previously have enough time to  
21 reference the specific paragraphs in the causes of action section, but did have time  
22 to add that information to this Opposition and can further amend if necessary. It is  
23 also noteworthy that Alphabet alone (as an example of all Defendants with JPM  
24 Chase in the same league) just reported profits of nearly \$10 billion this quarter  
25 and Defendants have essentially stolen more than all of Plaintiff’s money while  
26 mostly defrauding him of the ability to generate income and live a normal life for  
27 more than a decade. Perhaps Plaintiff is not asking for enough to return damage  
28 Defendants are alleged to have caused.



1 **RESPONSE TO MOTION’S FACTS SUBJECT TO JUDICIAL NOTICE:**

2  
3 Defendant Chase is correct in mentioning that Plaintiff filed a form complaint  
4 against Chase in the State Court Action alleging causes of action for an  
5 “intentional tort” and “other” causes of action (without specifying the nature of the  
6 “other” alleged causes of action) and in that complaint, Plaintiff alleged that he  
7 suffered wage loss, loss of use of his property, general and other damages.  
8 Plaintiff sought both compensatory and punitive damages. Although it was a form  
9 complaint, Plaintiff included the following statement to support his causes of  
10 action:

11 "JPMorgan Chase & Co. is causing damages through their intentional, fraudulent,  
12 and criminal conspiracy to sabotage both personal life and business. Chase  
13 illegally terminated my business checking account without notice, is withholding  
14 the money, fraudulently charging my credit card interest, suspected of having  
15 employees share my private banking information, engaged in employment  
16 fraud/discrimination, is wasting my precious time, and to top it all off is trying to  
17 con me into signing an indemnity agreement so I cannot sue for violation of my  
18 rights." These statements are included in this Complaint through the attachment of  
19 the other case as an Exhibit, but the problems and violations have evolved, the  
20 Defendants are different, and there are new charges with new evidence.

21  
22 Plaintiff did not file an Opposition to the demurrer and the Los Angeles Superior  
23 Court sustained the demurrer without leave to amend and dismissed Plaintiff’s  
24 case, with prejudice, based on that ruling, but only because justice was obstructed  
25 through entrapment and false imprisonment of the Plaintiff. The violations  
26 evolved, and state court no longer has proper jurisdiction, so there is no point in  
27 appealing or suing under state law.

1 This court should not have preemptively granted motions to dismiss. Plaintiff took  
2 advantage of the opportunity to amend and corrected as much as possible without  
3 enough time to file something that could not be further improved. Filing a FAC is  
4 supposed to bring the case back to ground zero, so the “one opportunity” part of  
5 the previous judgement is irrelevant, especially given Federal Rules of Civil  
6 Procedure that say more than one amendment can be permitted with permission  
7 from the Court who must favor the victim and unexperienced/justice obstructed  
8 Plaintiff In Pro Per.

9  
10 This is no simple/short complaint, nor is it supposed to be, and that statement is  
11 supported by other lengthy RICO complaints which were attached as evidence.  
12 This complex complaint covers more than 10 years of alleged criminal actions  
13 committed by Defendants trying to overload Plaintiff with so many problems that  
14 he would not be able to defend himself, and without looking crazy, which simply is  
15 not the case because the Plaintiff is an honestly stable and head strong genius who  
16 fully believes in mind over matter. Plaintiff lost sleep and business putting in as  
17 much time as possible into both the original Complaint and FAC, and Plaintiff still  
18 needs amend for purpose of converting John Doe(s) to Defendants and possibly to  
19 add more facts after Discovery of information that would have been obtained  
20 through subpoenas that should not have been quashed.

21 Plaintiff spent the first two weeks of amending time seeking legal help, but  
22 Defendants obstructed justice in seeking representation again, so Plaintiff once  
23 again had to do everything himself. Additionally, Defendants are still obstructing  
24 justice in acquiring proper support from Public Counsel/Pro Se Clinic. Plaintiff  
25 previously mentioned that there is more evidence of recent violations and he has  
26 more allegations to add where new problems being caused by Defendants have  
27 been incessant and evolving. Additionally, in the amended complaint, Plaintiff  
28 mentioned that he basically had to retype/format the long complaint, and working

1 from a draft, due to lack of resources not limited to software, hardware, money,  
2 and time while conducting other business and working odd jobs to stay afloat.

3  
4 No unexperienced and justice obstructed pro se litigant on the planet could have  
5 perfected this Complaint without proper resources and only one amendment, but  
6 that does not mean it cannot be or has not been done, by this Plaintiff, nor should  
7 anyone be disqualified from seeking justice when the only defense is correctable  
8 pleading technicalities. The facts remain that Defendants are not denying the  
9 accusations and ruling in favor of the Defendants' Motions to Dismiss would not  
10 binding, but rather an intentional waste of Plaintiff's time and resources, and a  
11 completely criminal act by a judge who can easily deduct combinations of facts  
12 that easily might qualify Plaintiff for court action.

13 This Opposition demonstrates that Plaintiff is fully capable of improving the  
14 complaint and making it meet any legal standards if it does not already. Defendant  
15 Chase's attorney fails to recognize all of Plaintiff's amendments. The FAC not  
16 only removed grammar errors, but it also added a new statement of the claim to the  
17 beginning of the FAC, retitled/classified references to the original nucleuses of  
18 facts as "background" because there are enough new violations to file a RICO  
19 claim completely based on new allegations, removed conclusory statements to the  
20 point where any overlooked conclusory statements should only be considered  
21 allegations, completely amended the causes of action section to include allegations  
22 of each element of all causes of action with basic facts and added  
23 statements/references to laws which entitle Plaintiff to relief, and included a few  
24 new exhibits while mentioning that more can be provided. Plaintiff now has an  
25 editable version of the FAC and can much more easily continue to improve the  
26 pleading. There is no legitimate or legal reason for The Court to deny leave to  
27 amend. Dismissing this case would be a criminal violation by the Judge.

1 **RESPONSE REGARDING ALLEGATIONS IN THE COMPLAINT:**

2  
3 As required for a motion to dismiss, Chase recites many of allegations in the FAC  
4 that are relevant to the motion, but completely fails to recognize the new claim of  
5 RICO violations and the fact that Defendants are being held accountable for all  
6 claims through conspiracy. When Plaintiff alleges claims against “All  
7 Defendants,” those are specific references, which include Defendant Chase.

8  
9 In short, Plaintiff is again alleging that Chase: (1) violated RICO, (2) conspired  
10 with a criminal enterprise to commit RICO violations, (3) is responsible for all  
11 predicate crimes through conspiracy, (4) illegally "terminated" (repetitive word  
12 hack used by criminal enterprise in their attacks) banking account(s), (5) "STOLE"  
13 not simply "withholding" money, (6) tried to obstruct justice in attempt to con  
14 Plaintiff to signing an indemnity agreement and (7) is engaging in employment  
15 discrimination (based on age/birth order and religion). These are not identical to  
16 the allegations made and dismissed in the State Court Action. The problems have  
17 evolved, new relevant violations have occurred, and there is new evidence  
18 affirmatively linking Chase to greater federal crimes that absolutely are not barred  
19 by res judicata. These allegations are admittedly similar, but also very distinct  
20 from those set forth in Plaintiff’s primary Complaint(s), and all things must be  
21 considered and/or reconsidered.

22 **RESPONSE TO STANDARD FOR A MOTION TO DISMISS:**

23  
24 Everything filed in this case must be considered and if there was not a cognizable  
25 legal theory before, then this document serves to connect the dots and fill in any  
26 blanks with sufficient facts alleged under cognizable legal theories.

1 The court must accept as true the allegations of the complaint and must construe  
2 those allegations in the light most favorable to the victim and Plaintiff In Pro Per.  
3 There are absolutely no unreasonable inferences or unwarranted deductions of  
4 facts in this complaint, and Plaintiff removed conclusory legal allegations cast in  
5 the form of factual allegations to the point where all allegations should not be  
6 considered conclusory. A complaint attacked by a Rule 12(b)(6) motion to dismiss  
7 does not need detailed factual allegations and Plaintiff is proving the 'grounds' of  
8 'entitle[ment] to relief' with more than labels and conclusions, and a formulaic  
9 recitation of the elements of a cause of action. Defendants are intentionally  
10 ignoring the facts not limited to in the main body of the complaint and they are  
11 trying to pass off their official looking motion in attempt to play the people and the  
12 Plaintiff. Opposition clarifies the connections Defendants and the Judge should be  
13 able to easily recognize through deductive reasoning. Plaintiff alleges all the  
14 elements of a cause of action in the causes of action section of the FAC with more  
15 than support of mere conclusory statements and reference to the main body of the  
16 complaint, which goes beyond the requirements through the attached evidence.

17 Plaintiff alleged more than all the essential elements of each claim not initially  
18 pled. Plaintiff's claims do not fall short of basic pleading requirements, but rather  
19 Defendant attorney fails to have any deductive reasoning skills where any  
20 combination of statements throughout the entire complaint can qualify this case to  
21 move forward. Moreover, Plaintiff maintains the claims were successfully stated.

22  
23 **NO DEFENDANTS SHOULD DISMISSED UNDER RES JUDICATA!**

24  
25 Claiming res judicata a ridiculous amount of times in the motion to dismiss does  
26 not change the facts already covered by the Plaintiff in this opposition.

1 Under both state and federal law, the doctrine of res judicata prevents piecemeal  
2 litigation by barring a plaintiff from splitting a single cause of action or re-  
3 litigating the same cause of action on a different legal theory. RICO and the  
4 combination of all causes of action in this case are a far cry from an "intentional  
5 tort" based on money being stolen from Plaintiff's illegally terminated account. 1)  
6 The issues decided in the prior adjudication are not identical to the issues raised in  
7 the present action, (2) the prior proceeding resulted in a judgment that is not  
8 binding because it can be simply appealed, which would be a complete waste of  
9 time because state courts do not have subject matter jurisdiction over the federal  
10 causes of action, and (3) the parties against whom the plea is raised are not the  
11 same as the prior adjudication. This claim is against a criminal enterprise not  
12 limited to the bank. These new claims are much more serious with multiple and  
13 new nucleuses of common facts that simply were not and could not be addressed at  
14 the time in Superior Court.

15 **A. FAC Presents MORE Causes of Action than the case in State Court.**

16  
17 Action under federal and state law, determination of a "cause of action" for res  
18 judicata purposes is based upon the harm suffered, as opposed to the legal theory  
19 asserted by the litigant. Plaintiff's FAC, just as with his original Complaint in this  
20 action, is not based upon facts "identical" to the State Court Action. The core  
21 allegations are not the same: Yes, Chase allegedly wrongfully "terminated"  
22 Plaintiff's bank account(s), stole money, wrongfully tried to coerce Plaintiff into  
23 signing a justice obstructing indemnity agreement and engaged in employment  
24 discrimination based on age and religion, but this case is mostly about their  
25 conspiring with a criminal enterprise that is alleged to have committed a multitude  
26 of violations, all of which Chase is being held accountable for, which is why this  
27 case is brought under the main claim of RICO and not simply "intentional tort,"  
28 theft, fraud, and/or employment discrimination.

1  
2 Plaintiff admits that the FAC and the State Court Action are based on some of the  
3 same set of facts and occurrences, but it now makes sense to refile as a single new  
4 case because of new violations, new facts and evidence, which positively link the  
5 bank to RICO/conspiracy thereby completely voiding res judicata. There can be  
6 no doubt that the causes of action in the instant matter and the State Court Action  
7 not identical. Furthermore, Judge Mumm filed statements saying the claims and  
8 parties are different and more harm has been suffered not only through  
9 exacerbation of the original damages, but also by problems related to new  
10 assertions.

11 **B. The State Court Action Was Only Dismissed Because Plaintiff Missed**  
12 **Court Due to Extraordinary Circumstances (Exception to Res Judicata)**  
13

14 Under federal and state law, an order of dismissal for failure to state a claim is a  
15 decision on the merits for res judicata purposes. Chase's demurrer to the  
16 complaint in the State Court Action was based on Plaintiff's failure to state a claim  
17 upon which relief could be granted. In sustaining the demurrer without leave to  
18 amend, the court found that "it does not appear that Plaintiff can cure the defects in  
19 his pleadings," which was clearly a conclusory and erroneous statement. The case  
20 was subsequently, preemptively, and wrongfully dismissed with prejudice by the  
21 court based upon that ruling. Plaintiff has properly stated unidentical claims, is  
22 asserting new ones, and most importantly, the extraordinary circumstances of  
23 being falsely imprisoned by Defendants is possibly the best reason for exception to  
24 res judicata; extraordinary circumstances being a common exception recognized by  
25 courts higher than Superior Court.

26 **C. The Same Parties Were NOT Litigants in Both Cases.**  
27  
28

1 Plaintiff is not simply just suing Chase. Plaintiff is taking legal action against an  
2 entire criminal enterprise. It is a complete lie to claim the parties are the same.  
3 Chase's attorney is obviously a perjurer and justice obstructor who should be both  
4 arrested and disbarred. Accordingly, Plaintiff's RICO claims are not even close to  
5 barred by res judicata and Plaintiff's FAC should not be dismissed as against  
6 Chase or any other Defendant, and there should be leave to amend not only if this  
7 document is not sufficient for raising even more allegations, but also because there  
8 are John Does who need to be served.

9 **FAC STATES VALID CLAIMS AGAINST ALL DEFENDANTS:**

10  
11 Separate and apart from the bogus res judicata argument, Plaintiff has alleged facts  
12 sufficient to constitute multiple causes of action against Chase. All twenty-two  
13 causes of action asserted against "ALL DEFENDANTS" INCLUDING CHASE  
14 have the same factual basis, which are their violations of the RICO Act. Chase's  
15 attorney is apparently an illiterate liar who keeps repeating the same invalid  
16 arguments as if he did not read the first page(s) of the complaint(s). Chase's  
17 attorney, Mr. Watson, is so focused on the invalid claim of res judicata that he is  
18 overlooking the main cause of action. Mr. Watson is not only wrong, but he must  
19 be hoping to get lucky again, for Plaintiff to mess up, not file opposition, or be  
20 unable to competently respond. Plaintiff obviously has a much higher IQ.

21  
22 \*Plaintiff properly stated all claims against all Defendants. Defendant attorneys,  
23 specifically Mr. Watson, are flat out lying. The amended complaint alleges every  
24 element for each cause of action and the main body of the complaint further states  
25 more than minimum required details. Plaintiff did not have enough time to  
26 properly index and reference each paragraph in either the original or amended  
27 complaint, but that should not matter because if any combination of facts stated in  
28 Plaintiff's complaint might qualify Plaintiff for any form of court action, then the



1 judge is legally required to deny Defendants' Motions to Dismiss. The following  
2 and completed COA paragraphs should not need to be further amended, but only  
3 recognized to prove all claims were stated successfully.

4  
5 \*Plaintiff can easily and verbally explain how the claims are related to each  
6 paragraph. Plaintiff not only provided more than enough information to state the  
7 following claims, but also attached 69 Exhibits containing more clear and  
8 convincing facts and evidence.

9  
10 \*Paragraphs with dollar sign "\$" next to paragraph number are specific to  
11 Defendant JPMorgan Chase & Co./Bank who must also be held accountable for all  
12 causes of action through alleged involvement in the RICO Conspiracy.

13  
14 \*There are so many instances/counts of most of these violations that it makes most  
15 sense to have organized the complaint this way, or Plaintiff truly would have been  
16 repeating himself, which was not a fair assessment, and the complaint would be  
17 somewhere between a hundred and hundreds of pages longer.

18 **A. Plaintiff's Claim for "RICO Violation" (1st Cause of Action) is**  
19 **PERFECTLY PLED against ALL DEFENDANTS including Chase.**

20  
21 "To **state a [Civil RICO] claim**, a Plaintiff must allege (1) that the Defendant  
22 received money from a pattern of racketeering activity, (2) invested that money in  
23 an enterprise, (3) the enterprise affected interstate commerce, and (4) an injury  
24 resulting from the investment of racketeering income distinct from an injury  
25 caused by the predicate acts themselves." Johnson v. GEICO Cas. Co., 516 F.  
26 Supp. 2d 351 (D. Del. 2007).

1 Plaintiff alleged all four of those points in the very beginning of the FAC and  
2 properly pled the prerequisite predicate acts. **“STATEMENT OF CLAIM;  
3 RICO: (Also See Counts 1 & 2; Section “VI”) iv.** Plaintiff alleges that through an  
4 obvious pattern of racketeering activity, conspiring Defendants have been  
5 defrauding the Plaintiff of civil rights, life/time, money, relationships, and  
6 interstate to intergalactic business. Defendants received money from this pattern  
7 of racketeering activity, invested money into the enterprise, related business and  
8 crime affects interstate commerce, and injury not limited to market dilution  
9 resulting from the investment of racketeering income distinct from an injury  
10 caused by the predicate acts themselves have been causing major problems for the  
11 Plaintiff. Defendants, their criminal enterprise, and racketeering activity have  
12 directly and indirectly caused serious injury and irreparable damage to the  
13 Plaintiff.”

14  
15 Furthermore, facts supporting those allegations are mentioned throughout the body  
16 of the complaint. Specific references include but are not limited to what is  
17 referenced through the conspiracy cause of action. Plaintiff also specified his right  
18 to civil remedies in the causes of action section for the primary claim of RICO.

19  
20 In attempt of unfairly discrediting the claim, Defendant cited different case law as  
21 follows: “To state a RICO violation under 18 U.S.C. § 1962(c), Plaintiff must  
22 plead that each defendant participated in “(1) the conduct of (2) an enterprise that  
23 affects interstate commerce (3) through a pattern (4) of racketeering activity or  
24 collection of unlawful debt. In addition, the conduct must be (5) the proximate  
25 cause of harm to the victim.” Eclectic Props. E., LLC v. Marcus & Millichap Co.,  
26 751 F.3d 990, 997 (9th Cir. 2014). To show the existence of an enterprise under  
27 the second element of the RICO statute, Rope must plead that the enterprise has (a)  
28 a common purpose, (b) a structure or organization, and (c) longevity necessary to  
accomplish the purpose. Boyle v. United States, 556 U.S. 938, 946 (2009).”

OPPOSITION TO DEFENDANT CHASE’S MOTION TO DISMISS 1<sup>ST</sup> AMENDED COMPLAINT

1  
2 Plaintiff already pled and can easily further plead all such facts: 1) & 2) Both  
3 Plaintiff's and Defendant's businesses is conducted not only across multiple states,  
4 but also internationally, 3) & 4) The complaint is loaded with references to the  
5 "recognizable pattern of racketeering activity," and 5) the conduct of the criminal  
6 enterprise directly caused damages to Plaintiff. a) The common purpose of the  
7 enterprise was to defraud the Plaintiff of business, money, life and liberty. b) With  
8 exception to the obvious Defendants, the structure of the organization is detailed  
9 mostly in under seal in Exhibit "52," c) and this has been going on more than years  
10 long enough to accomplish their purpose.

11 Defendants are contradictorily trying to get this case dismissed by throwing as  
12 much bullshit at the Court as possible. The originally claimed that statements were  
13 not simple enough, and not they are claiming that "Plaintiff simply asserts"  
14 sabotage and control his business and personal life. Plaintiff further alleged that  
15 Defendants' "common purpose" was to defraud Plaintiff of money and human/civil  
16 rights. "However, Plaintiff does not explain how Defendants worked with one  
17 another to form an enterprise," which is a complete fabrication. Plaintiff covers  
18 the methods used to spy on and attack Plaintiff throughout the complaint while also  
19 explaining the pattern of racketeering activity that make the conspiracy obvious.  
20 Plaintiff did not simply label a group of corporations the "Bad Karma Enterprise,"  
21 or state conclusory allegations insufficient to support the existence of an enterprise,  
22 but Plaintiff identified each group and almost all known members of the enterprise  
23 by name and connection under seal. Plaintiff offered to share this information with  
24 Defendant attorneys who incompletely neglected said facts and evidence.

25  
26 Plaintiff's Complaint and evidence are full of factual allegations supported by clear  
27 and convincing evidence supporting this claim not only against Chase, but against  
28

1 ALL DEFENDANTS. For these reasons, Plaintiff's claim for alleged RICO  
2 violations SUCCEED and are not subject to dismissal without leave to amend.

3  
4 **NOT TRYING TO BE AS REPETITELY REDUNDANT AS DEFENDANT**  
5 **ATTORNEY IN RESPONSE TO EACH LINE OF DEFENDANT'S FLUFF**  
6 **FILLED MOTION, BUT ONCE AGAIN: MR. WATSON IS LYING!**

7  
8 Main Claim of RICO is Stated @ FAC ¶¶ "iii" to "x" and @ Causes of Action  
9 Section: Claim 1: Violations of RICO - 18 USC § 1962(a)(c) (Against All  
10 Defendants) - Successfully Stated @ FAC ¶¶ 163-172 (claim stated with all  
11 elements alleged, reference to laws, civil remedies, contains some specifics and  
12 realleges/references body of complaint containing more facts and evidence;  
13 predicate crimes fulfilling prerequisite elements stated separately in the COA  
14 section)

15 References to Specific Paragraphs & Possible Amendment:

16 COUNT ONE: Violations of RICO - 18 USC § 1962(a)(c) – FAC ¶ 163. Plaintiff  
17 re-alleges and restates paragraphs "i" through 365; with no specific reference to  
18 individual paragraphs because this main claim is more complicated than others not  
19 only because of the required predicate crimes, but the entire complaint is also filled  
20 with references to the racketeering activity, which all Defendants directly  
21 participated in.

22  
23 **B. Plaintiff's Claim for "RICO Conspiracy" (2nd Cause of Action) Succeeds**  
24 **Under 18 U.S.C. § 1962(d)**

25  
26 It is unlawful to conspire to commit a violation of the RICO statute. If a plaintiff  
27 does not sufficiently allege a substantive RICO violation, the claim for conspiracy  
28 under 18 U.S.C. § 1962(d) fails as well. Yagman v. Gabbert, 684 F. App'x 625,

1 627 (9th Cir. 2017). As discussed above, Plaintiff has not alleged a substantive  
2 RICO violation and thus fails to allege a RICO conspiracy under 18 U.S.C. §  
3 1962(d). This claim also fails and is subject to dismissal without leave to amend.

4  
5 Claim 2: RICO/Conspiracy - 18 USC §§ 1962(d) & 1349

6 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 173-180 (claim stated  
7 with all elements alleged, reference to laws, establishment of liability to all  
8 Defendants for all claims, realleges/references body of complaint containing  
9 specific facts and evidence)

10 References to Specific Paragraphs & Possible Amendment:

11 COUNT TWO: RICO/Civil Conspiracy - 18 USC §§ 1962(d) & 1349 – FAC ¶  
12 173. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific  
13 reference not limited to paragraphs 57, 69, 76, 80, 81, 83, 84, 85, 86-88, 93, 104,  
14 112, 113, 116-118, 122, 127, 129-131, 134, 137-139, 141, 143, 147-150, 159, and  
15 161 because the conspiracy part of the main claim is also more complicated than  
16 others because it directly involves all Defendants and the entire complaint is filled  
17 with references to the pattern of racketeering activity, which makes the conspiracy  
18 very obvious.

19  
20 **C. Plaintiff's Claims for "Fraud" (3rd Cause of Action), "Computer Fraud"**  
21 **(4th Cause of Action), "Wire Fraud" (5th Cause of Action) and "Mail Fraud"**  
22 **(6th Cause of Action) Succeed**

23  
24 Plaintiff sufficiently alleges various fraud claims for several reasons. Initially,  
25 Plaintiff meets the heightened pleading requirements for fraud and Defendant  
26 attorney is neglecting the entire body of the complaint. Plaintiff's pleading with  
27 attached evidence is more than "specific enough to give defendants notice of the  
28 particular misconduct which is alleged to constitute the fraud charged so that they

1 can defend against the charge and not just deny that they have done anything  
2 wrong.” Plaintiff included an exhibit timeline, which is “an account of the time,  
3 place, and specific content” of all claims. Plaintiff explained “what is false or  
4 misleading...and why” in the body of the complaint; false and misleading social  
5 media statistics and domain name registration information, etc. Plaintiff’s  
6 allegations are “allegations” more than conclusory and any broad factual  
7 allegations are accompanied by a general timeline and, thousands of screen shots  
8 are available, all of which are encoded with “time, place, specific content of the  
9 false misrepresentations” and “the identities of the parties to the  
10 misrepresentations”, and in most cases it is obvious “what is false and misleading  
11 about the statements.” There have been so many violations that giving the details  
12 for every single one would be pointless, redundant, and is unnecessary, especially  
13 at this point. Plaintiff has provided more than enough information covering all of  
14 the allegation and elements. Plaintiff alleges that Defendant attorney is a liar and a  
15 fraud. Thus, Plaintiff successfully meets the heightened pleading standard for  
16 fraud.

17 Further, Plaintiff successfully sets forth individual allegations of fraud for most  
18 Defendant and they are all to be held liable through conspiracy. “Rule 9(b) [may]  
19 not allow a complaint to merely lump multiple defendants together,” but the  
20 conspiracy law cited above basically does. Thus, a complaint must not be  
21 dismissed because it succeeds to set forth enough of the Defendants’ alleged  
22 participation in the fraudulent scheme through conspiracy and under RICO.  
23 Plaintiff has successfully set forth each Defendants’ alleged participation in the  
24 fraudulent scheme, the conspiracy, and RICO. Plaintiff repeatedly lumps  
25 Defendants together because they form a criminal enterprise, succeeds in specifying  
26 which Defendant engaged in wrongdoings not only further referenced by  
27 paragraph below and under seal in Exhibit “52.”

1 As to the “computer fraud” claim, Plaintiff pled allegation that Defendants  
2 intentionally accessed a computer without authorization and thereby obtained  
3 information from that protected computer. Defendants are alleged to be doing  
4 more screen watching on computers and smart phones without permission to  
5 access those devices in that way, have stolen and leaked intellectual property  
6 containing trade secrets, and have used GPS to acquire information as to the  
7 location of the Plaintiff for purposes not limited to stalking. The complaint covers  
8 all of this. Plaintiff is mostly bringing civil action through RICO and general  
9 FRAUD where this pleading computer fraud is a predicate crime to meet the  
10 prerequisite elements of RICO. Plaintiff has provided and can provide more  
11 information which prove damages because of the violation. Not only are there  
12 specific facts supporting all claims, but there is also evidence, and no specifically  
13 as to Chase not limited to their conspiring with the racketeering.

14 Plaintiff pled and is pleading: (1) the formation of a criminal enterprise who have  
15 been scheming and conspiring to defraud Plaintiff and (2) that use of interstate  
16 business, remote computing technologies, and sabotage of  
17 Internet/communications were used in furtherance of the scheme. The Internet is  
18 based on wired communications and bounces communications around the country  
19 and world through access different servers and access points.

20  
21 Plaintiff alleges that mail fraud was used with specific intent to defraud Plaintiff of  
22 the domain name in dispute. Plaintiff recites the basic elements of the fraud claims  
23 and is not required to allege elements of wire or mail fraud with specific  
24 allegations regarding Chase’s alleged conduct because Chase is to be held liable  
25 through conspiracy, and it was very kind of Chase to provide solid evidence  
26 supporting those allegations thanks to their casting attorneys by name hack.

1 Claim 3: FRAUD - PEN § 470, 18 USC § 1001, CIV § 1710, CIV § 3294 (Against  
2 All Defendants) - Successfully Stated @ FAC ¶¶ 181-190 (claim stated with all  
3 elements alleged, reference to laws, civil remedies, contains specifics and  
4 realleges/references body of complaint containing more facts and evidence; also  
5 pleads fraud, malice, and oppression for punitive damages)

6  
7 Claim 4: Computer Fraud - 18 USC § 1030 (Against All Defendants) -  
8 Successfully Stated @ FAC ¶¶ 191-198 (claim stated with all elements alleged,  
9 reference to laws, civil remedies, contains specifics and realleges/references body  
10 of complaint containing more facts and evidence)

11 Claim 5: Wire Fraud - 18 USC § 1343 (Against All Defendants) - Successfully  
12 Stated @ FAC ¶¶ 191-204 (claim stated with all elements alleged, reference to  
13 laws, contains specifics and realleges/references body of complaint containing  
14 more facts and evidence)

15  
16 Claim 6: Mail Fraud – 18 USC § 1341 (Against All Defendants) - Successfully  
17 Stated @ FAC ¶¶ 205-209 (claim stated with all elements alleged, reference to  
18 laws, realleges/references body of complaint containing specific facts and  
19 evidence)

20  
21 Specific references to paragraphs alleging facts relevant to the following claims  
22 and how the complaint was meant to be written and how Plaintiff can further  
23 amend to specify such references as follows:

24  
25 References to Specific Paragraphs & Possible Amendment:

26 COUNT THREE: FRAUD - PEN § 470, 18 USC § 1001, CIV § 1710, CIV § 3294  
27 – FAC ¶ 181. Plaintiff re-alleges and restates paragraphs "i" through 365; with



1 specific reference to paragraphs 51-54, 56, 57, 61, 66, 69, 70, 72, 75, 76, 79, 82,  
2 89, 92, 93, 95, 96-98, 102, 105, 109, 110, 147-148, and 159.

3  
4 References to Specific Paragraphs & Possible Amendment:

5 COUNT FOUR: Computer Fraud - 18 USC § 1030 – FAC ¶ 191. Plaintiff re-  
6 alleges and restates paragraphs "i" through 365; with specific reference to  
7 paragraphs 56-58, 60, 61, 66, 76, 87, 97, 98, 100-102, 107, 116, and 123.

8  
9 References to Specific Paragraphs & Possible Amendment:

10 COUNT FIVE: Wire Fraud - 18 USC § 1343 – FAC ¶ 199. Plaintiff re-alleges and  
11 restates paragraphs "i" through 365; with specific reference to paragraphs x, 57, 58,  
12 61, 76, 86, 90, 96, 100, 101, 116, and 128.

13  
14 References to Specific Paragraphs & Possible Amendment:

15 COUNT SIX: Mail Fraud – 18 USC § 1341 – FAC ¶ 205. Plaintiff re-alleges and  
16 restates paragraphs "i" through 365; with specific reference to paragraphs 72, 61,  
17 69, 76, and 159.

18 Accordingly, the 3rd, 4th, 5th and 6th causes of action asserting claims for various  
19 species of fraud must not be dismissed and there should be leave to amend as  
20 against all Defendants and John Does including Chase.

21  
22 **D. California Penal Code and Federal Criminal Statutes Succeed in Asserting**  
23 **Cognizable Claims**

24  
25 Plaintiff is not seeking private rights of action and alleged violations of criminal  
26 statutes are not pled to serve as a basis for civil liability, but rather to link  
27 Defendants through conspiracy, for possibility or arrests, to as a prerequisite for  
28 RICO, which does have civil remedies that have been successfully pled.

1 Defendant attorney statements are wrong and do not affirm dismissal of any causes  
2 of action predicated on violations of the California Penal Code because these code  
3 sections are very relevant to the main claims. Additionally, California Penal Codes  
4 do provide a private right of action, because there is “at least [some] statutory basis  
5 for inferring that a civil cause of action of some sort lay in favor of someone.”  
6

7 Accordingly, as set forth below, there is private right of action for all of Plaintiff’s  
8 separately stated causes of action under RICO/conspiracy and none of these claims  
9 should be dismissed for any Defendant,  
10

11 **Third Claim: Fraud.** Plaintiff pled fraud in violation of California Penal Code §  
12 470 for purpose of possibly holding Defendants accountable for alleged criminal  
13 violations including 18 U.S.C. § 1001 for alleged corrupt conduct within the  
14 jurisdiction of the executive and judicial branches of the Government of the United  
15 States; specifically, regarding corrupt law enforcement, bad public defenders, and  
16 evil judges.

17 **Fifth Claim: Wire Fraud / Sixth Claim: Mail Fraud.** Plaintiff pled criminal  
18 counts of wire fraud and mail fraud in violation of 18 U.S.C. §§ 1341 and 1343  
19 both as requisite elements of RICO and for purpose of possible arrests of said  
20 criminals where justice is being obstructed.  
21

22 **Seventh Claim: Criminal Threats.** Plaintiff pled criminal threats both as a  
23 requisite element of RICO and for purpose of possible arrests of said criminals.  
24 Furthermore, Plaintiff had to recently file a new police report for more that serious  
25 criminal threats in conspiracy with Defendants. Plaintiff is not seeking to recover  
26 damages directly from private right of action for criminal threats in violation of  
27 California Penal Code § 422.  
28

1 Claim 7: Criminal Threats - PEN § 422 (Against All Defendants) - Successfully  
2 Stated @ FAC ¶¶ 210-215 (claim stated with all elements alleged, reference to  
3 laws, contains specifics and realleges/references body of complaint containing  
4 more facts and evidence)

5  
6 References to Specific Paragraphs & Possible Amendment:

7 COUNT SEVEN: Criminal Threats - PEN § 422 – FAC ¶ 210. Plaintiff re-alleges  
8 and restates paragraphs "i" through 365; with specific reference to paragraphs 51,  
9 53, 55?, 61, 80, 108, 115, 129, and 130.

10 **Eighth Claim: Obscene, Threatening & Annoying Communications.** The  
11 threatening aspects of this claim also qualify it as a perquisite element of RICO  
12 which is the basis for civil liability for all criminal violations including but not  
13 limited to unlawful communication in violation of California Penal Code § 653m.  
14

15 Claim 8: Obscene, Threatening, & Annoying Communications - PEN § 653m  
16 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 215-221 (claim stated  
17 with all elements alleged, reference to laws, contains specifics and  
18 realleges/references body of complaint containing more facts and evidence)

19  
20 References to Specific Paragraphs & Possible Amendment:

21 COUNT EIGHT: Obscene, Threatening, & Annoying Communications - PEN §  
22 653m – FAC ¶ 216. Plaintiff re-alleges and restates paragraphs "i" through 365;  
23 with specific reference to paragraphs 51-57, 60, 61, 68, 84, 89, 91, 92, 95, 96-99,  
24 104, 106, 108, 114-116, 122, 129-131, and 139.

25  
26 **Ninth Claim: Stalking.** Stalking is a predicate crime of RICO because the act is  
27 perceived by the Plaintiff to be a threat on its own merit. There is a private right of  
28 action for threatening crimes through RICO including stalking in violation of Code

1 § 646.9. Threatening stalking (ex: 187 license plate stalking by dangerous drivers,  
2 and stalkers doing things like intentionally getting on the treadmill in front of  
3 Plaintiff with threatening statements written on the backs of their shirts) count as a  
4 prerequisite element of RICO.

5  
6 Claim 9: Stalking - PEN § 649(.9) (Against All Defendants) - Successfully Stated  
7 @ FAC ¶¶ 222-227 (claim stated with all elements alleged, reference to laws,  
8 contains specifics and realleges/references body of complaint containing more  
9 facts and evidence)

10 References to Specific Paragraphs & Possible Amendment:

11 COUNT NINE: Stalking - PEN § 649(.9) – FAC ¶ 222. Plaintiff re-alleges and  
12 restates paragraphs "i" through 365; with specific reference to paragraphs 56, 58,  
13 61, 76, 81, 106, 111, and 113-118.

14  
15 **Tenth Claim: Assault & Battery.** Assault and battery in violation of Code § 240  
16 and 242 are pled as perquisite and violent criminal elements of RICO for which the  
17 possibility of arrests should be left open because taking direct legal action against  
18 certain individuals while justice is being obstructed would put the Plaintiff's life in  
19 more immediate danger. There are private rights of action for these charges  
20 through RICO where Plaintiff much prefers to settle this matter civilly in this case  
21 without having to file against individuals and mostly for peace.

22  
23 Claim 10: Assault & Battery - PEN §§ 240 & 242 (Against All Defendants) -  
24 Successfully Stated @ FAC ¶¶ 228-235 (claim stated with all elements alleged,  
25 reference to laws, contains specifics and realleges/references body of complaint  
26 containing more facts and evidence)

1 References to Specific Paragraphs & Possible Amendment:

2 COUNT TEN: Assault & Battery - PEN §§ 240 & 242 – FAC ¶ 228. Plaintiff re-  
3 alleges and restates paragraphs "i" through 365; with specific reference to  
4 paragraphs 61, 74, 109-111, 123, and 127.

5  
6 **Eleventh Claim: Espionage / Twelfth Claim: Theft of Trade Secrets.** Violations  
7 of the Economic Espionage Act, 18 U.S.C. §§ 1831–39, which encompasses  
8 Plaintiff's claims for espionage and theft of trade secrets, are predicate crimes  
9 meeting requisite elements of RICO where there is certainly a private right of  
10 action, and these claims are also pled for possibility of arrests for serious  
11 allegations of life taking crimes.

12 Claim 11: Espionage - Economic & Personal - 18 USC § 1831 (Against All  
13 Defendants) - Successfully Stated @ FAC ¶¶ 236-240 (claim stated with all  
14 elements alleged, reference to laws, contains specifics and realleges/references  
15 body of complaint containing more facts and evidence)

16  
17 References to Specific Paragraphs & Possible Amendment:

18 COUNT ELEVEN: Espionage - Economic & Personal - 18 USC § 1831 – FAC ¶  
19 236. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific  
20 reference to paragraphs 56, 58, 60, 61, 67, 69, 80, 81, 84, 87, 90, 98, 100, 101,  
21 106, 113, 116, 118, and 128.

22  
23 Claim 12: Theft of Trade Secrets - 18 USC §§ 1832 & 1836 (Against All  
24 Defendants) - Successfully Stated @ FAC ¶¶ 241-246 (claim stated with all  
25 elements alleged, reference to laws, civil remedies, contains specifics and  
26 realleges/references body of complaint containing more facts and evidence)

1 References to Specific Paragraphs & Possible Amendment:

2 COUNT TWELVE: Theft of Trade Secrets - 18 USC §§ 1832 & 1836 – FAC ¶  
3 241. Plaintiff re-alleges and restates paragraphs "i" through 365; with specific  
4 reference to paragraphs 56, 67, 68, 80, and 90.

5  
6 **Thirteenth Claim: Obstruction of Justice.** This case addresses civil liability in  
7 the context of 18 U.S.C. §§ 1510 and 1513. Plaintiff has demonstrated that there is  
8 a statutory basis for inferring a private right of action as obstruction of justice is a  
9 predicate crime and requisite element of RICO, which has reference to civil  
10 liability.

11 Claim 13: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 (Against All  
12 Defendants) - Successfully Stated @ FAC ¶¶ 247-252 (claim stated with all  
13 elements alleged, reference to laws, contains specifics and realleges/references  
14 body of complaint containing more facts and evidence)

15  
16 References to Specific Paragraphs & Possible Amendment:

17 COUNT THIRTEEN: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 –  
18 FAC ¶ \*241.21\*. Plaintiff re-alleges and restates paragraphs "i" through 365; with  
19 specific reference to paragraphs 56, 58, 59, 67, 74, 75, 78, 79, 82, 83, \$84, \$85, 98,  
20 99, 126, 132, 137, 143, 145, and 146.

21  
22 **Fourteenth Claim: False Imprisonment.** The false imprisonment allegations  
23 connect Defendants to RICO violations through conspiracy. This is a private and  
24 criminal right of action against Defendants currently listed as John Does for false  
25 imprisonment in violation of California Penal Code § 236. This case addresses  
26 civil liability in the context of California Penal Code § 210.5 and Plaintiff has  
27 demonstrated that there is a statutory basis for inferring a private right of action  
28 and with reference to civil liability through conspiracy and under RICO.

1 Claim 14: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC § 1983  
2 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 253-259 (claim stated  
3 with all elements alleged, reference to laws, civil remedies, contains specifics and  
4 realleges/references body of complaint containing more facts and evidence)

5  
6 References to Specific Paragraphs & Possible Amendment:

7 COUNT FOURTEEN: False Imprisonment - 1240-1: PEN §§ 210.5, 236; 42 USC  
8 § 1983 – FAC ¶ 253. Plaintiff re-alleges and restates paragraphs "i" through 365;  
9 with specific reference to paragraphs 61, 79, 81-83, 87, 99, 109, and 130.

10 **Fifteenth Claim: Perjury.** There is a private right of action for perjury in  
11 violation of Penal Code § 118 through conspiracy and under RICO.

12  
13 Claim 15: Perjury –18 USC § 1621; CPC § 118(a) (Against All Defendants) -  
14 Successfully Stated @ FAC ¶¶ 253-264 (claim stated with all elements alleged,  
15 reference to laws, contains specifics and realleges/references body of complaint  
16 containing more facts and evidence)

17  
18 References to Specific Paragraphs & Possible Amendment:

19 COUNT FIFTEEN: Perjury –18 USC § 1621; CPC § 118(a) – FAC ¶ 260.  
20 Plaintiff re-alleges and restates paragraphs "i" through 365; with specific reference  
21 to paragraphs 82, LADOT Officer Lying On The Stand, Lying Court Doctors, and  
22 Lying Defendant Attorneys.

23  
24 **Sixteenth Claim: Robbery & Theft/Burglary.** There is a private right of action  
25 for robbery in violation of Penal Code § 211 under RICO, of which this count is a  
26 perquisite element. This case addresses civil liability in the context of California  
27 Penal Code § 484 or 458, and Plaintiff has demonstrated that there is a statutory

1 basis for inferring a private right of action and the complaint makes reference to  
2 civil liability for predicate crimes through RICO laws.

3  
4 Claim 16: Robbery & Theft/Burglary - 18 USC § 2113; PEN §§ 211, 484, & 458  
5 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 265-272 (claim stated  
6 with all elements alleged, reference to laws, contains specifics and  
7 realleges/references body of complaint containing more facts and evidence)

8  
9 References to Specific Paragraphs & Possible Amendment:

10 COUNT SIXTEEN: Robbery & Theft/Burglary - 18 USC § 2113; PEN §§ 211,  
11 484, & 458 – FAC ¶ 265. Plaintiff re-alleges and restates paragraphs "i" through  
12 365; with specific reference to paragraphs 79, 84, 86, 90, 92, 100, 101, 105, 106,  
13 126, and 133.

14 **Seventeenth Claim: Attempted Murder (Assault & Battery).** This case  
15 addresses civil liability in the context of 18 U.S.C. §§ 1113 and 113 because  
16 Plaintiff has demonstrated that there is a statutory basis for inferring a private right  
17 of action for both claims and predicate crimes and requisite elements of RICO,  
18 which in combination with respective statutes and the proper pleading of the  
19 Plaintiff refers to civil liability.

20  
21 Claim 17: Attempted Murder (Assault & Battery) - 18 USC §§ 1113 & 113;  
22 (Against All Defendants) - Successfully Stated @ FAC ¶¶ 273-280 (claim stated  
23 with all elements alleged, reference to laws, contains specifics and  
24 realleges/references body of complaint containing more facts and evidence)

25  
26 References to Specific Paragraphs & Possible Amendment:

27 COUNT SEVENTEEN: Attempted Murder (Assault & Battery) - 18 USC §§ 1113  
28 & 113 – FAC ¶ 273. Plaintiff re-alleges and restates paragraphs 1 through 365;



1 with specific reference to paragraphs 58, 61, 74, 81, 82, 109-112, 123, 127, 130,  
2 143, and 149.

3  
4 Furthermore, Plaintiff is not only pursuing private rights of action associated with  
5 all the above alleged criminal violations through conspiracy and mostly RICO, but  
6 the FAC is also completely full of clear and convincing facts and evidence in  
7 support of all claims against all Defendants through conspiracy to engage in said  
8 racketeering activities including but not limited to alleged violations committed  
9 directly by Chase. As such, none of the claims are all subject to dismissal without  
10 leave to amend.

11 **E. Plaintiff's Thirteenth Claim for "Obstruction of Justice" Separately**  
12 **Succeeds Under 42 USC § 1985**

13  
14 Plaintiff alleges that Defendants are interfering with his civil rights in violation of  
15 42 U.S.C. § 1985(2). Plaintiff properly stated a claim under § 1985(2) for  
16 conspiracy to deny equal protection of the laws, has been alleging facts sufficient  
17 to show that Defendants conspired against him based on many things not limited to  
18 membership in a protected class where all citizens should be protected. Plaintiff is  
19 a citizen of the United States and therefore is a member of a protected class, which  
20 should be a given, has alleged discrimination based on age and religion, but this is  
21 not about being a member of those groups, but rather not being a member of the  
22 opiate of the ageist masses; therefore, this claim succeeds.

23  
24 Claim 13: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 (Against All  
25 Defendants) - Successfully Stated @ FAC ¶¶ 247-252 (claim stated with all  
26 elements alleged, reference to laws, contains specifics and realleges/references  
27 body of complaint containing more facts and evidence)

1 References to Specific Paragraphs & Possible Amendment:

2 COUNT THIRTEEN: Obstruction of Justice - 18 USC §§ 1510, 1513, & 1985 –  
3 FAC ¶ \*241.21\*. Plaintiff re-alleges and restates paragraphs "i" through 365; with  
4 specific reference to paragraphs 56, 58, 59, 67, 74, 75, 78, 79, 82, 83, \$84, \$85, 98,  
5 99, 126, 132, 137, 143, 145, and 146.

6  
7 **F. Plaintiff’s Claim for “Defamation” (18th Cause of Action) Succeeds**

8  
9 Plaintiff properly pled allegations for claims of defamation including publication  
10 and oral statements that are false, defamatory, and unprivileged, which have a  
11 natural tendency to injure and caused special damage. Plaintiff’s claim succeeds  
12 on its face because, aside from a specific reference to doctors and their connections  
13 in the complaint and through exhibits filed under seal, he identifies Chase as a  
14 member of the criminal enterprise that conspired to frame and defame the Plaintiff.  
15 It does not matter if Chase directly defamed the Plaintiff, but their intentional name  
16 hack casting of attorneys should be viewed as an attempt to lure Plaintiff into a  
17 character frame trap through intent to misdirect him into complaining about things  
18 and defamatory frame. Substance of statements are further pled in the complaint  
19 and evidence. The most defaming falsities spawn from Defendants/John does  
20 trying to make the Plaintiff appear to be mentally ill. Corresponding statements  
21 were published in false malpractice court doctor reports and in emails specifically  
22 sent by an identified John Doe with the same name as Chase’s attorney, which  
23 happened before Plaintiff was entrapped and falsely imprisoned. Plaintiff’s FAC  
24 and attached exhibit “52” are completely loaded factual allegations that support  
25 this claim against Chase and Plaintiff can provide a copy of the referenced emails  
26 under seal. As such, this claim is not subject to dismissal.

1 Claim 18: Defamation - CIV §§ 44(a)(b); 45-46 (Against All Defendants) -  
2 Successfully Stated @ FAC ¶¶ 281-286 (claim stated with all elements alleged,  
3 reference to laws, contains specifics and realleges/references body of complaint  
4 containing more facts and evidence)

5  
6 References to Specific Paragraphs & Possible Amendment:

7 CAUSE OF ACTION EIGHTEEN: Defamation - CIV §§ 44(a)(b); 45-46 – FAC ¶  
8 281. Plaintiff re-alleges and restates paragraphs 1 through 365; with specific  
9 reference to paragraphs 59, 61?, 82, 93, 99, 107, 118, and 122.

10 **G. Plaintiff’s Claim for “Unfair Competition” (19th Cause of Action)**  
11 **Succeeds**

12  
13 In the complaint, which is all inclusive to claims for unfair competition, the  
14 Plaintiff pled unlawful, unfair, and fraudulent business acts and practices, all of  
15 which are unfair and deceptive, and some of which are untrue and misleading.  
16 Unfair business practices, which are fraudulent under the UCL because members  
17 of the public are likely to be deceived include but are not limited to all hacks  
18 regarding social web statistics such as like, view, and follower counts. In support  
19 of this claim, Plaintiff asserts not only that Defendants committed multiple illegal  
20 and unfair competition business acts, but the body of the complaint specifically  
21 mentions various illegal business-related acts. The FAC does identifies and  
22 specific alleges fraudulent business practices, and basis from which to conclude  
23 that any Defendant are deceiving the public in the main body of the complaint and  
24 attached evidence. To the extent Plaintiff is attempting to incorporate other claims  
25 as basis for some of the alleged fraudulent acts, the claim succeeds for the same  
26 reasons set forth elsewhere in this opposition. As such, this claim is not subject to  
27 dismissal without leave to amend.

1 Claim 19: Unfair Competition - CBPC § 17200-17210 Intentional Interference  
2 with Economic Relations (Against All Defendants) - Successfully Stated @ FAC  
3 ¶¶ 287-291 (claim stated with all elements alleged, reference to laws,  
4 realleges/references both body of complaint containing specific facts and evidence;  
5 also references all causes of action)

6  
7 References to Specific Paragraphs & Possible Amendment:

8 CAUSE OF ACTION NINETEEN: Unfair Competition - CBPC § 17200-17210  
9 Intentional Interference with Economic Relations – FAC ¶ 287. Plaintiff re-alleges  
10 and restates paragraphs “i” through 365; with specific reference to paragraphs 51-  
11 54, 56, 58-61, 67-69, 74, 76, 80-82, 84-85, 86, 87, 89, 91-93, 95, 96-98, 100-102,  
12 105-107, 109-111, 113-119, 121-123, 126-131, 133, 143, and 159.

13 **H. Plaintiff’s Claim for “Intentional Infliction of Emotional Distress” (20th**  
14 **Cause of Action) Succeeds**

15  
16 Plaintiff pled extreme and outrageous conduct by Defendants who obviously have  
17 the intention of causing, with reckless disregard of the probability of causing, more  
18 than just emotional distress. Plaintiff's suffering severe or extreme emotional  
19 distress is documented in the complaint including evidence and actual and  
20 proximate causation of the emotional distress could not have been caused by  
21 anything other the Defendants’ outrageous conduct. Defendant’s conduct is so  
22 outrageously extreme that it by far exceeds all bounds of that usually tolerated in a  
23 civilized community, which is why laws were written to protect citizens from this  
24 conduct, all of which have been perfectly pled. The Defendants’ conduct is  
25 directly targeted at the Plaintiff and with Defendant intent to inflict serious injury  
26 or with complete realization that injury would result. Liability for intentional  
27 infliction of emotional distress may not extend to mere insults, indignities, threats,  
28 annoyances, petty oppressions, or other trivialities, but the collective violations in

1 this complaint are seriously oppressive and life endangering. Plaintiff's FAC is  
2 completely loaded with factual allegations that support this claim, all which Chase  
3 must be held accountable for through alleged conspiracy to engage criminal  
4 enterprise and racketeering activity in violation of the Plaintiff's rights. As such, it  
5 is not subject to dismissal without leave to amend.

6  
7 Claim 20: Intentional Infliction of Emotional Distress - (Against All Defendants) -  
8 Successfully Stated @ FAC ¶¶ 292-298 (claim stated with all elements alleged,  
9 reference to laws, contains specifics and realleges/references body of complaint  
10 containing more facts and evidence)

11 References to Specific Paragraphs & Possible Amendment:

12 CAUSE OF ACTION TWENTY: Intentional Infliction of Emotional Distress –  
13 FAC ¶ 292. Plaintiff re-alleges and restates paragraphs “i” through 365; with  
14 specific reference to paragraphs 51-61, 67, 74, 76, 80-83, 84, 85, 86, 87, 89-93,  
15 95-97, 99, 100-102, 104-107, 109-111, 113-118, 121-123, 126-133, 139, 143, and  
16 159.

17  
18 **I. Plaintiff's Claim for “Cybersquatting” (21st Cause of Action) Succeeds**

19  
20 Plaintiff's Claim for Anti-Cybersquatting Consumer Protection Act establishes  
21 civil liability for “cyberpiracy” where Plaintiff proves that Defendants used the  
22 domain name in dispute, which is/should be already be protected mark owned by  
23 the Plaintiff, and Defendants acted with bad faith intent to profit from that mark.  
24 In connection with this case, Plaintiff is asserting that all Defendants including  
25 Chase must be held equally liable for all alleged violations including the fraudulent  
26 registration and bad faith intent to profit from connection to the domain in dispute.  
27 It only defies logic for Chase's irrational attorney to suggest that a Defendant who  
28 conspired with other Defendants to commit some crimes would not be held liable

1 through conspiracy for all allegations. Furthermore, civil remedies for RICO and  
2 fraud provide this court with jurisdiction to transfer the domain regardless of this  
3 claim. As such, and not that it matters, this claim should not subject to dismissal,  
4 certainly not without leave to amend.

5  
6 Claim 21: Cybersquatting - ACPA @ USC 15 § 1125(d) (Against All Defendants)  
7 - Successfully Stated @ FAC ¶¶ 299-305 (claim stated with all elements alleged,  
8 reference to laws, contains specifics and realleges/references body of complaint  
9 containing more facts and evidence)

10 References to Specific Paragraphs & Possible Amendment:

11 CAUSE OF ACTION TWENTY-ONE: Cybersquatting - ACPA @ USC 15 §  
12 1125(d) – FAC ¶ 299. Plaintiff re-alleges and restates paragraphs “i” through 365;  
13 with specific reference to paragraphs 61, 66, 76, 144, and 159.  
14

15 **J. Plaintiff’s Claim for “EEO Violations” (22nd Cause of Action) Succeeds**  
16

17 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000eet seq., as amended,  
18 prohibits employment discrimination based on religion, sex, and age. Title VII  
19 prohibits both intentional discrimination as well. Based on this statute it is  
20 unlawful for an employer to fail or refuse to hire an individual because of such  
21 individual’s religion and age. Plaintiff alleged/alleges that he belongs to a  
22 protected class: citizen of the USA, former religion, current religion is love, and/or  
23 no religion, that he is also being discriminated against because of age/birth order,  
24 and he is qualified for something like 99% of thousands of positions applied for,  
25 and that he suffered adverse employment actions, similarly situated individuals  
26 both outside and inside his protected classes have been treated more favorably.  
27  
28

1 The sole allegation in the FAC related to alleged employment discrimination vis-à-  
2 vis Chase is found at paragraph 84 which provides that Chase would “remove jobs  
3 Plaintiff was going to apply to from their job board overnight probably as directed  
4 by the same screen watchers who persuaded Chase to terminate the account.” This  
5 allegation may be insufficient to support a claim of employment discrimination in  
6 violation of the Civil Rights Act, but the combination of this paragraph and the  
7 elements alleged in the causes of action section, in this opposition, and that can be  
8 amended as necessary should be more than sufficient. Indeed, Plaintiff admits that  
9 he never even applied for these positions because the positions were removed  
10 before he had an opportunity to apply, but this claim is meant to cover all  
11 thousands of positions applied for, which independently through conspiracy would  
12 hold Chase liable for this claim. Accordingly, this claim should not be dismissed  
13 without leave to amend.

14 Claim 22: EEO Violations - 42 USC § 2000e-2(a) (Against All Defendants) -  
15 Successfully Stated @ FAC ¶¶ 306-309 (claim stated with all elements alleged,  
16 reference to laws, contains specifics and information can easily be deducted from  
17 Exhibit 52, and realleges/references body of complaint containing more facts and  
18 evidence)

19  
20 References to Specific Paragraphs & Possible Amendment:

21 CAUSE OF ACTION TWENTY-TWO: EEO Violations - 42 USC § 2000e-2(a) –  
22 FAC ¶ 306. Plaintiff re-alleges and restates paragraphs “i” through 365; with  
23 specific reference to paragraphs 58, 84, 87, 104, 106, 135-137, 143, and 158.

24  
25 **FAC SHOULD NOT BE DISMISSED BECAUSE IT SUCCESSFULLY**  
26 **SATISFIES F.R.C.P. RULE 8’S BASIC NOTICE REQUIREMENT**

1 Defendant Chase's attorney is basically raising the same arguments in the motion  
2 to dismiss with complete neglect for the amendments. Plaintiff's FAC not only  
3 addresses previous argument based on Rule 8 of the F.R.C.P. requiring Plaintiffs to  
4 provide a "short and plain statement of the claim showing that the pleader is  
5 entitled to relief," but Plaintiff added a new section to the very beginning of the  
6 complaint with a short and plain statement of the claim written in bold typeface.  
7 Rule 8(a)(2) is not only irrelevant, but the complaint does indeed successfully  
8 satisfy Rule 8 in the most clearly presentable way as possible and the Defendant's  
9 attorney is blatantly lying because there is no true defense for his client's  
10 violations.

11 Just as with Plaintiff's original Complaint, the FAC successfully satisfies Rule 8's  
12 basic notice requirement, and the amendment, specifically addition of the new  
13 statements of the claim in the beginning of the complaint, make it absolutely  
14 impossible to deny that fact. This attorney should be penalized by the court for  
15 lying or perjury. Over the course of about 40 pages of incompetent lies, Defendant  
16 attorney completely fails to recognize amendments and the fact that all Defendants  
17 including Chase can and are being held liable for all claims through conspiracy.  
18 All the claims, Defendants, and racketeering activity are linked and mapped  
19 together through obviously clear and convincing facts and evidence that have much  
20 to do with each other – and certainly much to do with a thieving bank named  
21 Chase. Plaintiff alleges that Chase is very much able to decipher and deduct the  
22 nature of all Plaintiff's grievances and their attorney is both intentionally playing  
23 dumb while failing to be smart. Moreover, the FAC is based entirely on clear and  
24 convincing evidence supported by statements the court is required to take as true  
25 statements, all inferences are completely logical, and intellectually inferior people  
26 who have read this complaint have easily been able to make minor deductions of  
27 facts, and conclusory legal claims cast in the form of factual allegations are less  
28 conclusory than the majority of if not all statements made by their attorney in the



1 bogus, repetitive, redundant, and baseless motion to dismiss. Dismissing claims  
2 with prejudice where Plaintiff has clearly stated multiple claims against all the  
3 Defendants would not only be irrational, but also completely illegal, and a corrupt  
4 Judge or Judges engaging in said illegal activity would be held accountable for all  
5 criminal violations asserted in this case through the filing of new RICO claims.

6  
7 Plaintiff's original Complaint does not vaguely allege that Defendants have  
8 somehow conspired to defraud Plaintiff, but large quantity of clear and convincing  
9 evidence supports all statements. It is a fact that the conspiracy has reached all  
10 aspects of Plaintiff's life, and the Court is required to accept this as true in  
11 considering a motion to dismiss. In short, the FAC continues to be a diatribe that  
12 and the fact that the Judge made a big mistake because nothing in this case is  
13 barred by the doctrine of res judicata. As set forth above, Plaintiff succeeds in  
14 giving Chase fair notice of all claims against, and claiming ignorance by the  
15 "lumping" of "All Defendants" into a single term in the causes of action (and  
16 conspiracy claim) section(s) and specifically and explicitly spell out what Chase  
17 did in the body of the complaint and how those alleged actions satisfy the asserted  
18 claims. The FAC should not be dismissed without leave to amend for that reason  
19 alone, but sanctions or worse should be imposed on the lying Defendant attorney.  
20 Plaintiff's complaint is a comprehensible narrative that is so straightforward people  
21 who know nothing about law can easily identify factual or legal basis for claims,  
22 specifically proper statement of the RICO claim and nature of requested relief.  
23 Plaintiff's complaint is loaded with various and interconnected accusations  
24 covering more than 10 years of violations including obstruction of justice, which is  
25 why both this has gone unresolved for so long and the reason so many claims have  
26 accumulated. Any perceived difficulty to discern exactly what brings Plaintiff  
27 into federal court is either a lie or coming from someone lacking patience and  
28 thoroughness. Plaintiff's FAC is very well organized, articulated, filled with legal  
jargon because this is a lawsuit, and loaded with specific references to state and

1 federal laws. Dismissal on any grounds stated by Chase's liar of an attorney would  
2 not only be completely inappropriate, but also highly illegal. Plaintiff's claims are  
3 based on specific allegations of what each Defendant did in the body of the  
4 complaint, with all elements of each claim pled in the Causes of Action section,  
5 none of which are subject to dismissal for any reason.

6  
7 **NEW COA/COUNTS AGAINST ALL DEFENDANTS:**

8  
9 Plaintiff alleges, can further plead and state claims for the following against ALL  
10 DEFENDANTS: Human/Sex Trafficking, Forced/Coerced Branding,  
11 Pimping/Prostitution, Peonage, Threats of HIV/AIDS, Medical Malpractice,  
12 Invasion of Privacy, Corruption, Harassment, etc.

13 **NEW ALLEGATIONS AGAINST CHASE:**

14  
15 Plaintiff more than suspected Chase of conspiracy before filing the case in  
16 Superior Court. It was not until they intentionally cast an attorney by name hack  
17 that it became extremely obvious that they were contributing to the RICO  
18 enterprise, and then after filing this case and Chase's hiring another attorney by  
19 name hack, where neither name could be known without conspiracy, that it became  
20 absolute in the mind of Plaintiff that all suspicions and allegations were correct.  
21 This connection is made in new evidence (see Exhibit "52") that was lodged under  
22 seal, which Defendants are still neglecting, and should be obvious to the Judges.  
23 The intentional name hack casting of attorneys, separately from previous claims,  
24 are new violations of the Plaintiff's rights and under causes of action: RICO, Fraud,  
25 Conspiracy, Harassment/Annoying Communications, Intentional Infliction of  
26 Emotional Distress, etc.

1 **NEW ALLEGATIONS SINCE FILING @ SUPERIOR COURT:**

2  
3 **JPMChase: 1) Harassment/Name Hack** Casting of Attorneys (See Exhibit  
4 "52"), **2) RICO Conspiracy** (Only Way To Know The Names), **3) Intentional**  
5 **Infliction of Emotional Distress** (Result of Harassment, Still Refusing To Return  
6 Stolen Money), **4) Perjury** (Attorney Lies), **5) Fraud/other** (Attempt to Credit  
7 The Names & Exploit Plaintiff), **6) Accountable For All Alleged Crimes**  
8 **Through Ongoing Violations Based On RICO Conspiracy, 7) Violation(s) of**  
9 **RICO**

10 **NEW VIOLATIONS SINCE FILING THIS CASE @ DISTRICT COURT:**

11  
12 **Facebook:** Harassment, Fraud, etc.: FB Business/Fan Page App Number Hack  
13 Notification, etc.; **Apple:** Espionage: Screen Watching On iPhone (HP is Screen  
14 Watching New Laptop), GPS Hack (GPS Still Works Without Sim Card), etc.;

15 **Alphabet:** Ongoing YouTube Hacks, Suspect Search Result Hacks, AdSense  
16 Hacks, etc.; **Twitter:** RICO Conspiracy, Espionage, Harassment, Intentional  
17 Infliction of Emotional Distress: Conspiring with Screen Watchers to Display  
18 Harassing Number & Name Hack Messages in Shortened URLs & By Telling  
19 People to Post Retweet, & Like Name Hack Profiles, etc.

20  
21 **John Does: 1) Criminal Threats:** a) Gym Stalkers (Fashion Hacks/etc.), b)  
22 License Plate/Number Hack Stalkers (187), c) Business Affiliate Verbal Threats  
23 (Controlled by RICO Conspirators); **2) Obstruction of Justice:** a) @ Hollywood  
24 LAPD (New Police Report for Criminal Threats etc./RICO), b) Acquiring  
25 Representation (Private Counsel & Public Counsel/Pro Se Clinic); **3) EEO**  
26 **Violations/Fraud:** Few Responses to Thousands of Applications, All Contained  
27 Name & Number Hacks (Very Obvious Same Name as Second Attorney Older  
28 Brother Name Hack & Number 2 References) = Discrimination Based on Age &

1 Religion = RICO Conspiracy & Computer/Wire Fraud; **4) Harassment** >  
2 **Intentional Infliction of Emotional Distress:** a) Spam Email Hacks (Name  
3 Hacks, Number Hacks, & Now Being Bombarded With Disturbing Spam Emails  
4 Regarding Sexuality and Body Shaming), b) DPSS Name Hacks (Scheduling  
5 Appoints By Name Hack & Calling Them Out Over The Volume Turned Up  
6 Painfully Loud PA While Plaintiff Visited For Appointments, Casting Social  
7 Worker By Name Hack (ex: first name "Silva" not gold, second place, number 2,  
8 changing appointment and deadline dates, etc.); **5) Stalking:** a) Gym Stalkers,  
9 License Plate Stalkers, Library Stalkers (Camera Stalking); **6) Wire Fraud:** a)  
10 Intentionally Disconnecting Internet @ Library, b) Intentionally Disconnecting  
11 Internet @ Gym, c) Intentionally Disconnecting Internet @ Other (mostly when  
12 Plaintiff has to meet Court deadlines).

### 13 **DESCRIPTION OF NEW EVIDENCE:**

14  
15 **1) Police Report:** New Criminal Threats, Attempted Murder, RICO/Conspiracy:  
16 a) Affidavit, b) Photographs, c) Communication Records; **2) Screen Shots**  
17 (Harassing Name & Number Hacks); **3) Emails** (Obscene & Annoy  
18 Communications, Phishing Attempts); **4) Communication Records** from Fraud  
19 Job Interview & Applications Responses; **5) DPSS Records** (Name Hack Social  
20 Workers, Fake Appointment Date Changes); **6. Photographs** of Threatening Gym  
21 Stalkers (Fashion Hacks); **7. Call Logs** of Obscene/Annoying Daily Wake Up  
22 Calls from Google; **8. POB Entry Code Number Hack** (Stickers On  
23 DL/Photographs); **9. Photographs** of License Plate Hack Stalkers (187, Florida,  
24 etc.); **10. Audio Recordings** & Evidence From Subpoenas/Discovery, etc.

25  
26 \*By this reference, Plaintiff hereby attaches all statements made in Opposition to  
27 Defendant Tech. Defendants' Motion to Dismiss FAC to this Opposition.

1 **PLAINTIFF PLED FOR & CAN RECOVER PUNITIVE DAMAGES:**

2  
3 Plaintiff's pleading, including for punitive damages, meets heightened pleading  
4 requirement of Rule 9(b). Plaintiff pled specific, sufficient facts showing how the  
5 conduct at issue is oppressive, malicious and most importantly fraudulent. Malice  
6 is "conduct which is intended by the Defendant to cause injury to the Plaintiff or  
7 despicable conduct which is carried on by the Defendants with a willful and  
8 conscious disregard of the rights of safety of others. Oppression is despicable  
9 conduct that subjects a person to cruel and unjust hardship in conscious disregard  
10 of that person's rights. Despicable means circumstances that are base, vile or  
11 contemptible. As set forth herein, all wrongful acts by Chase have been alleged,  
12 and everything the Plaintiff is complaining about is obviously oppressive,  
13 malicious, and despicable. Plaintiff successfully pled this through a combination of  
14 facts contained within the body of the complaint and causes of action section.  
15 Therefore, there substantial support for Plaintiff's request for punitive damages,  
16 which can always be further pled if The Court really requires more redundancy.

17 Plaintiff only needs to recover damages through civil remedies for RICO and  
18 Fraud. The rest of the causes of action are pled for purpose of linking all the  
19 Defendants to RICO and Fraud through their conspiracy to commit violations of all  
20 the other causes of actions, each of which caused damages. Furthermore, the  
21 predicate criminal counts are pled for purpose of possible arrests. Plaintiff  
22 successfully stated all these claims and their corresponding elements in the causes  
23 of action section; with clear and convincing facts and evidence in the body of the  
24 complaint.

1 **CIVIL REMEDIES – RICO / CONSPIRACY / FRAUD:**

2  
3 Civil Cause of Action; Violations of RICO: – FAC ¶ 165. 18 USC § 1964 – Civil  
4 Remedies “(a) The district courts [NOT SUPERIOR COURT] of the United States  
5 shall have [PROPER SUBJECT MATTER (OVER RES JUDICATA)] jurisdiction  
6 to prevent and restrain violations of section 1962 of this chapter by issuing  
7 appropriate orders, including, but not limited to: ordering any person to divest  
8 himself of any interest, direct or indirect, in any enterprise; imposing reasonable  
9 restrictions on the future activities or investments of any person, including, but not  
10 limited to, prohibiting any person from engaging in the same type of endeavor as  
11 the enterprise engaged in, the activities of which affect interstate or foreign  
12 commerce; or ordering dissolution or reorganization of any enterprise, making due  
13 provision for the rights of innocent persons. (c) Any person injured in his business  
14 or property by reason of a violation of section 1962 of this chapter may sue  
15 therefor in any appropriate United States district court and shall recover threefold  
16 the damages he sustains and the cost of the suit, including a reasonable attorney’s  
17 fee...” – & FAC ¶ 336. Plaintiff be awarded treble damages pursuant to 18 USC §  
18 1964(c);

19 **PUNITIVE DAMAGES PLED:** – FAC ¶ 180. As a direct and proximate result  
20 of, and by reason of, the activities of Defendants, and their conduct in violation of  
21 18 USC § 1962(d), Plaintiff was injured in more than his business and property,  
22 within the meaning of 18 USC § 1962(a)(b)(c). Among other loss, Plaintiff  
23 suffered damages to the extent his money or property was stolen, income cut off,  
24 legal fees have been incurred and time has been lost; to the extent that Plaintiff  
25 paid for services that provided no benefit to Plaintiff and only inflicted harm upon  
26 him (e.g., fraudulent housing payments and application fees, printing and travel  
27 expenses, fake loan scam, etc.). Plaintiff its, therefore, entitled to recover threefold  
28 the damages he sustained together with the cost of the suit, including costs,

1 reasonable attorneys' fees, and reasonable experts' fees **plus PUNITIVE**  
2 **DAMAGES and other reasonably REQUESTED RELIEF.**

3  
4 **CONSPIRACY RESPONSIBILITY TO ALL DEFENDANTS PLED:**

5  
6 Legal Doctrine; Civil Conspiracy: – FAC ¶ 175. "The major significance of the  
7 conspiracy lies in the fact that it renders each participant in the wrongful act  
8 responsible as a joint tortfeasor for all damages ensuing from the wrong,  
9 irrespective of whether or not he was a direct actor and regardless of the degree of  
10 his activity." (Doctors' Co. v. Superior Court (1989) 49 Cal.3d 44, citing Mox  
11 Incorporated v. Woods (1927) 202 Cal. 675, 677-78.)' (Id. at 511.) – & FAC ¶ 176.  
12 "By participation in a civil conspiracy, a coconspirator effectively adopts as his or  
13 her own the torts of other coconspirators within the ambit of the conspiracy. In this  
14 way, a coconspirator incurs tort liability co-equal with the immediate tortfeasors."  
15 (Allied Equipment Corp. v. Litton Saudi Arabia Ltd., supra, 7 Cal.4th at 510-11.)

16 Civil Causes of Action; Fraud: – FAC ¶ 184. CIV § 3294 – Civil Remedies "(a)  
17 In an action for the breach of an obligation not arising from contract, where it is  
18 proven by clear and convincing evidence that the defendant has been guilty of  
19 oppression, fraud, or malice, the plaintiff, in addition to the actual damages, may  
20 recover damages for the sake of example and by way of punishing the defendant."  
21 – & FAC ¶ 189. In doing the acts alleged above, which are incorporated herein by  
22 this reference as if repeated in full, Defendants acted intentionally, outrageously,  
23 oppressively, despicably, fraudulently, and maliciously in conscious disregard for  
24 Plaintiff's rights and welfare, and in contravention of California law and public  
25 policy. As result thereof, Plaintiff is entitled to exemplary punitive damages in an  
26 amount sufficient to properly punish and deter Defendants. – & FAC ¶ 337.

27 Plaintiff be awarded punitive damages pursuant to CIV § 3294; "(a) In an action  
28 for the breach of an obligation not arising from contract, where it is proven by

1 clear and convincing evidence that the defendant has been guilty of oppression,  
2 fraud, or malice, the plaintiff, in addition to the actual damages, may recover  
3 damages for the sake of example and by way of punishing the defendant." (c)(1)  
4 "Malice" means conduct which is intended by the defendant to cause injury to the  
5 plaintiff or despicable conduct which is carried on by the defendant with a willful  
6 and conscious disregard of the rights or safety of others. (c)(2) "Oppression"  
7 means despicable conduct that subjects a person to cruel and unjust hardship in  
8 conscious disregard of that person's rights. (c)(3) "Fraud" means an intentional  
9 misrepresentation, deceit, or concealment of a material fact known to the defendant  
10 with the intention on the part of the defendant of thereby depriving a person of  
11 property or legal rights or otherwise causing injury. – & FAC ¶ 338. Plaintiff be  
12 awarded reasonable costs and attorneys' fees pursuant to 18 USC § 1964(c) and/or  
13 the California Welfare and Institutions Code § 15657.5(a) – & FAC ¶ 188.  
14 Plaintiff is entitled to monetary damages in excess of \$100,000,000,000.00 from  
15 Defendants to fairly and adequately compensate him for the injuries and damages  
16 he sustained by reason of Defendants' (various) criminal acts not limited to fraud.

17 **THE COURT MUST NOT DENY LEAVE TO AMEND:**

18  
19 Further amendment of the FAC at this point would mostly be a waste of time  
20 considering both the information presented in this Opposition and the  
21 modifications to the initial Complaint, but Plaintiff is probably going to have to  
22 amend at least the Defendants. It is absurd for the lying Defendant attorneys to  
23 state that the FAC could not possibly cured by allegations of additional facts, some  
24 of which have been alleged in this opposition, and because the FAC succeeds at  
25 curing alleged flaws from the initial Complaint. The alleged deficiencies  
26 contained within Plaintiff's FAC are an alleged lie; nevertheless, could easily be  
27 cured by further amendment because the Plaintiff has been trying to keep things  
28 simple and has no problem elaborating now that paying for printing etc. is not an



1 issue. First, Plaintiff's claims against all Defendants are not barred by the bogus  
2 claim of res judicata, and Plaintiff has clearly pled around that lie. Second,  
3 Plaintiff has alleged several claims based on criminal statutes, specifically  
4 RICO/conspiracy and fraud, which create private rights of action, serve as basis of  
5 liability, and are main claim(s) in this complaint. Third, Plaintiff has already been  
6 provided one opportunity to amend, should be granted as many opportunities  
7 necessary given proven ability to further improve, it is another lie to say Plaintiff  
8 spent a full two months preparing his FAC when the first two weeks were spent  
9 trying to get legal help only to be obstructed, Plaintiff did not have enough time to  
10 focus on new claims with the exception that claims have been amended to  
11 successfully state all claims, allege their elements, and link them to the heightened  
12 pleading requirements with fulfilling information located in the main body of the  
13 complaint, against all Defendants. It is still possible to further properly amend,  
14 and Plaintiff would have already done so if he had more time or if he were not  
15 ordered to not file a Proposed Amended Complaint with the Opposition. Fourth,  
16 Plaintiff has never brought a frivolous lawsuit and the State Court Actions were  
17 dismissed because of extraordinary circumstances causing the Pro Se Plaintiff to  
18 miss court and need to file under different claims in a court with proper subject  
19 matter jurisdiction. Dismissal without further leave to amend would therefore be  
20 completely both inappropriate and highly illegal, and Defendants should not only  
21 be required to continue to spend time and money on Plaintiff's action, but also to  
22 compensate Plaintiff for damages including punitive in an amount significant  
23 enough to deter Defendants from ever again engaging in this type of criminal  
24 behavior. Moreover, there are still Defendants/John Does who need to be served  
25 the complaint, which Plaintiff recently read requires simple amendment(s) unless  
26 the Court can offer an alternative method. Not permitting this would be an  
27 obstruction of justice.  
28

1 **CONCLUSION:**

2

3 In conclusion, Plaintiff successfully stated all claims in the FAC, upon which relief  
4 can be granted, and along with short and plain statements of the claim(s) showing  
5 that the pleader is entitled to relief thereby satisfying the main rules Defendants  
6 falsely claim as the basis for their baseless Motions to Dismiss FAC. In  
7 considering a Defendant's Motion to Dismiss, a judge must assume that every fact  
8 stated in the Plaintiff's complaint is true. The judge must then ask: if all those facts  
9 are true, is it plausible that Defendants violated the Plaintiff's rights? If any  
10 combination of the facts stated in the Plaintiff's complaint might qualify Plaintiff  
11 for any form of court action, then the judge is legally required to DENY the  
12 Defendant's Motion to Dismiss. Additionally, Res Judicata is not a license to keep  
13 committing the same crimes. For these reasons, Plaintiff demands the following  
14 justice: The Court must DENY Defendants' Motions to Dismiss. Plaintiff must be  
15 granted ability to amend the FAC if necessary. Lying Defendant attorneys should  
16 be sanctioned. On a final note, Plaintiff is a good man and Defendants (and their  
17 attorneys) have allegedly been very bad, with complete disregard for the law.  
18 Please DENY Defendants' Motions and order this case to move forward.

19

20

21

22 *Russell Rope*

23 \_\_\_\_\_  
Russell Rope

4/23/2018