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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

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

**REQUEST TO RESPOND &  
RESPONSE TO CHASE'S REPLY  
RE: OPPOSITION OF MTD FAC**

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

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

**Judge: Michael W. Fitzgerald**

20  
21 **INTRODUCTION**

22  
23 Local Rule 7-10 affords the opposing party (Plaintiff) the right to respond to the  
24 Reply with permission from The Court, which should be granted to a pro se litigant  
25 upon this request not only to point out the errors in the Tech. Defendants' unfair  
26 Reply, but also to provide more explanation in response to Defendant statements  
27 requesting some of the following information.

28  
REQUEST TO RESPOND & RESPONSE TO CHASE'S REPLY RE: OPPOSITION OF MTD FAC

1 Plaintiff's Opposition to Chase's Motion to Dismiss the First Amended Complaint  
2 is nearly the same length as Defendant's "EXCESSIVELY LENGTHY" Motion to  
3 Dismiss, directly responded to each line, and now it is obvious why Defendants  
4 fluffed up their Motions. Plaintiff In Pro Per was unaware of any page limit and  
5 can correct the Opposition if required by The Court; moreover, Defendant  
6 attorneys were aware of this rule and intentionally added a ridiculous number of  
7 irrelevant lies in effort to trick Plaintiff into responding with long Opposition they  
8 were banking on using as a reason to cheat Plaintiff out of our constitutional rights.

9  
10 "To the extent this Court opts to consider Plaintiff's Opposition," a line added by  
11 Defendant Chase's attorney because he knows he is trying to cheat the pro se  
12 litigant and that the Judge can overrule him, Plaintiff presents several bases to  
13 DENY the Motion to Dismiss (MTD) because all of Defendant Chase's attorney's  
14 arguments fail in both the MTD FAC and Reply to Opposition. First, all the  
15 requirements for res judicata have not been met, cannot possibly be satisfied, and  
16 this case is an exception. Second, Plaintiff did not have full and fair opportunity to  
17 litigate in the State Court Action. Third, the specific issues presented in this action  
18 vis-à-vis Chase are absolutely unidentical to those previously at issue in the State  
19 Court Action, which was clearly stated by the Plaintiff in more than the  
20 Opposition. Fourth, Plaintiff seeks to assert private rights of action in connection  
21 with his eleven claims based upon criminal statutes through RICO/conspiracy.  
22 Fifth, Plaintiff's "enterprise" allegations are adequate to move forward, need more  
23 Discovery, and require ability to further amend the complaint. Sixth, Plaintiff's  
24 defamation claim has nothing to do with Chase's selection of counsel after this  
25 lawsuit was filed, but other claims are most relevant and void res judicata on their  
26 own merits. Seventh, Plaintiff's employment discrimination claim succeeds  
27 because Plaintiff was not allowed to apply for the relevant jobs found at Chase and  
28 Defendants are to be held equally liable for all causes of action through conspiracy.

1 Additionally, further leave to amend must not be denied because Plaintiff has  
2 demonstrated that this FAC can be further amended to save any his claims, which  
3 were properly pled and should not require another amendment, but Plaintiff can  
4 further elaborate, especially after necessary Discovery. Nevertheless, at least one  
5 John Does currently must be converted to a Defendant, which requires another  
6 amendment and Discovery. The Court should DENY Chase’s Motion and sanction  
7 their evil attorney.

8  
9 **II. PLAINTIFF’S OPPOSITION PRESENTS MOST COMPELLING**  
10 **ARGUMENTS AGAINST DISMISSAL**

11 **A. Plaintiff’s Opposition Must Not be Disregarded Due to Local Rule 11-6**

12  
13 Local Rule 11-6 provides “**unless permitted by order of the judge.**” Plaintiff In  
14 Pro Per was unaware of a page length rule for Oppositions, hardly had any time to  
15 edit the Oppositions let alone double and triple check rules, and Defendants’  
16 attorneys intentionally loaded their Motions to Dismiss with EXCESSIVELY  
17 POINTLESS ARGUMENTS & RECITATION OF CLAIM ELEMENTS (all  
18 alleged in FAC) in effort to trick the inexperienced pro se Plaintiff into violating  
19 the rule, which leaves room for an honorable Judge to permit the minor, forgivable  
20 and irrelevant pro se error. Accordingly, Plaintiff’s Opposition must not be  
21 stricken or disregarded; certainly not without opportunity to correct the Opposition.

22  
23 **B. Requirements for Res Judicata are NOT Met & This Case is an Exception**

24  
25 Res judicata does not bar all “claims which could have been asserted, whether they  
26 were or not” (notice Defendant attorney change of language now that Plaintiff  
27 proved them wrong), in a prior suit provided all statements in the Opposition,  
28 FAC, and: (1) the issues decided in the prior adjudication are not “identical” to the

1 issues raised in the present action, (2) the prior proceeding resulted in an unbinding  
2 judgement that can be easily appealed (which would be a waste of time) and was  
3 not fairly considered because the facts and evidence provided should have been  
4 reason not to dismiss “with prejudice” where Plaintiff did not have fair opportunity  
5 to be heard, and (3) the parties against whom the plea is raised are not the same as  
6 in the prior adjudication. The requirements are not satisfied and not limited to for  
7 the reasons set forth by Plaintiff. Plaintiff’s Opposition not only offers significant  
8 rebuttal in this regard, but Chase’s attorney is lying and claiming that Plaintiff is  
9 admitting to things in favor of the Defense, which is not the truth. Plaintiff has not  
10 only stated that claims against Chase are unidentical, but has also alleged how the  
11 FAC can be amended to state new claims and RES JUDICATA IS NOT A  
12 LICENSE TO KEEP VIOLATING THE PLAINTIFF’S RIGHTS where  
13 Defendant Chase has conspired to directly harass Plaintiff with privileged criminal  
14 enterprise insider information, and Chase was previously alleged to have been  
15 conspiring, so any new violation by any Defendants should void judicata because  
16 liability is supposed to be shared equally by all Defendants.

17 **1. Plaintiff Did Not Have Fair Opportunity to be Heard in State Court Action**

18  
19 In the Opposition, Plaintiff honestly asserts that he did not attend the hearing on  
20 that demurrer because “justice was obstructed through entrapment and false  
21 imprisonment of the Plaintiff.” (ECF Doc 238, p. 9:22-27.) Plaintiff’s argument is  
22 supported by almost all the case law Defendants are trying to misuse against  
23 Plaintiff. Furthermore, this case yet to be completed and both Discovery and the  
24 resolution will determine more facts and might create new case law history. First,  
25 as noted above and documented elsewhere in this case, Plaintiff stated that he was  
26 entrapped and falsely imprisoned. This case has evidence attached supporting  
27 these facts, which would undoubtably be further supported by records to be  
28 obtained in Discovery through reissuance of subpoenas that should not have been

1 quashed. There are also public and private records supporting the evidence. Thus,  
2 Plaintiff has proved and can further fulfill any burden of proof that he did not have  
3 a full and fair opportunity to litigate or challenge not limited to regarding the  
4 demurrer in the State Court Action. Plaintiff successfully met this burden and can  
5 get much more specific with Discovery and amendment. The fact that Plaintiff did  
6 not file opposition to the demurrer or subsequently appear at the hearing in State  
7 Court should not have been grounds to unfairly rule against the clear and  
8 convincing facts and evidence provided with the initial State Court filing  
9 regardless of the alleged obstruction of justice. Plaintiff simply did not have fair  
10 opportunity to litigate. Plaintiff does not believe he received statutorily-required  
11 notice of the demurrer in the State Court Action, possibly because he was forced to  
12 move around a lot due to alleged obstruction of justice, entrapment, and false  
13 imprisonment, nor did he have opportunity to litigate the case. The procedures  
14 provided probably did not meet the requirements of the Due Process Clause of the  
15 Fourteenth Amendment.

16 Plaintiff was neither satisfied or unsatisfied with the judgment in the State Court  
17 Action because the appropriate action was to file a different case against different  
18 parties and under different laws in District Court, which is the designated venue  
19 with subject matter jurisdiction over the claims. Plaintiff decided not to take any  
20 of the available courses of action in State Court because it was more relevant to  
21 bring an “entirely separate lawsuit in federal court” based upon much more than  
22 the similar facts and all-encompassing of the bigger picture being a criminal  
23 enterprise conspiring to violate nearly all the Plaintiff’s rights through a pattern of  
24 criminal racketeering activity, for which only this court is initially the designated  
25 venue to provide the requested relief. Plaintiff is not trying to eat the same apple  
26 because a said apple is unable to cure Plaintiff’s hunger for justice. For reasons  
27 not limited to these, Plaintiff’s arguments succeed and the doctrine of res judicata  
28 does not serve to bar claims against and Defendant.

1 **2. The Issues, with or without Stated Causes of Action, VOID Res Judicata**

2  
3 Some of the specific issues that pertain to Chase in the instant litigation are very  
4 similar but not “identical” to those in the prior State Court Action: “Chase  
5 allegedly wrongfully ‘terminated’ Plaintiff’s bank account(s), stole money,  
6 wrongfully tried to coerce Plaintiff into signing a justice obstructing indemnity  
7 agreement and engaged in employment discrimination based on age and religion.”  
8 There is no question that some of these issues have been unfairly decided in the  
9 irrelevant State Court Action – “specifically, Chase allegedly wrongfully closed  
10 Plaintiff’s banking account, withheld or stole his money, wrongfully tried to get  
11 Plaintiff to sign an indemnity agreement and engaged in some sort of employment  
12 discrimination.” (Defendant’s Reply) Defendant is ignoring the fact that Chase is  
13 now being sued for conspiring with a criminal enterprise to engage in recognizable  
14 pattern of racketeering activity.

15 The harm suffered has not only become more severe than Plaintiff could have  
16 imagined back when the State Court Action was filed, but the common nucleus of  
17 facts has evolved, reproduced, been cloned, and now there are multiple nucleuses  
18 of facts, all of which must fall under RICO. Also, as noted before, Defendants  
19 have continued to violate Plaintiff’s rights in new ways since filing in State Court.

20  
21 Despite some of the specific allegations against Chase being very similar to those  
22 previously presented in the State Court Action, Plaintiff claims “this case is mostly  
23 about [Chase’s] conspiring with a criminal enterprise that is alleged to have  
24 committed a multitude of violations, all of which Chase is being held accountable  
25 for, which is why this case is brought under the main claim of RICO.” (ECF Doc  
26 238, p. 14:24-27.) This argument succeeds over the Reply because Plaintiff was  
27 only taking legal action for what could be proved in the State Court Action where  
28 mere suspicion of the conspiracy claim could have been brought.

1 Furthermore, as set forth in the Opposition, FAC, and below, Plaintiff’s “criminal  
2 enterprise” claims are adequately pled and successfully state all claims against “All  
3 Defendants” including Chase. New violations by the criminal enterprise,  
4 regardless of direct involvement, still bind Chase’s prior activity through  
5 Conspiracy and void res judicata. For these reasons, the Complaint, as against  
6 Chase, must not be dismissed based upon the lie of a res judicata defense.

### 7 8 **3. The Same Parties Were Not Litigants in Both Cases**

9  
10 Differently than the State Court Action, Plaintiff is suing multiple Defendants not  
11 limited to Chase or inclusive to their CEO. The fact that Plaintiff has both removed  
12 and added Defendants to the instant lawsuit means that the parties are not  
13 “identical,” and neither are the claims, so res judicata simply does not apply.  
14 Saying that Plaintiff and Chase were parties to the prior litigation for stealing  
15 Plaintiff’s money is not the same as Plaintiff discovering new information that  
16 could not have known at the time requiring filing for more serious crimes.

### 17 **C. Plaintiff’s Eleven Claims Based Upon California Penal Code and Federal** 18 **Criminal Statutes MUST NOT BE Dismissed**

19  
20 In the FAC, Plaintiff asserts eleven causes of action that are based upon  
21 alleged violations of the California Penal Code and federal criminal provisions, all  
22 of which have private rights of action through RICO/conspiracy. Defendant’s  
23 attorney cited irrelevant case laws where this case is unique and filed under federal  
24 laws requiring perquisite predicate crimes to fulfill the required elements. There is  
25 “statutory basis for inferring that a civil cause of action” through  
26 RICO/Conspiracy, which creates a civil liability where there is not ordinarily  
27 provision for a remedy by civil action to persons injured by a breach of the statute.

1 Plaintiff is pursuing private rights of action in connection with all criminal claims  
2 through RICO, Conspiracy, and Fraud, and is using these allegations not only to  
3 support the first and second claims brought under RICO/Conspiracy, and the Fraud  
4 claim(s) and because John Does very probably will need to be held criminally  
5 accountable. Some of the additional claims have civil remedies as stated in both  
6 the FAC and Opposition and everything that was pled matters. Defendant Chase's  
7 attorney is wrongfully misinterpreting the Opposition, no claims should be  
8 dismissed, and there should be (unlimited) opportunity to amend anything that  
9 unconditionally needs to be further pled, which there should not be, at this point.

10 **D. Plaintiff's "Enterprise" Allegations are More Than Sufficient; at Least to**  
11 **Move on to Discovery and ADR**

12  
13 As set forth above, Plaintiff claims "this case is mostly about [Chase's]  
14 conspiring with a criminal enterprise that is alleged to have committed a multitude  
15 of violations, all of which Chase is being held accountable for, which is why this  
16 case is brought under the main claim of RICO." (ECF Doc 238, p. 14:24-27.)

17  
18 Plaintiff's allegations designed to establish this "enterprise" are not even close to  
19 being limited by the simple assertion that "Defendants" are members of the "Bad  
20 Karma Enterprise" who allegedly worked together to sabotage and control his  
21 business and personal life (FAC ¶¶ 30, 168), allegations that Defendants'  
22 "common purpose" was to "defraud[] Plaintiff of money and human/civil rights."  
23 FAC. ¶ 168. Plaintiff alleges that Defendants are abusing power over their  
24 networks and criminally conspiring, which is supported by clear and convincing  
25 facts and evidence with more detailed information that should be acquired through  
26 Discovery where subpoenas must be completed, and Plaintiff permitted to dig  
27 deeper. Plaintiff explains how the organization is broken down with names  
28 identified under seal along with corresponding descriptions of connections to



1 violations and the enterprise in three exhibits, specifically Exhibit 52, but also in  
2 reference to Exhibits 1 and 2. The information provided is a vivid illustration of  
3 how Defendants worked with one another to form an enterprise, and if Plaintiff did  
4 not provide enough information as to specific actions allegedly taken by Chase in  
5 the FAC, the Opposition further alleges new violations, which can be stated better  
6 if an amendment is required. Plaintiff is not simply labeling a group of  
7 corporations the “Bad Karma Enterprise,” or stating conclusory allegations  
8 insufficient to support the existence of an enterprise, but Plaintiff has drawn a  
9 detailed map that connects everything. The real key to that map is filed under seal  
10 in Exhibit 52 and Plaintiff has offered to share more information with Defendant  
11 attorneys who have no excuse for either neglecting or not visiting the courthouse  
12 and reviewing what was lodged under seal. Plaintiff’s Opposition, FAC, and the  
13 attached Exhibits are full factual allegations in support of enterprise-related claims  
14 against all Defendants including Chase. For these reasons Plaintiff’s claims for  
15 alleged RICO violations must succeed, are not subject to dismissal without leave to  
16 amend, and the Judge has a responsibility to DENY Defendant Chase’s Motion.

### 17 **E. Plaintiff’s Claim for Defamation Succeeds Through Conspiracy**

18  
19 Plaintiff is unsure as to why Defendant Chase’s attorney chose to single out the  
20 claim for defamation in the Reply. Alleged illegal actions by Chase resulting in  
21 serious damage to Plaintiff’s finances and credit defamed the Plaintiff to everyone  
22 who has viewed Plaintiff’s credit score since Chase stole Plaintiff’s money, and  
23 Chase’s hiring of a teller who alleged to have shared account information with the  
24 criminal enterprise was defamation are pled in the attached evidence if not in the  
25 FAC, which therefore is not devoid of factual allegations that would support a  
26 defamation claim against Chase. Nevertheless, Plaintiff is holding “All  
27 Defendants” liable for all causes of action and Defamation, which has been  
28 properly stated through a combination of facts and evidence in this case, also

1 specifically regarding but not limited to the John Doe who Chase’s main attorney  
2 was cast/hired by name hack corresponding to the same name identified in Exhibit  
3 52. Plaintiff did not really have much reason to make great effort to argue or even  
4 suggest that Chase may defamed him in the Opposition because Plaintiff was more  
5 focused on new claims and the Defamation claim against Chase/All Defendants  
6 should succeed through conspiracy if not on its own merits. In fact, Plaintiff  
7 asserts: “[i]t does not matter if Chase directly defamed the Plaintiff, but their  
8 intentional name hack casting of attorneys should be viewed as an attempt to lure  
9 Plaintiff into a character frame trap through intent to misdirect him into  
10 complaining about things that might make people negatively perceive his character  
11 through their intended and defamatory frame.” (ECF Doc 238, p. 34:14-19.)

12 **Defendants are trying to make Plaintiff complain about trivial yet hard to**  
13 **explain nonsense in effort to frame his character with the appearance of**  
14 **mental illness in effort to discredit claims. Plaintiff does not have, nor has he**  
15 **ever had a mental health issue.** Plaintiff’s intent here is not to suggest that his  
16 defamation claim is supported by Chase’s selection of multiple attorneys to defend  
17 the lawsuits, the first act which occurred after the filing of the State Court Action  
18 and can support a claim in the instant case, but rather to support new allegations  
19 that Defendant Chase is violating several of the Plaintiff’s rights through their  
20 illegal actions including but not limited to harassment, annoying communications,  
21 and intentional infliction of emotional distress. No claims should be dismissed, not  
22 even the defamation claim against all defendants.

23 **F. Plaintiff’s Claim for “EEO Violations” Succeeds Because He Was Not**  
24 **Allowed to Apply for Specific Employment Positions with Chase**

25 Plaintiff alleged/realleges that “(1) [he] belongs to a protected class; (2) [he] was  
26 qualified for the position; (3) [he] suffered an adverse employment action; and (4)  
27 similarly situated individuals outside [his] protected class were treated more  
28

1 favorably,” and that the discrimination is also based upon age/birth order, sex and  
2 relationship status, and religion. The sole allegation in the FAC related to alleged  
3 employment discrimination vis-à-vis Chase is found at paragraph 84 which  
4 provides that Chase would “remove jobs Plaintiff was going to apply to from their  
5 job board overnight probably as directed by the same screen watchers who  
6 persuaded Chase to terminate the account.” FAC ¶84. In the Opposition, Plaintiff  
7 “admits that he never even applied for these positions because the positions were  
8 removed before he had an opportunity to apply.” (ECF Doc 238, p. 39:8-10.) It  
9 does not matter if Plaintiff never applied for a position at Chase because Chase is  
10 alleged to have denied Plaintiff the right to even apply, and therefore was subject  
11 to adverse employment action. Furthermore, **Plaintiff is alleging EEO Violations**  
12 **against “All Defendants” and has official letters from the EEOC providing**  
13 **authority to sue Alphabet, Facebook, and Apple**, which can be provided if  
14 required by The Court. Accordingly, this claim must not be dismissed against any  
15 Defendant without leave to amend and an honorable Judge should DENY  
16 Defendant Chase’s MTD.

### 17 **G. Defendant’s Entire Motion to Dismiss is Comprised of Nothing Honest**

18  
19 Defendant Chase has not presented a single fair or valid argument in the Motion to  
20 Dismiss or Reply. It appears as if their entire Defense strategy is to lie in an  
21 officially looking way with intent of cheating Plaintiff out of his honest claims.  
22 The “Possible Amendments” addressing the balance of the claims in Plaintiff’s  
23 Opposition follows a specific pattern for a reason. In the Motion to Dismiss and  
24 the Reply to Opposition, Defendant Chase neglected amendments made in FAC,  
25 specifically but not limited to the additions at the beginning, which clearly state the  
26 main claim, and corrections in the Causes of Action section further alleging all the  
27 elements and rights of action for each claim. Plaintiff made a mistake in his rushed  
28 indexing of the paragraphs that reallege the first part of the FAC, which is wholly

1 being neglected by Defendants’ attorneys. The possible amendments Defendant  
2 Chase is wrongfully referring to referring to in the Reply would correct that error  
3 and the reference to specific paragraphs for purpose of pointing out where  
4 heightened pleading requirements were met with details on top of alleged  
5 elements. Plaintiff identifies the causes of actions and the possible amendments  
6 specifically demonstrate how the claims are sufficiently pled. Plaintiff articulated  
7 possible and should not be necessary amendments to cure a very complicated  
8 multitude of claims with such ease that it apparently confused a Chase’s  
9 intellectually inferior attorney; or he is just playing dumb. None of the claims as  
10 stated In Pro Per in the FAC should require salvaging, but if they did, the  
11 Opposition should have sufficiently cleared things up. Additionally, Defendant  
12 Chase is neglecting proposed amendments alleging new claims against not only  
13 Chase, but all Defendants.

#### 14 **H. New Nucleus Of Connected Claims As Recent As This Week If Not Daily!**

15  
16 Plaintiff alleges that Defendants including John Does conspired to threaten and  
17 then attempted to murder Plaintiff as documented by two new police reports, at  
18 least one of which was illegally obstructed allegedly by the DA or interviewing  
19 Detectives (suspect of not handing off necessary information/Affidavit(s) for the  
20 second time regarding a total of four reports at Hollywood LAPD). The recent  
21 Affidavit documents the allegations and corresponding laws so specifically as to  
22 allege the elements, dates, times, names, addresses and details similarly to the FAC  
23 and much more than any ordinary civilian would have needed to press charges;  
24 more than was required when a false report was given by a lying entrapper to  
25 falsely imprison the Plaintiff in the past. This is not the first time the authorities  
26 have been suspect of collusion as detailed elsewhere. LAPD is still going through  
27 the process regarding new police report for “vandalism” and “conspiracy” in  
28

1 attempt to murder. Plaintiff still hopes LAPD will do their job right and is  
2 currently in communication with higher ranking authority.

3  
4 Plaintiff can lodge the detailed Affidavit for threats etc. under seal if necessary, but  
5 the current report for trying to carry out those threats in more ways than mentioned  
6 is not yet as detailed as this paragraph. Plaintiff alleges that Defendants hired a  
7 bum to stalk Plaintiff (impossible without John Doe assistance), in effort to create  
8 an altercation on two consecutive days at the library, then another day on the street  
9 where Plaintiff was headed to the gym, then on two different nights at Plaintiff's  
10 parked car all located in separate areas and where suspect could not have known  
11 what the singled out without being provoked car looks like, that it belonged to  
12 Plaintiff, or where it was located. On the first night, suspect repetitively pounded  
13 on the car and threatened Plaintiff in effort to lure Plaintiff into an unprovoked  
14 altercation. Suspect intentionally slashed the unrepairable side walls of two of the  
15 Defendant's tires during the following night; more cues that this was the  
16 Defendants' bidding. Upon confrontation the next day, drugged-up (possibly  
17 PCP? or meth? visually saw other substances spread out on the blanket where  
18 suspect was camped out across the street from Plaintiff's car both nights only)  
19 suspect admitted to Plaintiff that he was coerced into doing it by John Does  
20 (without Plaintiff mentioning another party) and that suspect "would rather stab  
21 other things like tires than people." The only verbal exchange before said  
22 confrontation occurred on the way to the Gym when suspect tried to bum a dollar  
23 and Plaintiff who was kind and briefly "suggest[ed he] go stand near the bank  
24 where there are people with money" as a better alternative to the senseless corner  
25 suspect was stalking on. Suspect fled from LAPD on foot between Plaintiff  
26 interrogating as to the flat tires and while Plaintiff was making the report to shady  
27 officers. LAPD is alleged to have intentionally allowed the suspect to escape.  
28 There should be video of the suspect on the Library cameras where at least one  
officer was a witness; investigation pending.

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1  
2 Technology Defendants are still committing alleged ongoing violations including  
3 but not even close to limited to screen watching/spying and responsively  
4 communicating through hacked (shortened URLs in the) twitter feed visibly on the  
5 side of Plaintiff's screen; how Plaintiff keeps up-to-date with the modern world  
6 while working. Perhaps The Court should consider this case an update to case law  
7 in the works; in favor of the Plaintiff.

8 A conviction for attempted murder requires a demonstration of an intent to murder,  
9 which the suspect and Defendants have done repetitively as pled throughout the  
10 FAC and not limited to this recent new nucleus creating set of violations. The  
11 perpetrator either tried to murder and failed as should be recognized by the court  
12 regarding alleged substantial steps towards committing a murder being: conspiring,  
13 stalking, multiple attempts to create an opportunity for assault, vandalizing  
14 property with a weapon strong enough to easily puncture tires is a deadly weapon,  
15 and verbal admission of guilt from suspect to Plaintiff during interrogation.

16  
17 Attempted Murder described here and attached to FAC ¶¶ 273-280 under 18 USC  
18 § 113(1) is the most recent new successfully stated claim and predicate RICO  
19 violation with civil remedies available through alleged RICO/Conspiracy holding  
20 all Defendants including John Does equally liable where there is both motive and  
21 confession giving affirmation to Plaintiff's statements.

### 22 **III. THE COURT MUST NOT DENY FURTHER LEAVE TO AMEND**

23  
24 On December 20, 2017, the Court unfairly, inappropriately, illegally, and  
25 pointlessly granted the Motions to Dismiss filed by Defendants where The Court  
26 also did not technically Dismiss by permitting Plaintiff at least "one opportunity to  
27 amend...." (ECF Doc. 114) Plaintiff did amend, on time, and successfully  
28 presented additional allegations against Chase since the State Court Action.

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1 Plaintiff did not have enough time to complete the FAC, but in Opposition to the  
2 MTD, established and alleged new allegations specifically against Chase, which  
3 could be further stated and amended to the FAC, which should not be necessary  
4 and therefore futile at this point, but further opportunities to amend is certainly  
5 necessary because there are still John Does and information that needs to be  
6 discovered. Plaintiff has demonstrated the ability to further plead and requested  
7 ability to amend any alleged deficiencies contained within Plaintiff's FAC because  
8 they would easily be cured by the Plaintiff who is now much more experienced and  
9 prepared to amend. Dismissal without further leave to amend would be highly  
10 inappropriate and very illegal. Chase should be required to continue to spend time  
11 and money not only on Plaintiff's legitimate action, but also on providing relief to  
12 Plaintiff as requested.

13 \*By this reference, Plaintiff hereby attaches all statements made in Response to  
14 Tech. Defendants' Reply to Plaintiff's Opposition of MTD FAC, both Oppositions,  
15 the FAC, and all Exhibits.

#### 17 **IV. CONCLUSION**

18  
19 For the foregoing additional reasons, plus combination of all information contained  
20 within the Oppositions to MTDs, FAC, and all Exhibits, Plaintiff respectfully  
21 requests that this Court must also consider this Response and DENY all  
22 Defendants' including Chase's Motions to Dismiss, with leave to amend, and  
23 permit this case and justice to progress.

24  
25  
26 *Russell Rope*

27 Russell Rope

05/03/2018