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No. 02-5240

UNITED STATES COURT OF APPEALS

For the District of Columbia Circuit

RODNEY F. STICH, Appellant

v.

UNITED STATES GOVERNMENT, Appellee

On Appeal From the United States District Court

For the District of Columbia

BRIEF FOR APPELLANT

Rodney Stich
POB 5
Alamo, CA 94507
Tel: 925-944-1930

1 **CERTIFICATE AS TO INTERESTED PARTIES**

2 As a matter of law, there are no interested parties. None of the defendants named in the
3 Complaint had been served because of the court’s sua sponte dismissal shortly after the
4 Complaint was filed.

5 As to meaningful matters, the facts and issues involved here are of interest to people and
6 entities interested in the integrity of government offices, to the public, and especially to the
7 families of those who were killed by the actions of the 19 hijackers on September 11, 2001. Also,
8 to those who will suffer similar fates to those referred to in this appeal and in the underlying
9 Complaint.

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1 **JURISDICTIONAL STATEMENT**

2 **The district court’s jurisdiction arose pursuant to:**

- 3 • Federal crime reporting statute, Title 18 U.S.C. § 4, which requires anyone who knows of
4 a federal crime to report it to a federal judge (or other federal officer).

5 Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual
6 commission of a felony cognizable by a court of the United States, conceals and does
7 not as soon as possible make known the same to some judge or other person in civil
8 or military authority under the United States, shall be fined under this title or
imprisoned not more than three years, or both.

- 9 • Civil Rights Act, Title 42 U.S.C. §§ 1983-1986, for violations of state and federal laws
10 and constitutional provisions, while acting under color of state law in state courts.
- 11 • Bivens, which extends the rights and protections of the Civil Rights Act to violations of
12 civil and constitutional rights occurring under color of federal law in federal courts.
- 13 • RICO, Title 42 U.S.C. §§ 1961-1965, arising under the predicate acts taken in a
14 conspiracy to block Stich’s reporting of criminal activities, and affecting interstate
15 commerce—as in hijackings of airliners.
- 16 • Declaratory Judgment Act, Title 28 U.S.C. §§ 2201, 2202, along with FRCivP 57. The
17 federal causes of actions under the Declaratory Judgment Act includes:
- 18 ○ Declaring Stich’s legal rights, legal responsibilities, and legal relations established
19 in five judgments that are in controversy. These rights were violated as part of a
20 sham lawsuit filed by a CIA-front law firm that violated dozens of state and
21 federal statutes, rules of court, controlling case law, and constitutional protections.
 - 22 ○ Declare as void injunctive orders that permanently deprives Stich of due process
23 and equal protection of the law . These injunctive orders terminated Stich’s due
24 process and equal protection right to access federal courts, thereby terminating for
25 him all legal rights, legal protections, and legal defenses, while federal judges
26 simultaneously violate multiple federally protected rights. The effect—and surely
27 the intent—of these injunctive orders were to block Stich’s reporting of criminal
28 activities that he and his group of other government agents had discovered, and to
block Stich’s exercise of federal defenses against record setting violations of

1 federally protected rights that were violated in an attempt to halt his exposure
2 activities.

- 3 • Void judgment doctrine of the U.S. Supreme Court. The federal causes of actions under
4 this federal remedy seeks to:

- 5 ○ Declare as void the orders seizing and liquidating Stich’s \$10 million in assets.

6 These orders violated the due process right to a hearing, notice of hearing, legally
7 recognized cause, and in a pattern of fraud. These major due process violations
8 seizing Stich’s life assets were followed by further due process violations,
9 including orders barring Stich from exercising the legal and constitutional right to
10 object to the seizure and liquidation, the unfiled of such objections, and the
11 retaliatory criminal contempt of court charge for exercising these due process
12 rights. Subsequent orders liquidating Stich’s assets, seeking authority from the
13 earlier void seizure orders, were void orders. These enormous due process
14 violations require return of Stich’s assets.

- 15 ○ Declare as void the injunctive orders permanently terminating Stich’ legal rights,
16 legal protections, and legal defenses. These orders acted to block Stich’s reporting
17 of criminal activities, including those that were primarily responsible for the
18 conditions enabling 19 hijackers to seize four airliners on September 11, 2001.

- 19 • Title 28 U.S.C. § 1331, which provides that “federal courts shall have original jurisdiction
20 of all civil actions arising under the Constitution, laws, or treaties of the United States.”

- 21 • Title 28 U.S.C. § 1343, which provides that “the district courts shall have original
22 jurisdiction of any civil action authorized by law to be commenced by any person: (1) To
23 recover damages for injury to his person or property, or because of the deprivation of any
24 right or privilege of a citizen of the United States, by any act done in furtherance of any
25 conspiracy mentioned in section 1985 of Title 42; (2) To recover damages from *any person*
26 [including federal judges, or the federal government] who fails to prevent or to aid in
27 preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were
28 about to occur and power to prevent; (3) To redress the deprivation, under color of any State

1 law, statute, ordinance, regulation, custom, or usage, of any right, privilege or immunity
2 secured by the Constitution of the United States or by any Act of Congress providing for
3 equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To
4 recover damages or to secure equitable or other relief under any Act of Congress providing
5 for the protection of civil rights.

- 6 • Title 42 U.S.C. § 1986, which requires anyone who knows of a violation of a person's
7 civil rights to take whatever action is within their responsibilities to prevent such
8 violations, and if they refuse to do so, they are responsible for financial damages.
- 9 • Due process and equal protection rights guaranteed by the United States Constitution.

10 **The Court of Appeals jurisdiction arises pursuant to**

11 Title 28 U.S.C. § 1291. This appeal is from the District Court's final order filed on July 1,
12 2002, dismissing the lawsuit that had been filed three weeks earlier, on June 12, 2002. Stich filed
13 a notice of appeal on July 31, 2002. Further jurisdiction arises under the federal crime reporting
14 statute, which requires that *any officer* of the United States receive information and evidence of
15 federal crimes offered by anyone knowing of such a crime or crimes.

16 **STANDARD OF REVIEW**

17 The standard of review is de novo. A dismissal under Rule 12 or Rule 56 is reviewed de
18 novo. *Far Out Products., Inc. v. Oskar* 247 F.3d 986, 992 (9th Cir. 2001). Secondary standard of
19 review is for plain error.

20 **STATEMENT OF ISSUES PRESENTED FOR REVIEW**

21 The issues raised by this appeal include the following:

- 22 • Reporting federal crimes to a federal courts under 18 U.S.C. § 4. Refusal by the district
23 court judge to receive information and evidence of federal crimes that Stich and his group
24 of other former and present government agents had discovered during their official duties
25 (and elsewhere). Any federal judge to whom such information and evidence is offered
26 must receive it as part of his or her *administrative* duties, and has no authority to obstruct
27 justice by refusing to receive the information. The events of September 11, 2001, are one
28 of the consequences of blocking such reports.

- 1 • Unlawful and unconstitutional dismissal of Stich’s Complaint that stated multiple federal
2 causes of actions for which relief exists under the laws and Constitution of the United
3 States. Dismissal of the Complaint violated due process and equal protection of the
4 Constitution by:
- 5 ○ Dismissing the Complaint that stated facts showing multiple federal causes of
6 actions for which federal relief is available.
 - 7 ○ Requiring the court to accept as true the statements made in the Complaint to
8 determine if one or more federal causes of actions had been stated, which would
9 bar dismissal of the Complaint.
 - 10 ○ Violated equal protection rights under the Constitution of the United States, using
11 the tactic of requiring Stich to off-the-record submit any filing to the same federal
12 courts that had engaged in record-setting obstruction of justice, record-setting
13 violations of dozens of state and federal laws and constitutional protections, with
14 a 100 percent violation of every procedural due process right and defense.
 - 15 ○ Denying right to discovery.
 - 16 ○ Denying right to jury trial on matters providing for a jury.
 - 17 ○ Refusing to prepare findings of facts and conclusions of law.
 - 18 ○ Violating due process under the Civil Rights Act (42 U.S.C. §§ 1983-1986), for
19 multiple violations of state and federal laws while acting under cover of state law.
 - 20 ○ Violated due process under Bivens, for multiple violations of state and federal
21 substantive and procedural laws and constitutional provisions while acting under
22 color of federal law.
 - 23 ○ Violated due process under RICO (42 U.S.C. §§ 1961-1965), on the basis of the
24 multiple predicate acts, perpetrated in a conspiracy, affecting national and
25 international commerce, and meeting the definition of a racketeering enterprise.
 - 26 ○ Violated due process under FTCA (42 U.S.C. §§ 2401, 2671-2674), for torts
27 perpetrated against Stich by federal employees acting under cover of their
28 government positions, as part of the scheme to block Stich’s reporting of criminal

1 and subversive activities.

- 2 ○ Violated due process under the Declaratory Judgment Act (28 U.S.C. §§ 2201,
- 3 2202 and FRCivP 57), to declare Stich's legal rights and relations established in
- 4 five judgments that have been violated; to declare as void the orders terminating
- 5 Stich's due process and equal protection rights as part of a scheme to block
- 6 Stich's reporting of criminal activities involving government officials.
- 7 ○ Violated due process under the Supreme Court's void judgment doctrine, to
- 8 declare as void the seizure and liquidation of Stich's \$10 million in life assets.
- 9 ○ Violated constitutional due process and equal protection rights.

10 **STATEMENT OF THE FACTS**

11 Stich's Complaint, filed in the district court, stated facts raising several federal causes of
12 actions arising under federal criminal statutes, and to obtain relief from record-setting violations
13 of state and federal laws and constitutional protections. The wrongful acts were combined to halt
14 his exposure of criminal activities implicating people in key government positions. Included in
15 these federal issues was Stich's attempt to report federal crimes to a federal court under the
16 federal crime reporting statute, Title 18 U.S.C. § 4.

17 The other federal causes of actions sought relief from record-setting violations of federally
18 protected rights for which relief was provided under (a) the Civil Rights Act; (b) *Bivens*; (c) Civil
19 RICO; (d) Declaratory Judgment Act; (e) Supreme Court's void judgment doctrine; and as
20 further provided by the due process and equal protection clause of the United States Constitution.

21 **Catalyst For Start Of Massive Violations Against Stich**

22 Stich sought to report to a federal court the criminal activities that he and his group of other
23 former and present government agents had discovered. (Among the dozens of other government
24 agents providing Stich with information and evidence on criminal activities in government
25 offices and covert operations were those from the CIA, FBI, DEA, Customs, Secret Service.)
26 Many of the corrupt and criminal activities discovered by Stich, initially while he was a key
27 federal aviation safety agent, involved misconduct responsible for many easily preventable
28 aviation disasters, including hijackings.

1 Within days of the filing of that Complaint, before Stich could affect service on the
2 defendants, district judge Henry Kennedy dismissed the filing *sua sponte*, without notice.

3 The district judge's dismissal sought support in an order rendered 11 years earlier by former
4 district judge Stanley Sporkin (September 23, 1991) that permanently barred Stich from filing
5 any papers in the federal courts. Sporkin's order also blocked Stich from reporting the criminal
6 activities that he and other government agents had discovered during their government duties and
7 which Stich sought to report under the mandatory requirements of 18 U.S.C. § 4. Kennedy's
8 order stated:

9 On September 23, 1991, this court, Sporkin, J., entered an order in *Stich v. United States of*
10 *America*, Civil Action 91-1432, which, in part, "FURTHER ORDERED that [Rodney Stich]
11 shall seek leave of this court before filing any new civil action." This order was affirmed on
12 appeal. Accordingly, because plaintiff has not complied with this court's order of September
23, 1991, it is this 1st day of July 2002, hereby ORDERED that the complaint in this case is
DISMISSED.

13 The gravity of the consequences to national security and the lives of many people, if the
14 allegations were true, made it unconscionable to block the reports. In addition to consideration of
15 the enormous consequences, federal law requires that the allegations stated in the Complaint
16 must be accepted as true for opposing dismissal.

17 In addition to the legal requirement that the allegations in the Complaint be recognized as
18 true for opposing dismissal, defendants' failure to deny them requires that they be accepted as
19 true. Federal Rule of Civil Procedure 8(d):

20 (d) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is
21 required, other than those as to the amount of damage, are admitted when not denied in the
22 responsive pleading. Averments in a pleading to which no responsive pleading is required or
permitted shall be taken as denied or avoided.

23 Providing additional importance to Stich's charges, he has impeccable aviation safety
24 credentials, and had the opportunity to discover the corruption and its relationship to prior
25 aviation disasters as a federal aviation safety agent assigned to a very sensitive area experiencing
26 the greatest numbers of aviation disasters in the nation's history. He also had the opportunity to
27 see the brutal consequences as many major airline disasters occurred in programs for which he
28 had federal air safety responsibilities. Additionally, several dozen sources, including agents from

1 the CIA, FBI, DEA, Customs, Secret Service, and other government offices, had been providing
2 Stich with detailed information, affidavits, and evidence, of criminal and even subversive
3 activities implicating people in key government positions beyond the areas where Stich had
4 made his discoveries.

5 **Grave Consequences From the Criminal Activities and Judicial Cover-Ups: 9-11**

6 Stich has documented years of criminal activities, their cover-ups, and the deadly
7 consequences upon national security and the lives that were lost. In an effort to circumvent these
8 federal offenses, Stich authored and published numerous highly detailed and documented books
9 that detail segments of the corruption and the consequences. The 3,000 deaths on September 11,
10 2000, due to the successful hijackings of four airliners by 19 hijackers, were merely one day's
11 blips resulting from the misconduct that Stich first discovered as part of his official duties as a
12 federal aviation safety agent. These conditions still exist.

13 **History and Start of Conspiracy To Block Reporting Of Federal Crimes Through** 14 **Massive and Repeated Due Process Violations and Obstruction Of Justice**

15 The efforts to block Stich from reporting the criminal activities took several forms and
16 parallel paths. One tactic involved federal judges repeatedly blocking Stich and his group of
17 other former and present government agents from reporting the criminal activities.

18 Another tactic commenced with the filing of a sham lawsuit against Stich by the CIA-front
19 law firm of Friedman, Sloan and Ross (San Francisco), targeting the \$10 million in assets that
20 funded Stich's exposure activities. That lawsuit was barred by dozens of state and federal laws
21 and constitutional protections.

22 These obstacles were initially addressed by California judges issuing harmful orders that
23 violated these state and federal laws. They blocked every procedural due process remedy. They
24 fraudulently mislabeled Stich's exercise of procedural due process specifically provided by law
25 as frivolous acts of a vexatious litigant. They retaliated against Stich with huge financial
26 sanctions when he exercised constitutional due process.

27 After Stich exercised federal remedies under the Civil Rights Act and Declaratory Judgment
28 Act, Stich encountered another area of contempt for the state and federal civil rights protections.
Federal judges refused to address the massive violations of state and federal laws and

1 constitutional provisions. They engaged in a pattern of sua sponte dismissals or dismissals before
2 any discovery or other remedy could be exercised. They repeatedly refused to address the federal
3 defenses available under the Civil Rights Act. They repeatedly refused to address the
4 requirement to declare Stich's legal rights and legal relations established in five judgments that
5 were being violated in the California courts and inflicting enormous personal and financial harm
6 upon Stich.

7 Commencing in 1986, when Stich attempted to report criminal and even subversive activities
8 in other areas of government that he had discovered from the increasing numbers of government
9 agents providing him with information, federal judges blocked the reports, with grave effects
10 upon national security.

11 The facts surfacing in state and federal court proceedings strongly indicated that the scheme
12 initiated by the CIA-front law firm was engineered in some powerful government office,
13 explaining why the massive violations of state and federal laws and constitutional provisions,
14 and the repeated obstruction of justice, was able to continue despite the overwhelming
15 protections that should have immediately halted the multi-faceted schemes.

16 Several of the parties who played key roles in this conspiracy combining obstruction of
17 justice with massive civil and constitutional violations were named as defendants in the below
18 Complaint, in addition to several non-defendant causes of actions.

19 **SUMMARY OF ARGUMENT**

20 The lower court, by its sua sponte dismissal:

- 21 • Obstructed justice, by refusing to receive information and evidence of federal crimes
22 being offered by Stich and his group of other former government agents under the federal
23 crime reporting statute (18 U.S.C. § 4). This extended the 20 years of obstruction of
24 justice by other federal judges.
- 25 • Violated multiple due process and equal protection rights guaranteed by the laws and
26 Constitution of the United States, expanding on the 20-year continuing period of massive
27 violations of state and federal laws and constitutional protections, and responsible for
28 unprecedented personal and financial harm upon Stich.

- 1 • Violated due process and equal protection right to relief guaranteed under the Civil
2 Rights Act, Bivens, RICO, Declaratory Judgment Act, and the Supreme Court’s void
3 judgment doctrine, expanding on the prior violations.
- 4 • Violated multiple procedural due process rights, including (a) due process rights against
5 sua sponte dismissal without notice; (b) due process rights against dismissal when facts
6 showing federal causes of actions are stated in the complaint for which federal relief
7 exists; (c) due process rights providing for discovery; (d) due process rights to a jury trial;
8 (e) due process rights to findings of facts and conclusions of law.
- 9 • Violated due process and equal protection rights, including misuse of the 1991 illegal,
10 unconstitutional, and void order rendered by former district judge Stanley Sporkin that
11 terminated Stich’s due process and equal protection rights while simultaneously and
12 blocking the reporting the criminal activities.

ARGUMENT

1. Blocking Reports Of Federal Crimes Is A Criminal Act, and Not A Judge’s Prerogative Under Criminal Statutes

16 In the Complaint filed in the district court, Stich sought to again report to a federal court the
17 criminal activities that he and his group of other former and present government agents had
18 discovered. The dismissal subverted the clear wording of the federal crime reporting statute,
19 Title 18 U.S.C. § 4. The dismissal protected the perpetrators of the criminal activities, and
20 enabled the crimes and the awesome consequences to continue. There is no known case law
21 relating to federal judges obstructing justice by blocking the reporting of federal crimes
22 involving people in key government positions.

2. The Injunction By Sporkin Was Patently Void, Unlawful, Unconstitutional, and Knowingly Obstructed Reports of Criminal and Subversive Activities

a. The injunction reversed the requirement that it halt great and irreparable harm.

26 One requirement for an injunctive order under Federal Rule of Civil Procedure 65 is that it
27 must halt great and irreparable harm. The facts stated in Stich’s lawsuit showed that *he* was
28 suffering great and irreparable personal and financial harm. The record numbers of state and

1 federal laws and total denial of all due process procedural defenses in the state and federal courts
2 caused Stich to suffer great personal and financial losses, including the loss of his home, his
3 businesses, his real estate, his sole source of income, his liberties, his privacy, his constitutional
4 protections. Instead of halting the harm, the injunction insured that the harm would continue.

5 The basis for injunctive relief in the federal courts has always been irreparable harm and
6 inadequacy of legal remedies. *Beacon Theatres, Inc. v. Westover*, 359 US 500, 79 S Ct 948, 3 L
7 Ed 2d 988. Injunctive orders are to halt wrongful behavior. *Merrill Lynch, Pierce, Fenner &*
8 *Smith, Inc. v. Stidham*, 658 F.2d 1098 (5th Cir. 1981).

9 Stich's exercise of federal defenses against record-setting violations of federally protected
10 rights did not threaten anyone or cause any irreparable injury, except to those involved in the
11 criminal and subversive activities and those who misused the courts in a corrupt manner to halt
12 Stich's exposure activities. Injunctive relief may not be granted in the absence of proof of any
13 threatened or probable act which might cause irreparable injury. *Public Service Com. v. Wycoff*
14 *Co.* 344 US 237, 73 S Ct 236, 97 L Ed 291.

15 Injunctions require that the public interest be protected against wrongdoings. *Continental*
16 *Group, Inc. v. Amoco Chemicals Corp.*, 614 F.2d 351 (3d Cir. 1980). The public's interest was
17 not protected by reversing the intent and clear wording of law relating to injunctions, or by
18 depriving victims suffering great and irreparable harm the protections clearly intended by the
19 laws and Constitution of the United States. Nor by aiding and abetting the violations of federally
20 protected rights through the corrupt misuse of the courts and judges.

21 **b. The injunction reversed the requirement that it halts unlawful acts.**

22 The injunctive order *continued, rather than halted*, the massive numbers of unlawful acts.
23 Obviously, terminating Stich's guaranteed legal rights, legal protections, and legal defenses did
24 not halt the documented massive violations of state and federal laws, and judicial records show
25 that the violations and the harms continued.

26 **c. The injunction reversed the requirement that it be in the public's interest.**

27 There is obviously great harm to the public's interest when a federal judge corruptly reverses
28 the clear intent of injunctions, who aids and abets the misuse of the courts to combine

1 obstruction of justice with massive civil and constitutional violations against a former
2 government agent seeking to report criminal and subversive activities. Graphic examples of how
3 the judicial obstruction of justice affected the public were the 3,000 deaths on September 11,
4 2001, made possible by the corruption being judicially covered up.

5 **d. The injunction violated the requirement for meaningful findings of facts and**
6 **conclusions of law.**

7 Rule 52(b) requires that a judge granting or denying an injunction “shall set forth the findings
8 of facts and conclusions of law which constitutes the grounds of its actions.” There were no
9 findings and conclusions of law made that addressed the matters raised in Stich’s Complaint.

10 Further, the defendants never requested the injunctions; the injunction was raised by the same
11 judicial system that had been blocking the reports of the criminal activities, had engaged in the
12 documented violations of state and federal laws, and corruptly blocked every remedy guaranteed
13 under the laws and Constitution of the United States.

14 **e. The Injunction Violated Constitutional Due Process and Equal Protection**

15 The Fifth Amendment to the United States Constitution states:

16 No person shall be ... deprived of life, liberty, or property, without due process of law.

17 The Fourteenth Amendment, states:

18
19 No state shall make or enforce any law which shall abridge the privileges or immunities of
20 citizens of the United States; nor shall any state deprive any person of life, liberty, or
21 property, without due process of law; nor deny to any person within its jurisdiction the equal
22 protection of the law.

23 The Supreme Court has interpreted the due process clause of the Fifth Amendment to limit the
24 national government in precisely the same way that the equal protection clause of the Fourteenth
25 Amendment limits states. *Bolling v. Sharpe*, 347 US 497 (1954).

26 **f. Further Irregularities In Sporkin’s Injunctive Order**

27 Judge Sporkin’s injunctive order was rendered within a lawsuit filed by Stich in which one of
28 the federal “causes of actions” was to report the criminal activities that Stich and his group of
other government agents had discovered. Sporkin’s sua sponte dismissal blocked the reporting of
these criminal activities, which aided and abetted the underlying criminal activities, the

1 perpetrators of them, and continues to make possible great harm upon major national interests,
2 including national security.

3 Sporkin's order and dismissal continued the judicial pattern of aiding and abetting the
4 violations of federally protected rights that were part of the misuse of legal process to halt Stich's
5 reporting of the federal crimes and violation of federal defenses intended to protect citizens
6 against such violations.

7 **g. The Injunction Obstructing Justice Was Not A Lawful Order**

8 An order obstructing justice, which is a crime under 18 U.S.C. §§ 2, 3, and 4, doesn't meet
9 the definition of a lawful order. Ironically, and prophetic of what this court will do, Judge
10 Kennedy's order said that *this appellate court* upheld that injunctive order.

11 **h. Pre-filing Requirement Of Injunctive Order Violated *Equal Protection* and**
12 ***Due Process* Guaranteed By the Constitution, While Simultaneously**
13 **Obstructing Justice**

14 Judge Sporkin's 1991 injunctive order required that any papers filed by Stich in federal court
15 must first be approved by a federal judge before it would be considered for filing. This
16 requirement violates due process and equal protection as guaranteed to every one, including
17 murderers and terrorists, with no exception for government whistleblowers!

18 If the off-the-record submission of the lawsuit to a federal judge was denied, Stich loses his
19 due process right to appeal the denial since there is no record to appeal.

20 The long history of record-setting violations of state and federal laws, and the 100 percent
21 denial of the federal remedies to halt these violations, constitutes prima facie evidence that
22 federal judges are engaged in a coordinated scheme.

23 **i. Pre-filing Order Was Another Judicial Tactic**
24 **To Block Reports Of Criminal Activities**

25 If Stich attempts to report criminal activities in key government offices, a federal judge can
26 block these reports—as federal judges had been doing for many years. The pre-filing tactic has
27 repeatedly blocked the reporting of criminal and subversive actions. The consequences for the
28 United States have been grave, and go far beyond the successful hijackings and murder of 3,000
people on September 11, 2001.

1 **3. Dismissal Violated Bar Against Sua Sponte Dismissal Of Complaint**

2 A Rule 12(b)(6) motion to dismiss must be based on failure of the complaint to state a claim
3 on which relief can be granted. For the purposes of a Rule 12 motion, failure to state a claim
4 upon which relief can be granted, the factual allegations of the complaint must be taken as true
5 and any ambiguities or doubts concerning the sufficiency of the claim must be resolved in favor
6 of the pleader.
7

8 The Complaint stated multiple violations of state and federal laws for which there are
9 multiple federal remedies. These include the Civil Rights Act, Bivens, Declaratory Judgment
10 Act, void judgment doctrine, FTCA, and Civil RICO. The Complaint also included an attempt to
11 report federal crimes to a federal court under the federal crime reporting statute, Title 18 U.S.C.
12 § 4.
13

14 FRCivP 12 (c) Motion for Judgment on the Pleadings. ... If, on a motion for judgment on the
15 pleadings, matters outside the pleadings are presented to and not excluded by the court, the
16 motion shall be treated as one for summary judgment and disposed of as provided in Rule 56,
17 and all parties shall be given reasonable opportunity to present all material made pertinent to
18 such a motion by Rule 56.

18 A Rule 56 motion, or a Rule 12 motion that is recognized as a Rule 56 (c) motion when facts
19 outside of the pleadings are stated in the motion. This occurred when the lower court dismissed
20 the action on the basis of Judge Sporkin’s 1991 injunctive order. The raising of that issue
21 requires that pleadings, depositions, answers to interrogatories, and admissions on file, be
22 provided, together with the affidavits, if any, that show that there is no genuine issue as to any
23 material fact and that the moving party is entitled to a judgment as a matter of law. *Augustine v.*
24 *McDonald*, 770 F.2d 1442, 1444 (9th Cir. 1985).
25

26 Sua sponte dismissal, without notice and a chance to be heard, violates due process. “It is
27 error to dismiss a claim on the merits without notice, a hearing, and an opportunity to respond.”
28 *Anderson National Bank v. Lueckett* (1944) 321 U.S. 233, 246. (“We held in *Harmon v. Superior*

1 Court, 307 F.2d 796, 796 (9th Cir. 1962) that the right to a hearing on the merits of a claim over
2 which the court has jurisdiction is of the essence of our judicial system, and the judge's feeling
3 that the case is probably frivolous does not justify by-passing that right. Stich is entitled to have
4 process issued and served, and to be heard.”

5
6 In *Doe v. United States Dept. of Justice*, 753 F.2d 1092 (1985) the court held:

7 Rule 12 provides that if “matters outside the pleadings are presented to and not excluded by
8 the court, the motion shall be treated as one for summary judgment and disposed of as
9 provided in Rule 56...” See Fed.R.Civ.P. 12(b)(noting that, if a Rule 12 motion is converted
10 into a summary judgment proceeding, “all parties shall be given reasonable opportunity to
11 present all material made pertinent to such a motion by Rule 56.” [The record in this case
12 does not indicate that the district court gave the plaintiff any such notice and opportunity to
13 present relevant material. We therefore treat the district court’s disposition as a Rule 12(b)
14 dismissal for failure to .. state a claim]

15 For the purposes of a Rule 12 motion, failure to state a claim upon which relief can be
16 granted, the factual allegations of the complaint must be taken as true and any ambiguities or
17 doubts concerning the sufficiency of the claim must be resolved in favor of the pleader. See
18 *Scheuer v. Rhodes*, 416 U.S. 232, 236, 94 S.Ct. 1683, 1696, 40 Led.2d 90 (1979); *Conley v.*
19 *Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-102.

20 **4. Dismissal Violated Bar Against Dismissal When A Federal Cause Of Action Is Stated**

21 Dismissal was barred on the basis that the facts stated in the Complaint stated multiple
22 federal causes of actions for which federal relief was provided. “When a motion to dismiss a
23 complaint is made, ... the clear and long-accepted meaning [of Rules 54(c) and 12] is that a
24 complaint should not be dismissed for legal insufficiency except where there is failure to state a
25 claim on which some relief, not limited by the request in the complaint, can be granted.” *Doe v.*
26 *United States Department Of Justice*, 753 F.2d 1092 (1985). Summary judgment is prohibited
27 under Fed. R. Civ. P. 56(c) when the evidence, viewed in the light most favorable to the non-
28 moving party, shows that there is one or more genuine issues as to material facts. *Tarin v. County*
of Los Angeles, 123 F.3d 1259, 1263 (9th Cir.).

1 **5. Dismissal Violated Requirement That Allegations**
2 **Stated In Complaint Be Accepted As True.**

3 In conjunction with the legal requirement to provide a federal court forum and due process
4 when the facts in the Complaint state a federal cause of action, the law requires that the court
5 accept as true the allegations in the complaint and supporting affidavits as true. *Gardener v.*
6 *Toilet Goods Assn.*, 387 U.S. 167, 172 (1967). If Stich's allegations state a claim for which federal
7 courts can grant relief, the court must accept jurisdiction. *Dennis v. Sparks*, 449 U.S. 24 (1980).

8 That requirement also applies to Stich's statements of criminal activities that he discovered
9 and which were inflicting grave harm upon national security and other major national interests.

10 **6. Dismissal Violated Due Process Right To Findings Of Facts and Conclusions of Law**

11 The order dismissing the Complaint did not address the facts or the law raised in Stich's
12 Complaint. This practice occurred with the dismissal of Stich's lawsuit in 1991 by Judge
13 Sporkin, and by the lower court in this action.

14 The court held in *Williamson v. Tucker* (CA 5th, 1981) 645 F2d 404, cert den 454 US 897,
15 102 S Ct 396, 70 L ed 2d 212, that despite the district court's apparent reliance upon the
16 exceptions of Rule 52(a), the purpose of the Rule favors reading it as a whole to require factual
17 findings whenever a decision rests on factual determinations. In keeping with the theory that the
18 trial court should make findings where there is a trial upon the facts, Rule 52(a) recognizes that
19 findings are to be made "as provided in Rule 41(b)."

20 The lower court judge was required to determine the conditions under which Sporkin's order
21 was rendered 11 years earlier, whether that order violated legal and constitutional protections,
22 and whether that order permitted the lower court to block the reporting of criminal activities.

23 Where summary judgment is made when issues of fact are involved, summary judgment is
24 not proper, and findings of fact should be made. *Winter Park Telephone Co. v. Southern Bell Tel.*
25 *& Tel. Co.* (CA 5th, 1950) 181 F2d 341.

26 Where a Rule 12 (or Rule 54) motion must determine facts to determine the decision on the
27 motion, a hearing must be held to determine the facts. In *King v. Wall & Beaver Street Corp.*,
28 (App DC 1944) 145 F2d 377, the court held that the defendant's objection to improper venue
raised issues of fact in addition to questions of law, requiring a preliminary hearing pursuant to

1 Rule 12(d). The court made findings and the court of appeals stated: “Such preliminary hearings
2 are not summary proceedings, but are separate trials of separate issues. ... Consequently, the
3 court was fully justified, indeed, was required, to make findings of fact.”

4 **7. Dismissal Violated Due Process Right To Discovery**

5 Federal Rules of Civil Procedure 26 and 27 provides for discovery, which was denied to Stich.
6 Rule 12 or 56 dismissal provides for discovery before a decision is made. In this case the
7 questions arise as to whether Sporkin’s 1991 injunctive order was legal, did it apply 11 years
8 later, did it void the statutory and constitutional protections that were guaranteed to anyone
9 suffering the great harm suffered by Stich from the massive violations of federally protected
10 rights.

11 **8. Dismissal Violated Due Process Right To A Jury Trial**

12 Federal Rule of Civil Procedure Rule 38 provides for a jury trial on all matters for which a
13 jury is permitted, which was demanded in the Complaint on the first page.

14 Rule 38. Jury Trial of Right

15 (a) Right preserved. The right of trial by jury as declared by the Seventh Amendment to the
16 Constitution or as given by a statute of the United States shall be preserved to the parties
inviolate.

17 (b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by
18 ... (2) filing the demand as required by Rule 5(d). Such demand may be indorsed upon a
pleading of the party.

19 **9. Dismissal Violated Due Process Right Under Supreme Court’s 20 Void Order Doctrine Relating To Seizure Of Stich’s Life Assets**

21 The Supreme Court’s void order doctrine provides an additional right over and above the
22 Declaratory Judgment Act, or in its place, for addressing the non-defendant causes of actions.
23 Decisions of the U.S. Supreme Court establish that citizens have the right to have such void
24 orders addressed as it stated such void orders may be “attacked in any proceeding in any court
25 where the validity of the judgment comes into issue:”
26

27 An illegal order is forever void. An order that exceeds the jurisdiction of the court, is void, or
28 voidable, and can be attacked in any proceeding in any court where the validity of the
judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Windsor v.*
McVeigh (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct

1 343, 61 L ed 608.

2 An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in
3 any proceeding in any court where the validity of the judgment comes into issue. *Pennoyer v.*
4 *Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 1 ED 897;

6 *Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974)(“a void judgment is no judgment at all
7 and is without legal effect.”) *Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d
8 645 (1st Cir. 1972). “a court must vacate any judgment entered in excess of its jurisdiction.”);
U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985)

9 A void judgment is not entitled to the respect accorded a valid adjudication. All
10 proceedings founded on the void judgment are themselves regarded as invalid. A void
11 judgment is regarded as a nullity, and the situation is the same as it would be if there were no
12 judgment. 30A Am Jur Judgments §§ 43, 44, 45. It is attended by none of the consequences
of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any
place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment
are themselves regarded as invalid. 30A Am Jur Judgments § 44, 45.

13 At the core of the due process clause is the right to notice and a hearing “at a meaningful
14 time and in a meaningful manner,” *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). “Ordinarily,
15 due process of law requires an opportunity for ‘some kind of hearing’ prior to the deprivation of
a significant property interest.” *Memphis Light, Gas & Water Div. v. Craft*, 346 U.S. 1, 19
(1978)(emphasis added); *Boddie v. Connecticut*, 401 U.S. 371, 378-79 (1971).

16 The Supreme Court held that it is a well-settled remedy “mandated by the Due Process
17 Clause of the fifth Amendment that there be an opportunity to be heard.” *Codd v. Velger*, 429
18 U.S. 624, 627, 97 S.Ct. 882, 884 (quoting *Board of Regents v. Roth*, 408 U.S. 564, 573, 92 S.Ct.
19 2701, 2707.) This would apply not only to the taking of Stich’s properties and due process, but to
20 the sua sponte dismissal by Judge Kennedy and in 1991 by Judge Sporkin.

21
22 Among the many orders rendered against Stich that meet the criteria for void orders include (a)
23 the orders permanently terminating Stich’s legal rights, legal protections, and legal defenses by
24 barring him from federal court; (b) orders seizing Stich’s \$10 million in assets without a hearing,
25 without notice of a hearing, without cause, without personal jurisdiction arising from earlier order
26 refusing to accept jurisdiction; (c) orders sentencing Stich to prison by a Chapter 11 judge in
27 retaliation for filing objection to the seizure and liquidation of Stich’s life assets; (d) orders by
28

1 California judges that were rendered without personal and without subject matter jurisdiction as
2 clearly defined by California statutes and rules of court; and the injunctions permanently
3 terminating Stich's due process and equal protections guaranteed to all citizens by the laws and
4 Constitution of the United States.
5

6 **10. Dismissal Violated Rights To Declaration Of Legal Rights and Responsibilities**
7 **Established In Five Judgments That Are In Controversy**

8 The statutes, Title 28 U.S.C. §§ 2201 and 2202, FRCivP 57, and related case law, guarantees
9 to Stich the right to have his legal rights and legal relations established which are in dispute.
10 These violations were key elements in the sham legal action filed against Stich by the CIA-front
11 law firm. If any federal judge had met his or her duty instead of protecting the scheme, that
12 scheme to halt Stich's exposure activities by stripping Stich of the \$10 million in assets that
13 funded his exposure activities would have been halted at the very start.
14

15 There currently exists contradictory legal rights and legal obligations between five judgments
16 establishing Stich's legal rights and legal obligations and a California judgment issued 22 years
17 later by a California judge, who violated large numbers of state and federal laws and
18 constitutional substantive and procedural due process rights.
19

20 **11. Dismissal Violated Due Process Rights To Reinstatement Of Legal and**
21 **Constitutional Rights Terminated Through Injunctive Orders**

22 The lower court's sua sponte dismissal violated Stich's due process right to have his civil
23 rights restored that had been terminated by Sporkin's 1991 injunction—and the series of similar
24 injunctions.

25 **12. Dismissal Violated Due Process Rights Under the Civil Rights Act**

26 Stich's Complaint stated facts invoking federal court jurisdiction under the Civil Rights Act,
27 Title 42 U.S.C. §§ 1983-1986. Stich suffered great and irreparable harm during six years of
28 continuous orders rendered by California judges acting without personal jurisdiction, as clearly
defined in California law, who repeatedly violated dozens of state and federal laws and

1 constitutional protections, while aiding and abetting the CIA-front law firm.

2 These facts, stated in Stich’s Complaint, constituted a federal cause of action against those
3 defendants.

4 **13. Dismissal Violated Due Process Rights Under *Bivens***

5 Stich’s lawsuit stated facts showing repeated and massive violations of state and federal laws
6 and constitutional protections under color of federal law, giving rise to a *Bivens* claim against
7 certain defendants. The cause of action arose pursuant to *Bivens v. Six Unknown Named Agents of*
8 *Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
9

10 **14. Dismissal Violated Due Process Rights Under Federal Tort Claims Act (FTCA)**

11 Stich’s Complaint stated facts showing a series of torts perpetrated against Stich by
12 government agents as part of the scheme to halt his exposure of the criminal activities. These
13 were perpetrated against him while he was a resident of the states of California and Nevada, and
14 earlier while he was a federal aviation safety agent in the state of Colorado. This cause of action
15 arose under the Federal Tort Claims Act, Title 28 U.S.C. §§ 1346(b), 2671 et seq.
16

17 **15. Dismissal Violated Due Process Rights Under Civil RICO**

18 The complaint stated facts showing a pattern of racketeering activities perpetrated against
19 Stich that inflicted great harm upon interstate commerce—including the events of September 11,
20 2001, which were perpetrated in a conspiracy to halt his exposure of criminal activities in key
21 government offices. This cause of action arose under Title 42 U.S.C. §§ 1961-1965.
22

23 **CONCLUSION**

24 The facts show that the lower court judge continued the practice of:

- 25 • Blocking the reporting of criminal and subversive activities implicating people in key
26 government positions.
- 27 • Aiding and abetting and protecting the parties who have engaged in what is surely the
28 worst and longest-lasting series of civil and constitutional violations on record, combined
with multiple misuse of the California and federal courts to block the reporting of

1 criminal and subversive activities against the United States by people in control of key
2 government positions.

- 3 • Violating every federal defense available to Stich to defend against the record numbers of
4 violations of federally protected rights.
- 5 • Enabling the corrupt and criminal activities to continue, some of which were directly
6 responsible for the success of 19 hijackers on September 11, 2001. In this manner they
7 have become criminally complicit in the 3,000 deaths, and those that will continue to
8 result from the deep-seated corruption that Stich and his group of other government
9 agents had discovered.

10 Because of this court's approval of Judge Sporkin's unlawful, unconstitutional, and
11 obstruction of justice injunctive order, and the dramatic consequences seen on September 11,
12 2001, Stich expects this court will continue to expand on the massive civil and constitutional
13 violations judicially perpetrated.

14 **RELIEF REQUESTED**

15 The relief must obviously include the following:

16 Remand the case to the district court with replacement of the judge who committed the
17 violations, with appropriate safeguards that the judicial pattern of the past 20 years not be
18 repeated.

19 Provide due process safeguards to address the federal causes of actions under the Declaratory
20 Judgment Act, the Supreme Court's void judgment doctrine, the Civil Rights Act, Bivens, RICO,
21 and FTCA.

22 Provide procedures and safeguards for Stich and his group of other government agents to
23 provide information and evidence of the criminal and subversive conduct, under the federal
24 crime reporting statute, 18 U.S.C. § 4.

25 Enter an order stating that the permanent termination of Stich's due process and equal
26 protection of the law, through Sporkin's injunctive order, and all others of similar nature, be held
27 void, unlawful, and unconstitutional.

28 Reinstatement of the lawsuit filed by Stich, with assurances that all due process and equal protection

1 of the laws and Constitution of the United States be met.

2 Dated: December 6, 2002.

3
4
5 _____
Rodney F. Stich

6 **Certificate of Compliance with Type-Volume Limitation**
7 **Typeface Requirements, and Type Style Requirements**

- 8 1. This brief complies with the type-volume limitation of Fed.R.App.P. 32(a)(7)(B) because
9 it contains not over 8200 words, excluding the parts of the brief exempted by Fed.R. App.
10 P. 32(a)(7)(B)(iii), as stated by the word count in Microsoft Word Office 2000.
- 11 2. This brief complies with the typeface requirements of Fed.R.App.P.32(a)(5) and the type
12 style requirements of Fed.R.App.P 32(a)(6) because this brief has been prepared in a
13 proportionally spaced typeface using Microsoft Word 2000 in Times Roman 12 point (as
14 authorized by phone call to Court of Appeals on December 2, 2002.

15
16 _____
17 Rodney Stich
18 Dated: December 10, 2002

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No. 02-5240

UNITED STATES COURT OF APPEALS

For the District of Columbia Circuit

RODNEY F. STICH, Appellant

v.

UNITED STATES GOVERNMENT, Appellee

On Appeal From the United States District Court

For the District of Columbia

APPELLANT'S APPENDIX

Rodney Stich
POB 5
Alamo, CA 94507
Tel: 925-944-1930

1
2 **APPENDIX**

3 There is no transcript in this case as the complaint was sua sponte dismissed shortly after it was
4 filled before any activities were initiated. Further, the district court has failed to provide the clerk's
5 transcript despite written request.

6 Copy of district court's dismissal order: Exhibit "A":

7 **FEDERAL STATUTES RELATING TO APPEAL BRIEF**

8 **Obstruction of justice statutes**

9 Title 18 U.S.C. § 2. Principals. (a) Whoever commits an offense against the United States or aids,
10 abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b)
11 Whoever willfully causes an act to be done which if directly performed by him or another would
12 be an offense against the United States, is punishable as a principal.

13 Title 18 U.S.C. § 3. Accessory after the fact. Whoever, knowing that an offense against the
14 United States had been committed, receives, relieves, comforts or assists the offender in order to
15 hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

16 Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual commission
17 of a felony cognizable by a court of the United States, conceals and does not as soon as possible
18 make known the same to some judge or other person in civil or military authority under the
19 United States, shall be fined under this title or imprisoned not more than three years, or both.

20 **Rule 65. Injunctions**

21 (a) Preliminary Injunction.

22 (1) Notice. No preliminary injunction shall be issued without notice to the adverse party.

23 (2) Consolidation of Hearing With Trial on Merits. Before or after the commencement of the
24 hearing of an application for a preliminary injunction, the court may order the trial of the action
25 on the merits to be advanced and consolidated with the hearing of the application. Even when
26 this consolidation is not ordered, any evidence received upon an application for a preliminary
27 injunction which would be admissible upon the trial on the merits becomes part of the record on
28 the trial and need not be repeated upon the trial. This subdivision (a) (2) shall be so construed
and applied as to save the parties any rights they may have to trial by jury.

(b) Temporary Restraining Order; Notice; Hearing; Duration. A temporary restraining order may
be granted without written or oral notice to the adverse party or his attorney only if (1) it clearly
appears from specific facts shown by affidavit or by the verified complaint that immediate and
irreparable injury, loss, or damage will result to the applicant before the adverse party or his
attorney can be heard in opposition, and (2) the applicant's attorney certifies to the court in
writing the efforts, if any, which have been made to give the notice and the reasons supporting
his claim that notice should not be required. Every temporary restraining order granted without
notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's
office and entered of record; shall define the injury and state why it is irreparable and why the

1 order was granted without notice; and shall expire by its terms within such time after entry, not
2 to exceed 10 days, as the court fixes,

3 **State and federal laws and constitutional provisions repeatedly violated from 1982 to
4 the present date, without interruption:**

5 California CC §§ 4351, 4554, 5004, 5102, 5103, 5108, 5110.720, 5118, 5164; California CCP
6 §§1699(b), 1713.1, 1713.3, 1908, 1910, 1913, 915; California Rules of court Rules 1201(c);
7 1211, 1212, 1215, 1222, 1229(a), 1230(a)(2), 1234, 1239(a)(2), 1281, and Rule 1282; absence of
8 personal jurisdiction arising from Rule 1230 Motion to quash, 1230(a)(2), 1234, and 1239(a)(2);
9 absence of personal and subject matter jurisdiction under the California Family Law Act: Rules
10 1201(c), 1211, 1212, 1281, 1282, 1215, 1222, 1229, 1230(a)(2), 1234, 1239(a)(2); Civil Code §§
11 4351, 4503; California Supreme Court Decisions, including *Rediker v. Rediker* (1950) 35 Cal.2d
12 796.; *Scott v. Scott* (1958) 51 C.2d 249]; *Spellens v. Spellens* (1957) 498 C.2d 210; *Whealton v.*
13 *Whealton* (1967) 67 C.2d 656; Res judicata and collateral estoppel doctrines.; Title 28 U.S.C. §
14 1738, full faith and credit statute; Article IV, § 1, providing for full faith and credit; Article IV, §
15 2, against taking of previously adjudicated and previously acquired personal and property rights
16 upon changing residence to another state; Fourteenth Amendment due process clause; Fourteenth
17 Amendment equal protection clause; Fourteenth Amendment privileges and immunities clause;
18 Fourteenth Amendment equal protection; Fourteenth Amendment property rights; Fourteenth
19 Amendment liberty interests; landmark U.S. Supreme Court decisions: *Williams v. North*
20 *Carolina* (1945) 325 US 226, 65 S Ct 1092, 89 L ed 1577; *Coe v. Coe* (1948) 334 U.S. 378;
21 *Sherrer v. Sherrer* (1948) 334 U.S. 43; *Vanderbilt v. Vanderbilt* (1957) 354 U.S. 416; *Estin v.*
22 *Estin* (1948) 334 U.S. 541; *Perrin v. Perrin*, 408 F.2d 107 (3rd Cir. 1969).

15 **Pattern of Repeated Violations By Federal Judges As Stich Sought Relief From the
16 Violations Occurring In the California Courts:**

17 Instead of providing relief from the above violations of federally protected rights, federal
18 judges aided and abetted these violations. They refused to provide federal relief under the Civil
19 Rights Act and Declaratory Judgment Act, they protected the CIA-front law firm and California
20 judges perpetrating these massive violations, and retaliated against Stich for exercising the
21 federal defenses specific for any one of the multiple violations of any one of the above laws and
22 constitutional protections.

23 **Federal Due Process Remedies Repeatedly Violated by Federal Judges**

24 Federal judges repeatedly violated the rights under the Declaratory Judgment Act (28 U.S.C.
25 §§ 2201, 2202 and FRCP 57); Civil Rights Act for the violations under color of state law (42
26 U.S.C. §§ 1983-1986); Bivens, for the violations under color of federal law; Supreme Court's
27 void order doctrine relating to the unconstitutional orders terminating Plaintiff's due process and
28 equal protection rights, the orders seizing Plaintiff's \$10 million in assets without a hearing,

1 notice of hearing, or cause); civil RICO.

2 **Activities Used By Stich To Expose Corruption In Key Government Offices**

3 Multiple issues of *Unfriendly Skies*, *Defrauding America*, *Drugging America*, *Disavow*, and
4 *Terrorism Against America*. Internet sites also refer to these matters: www.unfriendlyskies.com;
5 www.defraudingamerica.com; www.druggingamerica.com.

6 **Initial Blocking Of Reports Of Criminal Activities Related To Aviation Disasters**

7 *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920
8 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats
9 against government inspectors not to report safety violations and misconduct); *Stich v. National*
10 *Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861
11 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting
12 highly sensitive air safety misconduct, making possible repeated crashes from the same
13 sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-
14 district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*,
15 Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing
16 FAA misconduct, of which the cover-up of the DC-10 cargo door problem was one of repeated
17 instances of tragedy related misconduct); *U.S. v. Department of Justice, District of Columbia*,
18 Nos. 86-2523, 87-2214, and other actions filed by Stich seeking to expose and correct the
19 powerful and covert air disaster misconduct.

20 **Stich's background**

21 Navy patrol plane commander in World War II, international airline captain after the war,
22 one of the first pilots licensed by Japan and one of the first pilots flying for Japan Airlines,
23 qualified in many types of airliner aircraft, the author of numerous books on air safety. He was a
24 government air safety inspector-investigator conducting flights checks and examination of air
25 safety problems with numerous pre-accident reports of major safety problems. As a federal
26 aviation safety agent with over 20 years of prior Navy pilot and airline captain experience was
27 given the assignment to correct the conditions resulting in the worst series of airline crashes in
28 the nation's history.

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