

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RODNEY F. STICH,	}	Civil Action C 80 4526 SAW
Plaintiff,		MOTION TO ALTER OR
v.	}	AMEND JUDGMENT
NATIONAL TRANSPORTATION		
SAFETY BOARD, UNITED STATES		
OF AMERICA,	}	
Defendants,		

Plaintiff requests the court to alter or amend its judgment of April 27, 1981.

The court accepted the defendant's argument to dismiss the action on the alleged lack of jurisdiction, claiming that the action should have been filed in the United States Court of Appeals, such jurisdiction alleged to arise out of 49 U.S.C. 1903(d). Plaintiff strongly disagrees with the court's decision for the following reasons:

1. DEFENDANTS WERE IN MAJOR DEFAULT by not responding to plaintiff's complaint within the 20 day time limit, allowing almost ten weeks to elapse after defaulting, to reply, and then only after plaintiff requested of the court to enter the default as provided by FRCivP 56(a). By being in default the defendants lost their right to file a motion for dismissal. Court's acceptance of this motion, as if the defendants had not defaulted, was improper. The only motion available to defendants was to cure the default, and not to proceed as if nothing had happened. The court acted contrary to FRCivP 55(a) in honoring the defendant's motion to dismiss.

Motion to alter

1 2. PLAINTIFF'S ACTION ALLEGED GROSS ABUSE OF DISCRETION,
2 MISCONDUCT, BY THE NATIONAL TRANSPORTATION SAFETY BOARD.

3 Numerous statutory and case laws already cited in plaintiff's Points and Auth-
4 orities clearly show that the United States District Courts have a moral and
5 legal responsibility, the jurisdiction, to hear plaintiff's action. 28 U.S.C. §
6 1361, the "mandamus act", gives the U.S. District Courts the jurisdiction
7 to intervene when a government agency is acting outside of the law.

8 Plaintiff's previous book-affidavit exhibit (The Unfriendly Skies--an
9 aviation Watergate) clearly shows the nature of the NTSB misconduct, and the
10 failure of the government's checks and balances, including the coverup by the
11 Department of Justice. The court, seeking to side-step this highly sensitive
12 matter, responded to the U.S. Attorney's motion to dismiss, claiming this
13 action was filed in the wrong court. But the statute cited is for court review
14 of orders, primarily of an economic nature, by the Board. The court knows,
15 and the defendants know, including the U.S. Attorney who admitted to the
16 probable truth of plaintiff's allegations during this action, that these games
17 include sacrificing of public safety and lives to carry off the deception. For-
18 tunately, the public appears too naive to recognize the relationship.

19 Plaintiff also makes reference to a previous and similar action filed
20 in the United States District Court, Northern District of California, C 749082,
21 wherein both the District Court and the U.S. Court of Appeals admitted that
22 the action was properly filed in the District Court. In this earlier action the
23 plaintiff sought to expose and bring about corrective action as it pertains to
24 the Federal Aviation Administration part of this multifaceted government
25 scandal, which did include the National Transportation Safety Board. This
26 action, incidentally, was dismissed on the fabricated excuse that the plain-
27 tiff was asking the court (the judge, clerk and secretary) to conduct an in-
28 vestigation of the Federal Aviation Administration.

29 3. THE COURT CITED 49 U.S.C. 1903(d) AS BASIS FOR DISMISSING
30 ACTION. This statute provides that "Any order... issued by the Board...
31 shall be subject to review by the court of appeals of the United. States... "
32 Plaintiff isn't asking for a review of any order of the Board; plaintiff is

1 alleging gross abuse of discretion and misconduct, obstruction of the proper
2 investigative functions, as it pertains to the reported partying involved in the
3 PSA crash. The facts already introduced into this action are prima facie
4 evidence that the NTSB is covering up for this aspect of the investigation into
5 the PSA crash. Even the assistant United States Attorney admitted to the plain-
6 tiff that "It's ridiculous that the NTSB did not investigate further into the
7 reported partying... The investigation should be reopened..." and than ad-
8 mitted what plaintiff already learned while a government investigator; "...
9 the government skirts are not totally clean."

10 Further supporting the jurisdiction of the U. S. District Court to hear
11 this action is 28 U.S.C. § 1487 (Section 1007 of the Act), as it states: "If any
12 person violates any provision of this Act, or any ... requirement... under this
13 Act, any party in interest may apply to the district court of the United States.
14 ... for the enforcement of such provision of this Act, or of such rule, regula-
15 tion, requirement, order, term, condition, or limitation; and such court shall
16 have jurisdiction to enforce obedience thereto by a writ of injunction, or other
17 process, mandatory or otherwise, restraining such person... from further
18 violations of such provision of this Act..." Plaintiff alleges that the NTSB
19 is, and has routinely done so over a period of years, violated its responsi-
20 bilities by concealing material causative facts in crash investigations.

21 SUMMARY

22 The court made the following errors in dismissing the action:

- 23 1. Ignored the default status of the defendants, using defendant's motion
24 to dismiss as the basis for dismissing this action, contrary to FR CivP
25 55(a).
- 26 2. Refused to enter default as requested by plaintiff and provided for by
27 FR CivP 55(a) and refused to have a hearing to determine the content of
28 the default judgment, as provided for by FR CivP 55(e).
- 29 3. Ignored the overwhelming number of statutory and case laws per-
30 taining to the moral and legal responsibility, and the jurisdiction, of
31 the U.S. District Courts, to hear matters involving gross abuse of
32 discretion and misconduct by a government agency.

