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Note:

Exhibits referred to filed pleadings, also some attached, **and such exhibits** referred without prefix.

J2206: Exhibit X refers to corresponding Exhibit of June 22, 2006 filing

JL606: Exhibit X refers to corresponding Exhibit of July 06, 2006 filing

S1205: Exhibit X refers to corresponding Exhibit of September 12, 2005 filing

S1506: Exhibit X refers to corresponding Exhibit of September 15, 2006 filing

D0506: Exhibit X refers to corresponding Exhibit of on or around December 5, 2006 filing

Exhibit X without prefix refers to corresponding Exhibit attached here on June 11, 2007 filing in this OH2006-2073 case

Holders: Parties who concerted from time to time with NEON Trustee cum Attorney Matthew Fitzsimmons in a series of violations to convert a healthy THCP corporation into NEON through pecuniary acts of Mr. Fitzsimmons and others which lead to ouster of THCP board of Trustees, including the ouster of Plaintiff, etc.

I. Statement of the Case:

Now come Plaintiff, Prasad Bikkani, and requests from court to file the motion Instanter to oppose the Motion filed by trustee cum attorney Fitzsimmons on or around 6/5/2007 to a certificate judgment lien and rather it should be marked as satisfied, **Exhibit E**, pending any review and filing the instant motion in detail. Appellant further states that reconsideration, denial of bill motions were submitted and accepted on 3/30/2007 and on 4/24/2007 and somehow court granted sanctions against Appellant with 5/16/2007 judgment Entry. In the instant opposition to the bill, the appellant put together additional information including the frivolous claim statute and the process through which trustee cum attorney Fitzsimmons influenced the court and the statutes, the facts, and or the conduct of Appellant supports the punishment granted to the Victim/Appellant. The trustee cum attorney Fitzsimmons **personally acted** against Plaintiff in the underlying case issues, already caused **perjury** through material falsification in September 2005 affidavit in trial court, materially misrepresented with state/Federal Government representatives to convert THCP under NEON's fold, and in such cases the trustee cum attorney issue resolution appeared to be priority to help all parties. This opposition evidences that infact Trustee cum Attorney Fitzsimmons is vexatious though he is an attorney and he represented himself against summons against him in the lower courts (though got stricken and involved with

other cases as a party) judgment against Plaintiff/Victim should be reversed and should not be punished to plead for modification of law if existing law does not adequately support. Due to shortage of time unable to index the citations and if the court grants additional time, Appellant would like to submit with indexed citations for the convenience.

North East Ohio Neighborhood Services (NEON) formerly known as Cleveland Neighborhood Health Services (CNHSI) or aka Hough Norwood Family Health Care Center hired petitioner Prasad Bikkani as Programmer/Analyst, **Exhibit B1- B7**, and petitioner started working to NEON/CNHSI on October 10, 1994, **S1205: Exhibit C**. Full chronology with periodic and automatic raise of salary and promotions were present in September 15 and September 22, 2006 filings of the instant case with pertinent exhibits. On 1/30/1995, voluntarily company promoted to MIS Manager and raised salary **S1506: Exhibit I**; and effective 4/24/1995 voluntarily company raised salary **S1506: Exhibit J**, stating due to the result of 6 months performance review, **S1506: Exhibit K** (performance review evaluation which is CNHSI with name Hough-Norwood Family Health care Center). Effective 10/9/1995, company voluntarily raised salary **S1506: Exhibit L**, stating due to the result of annual review and position change to MIS Director, **S1506: Exhibit M**, (performance evaluation with the name of CNHSI with name Hough-Norwood Family Health care Center). Effective 1/16/1996, company voluntarily appointed Prasad Bikkani as Vice President/Management Information Systems making him jointly responsible with Jim Bell/Sr. VP/Finance to NEON formerly known as CNHSI and THCP and charged with the responsibility to come up with a restructured program to incorporate finance and information services of all affiliated corporation groups into one service unit, **S1506: Exhibit N**, and raised salary, **S1506: Exhibit O**. Both NEON and THCP are incorporated as non-profit corporations of health care area.

In brief, Plaintiff was provided with opportunity in a variety of positions at the choice of management with NEON/CNHSI and Total Health Care Plain Inc (THCP). During the first 6 months of the so called probation the company policy does not allow to be paid during the regular holidays such as Thanks Giving day, Christmas, New Years eve etc. Yet due to the projects demand and assignments that were entrusted to Mr. Bikkani, he worked long hours every day ranging at least 15 to 16 hours, **JB22: Exhibit W p9 middle**, to 24 hours at times, **JB22: Exhibit p8 1st Para**, and almost all weekend including Saturday and Sunday and holidays such as Thanks giving even during the unpaid probation period. Since there is no overtime concept the holidays during the probation, technically salary would be deducted even for the holidays worked. But such things didn't deter to take care of corrupted processes to correct and stream line and bring mid month TapeTurn process into 1st day of month process by cutting short about 15 days process/month into 1 day process per/month within just weeks of joining. Within about four months while on probation, voluntarily by the company Plaintiff was promoted to Manager of MIS. By the choice of company they choose from which account to fund any ones' salary irrespective of duties/assigned tasks. Company switched from CNHSI/NEON payroll account to THCP Payroll account for Plaintiff and same payroll person/department for both the companies as the given employee bulletin cover implied with different companies including profit and non-profit corporation names, **JB22: Exhibit T**, they are integrated companies. *Ahern v. Ameritech Corporation*, (CA75807, 75808, 75809, Ohio App. Dist.8 05/11/2000).

Petitioner achieved excellent results while performing his duties at THCP/NEON, particularly in the areas of Information Systems, Operations efficiency, performing the special tasks/projects as assigned. The assigned tasks get performed by Plaintiff were quite lucrative for THCP/NEON and Plaintiff put in long hours at work and worked holidays as explained above. Plaintiff was sent on an expense paid seminars including to Florida, Seattle Washington, S1506:

Exhibit K4, M4. Plaintiff had an unblemished record with THCP/NEON with regard to discipline or on anything.

Following Jim Turner's, at that time CEO, death in late 1998, friction developed between THCP board and NEON Board and Attorney Fitzsimmons is 1st Vice Chair of NEON's Board. THCP Board hired SMG consultants. Through concealed motive, SMG consultants became Interim Management to control for their advantage. Mr. Fitzsimmons along with NEON would like to take control of THCP so they made close relationship with SMG Group various schemes. In furtherance of a Racketeering scheme, in an effort to disburse several millions of dollars under the name of settlement to NEON and other entities, to convert to SMG, and for other concealed pecuniary benefits; discrimination, retaliation, with purported long term plan to control THCP, Holders eliminated Plaintiff with malice on 6/25/1999 stating position was eliminated.

Plaintiff noticed that the work environment changed significantly under SMG Group/Rotan Lee conducts a meeting once a while under the name of senior management in March 1999. In one of such meetings commented with inappropriate national origin, racial content, in front of all African Americans of 15 or so in the room while Plaintiff was present and too stated that it [Company] is for African American's only. Communicates constantly with even Board of Trustees, Rotan Lee emphasized on race only stating as if he interviewed and or hired so and so African American and or so and so political group's African American. Rotan Lee used profanity against petitioner and openly stated in March 1999 that he likes profanity and become involved closely with females too and younger ones in particular. As of early 1999, Rotan Lee and Christina Burke, a claims department processor who does not have basic MIS skills became closer and closer.

SMG consulting Group planned for permanent takeover of THCP, NEON's board of trustee Matthew Fitzsimmons planned for take over/conversion of THCP through relationship with Rotan Lee and Barry Scheur etc. Rotan Lee would like to become a permanent CEO of THCP. Barry Scheur would like to use his consultants to continue THCP contract and facilitate circumstances to extend perpetually. Since Scheur Group occupied key positions, they started executing their own schemes: **With an ill conceived scheme, Scheur Holders withheld UR reports, Holding Encounter data, etc from mandatory submission to State, knowing that \$150,000/month penalty and points penalty are applicable which leads to termination of HMO license/contract. When the scheme implementation failed on Encounters data as of April 1999,**

Ruth Aaron told to Rotan Lee on April 8, 1999 afternoon when he returned from some board member's home stating as if Plaintiff/petitioner is aiming for Rotan Lee's chair and a threat to SMG's contract. During May 1999 while SMG Enterprise working with Mr. Fitzsimmons to oust plaintiff, indicated as if no planned changes for IT staff when Board meeting took place. **NEON's trustee Fitzsimmons** conspired and assisted the way Rotan Lee/Scheur wants to takeover THCP into his/NEON's fold by eliminating Plaintiff, **Exhibit A1, A2**, conspired and made appearance of savings by eliminating people who are no longer there, or increasing their salaries after SMG took control and making it appear their increased salaries were part of savings or not counting those expenses compared to their arrived time, listed failures as success, adding part of NEON's payroll to THCP through late 1999 and showing as if savings to THCP from the year 2000 on wards etc. Mr. Fitzsimmons involved as NEON Trustee in conspiracy including in the area of unlawfully discharging Plaintiff on 6/25/1999.

Plaintiff's title was given to Christina Burke by modifying it to VP of OBIS to Christina Burke on or around August 11, 1999, **Exhibit B8, B9**, who is younger than Plaintiff, an African American under concealed department under Office of Business and Information Services and stated as if MIS department was eliminated, under Matthew Fitzsimmons's guidance. For some responsibilities of Plaintiff, promoted Tiffany McDaniel into Assistant Vice President of OBIS from MIS Administrative/Technical Assistant position who is an African American and younger than Plaintiff. For some responsibilities, promoted Stephen Eugene, who is also an African American and younger from operations into OBIS, **JB22: Exhibit Y3**.

Robert McMillan and Rotan Lee promised to reimburse the \$6,500.00 Training fee stating uniform policies would be made for course reimbursement, Company paid for courses attending time. While inquiring on 6/25/1999, during the exit interview, Paula Phelps, VP of Human Resources, gave 4/20/1999 dated Robert McMillan's letter claiming as if they gave on 4/20/1999 itself and stating such training is not needed to company employees. But in fact that letter was sent by Paula Phelps/SMG/THCP in **May 1999** to NEON's Board of Trustee **Matthew Fitzsimmons** for his review suggesting the claim as if they informed in April itself that training is needed is foundationless. If true they wouldn't have paid salary during several days of training. Besides improper treatments, in the following months Stephen Eugene and Tiffany McDaniel were promoted into OBIS to take some responsibilities of Plaintiff for Stephen Eugene's same training to the same NEW Horizons training center, Company paid about \$9,500

and for Tiffany McDaniel who preferred to have CDs ordered Company paid several thousands of dollars for the same training of Plaintiff's \$6,500 company didn't pay as additional discrimination, retaliatory, etc. From the NEON side, part of Plaintiff's responsibilities were taken up by Lynn Johnson an African American, and technical duties were assigned to Vito Decore and Lee Jackson.

Due to malice, even when Board got authority over personnel and Plaintiff's request is pending in front of Board [without ever a reply from them] still not offering the available MIS director position to Plaintiff even on June 2, 2000, **JL06: Exhibit AO**. Rather Board delegated authority to hire MIS director to Finance department who in return hired an African American named Joe Nelson for Director of MIS, then only Board released Plaintiff's un used vacation in July 2000. By that time, Scheur and Fitzsimmons's schemes failed, THCP lost well over \$10 million dollar reserves some through money laundering and some through overpayment and duplicate payment, non-submission of UR reports and encounter data lead to HMO membership freeze and cancellation of contract. On July 25, 2000 state appointed a Rehabilitator.

NEON's board member, Mr. Fitzsimmons conspired with Scheur Group and THCP's by maliciously altering the facts to corrupt THCP board members' mind through Rotan Lee and through other means and prepared a unique [again discriminatory] separation agreement to withhold even unused vacation of about \$20,000, **S1506: Exhibit AN**, in an effort to blackmail, to withhold usually given severance pay without conditions, **S1506: Exhibit AH**, and ignored about reimbursable amount. In addition, Mr. Fitzsimmons discriminated with a language used in separation agreement about non-complaining etc, Further discriminated to claim as if position was eliminated knowing that it was not true, **S1506: Exhibit AI-M** and knowing that he involved in conspiracy in various money laundering/embezzlement aspects and to self-serve.

When a search was initiated for Network Administrator in July 1999 to replace part of Plaintiff's duties, communications between Donald Butler, Paul Phelps (VP of Human Resources), Jimmy Dee (from SMG) revealed the intentional, malicious, retaliatory termination of petitioner, **Exhibit B11, B12:**

Besides the above conflicts and many violations listed in subsequent sections, Plaintiff believed that law supports the appeal at least under the contest to modify the law, and with the experience of MLHOA case and as difficult to safeguard the integrity of process as many key facts are being altered by involved attorneys and in good faith believed that Disciplinary Rules and pertinent laws supports the appeal. The 8/11/2006 second superseding indictment, N3006: Exhibit B, of Defendants/ Holders in *U. S. v. Scheur et al* (2005, Louisiana 05-304) including Barry Scheur, Robert McMillan, etc included Mail/Wire fraud counts with Ohio attorneys and the 14 counts involved with the 18 U.S.C. § 371, 18 U.S.C. § 1341, 18 U.S.C. § 1343, and 18 U.S.C. § 2, and as of 4/3/2007, Exhibit A, at least Louisiana District court dismissed on grand jury/constitutional related grounds following reconsideration motions, which highlights that Plaintiff's reconsideration motions are also should be for good faith effort and Mr. Fitzsimmons also failed several reconsideration motions and the current unsuccessful attempts by Plaintiff should not be considered as frivolous. The US Government re-indicted Barry Scheur (who was an Harvard graduate with law degree) et al in April 2007 and detailed in the following area. Attorney Fitzsimmons involved with many violations in the instant case and his self interests ahead at the expense of constitution, clients, Plaintiff and others. Some of the Matthew Fitzsimmons involvement issues namely are with the supporting hundreds of paragraphs as filed earlier, including:

As the evidence is in front of court, Matthew Fitzsimmons in collaboration with other Holders personally selected and ousted Plaintiff unlawfully, as he stated please see, Exhibit A1, A2, D0506: Exhibit Q2, "...[he] identified personnel for the reduction-in-force...." Thus he acted in operational duties and not as an attorney for a company as many of the hundreds of paragraphs highlighted to it, D0506: Exhibit R. Matthew Fitzsimmons is a trustee of a corporation, NEON, D0506: Exhibit A Para I (3) of John Campbell's July 21,

1999 letter is further evidence which states in part “that an “alliance document” was to result from discussions between Mr. Lee and our Trustee, Mr. Fitzsimmons” [emphasis added] and the NEON board/officers expected him to be interacted with THCP as a trustee of NEON and without self-dealings and there are no disclosures from him to NEON’s board as if he had a self business with THCP to oust Plaintiff from THCP payroll and or from NEON payroll, but he did without corporate formalities either. Mr. Fitzsimmons engineered a materially false affidavit in September 2005 and submitted to court and caused perjury, in an effort to dismiss the case then stating Plaintiff was never an employee of NEON/formerly known as CNHSI, because he had pecuniary benefit in ousting Plaintiff and decided to discredit to cause perjury in the court; when in fact hired by NEON, formerly known as CNHSI. While ousting plaintiff improperly, Matthew Fitzsimmons withheld over \$20,000 unused vacation pay for over a year with a black mail, to sign a separation agreement to cover his illegal activities, and too by claiming as if the waiver requirement is mandatory even to pay unused vacation for a 40+ age category. Mr. Fitzsimmons engineered to change name of the department from MIS to BIS and caused to tell inquiring agencies as if the department was eliminated. Ultimately, NEON trustee, attorney Fitzsimmons converted THCP Corporation from THCP trustees to his/NEON fold.

The instant Motion summarizes some of the pertinent issues caused by NEON Trustee, Attorney Fitzsimmons and concern about the justice coupled with resultant emotional effect caused to Appeal and Plaintiff had very high regards to the court system. Attorney Fitzsimmons/Defendants should not be rewarded for concealing the facts should not be rewarded for hundreds of counts of professional misconduct and for wrongdoing through bill/sanctions against innocent victim/Plaintiff. Without an opportunity to bring a sound appealable order to court’s jurisdiction against wrongdoers, many more victims will suffer. Plaintiff is not perfect in

knowing exactly which way to bring to the court's notice, and even many appeals filed by attorneys also not get perfected. But with Attorney Fitzsimmons's altered facts, appeared to the court as if Plaintiff is vexatious, but infact he is one of the few attorneys ever violated so many laws and Disciplinary Rules. Attorney Fitzsimmons is the number one in altering the facts out of all attorneys and too in front of court as evidenced in January 2007 motion in OH2006-2073 and detailed in the subsequent sections.

II. ARGUMENT:

A) Trustee cum attorney Matthew Fitzsimmons used sensitive Ohio court ruling where RC 5311.18 is superior than Federal Supremacy laws, MLHOA case to his advantage:

As part of a scheme MLHOA Holders including attorney Keith Barton who had a partnership with John MacDonald, Mark Hanslik and a joint bank account under the name of 1999 renamed MLHOA name of a 1978 bankrupt/liquidated/defunct/ DEAD BVHA/BVCUOA corporation(s). MLHOA Holders distribute letters with fictious and random amount liability to victims/defendants even while maintaining Receivership on petitioner's property since 4/21/2005 and such extortion letters were distributed 6/7/2006, 6/20/2006, 8/25/2006, May2107: **Exhibit C8-C11**, to pretext for towing cars under the name of DEAD/liquidates/defunct Association or under unlawful debt collection and to extort funds in violation of FDCPA and Hobb's act. Pursuant to Bankruptcy Code, in a chapter 7 proceeding 11 U. S. C. §330(a)(1) does not authorize payment of attorney's fees unless the attorney has been appointed under §327 of the Code. BVHA was adjudicated under chapter 7, no attorneys or professionals of debtor BVHA were appointed, and there should not be any fee request, *Lamie v. United States Trustee*, 540 U.S. 526 (2004). In Chapter 7, an estate consists of all the property "wherever located and by whomever held." 11 U. S. C. §541(a) and trustee controls not the debtor, *Marrama v. Citizens Bank of Massachusetts*, 127 S.Ct. 1105 (2007) and a debtor who acts in bad faith prior to forfeits

his right to obtain Chapter 13 relief. The corporate debtor, BVHA/MLHOA, who went through Chapter 7 decades ago, in 1978, won't be having a new life starting suddenly from 1999 to extort funds from community under the name of Ohio RC 5311.18.

It became a sensitive issue in 8th District court and in Ohio Supreme Court when petitioner contested questioning whether Ohio RC 5311.18 is constitutional to override Federal laws, ie whether to bring Chapter 7 bankrupt/liquidated corporations into business decades later and to grant immunity to wrongdoers' extortion methods at the expense of community and to rule in favor of such liquidated corporation. Appellant is one of the hundreds of victims of *Miles Landing Homeowners Association v. Bikkani* (8th Dist. Cv04-519870), *Miles Landing Homeowners Association v. Harris* (8th Dist. Cv03-501112, Cv03-507970, OH2006-2054), *Miles Landing Homeowners Association v. Davis* (8th Dist. Cv03-501107, CV03-501108), *Miles Landing Homeowners Association v. First Fed Sav Bank* (8th Dist cv03-501113) and still hoping justice in MLHOA case. In a delayed tactic to proceedings by MLHOA, in the year 2005 MLHOA initiated receiver appointment on petitioner's property using a bankrupt/liquidated/defunct MLHOA/BVHA/BVCUOA. The trial court refused to conduct the evidentiary hearing, refused to grant stay of receivership and refused to accept any needed bond, thus petitioner brought the case to 8th district appeal. Appeal court also denied the stay of receivership and ruled in favor of bankrupt/defunct/liquidated MLHOA under Ohio RC 5311.18. Appellant contested that evidentiary hearing was denied by trial court and Ohio RC 5311.18 can not supersede federal supremacy laws as the MLHOA is a 1999 renamed after 1978 bankrupt/liquidated/DEAD status of BVHA/BVCUOA in a way of corporate ID theft. However, the Appeal court gave consideration to RC 5311.18 only and maintained receivership. The Ohio Supreme court declined jurisdiction in late 2006 as it was not an important constitutional question, besides petitioner raising the issues of federal supremacy laws and due process

violations through attorneys involved in that case similar to instant case to cover-up their tracks. Trustee cum Attorney Matthew Fitzsimmons extended his improper representations in each court to materially falsify with half truths through no truth to cover up his tracks and further influenced the court by raising the above sensitive issues for his advantage by claiming as if petitioner is vexatious as he contested in MLHOA case and as if frivolously proceeding in the instant case. Surprisingly, Mr. Fitzsimmons convinced the even Appeal court and the Ohio Supreme Court, he covered his tracks and sanctioned against the petitioner monetarily as well as by declaring as vexatious litigant.

Whether it is a coincidence that in both the cases (MLHOA for example Attorney Keith Barton and NEON/THCP cases where Matthew Fitzsimmons represented in the instant case and now traced Michael Igoe as corresponding Fiduciary of THCP thus serving to him on behalf of THCP) the attorneys are partners in wrongdoing by claiming nonprofit corporate status of their client(s) and advancing forbidden IRC 4941(D) self dealings, and by representing conflicting parties and in violation of Canons and constitution. MLHOA's receiver did not do the receivership functions besides the stay was not granted to petitioner but their delayed tactic worked for them besides unnecessary expenses and harassment against tenant and to the petitioner through their 6/7/2006, 6/20/2006, 8/25/2006 letters and in violation of FDCPA practices, Hobb's act etc. The letters stated more money should be paid, besides already extorting over \$11,000 from the petitioner, or else owner or tenant car(s) will be towed from the common areas, can not walk on a common road with a dog, can not dispose trash to the dumpster etc. Petitioner still hoped to get justice done through resumption of case of MLHOA in the trial court as it was returned from the Ohio Supreme Court in late 2006. However, in early 2007 with the inspiration of trustee cum attorney Matthew Fitzsimmons's acts, MLHOA recently initiated a new case against petitioner on the same grounds as previous case, cv04-519870, for the same

property, while the past case is still pending in the trial court, in a different jurisdiction.

MLHOA did not utilize the duties of receiver since appointed in April 2005, besides denying the stay of receiver appointment. Petitioner, so far, successfully moved the case to Federal court as RICO acts and many Federal issues involved, *Miles Landing Home Owners Association v. Bikkani* (ND of Ohio, 1:07CV1132).

The MLHOA Holders, unfortunately, through few corrupted attorneys collected about \$7 million dollars from hundreds of unit/home owners and converted about 300 of the 374 units into their company JM Capital, and keep flipping and re-flipping them following various extortion methods in that poor neighborhood as individuals can not afford the legal fee to defend their claims or to bring action. Petitioner paid over \$11,000 to the MLHOA Holders even they appointed Receiver as the petitioner contested at a huge expense of time and money, otherwise just like hundreds of other units they would have taken as local and County level government got influenced by MLHOA Holders. Trustee cum attorney Matthew Fitzsimmons to cover-up his tracks, he used MLHOA issue in the courts stating as if petitioner is maintaining frivolous claim/appeal and or vexatious as petitioner contested in MLHOA case stating RC 5311.18 should not be superior over Federal Supremacy Bankruptcy laws. Because, RC 5311.18 can not give right to extort money under the name of 30 years ago bankrupt/liquidated BVHA corporation just by changing the name into MLHOA in 1999 by MLHOA Holders. Trustee cum attorney Fitzsimmons used one court against another court (trial court, appeal court, Ohio Supreme Court) to use opinions/decisions contrary to the facts with half-truth to no truth and obtained judgments to cover his tracks and used MLHOA case for his benefit.

B) Due process and constitutional rights during the appeal process as self dealings attorney involved in manipulations including with the billing:

The Due process and constitutional rights are further violated when petitioner sought justice in good faith from Appeal court. The appeal court did not take up the petitioner's appeal in late September 2006. Then trustee Fitzsimmons made trial court to dismiss the case for seeking appeal and the trial court on or around 10/3/2006 denied the pending petitioner's motion for continuance and simultaneously dismissed the case with the stated reason as "lack of prosecution." The dismissal order stated dismissal against all the parties and all the claims, meaning dismissal against defaulted parties too. Then using the trial court dismissal of the case, trustee cum attorney Fitzsimmons filed for sanctions against petitioner in the appeal court in the same case where the appeal court denied the case to look into it on the constitutional grounds or modify the law that brought by petitioner but accepted Mr. Fitzsimmons's motion for sanctions by claiming as if the appeal is frivolous. When the petitioner came to Ohio Supreme court, trustee cum attorney Fitzsimmons made his name removed from the party list (so vexatious litigation statute RC 2323.52 won't be applicable to him as he can avoid prior pleadings either as pro se or under the name of his clients but to remove his name as a party or to strike the summons) dismissing/denying the certiorary for original interlocutory appeal where the opponent counsel violated about 34 Disciplinary Rules and had over two dozens of conflicts of interests/parties yet harshly punished victim through monetary sanctions and declaration as vexatious litigant.

Per Mr. Fitzsimmons conclusory filing of 1/11/2007 in OH 2006-2302 starting p12 and OH2006-2073 starting p7 claims as if appellant's conduct clearly rises to the level of habitual, Mr. Fitzsimmons referred to MLHOA case and indicated as if it shows Appellant engaged "...in this type of frivolous conduct." And further concluded that Appellant has a history of harassing opposing counsel with motions to disqualify and to disbar and filing frivolous appeals. To come to this materially false conclusion without looking into the underlying fraud in the case and not

mentioning that hundreds of unit/homeowners who got defrauded through MLHOA cases Mr. Fitzsimmons just served his forbidden self dealings purpose. With these materially false allegations against Appellant, Mr. Fitzsimmons improperly got sanctioned against Appellant in multiple levels including as if frivolous and as if vexatious besides Ohio statute does not support through such materially false allegations. Attorney Fitzsimmons conveniently falsified the appealable order OH2006-1786 to Ohio Supreme Court case of appointment of a Receiver under the RC 5311.18 that used a bankrupt/defunct/liquidated/DEAD corporation(s)

(MLHOA/BVHA/BVCUOA), irrespective of Ohio Supreme Court taken up the case. In addition, Mr. Fitzsimmons claimed as if still Ohio Supreme Court has to rule on another Appeal. Moreover, with those false allegations under the name of Miles Landing case against Appellant, not only improperly categorized through Ohio Supreme Court 1/11/2007 vexatious motion filing in OH2006-2073, but also collected attorney fee through 5/26/2007 judgment whether that fabrication and or purported research time was listed under research to look Miles Landing cases in that case, but also billed under OH2006-2302 case for 6 hours under the name of research on 12/21/2006 and as if 3 hours for each of NEON and THCP. When infact same MLHOA information was used much earlier and also in 12/6/2006 filing of OH2006-2073. As the evidence indicates through Mr. Fitzsimmons's 12/6/2006 filing in OH2006-2073, he knew the details of MLHOA cases as listed in page 3 under foot note 4, there no additional research was done on MLHOA cases to bill for 6 hours of 12/21/2006 under both NEON and THCP and it is an example of false billing and the pertinent footnote 4 states:

“Appellant has a history of harassing opposing counsel with motions to disqualify and to disbar. This is the way that he litigates. He employed the same strategy in *Miles Landing Home Owners v. Vihaya Bikkani, et al.*, Case No. CV-04-519870 in the Court of Common Pleas of Cuyahoga County, by filing similar motions requesting the disqualification, disbarment, and deposition of opposing counsel. On appeal to the Eighth District, pro se plaintiff encountered final appealable order problems. *Miles Landing Homeowners Association v. Bikkani*, Slip Copy, 2006 WL 178

1226 (Ohio App. 8 Dist.) , 2006-Ohio-3328. The Supreme Court of Ohio also declined jurisdiction to hear the case (Case No. 2005-1786).”

Trustee cum attorney Fitzsimmons’s 1/11/2007 filing of OH2006-2302 Page 12 states in part:

“...appellant filed three appeals with the Eighth District -- all of which were dismissed for lack of final appealable orders. See, *Miles Landing Homeowners Ass'n v. Bikkani* (8th Dist. June 29, 2006), 2006 WL 1781226, 2006-Ohio3328 (CA-05-863356 and CA-05-86942), and CA-05-86747 which is not reported...”

Similarly, in 1/11/2007 filing of OH2006-2703, Mr. Fitzsimmons filed starting last para of Page

7:

“...Appellant also repeatedly filed frivolous appeals with the Eighth District and Supreme Court in that case. During a four-month period in that case, appellant filed three appeals with the Eighth District -- all of which were dismissed for lack of final appealable orders. See, *Miles Landing Homeowners Ass'n v. Bikkani* (8th Dist. June 29, 2006), 2006 WL 1781226, 2006-Ohio3328 (CA-05-863356 and CA-05-86942), and CA-05-86747 which is not reported...”

Trustee cum attorney Fitzsimmons knew that he materially falsified the information as habitual and as listed other scenarios under hundreds of counts, by stating that

“all of which were dismissed for lack of final appealable orders. See, *Miles Landing Homeowners Ass'n v. Bikkani* (8th Dist. June 29, 2006), 2006 WL 1781226, 2006-Ohio3328 (CA-05-863356 and CA-05-86942)...”

Infact the above quoted case was appealable and even oral hearings were conducted by the appeal court, though they gave priority to Ohio RC 5311.18 over federal supremacy laws that involved bankrupt chapter 7/liquidated/defunct/DEAD MLHOA/BVHA/BVCUOA corporation(s) and Ohio supreme court declined jurisdiction stating lack of interest/priority.

Moreover, trustee cum attorney Fitzsimmons **knowing** that Ohio Supreme Court already made decision by 12/27/2006, in his 1/11/2007 filing of OH2006-2073 p8 stated as if the “...Supreme Court has not yet accepted or dismissed...”, to make it appear as if Appellant’s MLHOA Supreme court appeals are pending:

“...On September 11, 2006, appellant filed a Notice of Appeal with the Supreme Court with regard to the Eighth District's Orders in Case Nos. CA-05-863356 and CA-05-86942. The Supreme Court has not yet accepted or dismissed that appeal. The similarities between appellant's conduct in Miles Landing and this case are remarkable: defamatory and unsubstantiated accusations, outlandish claims, motions to disqualify and to disbar opposing counsel, and improper appeals of orders that are patently not final and appealable...”

It is that Mr. Fitzsimmons made unsubstantiated accusations against Appellant and the listed hundreds of counts of Mr. Fitzsimmons's violations out of thousands speaks about the substantiation. The similarities between Mr. Fitzsimmons's conduct and MLHOA attorneys conduct can speak out loud through *Miles Landing Homeowners Association v. First Federal Savings Bank* (8th District cv03-501113), *Miles Landing Homeowners Association v. Harris* (8th Dist cv03-507970, OH2006-2054), where extortion, conversion, forgery, material falsification, etc are predominant and also in *Miles Landing Homeowners Association v. Davis* (8th Dist 03-501108) listed over 750 corrupt/predicate acts and the pertinent 12/27/2006 docket entry states:

12/27/2006 D4 MO D4 MAURICE INGE MOTION WITH THE SUPPORT OF 750+ PATTERN OF CORRUPT ACTIVITY AND PAST FILINGS INCLUDING NOVEMBER 20, 2006 FILINGS, TO ADJUDICATE INITIAL PATTERN OF CORRUPT ACTIVITY, TO DISQUALIFY/ENJOIN ATTORNEY KEITH BARTON IMMEDIATELY, GRANT ANY NEEDED LEAVE TO ADD COUNTERCLAIM AND THIRD PARTY DEFTS. PRO SE 9999999

Mr. Fitzsimmons knew that any attorney would not have concealed the facts about NEON/THCP to Ohio AG representatives, Rehabilitator, and to others nor would have protected other defendants to whom Mr. Fitzsimmons represented in the instant case. MLHOA attorney Keith Barton openly represented on both sides of the case in *Miles Landing Homeowners Association v. Harris* (8th District cv03-507970, OH2006-2054) and namely he represented Plaintiff MLHOA and 8 other defendants in that case such as Defendants 5, 6, 7, 8,9,10, 11 and Defendant 13 and too as an employee/partner of a renamed bankrupt/liquidated/defunct/DEAD

BVHA/BVCUOA under the name of MLHOA with a bank account with purported self appointed trustees of MLHOA. Since the time Ohio Supreme court declined to intervene in Appellant's MLHOA case where attorney's of bankrupt-Chapter7/liquidated/ defunct/DEAD corporation(s) can appoint a receiver under the name of RC 5311.18 and by concealing the evidence and by superseding the Federal laws, Cuyahoga county Common Pleas courts and Appeal courts further liberalized the attorneys representation with conflicts. In the interest of number of pages and to avoid redundancy, the commonalities between the instant case attorney Mr. Fitzsimmons out of several involved attorneys of instant case and MLHOA attorneys were limited. Besides trustee cum attorney Mr. Fitzsimmon's misconduct with hundreds of counts of listed violations, using MLHOA case as a reference as it is or as he portrayed through 1/11/2007 filing is like giving credit to the people involved in MLHOA crimes and it is very unconscionable. Just to mention the further similarities between the instant case and the MLHOA cases, some of the MLHOA associated individuals got convicted recently or earlier, see Marcus Dukes (who got convicted on multiple counts of mail fraud, wire fraud and money laundering), *Securities and Exchange Com v. Financial Warfare Club* (CV02-7156, E.D. PA), and *USA v. Dukes* (MD 8:03-cr-00133-RWT-1); and some others who involved in the predicate acts even decades ago with 42 counts of indictment which consisting of Grand Theft 2913.02, Falsification of documents 2921.13, and Receiving stolen property 2913.51 and pleaded guilty to. Some counts, *State Of Ohio v. MacDonald* (8th Dist CR-78-037761-ZA) *State Of Ohio v. MacDonald* (8th Dist CR-78-037332A), *State Of Ohio v. MacDonald* (8th Dist CR-78-037327-ZA), *State Of Ohio v. MacDonald* (8th Dist CR-78-037330-A) and such proceeds were used in the continued racketeering activities. On the other hand, some defendants of the instant case including Barry Scheur who was an attorney and an Harvard law graduate got re-indicted in April 2007 on 14 Felony counts in Louisiana related to \$40 million dollars unpaid claims with

involving the counts of conspiracy, mail fraud, and wire fraud under *US v. Scheur* (2007, Louisiana 07-169). **Once again**, it is that Mr. Fitzsimmons made unsubstantiated accusations against Appellant and not only that he does not deserve any funds, or to materially falsify the information, but he should be disciplined and judgment should be reversed in favor of Appellant/victim so that justice can be served and also illegal things can be prevented from getting legalized. With the above illustrated materially false and or half truth to no truth of Mr. Fitzsimmons's filings and listed in hundreds of counts of violations, Mr. Fitzsimmons materially falsified habitually the trial court filings and the Appeal court filings, and in contrary to his 12/6/2006 filing in OH206-2073 page 4. Declaring Appellant under RC 2323.51 as if frivolous is in violation of same statute, as it was not followed with the needed hearing nor appellant's conduct is frivolous. In addition, Ohio Supreme court further categorized as vexatious by relying on half-truth to no truth Mr. Fitzsimmons's claims and by falling into the trap of vexatious litigant Mr. Fitzsimmons to cover-up his tracks, and to cover his pro se pleadings under the name of purported or fully controlled client through forbidden self-dealings. Moreover, as Mr. Fitzsimmons's footnote 5 of 12/6/2006 indicated "...appellant attached multiple judgment entries to the Notice of Appeal..." and the appeal is not just for disqualification of Mr. Fitzsimmons but by combining with hundreds of counts of violations/counts listed in other sections and those are related to the appeal attachment judgment entries. Mr. Fitzsimmons is known for altering the facts based upon the convenience. Like it was stated in the past, it is not an issue whether it is important to have Mr. Fitzsimmons as a party in the Supreme Court docket but the facts are important. In Mr. Fitzsimmons filing in 12/6/2006 of OH2006-2073, to remove his name he claimed as if

“...Matthew T. Fitzsimmons is, and has been since pro se plaintiff-appellant Prasad Bikkani initiated this case at the trial court, counsel of record for NorthEast Ohio Neighborhood Health Services, Inc. ("NEON") and Total Health Care Plan, Inc.”

The above filing is false and part of appeal is to reinstate him as a party, meaning he was a party before getting stricken. Moreover, Mr. Fitzsimmons couldn't cite any reference where an Appellant can not name the summons served party (whether later stricken or not) during the appeal process similar to the instant case or any case for that matter, please see page 1 of 12/6/2006 filing of Mr. Fitzsimmons and yet he billed for such research in OH2006-2073 yet influenced the court and unfortunately made Appellant declared as vexatious.

C) Why the issue is The Public/National Important:

The decisions associated with the instant case conflicts with decisions of Federal courts and many state courts of last resort as they do not allow trustee cum attorney who caused the underlying case to be continued to represent in the court to further undermine the judiciary system especially when involved in causing the underlying case and too can not benefit through rulings in favor of bankrupt/liquidated/DEAD corporation or contesting against such extortions, though court might have inadvertently granted in favor other commingled attorneys. By doing so, unfortunately, the attorneys self dealings acts are being legalized and it is unfortunate that the decisions involved in overriding superseding the Federal bankrupt chapter 7/liquidation of corporations laws through RC 5311.18 and for contest on such issues and on contest against extortion punishing with frivolous conduct and or vexatious conduct in favor of the instant case which referred to the other self dealing attorneys' acts. The current judgments against victim/Appellant does not support RC 2323.51 and or RC 2323.52 and it is very unfortunate

In the instant case trustee cum attorney Matthew Fitzsimmons represented with over 35 Disciplinary Rule violations, with dozens of conflicts of interests/parties/issues, many patterns of corrupt activity out of which about 250+ of them are listed, *Bikkani v. Lee* (8th Dist. Cv05-566249, CA88650, CA89312, OH 2006-2073, OH 2006-2302) in an attempt to disqualify him

though not successful. Mr. Fitzsimmons as a principal/NEON board member, being involved in wrongful acts, should not have represented NEON, THCP, and or other NEON board members with conflicts of interest, materially altered facts, knowingly and willfully violated to erode confidence in judiciary system. The Supreme Court held a quarter century ago that overruling of motion to disqualify counsel is not order made in special proceeding thus is not final appealable. *Bernbaum v. Silverstein* (1980) 62 Ohio St 2d 445, 406 N.E.2d 532 and the decision were well supported based upon understanding that bar association deals with any impropriety of attorney and not knowing to this extent like in the instant case or like in MLHOA case attorneys involve so deeply to forbidden self deals serving and not knowing that Ohio Disciplinary counsel does not involve while case is in progress. Since due to these new constraints and to seek justice, Appellant with good faith came to Appeal court and Supreme Court and too seek any modification of law if the existing law does not support.

In both the MLHOA and in the instant case the petitioner come across attorneys pecuniary interests ahead of their clients and in manipulation of facts at any cost including false affidavits submission to the courts. Using MLHOA, wrongdoers victimized hundreds of people and yet to be resolved issue legally. However, trustee cum attorney Matthew Fitzsimmons took advantage of that issue to cover-up his acts by utilizing the petitioner's honest contest as if in violation of Ohio RC 2323.51 and RC 2323.52. The petitioner contested MLHOA, *Miles Landing Home Owners Association v. Bikkani* (8th Dist. Cv04-519870, CA86356 & 86942, OH2005-1786, OH 2006-1694) are associated with federal supremacy laws rather than encouraging wrongdoers. In addition, the decision of Ohio courts using RC 5311.18 for a bankrupt/defunct/ liquidated corporation conflicts with decisions of federal courts and other state courts on an important Chapter 7 Bankruptcy issue of federal law as Ohio courts decided an important federal question in a way that conflicts with rulings of the US Supreme Court.

Moreover, petitioner's innocence in protecting the federal supremacy laws through appeals in MLHOA case caused to target through instant case for pecuniary benefit of trustee cum attorney Fitzsimmons. To make higher courts to declare as if petitioner is showing the pattern of frivolous conduct, and to cover-up Mr. Fitzsimmons's tracks, Mr. Fitzsimmons ridiculed petitioner's good faith effort in opposing RC 5311.18 supremacy over federal bankruptcy laws and forced courts to declare as if petitioner's conduct if frivolous and as if vexatious litigant and it is unconscionable. Thus the issue is of considerable national importance as the decision in the instant case has a significant impact not just on the petitioner, not just on hundreds of victims in MLHOA case alone, and on a whole industry or large segment of the population. The issue presented is of broad concern and the questions raised in the petition are of consequence to the Federal government too.

Ohio courts decided an important federal question in a way that conflicts with rulings of the Supreme Court in MLHOA, and it is unfortunate that Trustee cum attorney Fitzsimmons's used the contest of petitioner in *Miles Landing Homeowners Association v. Bikkani* (8th dist, cv04-519870, CA 86356 & 86942, OH2005-1786, OH 2006-1694) to convince the court as if petitioner is vexatious in MLHOA case and as if that pattern continued into the instant case and made petitioner declared as if vexatious to cover his tracks, made petitioner's claims dismissed, and he is maintaining *Bikkani v. Lee* (8th Dist. Cv05-566249, CA 07-89312) in an effort to the further pecuniary gain. Surprisingly, MLHOA chose to file additional case on the same grounds as *Miles Landing Home Owners Association v. Bikkani* (8th Dist. Cv04-519870, CA86356 & 86942, OH2005-1786, OH 2006-1694). The questions raised in the petition are of consequence to the federal government.

The situation rises a question that whether and under what circumstances a victim can avoid a wrongdoer while seeking justice in court of law or no-escape from further victimization

when a trustee cum attorney of a non-profit corporation along with others victimizes and with IRC forbidden self dealings further victimizes in the court of law by acting as an attorney and obstructs justice with materially false affidavit, and in many other ways. When being employed if an employer continues with wrong acts which are independently identifiable and actionable a timely EEOC charge can be filed or other remedies available, and whether such continued tactics into the court room by trustee Matthew Fitzsimmons of NEON/THCP under the hat of an attorney causes no-recourse to the victim and when sought help from higher courts, victim get further punished as the trustee cum attorney can continue his acts in furtherance? The current experience brings a questions that whether trustee cum attorney Matthew Fitzsimmons extended his illegal acts and acts on behalf of others in concert into the court room, unlike in *United Air Lines, Inc. v. Evans*, 431 U. S. 553 (1977), and Mr. Fitzsimmons's continuation of representation under attorney hat through IRC 4948(d) forbidden self-dealings and manipulation of facts with false affidavit and other means gave "present effect to its past illegal act and thereby perpetuated the consequences of forbidden unlawful practices".

The trustee cum attorney Matthew Fitzsimmon's influence on the court is so high, or perhaps due to the sensitive issues involved with Ohio RC 5311.18 against federal Supremacy laws, the court didn't follow the required hearing of RC 2323.51, petitioner does not meet the RC2323.51 (A) frivolous conduct, and the court ignored the statute requirement itself RC 2323.51(B) (2) which states in the pertinent part: An award may be made pursuant to division (B)(1) of this section upon the motion of a party to a civil action or an appeal of the type described in that division, but only after the court does all of the following. Like stated above, in the instant case no hearing was set to determine if the conduct was frivolous, whether any party was adversely affected by it, and to determine if an award is to be made, and the amount of that award, thus in violation of (RC2323.51 (B)(2)(a).

Victim/petitioner's Due process rights were violated, where expected the protection and assistance, by punishing rather than rewarding for the sacrifice and for the good faith effort, both by Appeal court and further punishment by Supreme court just because an attorney who is a member of US Supreme Court had high influence over the Ohio court system as he was able to conceal the facts in furtherance of his pecuniary benefit and can go to any extent by engaging in a conduct unbecoming a member of the Bar of the court. Ohio RC 5311.18 superceding US Federal bankruptcy laws, or alternatively, Ohio state court of last resort did not interfere to avoid conflicts between state statute/court decisions against federal supremacy laws. A state court has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

In order to be declared the petitioner as vexatious litigant RC 2323.52 (A) was not satisfied and also conduct was not found as frivolous per RC 2323.51 other than belief by court based upon half-truth to no truth statements by trustee cum attorney Fitzsimmons to cover-up his tracks. The Appeal court failed to conduct a hearing to declare frivolous and award sanctions as required by RC 2323.51, nor conducted a hearing by Supreme court before deciding in favor of RC 2323.52 and or other procedural requirement to determine rather than believing appeal's court judgment that is already in violation of RC 2323.51 without following the needed requirements. It is additional surprising to the petitioner as the court sided with Ohio RC 5311.18 in MLHOA case.

Trustee cum attorney Fitzsimmons's conduct is frivolous and in violation of RC 2323.51(A)(2)(a) to obviously serves merely to harass or maliciously injure petitioner, to cover-up his acts, it is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law. Moreover, petitioner's

conduct is not in question per RC 2323.52 and rather Trustee cum attorney Matthew Fitzsimmon's conduct is Vexatious and petitioner's conduct is to serve justice by getting protection from trustee cum attorney Matthew Fitzsimmons's harassment and from his malicious acts to injure to the petitioner as he violated RC 2323.52(A)(2)(a). Trustee cum attorney Matthew Fitzsimmons's conduct is not warranted under the existing law and can not be supported by a good faith argument for an extension, modification, or reversal of existing law, thus he violated RC 2323.52(A)(2)(b) and not the other way around against such conduct of petitioner. Trustee cum attorney Matthew Fitzsimmons's conduct is with obstruction of justice and solely for the delay thus he violated RC 2323.52(A)(2)(c). Trustee cum attorney Matthew Fitzsimmons's conduct meets RC 2323.52(A)(3) "Vexatious litigator" definition as he has habitually, persistently, and without reasonable grounds engages in vexatious conduct and he represented himself as Pro Se in the instant case when he was named as a party and served the Summons with Sheriff (though he refused to accept the tendered service and filed various motions to remove his name).

Based upon the sample hundreds of counts listed above with **30+** Disciplinary Rule violations, **and dozens of Fiduciary** violations, sanctions should be imposed against Attorney Matthew Fitzsimmons immediately, reasonable costs and expenses should be awarded to Plaintiff, as court feels appropriate. This case deserves appropriate treatment as one of the great importance of public interest and involved with substantial constitutional issue, Due process violations, prejudice, and constitutional amendment violations. With a good faith Plaintiff brought to the court's attention for justice and Attorney Fitzsimmons should not be rewarded for wrongdoing with bill/sanctions against Plaintiff and judgments should be in Plaintiff's favor.

Matthew Fitzsimmons' dealings/violations related to MLHOA are to conceal his tracks, also by detrimental to Appellant/victim as it is in furtherance of MLHOA Holders' crime, and in an effort to influence the courts accordingly. In addition, the MLHOA related 2006-2007 violations are to cover-up Matthew Fitzsimmons' and his past and or continued representing

	<p>clients including Appellant, NEON holders, THCP Holders, Scheur Holders. Matthew Fitzsimmons represented two defendants NEON/THCP officially and about a dozen conflicting named clients against Appellant and submitted materially false affidavit in September 2005 as part of corrupt activity and to influence the court and used MLHOA case during 2006-2007 to further influence the courts by distorting facts. Though Matthew Fitzsimmons, Keith Barton attorneys etc violated about 3 dozens of Disciplinary rules and represented with dozens of conflicting parties/issues (Keith Barton represented on both sides of the case in <i>Miles Landing Homeowners Association v. Harris</i> (8th Dist Ohio, Cv04-507970, OH 2006-2054) by representing Plaintiff, and more than half a dozen defendants in that case), Matthew Fitzsimmons' involvement with MLHOA or to use improperly MLHOA against defendants is part of a wider scheme where wrongdoers use Attorneys with a pre-calculated purpose. In the instant case instead of SMG providing attorneys for clients' purpose like stated used for their own benefit to cover-up acts and detrimentally affecting the victims there by causing further victimization.</p>
	<p>As a pattern of corrupt activity, using a non profit corporation NEON's Board of Trustee, Attorney Fitzsimmons, <u>represented all the Trustees for his pecuniary benefit</u>, along with 30 conflicts of interests, IRC 4941 forbidden self-dealing transactions, violating Attorney General's guidelines for nonprofit Corporation Board of Directors, over 34 DR Rule violations, represented others there by manipulated facts with half truths and took away victim's rights and caused further damages. Attorney Fitzsimmons repeatedly quoted MLHOA cases by concealing the facts to his advantage and through direct or indirect conspiracy and caused damages to Appellant and as a pattern of corrupt activity, Attorney's involvement in wrongdoing, representing under the names of clients and attorneys tried to cover-up with fraudulent affidavits to obstruct justice and it is becoming common like in <i>Miles Landing Homeowners Association v. Bikkani</i> (8th Dist., CV04-519870), attorneys stayed until their involved fraud get exposed in 2005 even with their ex parte communications to judge Nancy Fuerst, and they influenced the courts with fraudulent affidavits. By then hundreds of unit/homeowners/consumers lost their units to Holders for the scheme but only few defendants still fighting the crime <i>Miles Landing Homeowners Association v. Harris</i> (CV03-501112), <i>Miles Landing Homeowners Association v. Harris</i> (CV03-507970), <i>Miles Landing Homeowners Association v. Davis</i> (CV03-501107), <i>Miles Landing Homeowners Association v. Davis</i> (CV03-501108), etc. MLHOA Holders still collecting the money from Miles Landing Enterprise, but appointed attorney Keith Barton to continue the commingled corruptive extortion. <u>Trustee cum Attorney Matthew Fitzsimmons produced fraudulent affidavit in the trial court in September 2005</u> to corrupt the proceedings and trustee cum attorney Fitzsimmons quoted MLHOA case against Appellant for his own benefit with direct/indirect conspiracy with MLE and caused further damages.</p>
	<p>Just to name a few, as a pattern of corrupt activity Mr. Fitzsimmons involved as</p> <ul style="list-style-type: none"> a) NEON's Trustee in conspiracy including in the area of unlawfully discharging Appellant b) Concealment of MIS department under a different name of BIS, to state to Federal and other inquiry as if whole department was eliminated, c) SlimFast scheme to fabricate financial status to payoff bonus/finder fee to SMG, d) Concealing the Plante & Moran fraud report/embezzlement/corrupt activity e) preparing improper separation agreement by withholding payable amounts to Appellant in tens of thousands of dollars in an effort to get release f) concealing the disclosable information even through the separation agreement g) fabricating the memo/distribution when still reviewing,

	<p>h) getting released from obligations through fabricated success by concealing the about \$10 million dollars depletions just to crumble the company as the facts unraveled including illegal \$1 million dollars note waiver/delay payment from NEON without the authority of such collusion from Holders to NEON but as a way of gesture for NEON's board member,</p> <p>i) materially false affidavit submission to court in September 2005 to influence court and to discredit PBikkani and committing perjury and obstruction of justice,</p> <p>j) making up relationship or no-relationship where benefit was anticipated: about \$2.4 million through claims of NEON-THCP parent-child relationship to state/federal controlled excessive funds but denying any relationship in court between NEON-THCP when liability appeared</p> <p>k) Mr. Fitzsimmons's Trustee relationship concealment from courts and to conceal facts obtaining protective orders</p>
	<p>l) Mr. Fitzsimmons's concealment of his involvement in the underlying facts and continuing in the case where severe conflicts of interest involved</p> <p>m) Mr. Fitzsimmons's concealment of his divided loyalty as all the defendants including PBikkani are his clients/implied clients and he had fiduciary duty to all, yet with half truth to no truth covered his tracks improperly to label innocent victim/Appellant to cause further damages and to cover-up further.</p> <p>n) Mr. Fitzsimmons's is benefiting with the continued illegal control of THCP and victim should be compensated for the damages. This honorable court should grant authority to Disciplinary Counsel to investigate the facts and cover-up which lead to sanction against victim/Appellant and even perhaps THCP statutory agent/who played a role as Government agencies coordinator and the Attorney General should review the above listed improprieties associated with THCP retention by NEON thus a copy this filing will be mailed to them.</p>

Plaintiff had meritorious claim, with half-truths and in violation of dozens of Disciplinary rules and pertinent laws Attorney who is a Board of Trustee caused tortious interference, ousted Plaintiff even whom represented in the past, caused victim in the process, and continue to cause damages by repeatedly filing with half-truths. Plaintiff requests court to reconsider facts and strike Mr. Fitzsimmons's 1/11/2007 Motion which is already actually out of time limit to oppose 12/18/2006 Motion of Plaintiff that is in opposition to his 12/6/2006 Motion. Similarly, the portions other than the jurisdiction of memorandum in the 2006-2302 case and vexatious allegations he made against Plaintiff should be stricken upon reconsidering facts, if and when possible by honorable Supreme Court.

III) Conclusion:

In the following paragraphs Plaintiff summarizes with the court not to grant Attorney Matthew Fitzsimmons's bill/sanctions against innocent victim/Plaintiff, and lists related

intense conflicts of interests and half truths involvement by Board member Matthew Fitzsimmons, who happened to be an Attorney and with severe violations of Disciplinary rules and judiciary system. Many of the foregoing points were discussed above in favor of Appellant and the remaining were deferred the detailed discussion due to page limit.

Based upon the above pleading and with the support of past filings, some of the issues rise through Attorney Fitzsimmon's cum Board of trustee raises issues like:

A) Whether a board of trustee, as a General counsel in combination with causing for the underlying case through violation of laws and in further violations while pretending to be an attorney of purported corporations

- i) can materially participate in conspiracy for pecuniary benefit against corporation/client,
- ii) can materially participate in unlawful termination of employees in conspiracy with third parties
- iii) can materially participate in submission of wrong information/financial statements to corporation through third parties,
- iv) can participate in conversion of corporation against board of trustees,
- v) can materially participate in the conversion of funds; and still can represent in the subsequent lawsuit against a victim/Plaintiff not only with conflicts of interests but also with further pecuniary benefit and to suppress/alter facts

A) Whether an attorney in conjunction with the above violations/characteristics can submit to the Trial court

- i) materially falsified affidavit,
- ii) half truth pleadings,
- iii) evade deposition
- iv) obtain protective order, for further pecuniary benefit and to protect all his past clients who happened to be over a dozen defendants in the instant case and attorney being a party to the lawsuit can refuse the summons and can represent in the case.

B) Whether an attorney in conjunction with the above violations/characteristics can participate in hundreds of corrupt activities; when sought help from Appellate court then can present half truth to the court to obtain sanctions against victim/Plaintiff then continue to represent in Supreme court with half truths as if the Plaintiff is vexatious

C) Whether the impressive credentials of working as clerk with Ohio Supreme Court's Chief Justice even decades ago, like Mr. Fitzsimmons's affidavit suggested, prevents to serve justice from disqualification/disbarment/disciplinary action to protect community and or victims and the judiciary system

- D) Whether the parties can be represented by an attorney of the above violations/characteristics along with an attorney/group of another attorney's extension
- E) Whether Appeal court lacks jurisdiction/appealable matter to review even when the same court considered Mr. Fitzsimmons/NEON/THCP's motion to impose sanctions against Plaintiff/victim when sought justice within the existing law, or to modify the existing law to protect community.
- F) More over, whether a trustee cum attorney of a non-profit corporation can avoid disqualification from a case which was actually originated through his underlying Federal violation against victim along with others in concert, and by using the judiciary system and
- a) Can he advance his personal interests in violation of forbidden IRC4941 (d) self-dealings,
 - b) Can he submit materially false affidavit to obstruct justice and to offend the victim and the judiciary system,
 - c) Can he violate Fourteenth Amendment and Sixth Amendment besides Canon 5, Canon 4, Canon 9, and about 35 DR violations with dozens of conflicting of interests/parties,
 - d) Can he benefit for his advantage using another case where petitioner is a victim along hundreds of others, which involved with violation of crimes, constitutional violations including the violation of Federal Supremacy laws even with Bankrupt/DEAD/ Liquidated Corporation
 - e) Can he turn victim into further victimization by using above violations plus for sanctions, to declare as vexatious litigant, and to cause to dismiss the case when infact the results should be other way around.

Plaintiff filed an Action on his own behalf, on behalf of employer THCP/NEON. The complaint sought breach of fiduciary duty, conversion, receipt of an unlawful distribution of assets, action false/misleading financial statements, action on conversion, reinstatement, retaliatory/unlawful termination, action on material falsification, etc. Plaintiff filed disqualification of Attorney Matthew Fitzsimmons arguing first that Mr. Fitzsimmons had a conflict of interest by way of Mr. Fitzsimmons's role as corporate counsel to THCP/NEON, Board member of NEON/THCP (Claimed NEON as a member of THCP), represented Plaintiff and other employees, represented other defendants, as a party to the lawsuit and served summons, involved in crimes and too involved in unlawful discharge and other allegations of the

complaint and evaded deposition and still a witness in the litigation. As the record indicates, a past attorney-client relationship existed between Plaintiff and Attorney Fitzsimmons; the subject matter of those relationships is substantially related; and Mr. Fitzsimmons acquired confidential information from Plaintiff and supports Attorney Fitzsimmons disqualification, *Dana Corp. v. Blue Cross & Blue Shield Mut. of N. Ohio* (C.A.6, 1990), 900 F.2d 882, 889; *Mentor Lagoons, Inc. v. Rubin* (1987), 31 Ohio St.3d 256.

Mr. Fitzsimmons eluded as if Plaintiff brought the derivative lawsuit for hundreds of employees and there by on behalf of corporation asking the corporate counsel to be disqualified. Though generally, a party on the outside of an attorney-client relationship "lacks standing to complain of a conflict of interest in that relationship." *Morgan v. North Coast Cable Co.* (1992), 63 Ohio St.3d 156, 159, it is true if an attorney never represented a client or stranger to the attorney-client relationship to complain any of the conflict of interest. It is not the case with Plaintiff and Mr. Fitzsimmons represented Plaintiff. Attorney Fitzsimmons's representation of the corporation is substantially/directly related. In such circumstances, though, whether Attorney ultimately is a material witness in the litigation does not matter, *Patrick v. Ressler* (Sept. 28, 2001), Franklin App. No. 00AP-1194, the factual context of his prior representation of THCP/NEON and the factual context of the present case create a relationship substantial enough to justify disqualification. Furthermore, Mr. Fitzsimmons is a board member, represented all the defendants, a party to the current lawsuit, altering evidence, materially participated in illegal activities including in retaliation and unlawful termination of Plaintiff for his pecuniary benefit.

Moreover, Plaintiff has brought the action on behalf of the corporation after giving series of notices/communications to nonprofit corporation/board of directors. As the corporation's counsel, it is presumed that Attorney Fitzsimmons received confidential information, *Brant v. Vitreo-Retinal Consultants Inc.* (April 3, 2000), Stark App. No. 1999CA00283 and the

subsequent representation by Mr. Fitzsimmons is not vicarious but primary and unlike a need to presume the received confidences as rebuttable, *Brant v. Vitreo-Retinal Consultants, Inc.* (Apr. 3, 2000), Stark App. No. 1999CA00283, discretionary appeal denied, 90 Ohio St.3d 1402. Under the given circumstances, Appeal court imposing attorneys' fees would be unfortunate to determine the reasonableness, as well as amount of the attorney fee award. Similarly, it is unfortunate to rule in favor of Mr. Fitzsimmons' motion and by reconsidering the facts the Court should vacate the attorneys' fee award and in favor of Plaintiff including the vexatious litigant

label. This great injustice is the further consequence of pecuniary benefit involved and the parties who involved in the underlying case representing the case with half truths and this case is unique for the final appealability or to modify the law accordingly and the victim/Plaintiff should not be penalized for the good faith efforts and too in view of great loss already suffered through.

As stated earlier Mr. Fitzsimmons, and other attorneys/firms violated **Fourteenth Amendment** and **Sixth Amendment** besides **Canon 5**, **Canon 4**, **Canon 9**, and other DR violations. NEON's Board member/Trustee Mr. Fitzsimmons is a fiduciary or trustee to Plaintiff, *Hafter v. Farkas*, 498 F.2d 587, 589 (2d Cir. 1974). In the instant case the violations are much beyond any case ever come to in front of court and involved many conflicts and constitutional violations and caused severe injustice to Plaintiff and to the judiciary system itself. Matthew Fitzsimmons himself has a competing attorney-client privilege with THCP, NEON, THCP Board, NEON Board, Plaintiff, other defendants of the instant case, and even breaching the fiduciary relationship he had with Plaintiff, to continue to cover-up violations. Attorney Fitzsimmons/Board member severely violated Disciplinary Rules and Fiduciary duties for over a dozen defendants in the instant case and to Plaintiff as all are his clients/ex-clients/ or express attorney-client relation, thus strict standards of **Canon 5** is applicable. Mr. Fitzsimmons has been privy to THCP, NEON, Dr. Marshall, Mr. Kimber, Mr. Lee, Mr. Scheur, Ms. Aaron, SMG,

Mr. McMillan, Ms. Phelps, Mr. Pinkney, Mr. Davis, and Plaintiff's; confidences, thus violation under **Canon 4** and Mr. Fitzsimmons should have been disqualified from representing the defendants in the instant case. In the course of the former representation Mr. Fitzsimmons acquired information related to the subject matter of his subsequent representation, and Mr. Fitzsimmons should be disqualified under **Canon 9** of the Code of Professional Responsibility, *Emle Industries Inc. v. Patentex Inc.*, 478 F.2d 562 (2nd Cir. 1973), *Kala v. Aluminum Smelting & Refining Co., Inc.* (1998), 81 Ohio St.3d 1 at 5. As a matter of fact, attorney Mr. Fitzsimmons,

Attorney Dennis Roth, Attorney Brian Green violated **Canon 4**, **Canon 5** and **Canon 9**.

Attorney Brian Green is an attorney of disqualified Attorney Dennis Roth. It is clear that under **Canon 9** as well as **Canons 4 and 5**, Matthew Fitzsimmons should be disqualified. Similarly the **Canon 4** of the Ohio Code of Professional Responsibility imposes a duty on Matthew Fitzsimmons, and on Dennis Roth to protect THCP's, Plaintiff's, THCP Board of Trustees, NEON's, and SMG defendants as all of them have privity with them confidences and secrets including to related to Plaintiff's wrongful termination claim, *State ex rel. Leslie v. Ohio Hous. Fin. Agency*, 105 Ohio St.3d 261, (2005); DR 4-101(A); *Kala v. Aluminum Smelting & Refining Co., Inc.* (1998), 81 Ohio St.3d 1. Using the direction in Disciplinary Rule **5-105(D)** and by **Canon 9's** warning that "A Lawyer Should Avoid Even the Appearance of Professional Impropriety" but getting violated in all aspects.

Mr. Fitzsimmons improperly defending/defended against the disqualification motion, with serious disregard for the orderly process of justice, without a colorable basis in law, and causing a harsh blow to the process as it "will have a profound chilling effect upon victims/litigants and would interfere with the presentation of meritorious legal questions. In an idealized world, victim would have bowed out, but reality dictates that great injustice the proper course was to appeal or to get reviewed/modified the law as this kind of case never occurred

before. The way Mr. Fitzsimmons involved continued to conceal facts is nothing less than an insult to the doctrine of stare decisis and a slap in the face of the adversary process, *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789 (7th Cir. 1983). Unfortunately, Mr. Fitzsimmons contaminating the law of attorney disqualification, which is a fundamental importance to the legal community and to our society. Mr. Fitzsimmons using confidential information that he has obtained from a client against that client on behalf of another one and representing an adversary of his former clients of the subject matter of the two representations is not just "substantially related," but same. Mr. Matthew Fitzsimmons not only had access to but also received confidential information of **Plaintiff**, THCP, board of directors, officers, to NEON, board of directors, officers, and above a dozen defendants in the instant case. In the instant case Mr. Fitzsimmons and his firm popped up as counsel to an adversary of Plaintiff, and other defendants following illegal conversion of THCP under NEON and representing against THCP board of directors officially. Thus Mr. Fitzsimmons's interference under the name of an attorney to two defendants in the instant case is not just the representations that are substantially related to past services/obtained confidences from others but totally and directly related. Consistently with this distinction, *Westinghouse Elec. Corp. v. Kerr-McGee Corp.*, 580 F.2d 1311, 1321 (7th Cir. 1978) -- like this is a case where the same law firm represented adversaries in substantially related matters -- states that it would have made no difference whether "actual confidences were disclosed" even if the law firm had set up a "Chinese wall" between the teams of lawyers working on substantially related matters, though the two teams were in different offices of the firm, located hundreds of miles apart. Mr. Fitzsimmons couldn't have created a Chinese wall in his mind between his multiple violations with various clients. Since it is a direct relationship, substantial relationship inquiry is not needed.

The fact that Mr. Fitzsimmons made stubbornness in resisting disqualification is improper, *Analytica, Inc. v. NPD Research Inc.*, 708 F.2d 1263 (7th Cir. 1983). Somehow **Appeal court and this court** got influenced by Mr. Fitzsimmons and awarded sanctions against Plaintiff even without taking up the case to which Plaintiff sought justice on basic principle of law, fairness to all litigants believing that fairness requires that any law firm and/or individual of professional impropriety, questionable ethics, or misconduct with the given the opportunity to rebut any and all adverse inferences which may have arisen by virtue of a prior filings.

Unfortunately, instead of Matthew Fitzsimmons getting disqualified, innocent Plaintiff get sanctioned, suffered due process, due process guarantees, fundamental fairness to victims/litigants, *Lassiter v. Dept. of Social Services*, 452 U.S. 18, 24 (1981). In the instant case not only the counsel/Mr. Fitzsimmons changed the sides in representing against some other client also involved as a party, involved with dozens of serious violations of the Code of Professional Responsibility with a clear un rebutted factual basis. Even just where "the firm itself changed sides", without having a need to have other conflicts such as in the instant case, the law firm was disqualified, *Analytica, Inc. v. NPD Research Inc.*, 708 F.2d 1263 (7th Cir. 05/31/1983).

Unfortunately, Mr. Fitzsimmons's interest happened to be in violation of retaining client by way of controlling the board as a board of trustee and in denying a serious breach of professional ethics which outweighed any felt obligation to 'come clean ' by ignoring as officers of the court though generally most of the attorneys are trustworthy, *The Lawyer's Obligation to be Trustworthy when Dealing with Opposing Parties*, 33 S.C.L. Rev. 181 (1981). It is not a serious and studied disregard for the orderly process of justice. There is a legal basis for original position, material misrepresentation and cover-up involved as alleged whether that position was found to be legally correct/incorrect thus can not be characterized as lacking justification but Matthew Fitzsimmons is vexatious and representing his controlled clients to protect his improper

acts, *Overnite Transp. Co. v. Chicago Indus. Tire Co.*, 697 F.2d 789 (7th Cir. 1983). In *Overnite Transp.*, the plaintiff brought suit based on a novel interpretation of the Interstate Commerce Act, not previously addressed in published case law. The district court granted the defendant's motion to dismiss, and on appeal the 7th Cir. Court affirmed then the district court granted the defendant's motion for an order assessing attorney's fees against the plaintiff's attorneys, finding that the attorneys had acted vexatious in instituting the lawsuit. On appeal from the attorney fee award, the 7th Cir. Court held that the district court had abused its discretion. In the instant case, the victim/Plaintiff deserves the fees, award, and not Mr. Fitzsimmons under the name of THCP/NEON to get sanctions against Plaintiff. Disciplinary counsel should be allowed to investigate the serious violations. As the issues for posed for consideration, Attorney Fitzsimmons should be disqualified/disbarred and he even blocked discovery from board of trustee MT Miller to cover his tracks, and as a Trustee himself should not be tortuously interfering corporate matters for his self-dealings.

The legal profession demands adherence to the highest standards of honesty and integrity. It is a fact that any sanction is an indelible stain on lawyer's as well on Appellant's record and by balancing these considerations, the court can find that Attorney Fitzsimmons's misconduct is highly egregious than other sanctioned attorney's acts/omissions including, *a public reprimanded Ohio State Governor Taft for his lapses in disclosures* under violation of DR 1-102(A)(6) (prohibiting conduct that adversely reflects on a lawyer's fitness to practice law), *Disciplinary Counsel v. Taft*, 858 N.E.2d 414, 112 Ohio St.3d 155 (2006). The court can decide whether to impose any sanction at all or not but Appellant requests court to review the facts. There is no doubt that duties violated by Attorney Fitzsimmons, often willfully, caused injury with aggravating factors and he did not dispute such violations other than just bluntly blaming on Appellant for the harm he did to his numerous clients.

Mr. Fitzsimmons created victim, submitted materially false affidavit to court, had many violations including deliberately withholding that which by law they were required to reveal; *Disciplinary Counsel v. Wrenn*, 99 Ohio St.3d 222, 2003-Ohio-3288, 790 N.E.2d 1195 (six-month stayed suspension imposed for assistant county prosecutor's concealment of exculpatory evidence in a criminal case), and *Disciplinary Counsel v. Jones* (1993), 66 Ohio St.3d 369, 613 N.E.2d 178 (six-month actual suspension imposed for assistant county prosecutor's failure to advise court in criminal prosecution that he had found previously misplaced evidence that was potentially exculpatory or mitigating).

Attorney Fitzsimmons forced Appellant to keep disclosing violations of Mr. Fitzsimmons while he keep feeling the filed facts tend to effect Mr. Fitzsimmons, he knew that Appellant was forced to plead with facts without malice or falsity where actual malice essential to feel improper against Appellant, *Hahn v. Kotten* (1975), 43 Ohio St.2d 237, 244. To the extent Appellant has to disclose violations of others and or corporation or his clients' are due to Mr. Fitzsimmons's continued evasion of facts and his continued shifting of blame on Appellant in an effort to cover-up his tracks at the expense of Appellant and all other parties. In fact, Appellant believes that Attorney is the one who is acting with **actual malice**.

In the instant case, Attorney Fitzsimmons neglected 16 clients, and made false statements. Attorneys indefinitely suspended in the similar or lesser cases where an attorney repeatedly neglected multiple clients', made false statements and or acted dishonestly: *Disciplinary Counsel v. Golden*, 97 Ohio St.3d 230, 2002-Ohio-5934, 778 N.E.2d 564, *Dayton Bar Assn. v. Shaman* (1997), 80 Ohio St.3d 196, 685 N.E.2d 518, *Akron Bar Assn. v. Snyder* (1997), 78 Ohio St.3d 57, 676 N.E.2d 504. Attorney Fitzsimmons is a Board of Trustee for nonprofit corporation(s) NEON/THCP. While serving in that noble position of public trust he himself violated the law and flouted the rules that regulate the legal profession. By doing so, he

betrayed his principal duty as an Attorney -- and he undermined the public's faith in both the legal profession and our system of justice. As detailed above, Appellant does not have Frivolous conduct nor vexatious conduct and even those statutes requirement was not followed by courts during the process other than just believing in materially false allegations of trustee cum attorney Fitzsimmons, submitted improper billing, and the listed hundreds of violations are just some of the reasons attorneys who involved with their self-dealings, pecuniary benefit should have removed from the case and he should be disciplined.

WHEREFORE, though trustee Fitzsimmons claiming MLHOA cases for his advantage improperly and besides he knowing the facts that Plaintiff came to Appeal with good faith following *Miles Landing Homeowners Association (MLHOA) v. Bikkani* (cv04-519870) in which MLHOA attorney's with pecuniary interest went to great extent to modify/alter facts even in front of court numerous times including on 4/21/2005, along with false affidavits, forgeries, having Enterprise deals with convicted Felon Marcus Dukes (who got convicted on multiple counts of mail fraud, wire fraud and money laundering), *Securities and Exchange Com v. Financial Warfare Club* (CV02-7156, E.D. PA), and *USA v. Dukes* (MD 8:03-cr-00133-RWT-1), and influenced to Appeal in the instant case, as pecuniary benefit involved to attorney(s) in the instant case. Unfortunately trustee cum Attorney Fitzsimmons being submitted materially false affidavit to the court in September 2005 itself in the instant case, and blocking deposition from whom Mr. Fitzsimmons submitted affidavit by preparing it, and by representing co-trustee MT Miller and by blocking his deposition for Mr. Fitzsimmons' advantage; and being personally involved, representing multiple parties. Plaintiff believed that law supports the appeal at least under the contest to modify the law if needed, and with the experience of MLHOA case and as difficult to safeguard the integrity of process as many key facts are being altered by involved attorneys and in good faith believed that Disciplinary Rules and pertinent laws supports the

appeal. Plaintiff sincerely pleads with the Honorable court not to reward Attorney Matthew Fitzsimmons with bill/fee/sanctions/verdict against innocent victim Plaintiff, good faith and cause exists to plead for rescue from Court to seek for justice. And not benefit him with the further advantage of forbidden self-dealings of a non-profit corporation. Being Trustee, Matthew Fitzsimmons tortiously interfering business relationships, controlling the corporation(s) for his pecuniary benefit, with the forbidden self-dealings, Attorney Fitzsimmons is manipulating the events as he deems fit. Mr. Fitzsimmons should not be rewarded for wrongful acts but he should be disciplined. Matthew Fitzsimmons' bills should not be rubbed on victim/plaintiff.

Hope there are Fiduciary duties, accountability; breach of fiduciary duty, privity, malpractice, malicious acts and all those plays a role along with the constitution rights of victims. Trustee cum Attorney Fitzsimmons should be disciplined with dozens of Disciplinary rule violations listed above. If not sanctions to attorneys like Matthew Fitzsimmons, what else an attorney should do to get sanctioned and how the attorneys who got disciplined for lesser violations than Trustee cum Attorney Fitzsimmons can get justice and the attorneys who are obeying laws and Disciplinary Rules get justified for not having violations by leaving whom victims brought forward even at great sacrifice. Trustee cum Attorney Fitzsimmons should be disciplined with his vexatious conduct and judgment against victim/Plaintiff should be reversed to the benefit of justice. The Appellant's January 2007 opposition to Mr. Fitzsimmons's 1/11/2007 filing in the instant case was not filed by clerk, and returned with a letter, **Exhibit A**, and April 2007 joint request to file leave in OH2006-2073 and OH2006-2032 was able to be filed by clerk only in OH2006-2073 as 4/17/2007 filing evidenced and a separate filing was sent now for OH2006-2302 per Mr. Fitzsimmons's on or around 6/1/2007 filing. Appellant already sent the court ruled amount to Mr. Fitzsimmons **Exhibit E**, to avoid further harassment through judgment liens and with the related abuse as experienced from him, and court should deny his on or around

6/5/2007 request of certificate of judgment for lien. Appellant requests that the court should review the case to protect the innocent victim/Plaintiff/Appellant and to serve justice.

Respectfully submitted,

Prasad Bikkani, Pro Se, Plaintiff
3043 forest Lake Dr, Westlake, OH-44145
(440) 808-1259, Prasadhabu@aol.com

Certificate of Service

A copy of the foregoing is **personally** being mailed by Appellant by U.S. mail on **11th** day of June 2007 to Mr. Fitzsimmons (as Mr. Fitzsimmons' certificate did not include others, Plaintiff also omitted) and a copy to Attorney General and THCP Statutory Agent who are familiar with THCP conversion to NEON and requesting for their effort for justice as it is becoming crucial.

Prasad Bikkani, Pro Se, Plaintiff

NICOLA, GUDBRANSON & COOPER, LLC

ATTORNEYS AND COUNSELLORS
LANDMARK OFFICE TOWERS
REPUBLIC BUILDING, SUITE 1400
25 WEST PROSPECT AVENUE
CLEVELAND, OHIO 44115-1048

216/621-7227
FAX 216/621-3999
www.nicola.com

VINCENT A. FEUDO
RICHARD G. WITKOWSKI
OF COUNSEL

K. V. NICOLA
(1908-1984)
BENJAMIN D. NICOLA
(1879-1970)
WERNER D. MUELLER
(RETIRED)

ROBERT N. GUDBRANSON
RICHARD A. COOPER
JOHN D. SAYRE
TIMOTHY D. CARNAHAN
MATTHEW T. FITZSIMMONS
L. JAMES JULIANO, JR.
JAMES H. GROVE
MICHAEL E. CICERO
R. CHRISTOPHER YINGLING
JAMES P. BAUER
ERICA K. ROOS
NICHOLAS J. DERTOUZOS

May 22, 2001

Direct email: fitzsimmons@nicola.com

Ms. Mary Jo Lopez
Chief Deputy Rehabilitator
Total Health Care Plan, Inc.
c/o Carlile, Patchen & Murphy LLP
366 East Broad Street
Columbus, Ohio 43215

Dear Mary Jo:

As you recently requested, I am enclosing our statements for legal services rendered to THCP from 1998 through the present (attached at Tab A); our audit response letters for that time period (attached at Tab B); and our litigation updates (attached at Tab C).

The detail of the legal services we performed is contained in all of these documents. As a general proposition, our work for THCP was primarily defending commercial/business claims, handling state and federal discrimination/wrongful discharge cases, defending THCP in a wide variety of general civil matters, and general employment and human resources counseling. The resolution of all these matters is set forth in detail in the audit response letters (attached at Tab B).

Sometime around mid-March of 1999, Rotan E. Lee of the Shure Management Group proposed that our firm forego hourly billing and switch to a monthly retainer of \$5,000 to represent THCP in all wrongful discharge/discrimination/human resources matters. We agreed to do so. The Shure Management Group's rationale for this arrangement was to stabilize THCP's expenses, and make them fixed and predictable, as opposed to the roller coaster nature of bills from law firms which go up and down depending on activity. We were to handle all general employment and human resources matters for THCP on this flat-fee basis,

EXHIBIT A1

Ms. Mary Jo Lopez
May 22, 2001
Page 2

without submitting hourly detailed time charges for such activities. There was obviously a risk and a benefit for both our firm as well as THCP with this arrangement.

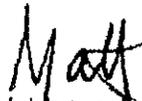
From March 1999 through the early part of 2000, I provided substantial legal advice to Rotan E. Lee, other members of Shure Management Group, Paula Phelps, Gloria Stewart, and others involved with THCP's human resources function relating to employee discharge and discipline matters. I was intimately involved in providing legal advice for the design and implementation of Project Slimfast (the reduction-in-force Mr. Lee decided to implement), and, at the request of Mr. Lee, attended various meetings, strategy sessions for various personnel matters, identified personnel for the reduction-in-force, drafted various separation agreements for employees above and below the age of forty, and employees in both union and non-union positions.

When it became apparent that THCP was using, or going to use, another law firm to do this work, I wrote to Martha Muhammad, then THCP's Chief Financial Officer, and volunteered to give THCP the option to terminate this arrangement. See Tab D. At the time I made that suggestion, I had not been asked by anyone to terminate the arrangement of the \$5,000 monthly retainer. THCP agreed that it made sense to then terminate that arrangement, and I then stopped doing the employment and human resource counseling work for THCP and stopped receiving the \$5,000 monthly payments.

There were additional matters which THCP was kind enough to refer to me, principally the Akron Children's Hospital lawsuit, which I defended until ODI took over as Rehabilitator.

I hope this answers any questions you and your colleagues may have. Please give me a call if you need any further information.

Sincerely,



Matthew T. Fitzsimmons

MTF:rph
Enclosures

F:\WP\MTF\thcp\L-Lopez 5.16.01.doc

EXHIBIT *A2*

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

PRASAD BIKKANI

Plaintiff,

v.

ROTAN E. LEE, ESQ., et al.

Defendants.

) CASE NO. CV-05-566249

)

) JUDGE DAVID T. MATIA

)

)

) AFFIDAVIT OF EVELYN ARMSTRONG

)

)

)

)

)

)

STATE OF OHIO

)

) SS.

COUNTY OF CUYAHOGA

)

Evelyn Armstrong, being first duly sworn, states as follows:

1. I am the Acting Director of Human Resources of NorthEast Ohio Neighborhood Health Services, Inc. ("NEON").

2. Unless otherwise indicated, the information contained herein is based upon my personal knowledge, and/or upon my review of records maintained by NEON in the ordinary course of business.

3. I have reviewed NEON's personnel records and files. NEON has no records or files reflecting or demonstrating that Prasad Bikkani was ever an employee of, or employed by, NEON from

EXHIBIT

A1 B1

EXHIBIT

A

1995 to the present. Mr. Bikkani was not an employee of NEON's in June and July 1999 - - the point in time that he alleges he was wrongfully terminated from employment at Total Health Care Plan, Inc.

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten Signature]

SWORN TO BEFORE ME and subscribed in my presence this 2nd day of September, 2005.

[Handwritten Signature]
NOTARY PUBLIC

MARY JEAN WILLIAMS
Notary Public, State of Ohio
Recorded in Cuyahoga Ctv.
My Comm. Expires 6/25/08

By *[Signature]* By *[Signature]*
EXHIBIT



Cleveland Neighborhood Health Services, Inc

12800 Shaker Boulevard

Cleveland, Ohio 44120

(216) 991-3000 FAX 991-3011

Duncan Neuhauser, Ph.D., Chairperson
Don Slocum, 1st Vice Chairperson
M.T. Miller, D.D.S., 2nd Vice Chairperson
Ethel Green, Treasurer

James G. Turner
Chief Executive Officer

September 27, 1994

Mr. Prasad Bikkani
536 Miner Rd.
Highland Hts., Ohio 44143

Dear Mr. Bikkani:

We are very pleased to offer you the Programmer/Analyst position with Cleveland Neighborhood Health Services, Inc. at the Shaker Blvd. location, beginning, tentatively, October 17, 1994.

This offer is subject to successful completion of the 6-month introductory (probationary) period. The hours are 8:30 a.m. to 5:30 p.m., Monday through Friday. The annual salary for this position is \$22,000. The benefits package will be presented to you in detail at orientation which will be held following your pre-employment physical. The physical will be as follows:

Monday, October 17, 1994
9:30 a.m.
Hough Health Center
8300 Hough Ave.
Cleveland, Ohio 44103
Report to the Administration Area
Ms. Yolanda Moorer

Orientation will be held following the physical at:

13124 Shaker Blvd. 2nd Floor
Cleveland, Ohio 44121

If this is acceptable to you, please write a brief acceptance letter. If you have any questions, do not hesitate to contact me. Thank you, again for your interest in Cleveland Neighborhood Health Services, Inc. We look forward to your joining our "family"!

EXHIBIT

Sincerely,

Robert James
Director of Human Resources

B3

A PROGRAM OF CLEVELAND NEIGHBORHOOD HEALTH SERVICES, INC. in affiliation with THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS

J Bell

CLEVELAND NEIGHBORHOOD HEALTH SERVICES, INC.

MEMORANDUM

TO: All Staff

FROM: James G. Turner *Jan G. Turner*
President & CEO

SUBJ: RE-ENGINEERING/ORGANIZATIONAL
RESTRUCTURING

DATE: January 16, 1996

Northeast Ohio Neighborhood Health Services, Inc., formerly Cleveland Neighborhood Health Services, Inc., is announcing changes to its management structure in the following areas:

1. Appointment of Jim Bell As Senior Vice President/ Finance
2. Prashad Bikkani as Vice President/Management Information Systems

In accepting these new appointments, both Bell and Bikkari will be responsible for the finance and management information services for Northeast Ohio Neighborhood Health Services, Inc. and Total Health Care Plan. Each is charged with the responsibility to come up with a restructured program to incorporate finance and information services of all affiliated corporation groups into one service unit.

EXHIBIT

B4

CLEVELAND NEIGHBORHOOD HEALTH
 12800 SHAKER BLVD.
 CLEVELAND, OHIO 44120

CHECK NO: 404986
 CHECK DATE: 10/28/94
 PERIOD ENDING: 10/22/94
 PAY FREQUENCY: BIWEEKLY

BRKMAN, BRWSAD
 595 MINER ROAD
 HIGHLAND HTS., OHIO

SSN: EXEMPTIONS: FED: 01 STATE: 01 STATE CODE: PRI: OH SEC:
 TAX ADJ: FED: STATE: SDI/UC ALT:

NUMBER: 2529169672
 TAX STATUS: MARRIED
 LOCAL CODE: LOCAL LOC2: LDC3:
 LOCAL ALT: BASE RATE: 15.3379

IMPORTANT MESSAGE

HOURS AND EARNINGS

TAXES AND DEDUCTIONS

SPECIAL INFORMATION

DESCRIPTION	CURRENT		Y-T-D		DESCRIPTION	CURRENT		Y-T-D
	HOURS/UNITS	EARNINGS	HOURS/UNITS	EARNINGS		AMOUNT	AMOUNT	
REGULAR	80.00	1346.16	80.00	1346.16	SO SEC TAX	83.46	83.46	
					MEDICARE TAX	19.62	19.62	
					FED INC TAX	151.15	151.15	
					PRI-STATE TAX	45.42	45.42	
					PRI-LOCAL TAX	26.92	26.92	
					TOTAL TAXES	326.47	326.47	
					AFTER-TAX DEDUCTIONS			
					PRE-TAX ITEMS			
					TOTAL PRE-TAX			
TOTAL	80.00	1346.16	80.00	1346.16	TOTAL PER DED			
	GROSS	PRE-TAX	TAXABLE WAGES	LESS TAXES	LESS DED	EQ NET PAY		
CURRENT	1346.16	.00	1346.16	326.47	.00	1019.69		
Y-T-D	1346.16	.00	1346.16	326.47	.00	1019.69		

STATEMENT OF EARNINGS NET PAY EMPLOYER PAYROLL REPORTS

EMPLOYER SUPPLYING INFORMATION

EXHIBIT B5

1. FOR SEALED DOCUMENTS FOLD AND TEAR ALONG PERF

064806



00197

CLEVELAND NEIGHBORHOOD HEALTH
12800 SHAKER BLVD
CLEVELAND, OHIO 44120

245 404806
25291636/2

BIKKANI, PRASAD
596 MINER ROAD
HIGHLAND HTS., OHIO
44163

EXHIBIT B6

1. FOR SEALED DOCUMENTS FOLD AND TEAR ALONG PERF

1. FOR SEALED DOCUMENTS FOLD AND TEAR ALONG PERF

CO. FILE DEPT. CLOCK NUMBER
BBA 163672 252916 0004771833 1

Earnings Statement



CLEVELAND NEIGHBORHOOD
HEALTH SERVICES, INC.

Period Ending: 12/31/94
Pay Date: 01/06/95

Social Security Number:
Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 1
State: 1
Local: 1

PRASAD BIKKANI
596 MINER ROAD
HIGHLAND HTS OH 44163

<u>Earnings</u>	<u>rate</u>	<u>hours</u>	<u>this period</u>	<u>year to date</u>
Regular	16.8270	72.00	1,211.54	
<u>Gross Pay</u>			<u>\$1,211.54</u>	1,211.54

Important Notes
HAPPY NEW YEAR FROM YOUR FISCAL DEPT.

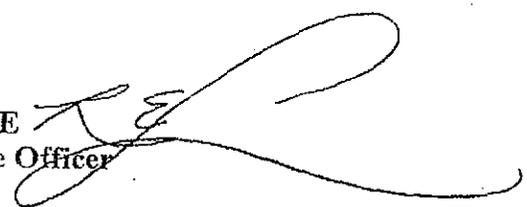
<u>Deductions</u>	<u>Statutory</u>		
Federal Income Tax		-130.38	130.38
Social Security Tax		-75.12	75.12
Medicare Tax		-17.57	17.57
OH State Income Tax		-38.89	38.89
Cleveland Income Tax		-24.23	24.23
<u>Net Pay</u>		<u>\$925.35</u>	

Your federal taxable wages this period are
\$1,211.54

EXHIBIT E 87

MEMORANDUM

TO: ALL STAFF

FROM: ROTAN E. LEE 
Chief Executive Officer

RE: ACTION ITEMS and MANDATES

DATE: August 11, 1999

Karen Butler, Executive Vice President, Corporate Development and Administration is the primary contact with the Ohio Department of Human Services [ODHS]. The secondary contact is Martha Mohammed, Senior Vice President, Internal Auditing. THEREFORE, any and all communication with ODHS, whether by telephone or correspondence, must either come from Karen or be cleared by her. Absent the availability of Karen, Martha must approve all forms of contact with ODHS. Every contact with ODHS, for any reason whatsoever, must be recorded in some way and passed along to Karen for formal recordation. You should view Karen as the CZAR of ODHS contact and response. Martha must only be sought in emergencies. AGAIN, all approvals must come from Karen. She reports directly to Donald Butler, Chief Operating Officer [COO].

Christina Burke, Vice President, Business and Information Services, is responsible for all data coordination, analyses and entry into the Nichols TXEN system. Additionally, she is responsible for the coordination of THCP's technical team that interfaces with TXEN. All data to be entered into the TXEN system must be approved by Christina. She is ultimately responsible for quality assurance and quality control (QA/QC). Still further, all computers (desk top or lap top) must be registered with Christina; and, she is solely responsible for the allocation of technology equipment within the plan. Still further, she is responsible for all outsourced or consultative technical support; and, in that context, all technology consultants will report to and through her. She reports directly to Donald Butler, COO. Donald is also the chairman of the plan technology team.

Bernard Wilson, Senior Vice President, Group Services, will be responsible for the day-to-day operations of that operating component. He reports directly to Donald Butler, COO.

Gisele Rivera, Director of Marketing, will be responsible for the development and implementation of all marketing strategies. Additionally, she is responsible for all member growth and retention. She reports directly to Donald Butler, COO.

EXHIBIT # 88

Page 2. MEMORANDUM
Action Items and Mandates
8-11-99

DONALD BUTLER, KAREN BUTLER, CHRISTINA BURKE, BERNARD
WILSON and GISELE RIVERA have the full power and authority of my office in
the conduct and prosecution of their respective roles.

FOLLOW THE PROTOCOLS.

EXHIBIT

B9

B9

B9

admin

From: Rotan Lee
Sent: Friday, June 04, 1999 12:41 PM
To: Christina Burke
Subject: Attention

I am on line. Pay close attention to you e-mail. I am attaching my integrated business proposition format. It will be the platform for assessing a business opportunity. In your case, it will be the format for establishing TOTAL Cleaning, Inc. I want to get the new business jup and operating by the late fall, (i.e., no later than Holloween.)



business proposition
integrall...

EXHIBIT

B10
B10

admin

From: Paula Phelps
Sent: Thursday, July 22, 1999 4:03 PM
To: Jim Dee
Subject: IT position description

Hey Jimmy -

I've attached a position description for *Network Administrator*. Please note, I have purposely steered clear of any terminology which might suggest supervisory duties. This in an effort to divert any possible legal ramifications which may land us in a court of law. If this is not in line with your thinking, please advise.

Donald has requested that we try and get him a written description by the end of the day.

Please advise.

Thanks....



Network
Administrator.doc

Paula

EXHIBIT

B 11

B11

admin

From: Paula Phelps
Sent: Thursday, July 22, 1999 5:48 PM
To: Donald Butler
Subject: IT position description

Donald,

I have attached a position description with recommended salary range for a **Network Administrator** for IT. Please note, deliberately shied away from any language that would imply actual supervisory responsibilities. This done in an effort to divert any potential legal ramifications that might land us in court, due to the fact that the VP position was eliminated as there was no need for a position of that level or responsibility needed any longer.

To recruit for a management-level position, not having offered the VP an opportunity for that role, would be grounds for a lawsuit. Therefore, we need to be very sensitive to the fact that we may already be under scrutiny, as I have yet to hear from the former employee IT VP.

Please advise as to your thoughts...



Network
Administrator.doc

Paula

EXHIBIT ¹
B12
B12

September 28, 1999

Mr. Richard S. Cooper
Attorney
McDonald, Hopkins, Burke & Haber Co. LPA
2100 Bank One Center
600 Superior Ave., E
Cleveland, Ohio 44114 - 2653

RE: Review of disbursements of Total Health Care Plan, Inc.

Dear Mr. Cooper:

We were engaged to consult with you regarding the above matter. This engagement was predicated by certain allegations of inappropriate disbursements authorized by Mr. Rotan Lee, Chief Executive Officer of Total Health Care Plan Inc. ("Company"), which had come to the attention of board members of the Company. The scope of our investigation was limited, at your request, to spending three days reviewing documentation and interviewing Mr. Lee and Mr. Robert McMillan, employee of Scheur Management Group ("SMG") and interim Chief Financial Officer of the Company. This report summarizes our findings to date.

Objectives

The objectives of our limited engagement were to:

1. Review disbursements in the general disbursement and executive checking accounts for the period January 1, 1999 - August 31, 1999.
2. Review expenses charged to the Company's American Express cards for the period January 1, 1999 - July 31, 1999.
3. Review the adequacy of supporting documentation for disbursements.
4. Review check signing and approval methodology utilized by Company.
5. ~~Determine the amount, if possible, of inappropriate disbursements.~~

Source Documents

We reviewed the following reports and documents:

- Check registers for the general account for the period January 1, 1999 - August 31, 1999.
- Cancelled checks for the general and executive checking accounts for the period January 1, 1999 - August 31, 1999.

- American Express card statements for the period January 1, 1999 - July 31, 1999.
- Various accounts payable invoices and copies of cancelled checks included in the accounts payable files.

Findings

General comments on internal controls

Per discussions with Rotan Lee and Robert McMillan, the Company does not have formal written policies pertaining to the purchasing of goods and services, invoice approvals and check signing. Per discussions with board Chairperson, Brenda Stevenson Marshall, the board has virtually no oversight role relating to disbursements made by the Company. Plante & Moran LLP will address these policy and internal control issues with specific recommendations for improvement in a separate cover letter.

Significant items noted in review of disbursements

Betpin & Associates, Inc.

On May 21, 1999, Mr. Lee, as interim CEO for the Company, contracted the services of Betpin & Associates, Inc. ("B&A") for political and communications consulting. The letter of agreement states that Mr. Arnold Pinkney, a board member of the Company, "will be the primary contact" from B&A to fulfill these services. As of September 16, 1999, the Company has paid B&A \$20,000, comprising of four monthly disbursements of \$5,000 each. Please see the letter of agreement in Attachment A.

Individual consultants without a written contract

Based on the documents we reviewed and per discussions with Mr. Lee, we identified eight individuals, each who have served as consultants for the Company and billed fees and expenses to the Company in excess of \$5,000 each in 1999. Total fees and expenses billed by these individuals to the Company through August 31, 1999 were approximately \$309,000. Mr. Lee stated that these individuals did not have written contracts with the Company. Please see Attachment B for the summary of fees and services provided.

Summary of disbursements in Company's executive checking account

Disbursements in the executive checking account averaged approximately \$23,000 per month for the first eight months of 1999, with the largest disbursements being paid to American Express. Please see the summary of executive account disbursements in Attachment C.

Summary of charges on Company's American Express card

American Express charges to the Company averaged approximately \$15,000 per month for the first seven months of 1999. Throughout the year, there were eight American Express cards active and assigned to Company and other individuals, with purchases in 1999 on five of those cards. Please see the American Express charges summarized in Attachment D.

Travel and lodging expenses incurred by Mr. Lee from August 1, 1999 to present

Per discussions with Mr. Lee, the Company has paid his travel expenses to his home in Philadelphia each weekend since August 1, 1999. He estimated the cost of this travel to be approximately \$4,000 – \$4,500 for the six-week period through September 15, 1999. Mr. Lee stated that his employment contract with the Company is silent on this issue and he considers this an open item for discussion with the Board.

In addition, Mr. Lee stated that the Company, according to the terms of his employment contract, should pay for his lodging since August 1, 1999. We were unable to locate the clause in the contract supporting that claim. The Company paid \$1,863 in rental to Globe Corporate Stay International for his August lodging and \$2,070 for September. This item also requires further discussion with the Board.

Reimbursement of SMG and personal expenses of Rotan Lee paid by Company

Per discussions with Robert McMillan, he is in the process of reviewing expenses paid by the Company that may be reimbursable by SMG or by Mr. Lee. Mr. McMillan stated that he would be completing this analysis shortly. In our review of the disbursements of the Company, we have identified expenses that potentially meet the criteria for reimbursement. Those expense are summarized in Attachment E

Fees and expenses of Elaine Del Rossi billed to Company

The Company used the services of Elaine Del Rossi as a marketing consultant for two months in 1999. Her fees and expenses totaled \$31,718. Mr. Lee stated to David Wells that SMG should have absorbed these costs as part of the overall consulting services SMG provided to the Company. As of September 16, 1999, the Company has not billed those expenses back to SMG.

Fees paid to Jacqueline Delaney

On April 7, 1999, Mr. Lee authorized a \$2,500 sign-on bonus payable to Jacqueline Delaney as an incentive for employment with the Company. Payroll taxes were not withheld from this payment. Ms. Delaney was an employee for four months and paid \$3,077 bi-weekly until August 6, 1999, the date she was terminated from the Company. Mr. Lee authorized severance pay of \$11,200 (\$8,313.58 net pay) which was paid to Ms. Delaney on August 17, 1999. The reason for separation, stated on the personnel action form, was 'position eliminated'. Subsequent to being severed from the Company, Ms. Delaney was rehired as a consultant and received \$3,077, her bi-weekly contracted amount, on August 26, 1999 and September 9, 1999.

Conclusion

At your request, our engagement was limited in scope and should not be relied upon to disclose all errors, irregularities and manipulations concealed in the financial information reviewed. The validity of this report is predicated on the extent to which full, honest, and complete disclosure was made to all parties. Fraud may exist that was not determined or identified during the performance of our engagement.

You have indicated the limited procedures performed are adequate to achieve your current purpose. We would be pleased to assist you further if you determine this matter requires additional investigation.

Very truly yours,

PLANTE & MORAN, LLP

David L. Wells /BP

David L. Wells, CPA, CFE

Attachments A - E

EXHIBIT

CLH

September 28, 1999

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Account Agreement

Date: 11/17/2005

REVISED
Institution Name & Address
 Park View Federal Savings Bank
 413 Northfield Rd
 Bedford, OH 44146
 440-439-2200

Internal Use
Account Title & Address
 MILES LANDING HOMEOWNERS ASSOCI INC
 4911 CAROLINE DR #1
 CLEVELAND, OH 44128-5304

IMPORTANT ACCOUNT OPENING INFORMATION: Federal law requires us to obtain sufficient information to verify your identity. You may be asked several questions and to provide one or more forms of identification to fulfill this requirement. In some instances we may use outside sources to confirm the information. The information you provide is protected by our privacy policy and federal law.
 Enter Non-individual Owner Information on page 2. There is additional Owner/Signer Information space on page 2.

Ownership of Account
 The specified ownership will remain the same for all accounts.
 Individual Corporation - For Profit
 Joint with Survivorship (not as tenants in common) Corporation - Nonprofit
 Joint with No Survivorship (as tenants in common) Partnership
 Trust-Separate Agreement Dated: / / Sole Proprietorship
 REVISED ON 11-17-05 Limited Liability Company

Owner/Signer Information 1

Name	JOHN L. MACDONALD
Relationship to Account (Owner and/or Signer, etc.)	CSG
Address	10400 BARR RD BRECKSVILLE, OH 44141
Mailing Address (if different)	
Home Phone	216-789-6500
Work Phone	216-663-6300
Mobile Phone	
E-Mail	JMACDONALD@ADELPHIA.NET
Birth Date	
SSN/TIN	
Driver's License No., State, Issue Date, Exp. Date	/ / / /
Other ID (Description, Details)	
Employer's Name & Address	
Previous Financial Inst.	

Beneficiary Designation
 (Check appropriate ownership above.)
 Revocable Trust Pay-On-Death (POD)

Beneficiary Name(s), Address(es), and SSN(s)
 (Check appropriate beneficiary designation above.)

If checked, this is a temporary account agreement.
 Number of signatures required for withdrawal: 2

Owner/Signer Information 2

Name	MARK A HANSLIK
Relationship to Account (Owner and/or Signer, etc.)	CSG
Address	11382 PEBBLE CV CONCORD, OH 44077
Mailing Address (if different)	
Home Phone	440-352-0170
Work Phone	216-581-8000
Mobile Phone	
E-Mail	
Birth Date	
SSN/TIN	
Driver's License No., State, Issue Date, Exp. Date	OH / / 08/09/2007
Other ID (Description, Details)	CX SYSTEM NO RECORDS
Employer's Name & Address	
Previous Financial Inst.	

Signature(s)
 The undersigned authorize the financial institution to investigate credit and employment history and obtain reports from consumer reporting agencies on them as individuals. Except as otherwise provided by law or other documents, each of the undersigned is authorized to make withdrawals from the account(s), provided the required number of signatures indicated above is satisfied. The undersigned personally and as, or on behalf of, the account owner(s) agree to the terms of, and acknowledge receipt of copy(ies) of, this document and the following:
 Terms and Conditions Truth in Savings Privacy
 Electronic Fund Transfers Funds Availability
 Common Features

[X] *John L. MacDonald*

[X] *Mark A. Hanslik*

[X] *Walter J. Bader*

[X]

Authorized Signer (If checked and account is individual and consumer purpose, the last of the above signers is an Authorized Signer.)

EXHIBIT A

Owner/Signer Information 3

Name	KRISTE J BARTON
Relationship to Account (Owner and/or Signer, etc.)	CSO
Address	4840 MAYNE RD MANTUA, OH 44255
Mailing Address (if different)	
Home Phone	330-274-0435
Work Phone	216-581-8000
Mobile Phone	- -
E-Mail	
Birth Date	
SSN/TIN	
Driver's License No., State, Issue Date, Exp. Date	OH / / 05/18/2009
Other ID (Description, Details)	CX SYSTEMS NO RECORDS
Employer's Name & Address	
Previous Financial Inst.	

Owner/Signer Information 4

Name	
Relationship to Account (Owner and/or Signer, etc.)	
Address	
Mailing Address (if different)	
Home Phone	- -
Work Phone	- -
Mobile Phone	- -
E-Mail	
Birth Date	/ /
SSN/TIN	- -
Driver's License No., State, Issue Date, Exp. Date	/ / / /
Other ID (Description, Details)	
Employer's Name & Address	
Previous Financial Inst.	

Backup Withholding Certifications

(If not a "U.S. Person," certify foreign status separately.)
 TIN: [REDACTED]
 Taxpayer I.D. Number (TIN) - The number shown above is my correct taxpayer identification number.
 Backup Withholding - I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.
 Exempt Recipients - I am an exempt recipient under the Internal Revenue Service Regulations.
 I certify under penalties of perjury the statements checked in this section and that I am a U.S. person (including a U.S. resident alien).
 X [Signature] (Date)

Non-Individual Owner Information

Name	HILES LANDING HOMEOWNERS ASSOCI
EN	[REDACTED]
Phone	216-563-6300
Mobile Phone	- -
E-Mail	
Type of Entity	
State/Country & Date of Organization	/ /
Nature of Business	
Address	4911 CAROLINE DR #1 CLEVELAND, OH 44128-5304
Mailing Address (if different)	
Authorization/Resolution Date	/ /
Previous Financial Inst.	

Account Description	Account #	Initial Deposit	Source
checking	[REDACTED]	\$.00	<input type="checkbox"/> Cash <input type="checkbox"/> Check
		\$.00	<input type="checkbox"/> Cash <input type="checkbox"/> Check
		\$.00	<input type="checkbox"/> Cash <input type="checkbox"/> Check

Services Requested

ATM Debit/Check Cards (No. Requested: _____)

_____ _____

_____ _____

Other Terms/Information

[Empty space for additional information]

EXHIBIT 02

Prasad Bikkani
3043 Forestlake Dr
Westlake, OH 44145
Prasadbabu@aol.com

June 9, 2007

Sub: OH2006-2073

Attn: NEON/THCP
%Matthew Fitzsimmons
25 West Prospect Ave, # 1400
Cleveland, OH 44115

Attn: Matthew Fitzsimmons:

Please find the enclosing check# 3850 for the amount of \$7,616.03 per Ohio Supreme Court Judgment entry dated 5/16/2007. Please note that the payment should not reflect to the waiver of any request for review, reconsideration, appeal etc but to avoid harassment, oppressions etc that were faced including through Judgment Liens, collecting the money but not satisfying even after month(s) etc.

Sincerely,
Pra:

VIJAYA BIKKANI
PRASADBABU BIKKANI
5930 STEPHANIE LANE
SOLON OH 44139

3850
3043 FC Dr
Westlake, OH
Date: 6/9/07
35-770302440

Pay to the Order of: NEON/THCP
\$ 7616.03
Seven Thousand Six Hundred and Sixteen and 03/100 Dollars

BMI
Federal Credit Union
780 Kennedy Road
Columbus, Ohio 43212

For: OH2006-2073

Signature: [Handwritten Signature]

U.S. POSTAL SERVICE
CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

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3043 FORESTLAKE DR
WESTLAKE OH 44145

One piece of ordinary mail addressed to:
ATTN: NEON/THCP
%MATTHEW FITZSIMMONS
25 WEST PROSPECT AVE # 1400
CLEVELAND, OH 44115

U.S. POSTAGE
CIVILIAN MAIL PERMIT NO. 1411
CLEVELAND, OHIO
JUN 10 2007

AMOUNT
\$1.05
99060013-34

PS Form 3817, January 2001

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