

1
2 G.E Capital Bank
3 Barclays Bank Head Office
4 AIG Assurance Company
5 Ally Financial,
6 Novation Companies,
7 Capital One, N.A.
8 Goldman Sachs & Co.
9 Moody's Investors Service Inc.
10 Fitch Group Global
11 McGraw Hill Financial
12 Judge Edwin A. Gendron Jr. Official
13 Capacity
14 Judge Martin F. Clark Jr., Official
15 Capacity
16 Defendant(s).

11
12 **I. Parties in this Complaint**

13 **PLAINTIFFS**

14 Christopher B. & Renee G. Julian
15 474 Orchard View Drive
16 Ararat, Virginia 24053

17 **II. DEFENDANTS**

18 Defendant 1:

19 Bank of America, N.A.
20 Legal Order Processing
21 PO BOX 15047
22 Wilmington, DE 19850-5047

23 Defendant 2:

24 Citigroup, N.A.
25 C/o Legal Services
26 1 Court Square, 31st. Floor
27 Long Island City, NY 11120

28 Defendant 3:

Julian Complaint for Financial Collapse & Denial of Constitutional rights

1
2 J.P. Morgan Chase
3 Legal Department
4 7610 W. Washington St. Fl. 1
5 Indianapolis, IN 46231

6 Defendant 4:

7 Wells Fargo Bank, N.A.
8 Subpoena Processing Chandler
9 P.O. Box 29728 S3928-020
10 Phoenix, AZ 85038

11 Defendant 5:

12 HSBC Bank USA, N.A.
13 P.O. Box 2013
14 Buffalo, NY 14240

15 Defendant 6:

16 G.E Capital Bank
17 6510 Millrock Drive
18 Salt Lake City, Utah 84121

19 Defendant 7:

20 Barclays Bank PLC Head Office
21 2 Churchill Place Canary Wharf
22 London E14 5RB. U.K.

23 Defendant 8:

24 AIG ASSURANCE COMPANY
25 175 Water Street,
26 18th Floor
27 New York, NY
28 10038

Defendant 9:

Ally Financial Inc.
200 Renaissance Center
Detroit, MI 48243

Defendant 10:

1
2 Novation Companies
3 2114 Central Street Suite 600
4 Kansas City, MO. 64108

5 Defendant 11:

6 Attn: 12070-7000
7 Capital One, N.A.
8 15000 Capital One Drive
9 Richmond, VA 23238-1119

10 Defendant 12:

11 Goldman, Sachs & Co. / Legal
12 200 West Street
13 New York, NY 10282

14 Defendant 13:

15 Morgan Stanley & Co. LLC
16 1585 Broadway Avenue
17 New York, NY 10036

18 Defendant 14:

19 Moody's Investors Service, Inc.
20 7 World Trade Center
21 at 250 Greenwich Street
22 New York, NY 10007

23 Defendant 15:

24 Fitch Group Global HQ - New York
25 Legal Department
26 33 Whitehall Street
27 New York, NY 10004

28 Defendant 16:

McGraw Hill Financial
(Corporate Headquarters)
Standard and Poor / Legal Department
55 Water St.
New York, NY 10041

Defendant 17:

Judge Edwin A. Gendron Jr.
P. O. Box 149
106 Rucker Street
Administration Bldg. Room 318
Stuart, VA 24171-0149

Defendant 18:

Judge Martin F. Clark Jr.
Patrick Circuit Court
P. O. Box 148 101
Blue Ridge Street
Stuart, VA 24171-0148

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Julian Complaint for Financial Collapse & Denial of Constitutional rights

1 was dismissed without prejudice. The case was appealed to the 4th CA case No.'s
2 14-1480 May 2014 and 14-1925 September 2014 consolidated for opinion
3 November 2014. A *writ of certiorari* petition #14-1051 was submitted and denied
4 by the Supreme Court of the United States April 27, 2015. Form SF-95 was
5 presented to the President of the United States and the Secretary of Agriculture
6 on April 14, 2015 as required by the court ruling. As a result of the dismissal and
7 ruling, Plaintiffs Filed suit November 9, 2015 against the United States
8 Government for Breach of Contract and a taking without just compensation case
9 No. 1-15-cv-01344. This action was brought as a result of Superior Federal
10 District Court Judge Jackson L. Kiser's efforts to aid and abet the RICO
11 enterprise of the USDA. Judge Edward J. Damich believed to be the architect of
12 USDA's racketeering enterprise dismissed this case March 10, 2016. A Writ of
13 Mandamus was filed with the Court of Appeals for the Federal Circuit March 18,
14 2016. Plaintiffs contend the legal cause of each of these prior cases resulted from
15 the Negligence, in this complaint and was exacerbated by the deprivation of Civil
16 Rights complained of in this Complaint. Plaintiffs focused on personal survival
17 and prosecution of USDA's RICO enterprise, "a civic duty", unaware of the
18 potential to pursue this case prior to initiation of the proceedings for which this
19 cause of action brings allegations for deprivation of civil rights and the chance
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26 Julian Complaint for Financial Collapse & Denial of Constitutional rights

1
2 discovery of Bank Of Americas settlement with the Department of Justice
3 announced on August 21, 2014. Plaintiffs allege in this case history the USDA
4 runs a criminal unconstitutional racketeering enterprise aided by the
5 department of justice and designed to deny American Citizens of their
6 constitutional rights to due process and equal justice in order to avoid financial
7 damages, for negligence, fraud, and discrimination. The fact the enterprise is in
8 violation of federal racketeering law makes it a violation of due process and
9 consequently unconstitutional. Plaintiffs entire experience with these cases
10 would not have occurred but for the Negligence and Fraud of Defendants and
11 cause of action in this proceeding.
12

13 14 COMPLAINT

15 Comes Now, Plaintiffs Chris and Renee Julian (collectively referred to herein as
16 “Plaintiffs”), and for their action against Bank Of America N.A, Country Wide
17 Financial, AKA Bank Of America N.A., Merrill Lynch AKA Bank Of America
18 N.A., Citigroup N.A., Ameritrust Mortgage AKA Citigroup N.A., J.P. Morgan
19 Chase, Washington Mutual AKA J.P. Morgan Chase, Wells Fargo Bank N.A.,
20 Golden West Financial AKA Wells Fargo N.A, Wachovia AKA Wells Fargo N.A.,
21 HSBC Bank USA, N.A., G.E Capital Bank, Barclays Bank PLC, AIG Assurance
22 Company, Ally Financial, Novation, Capital One, N.A., Goldman Sachs & Co.,
23
24

25
26 Julian Complaint for Financial Collapse & Denial of Constitutional rights

1 Morgan Stanley, Moody’s Investor Services, Fitch Group, Global, McGraw Hill
2 Financial (Here and after collectively referred to as Financial institutions”.
3 Patrick County General District Court Judge Edwin A. Gendron Jr., and Patrick
4 County Circuit Court Judge Martin F. Clark Jr. both in their “official capacities”
5 (here and after will be referred to individually by name). Plaintiff’s state as
6 follows in support of their complaint, Plaintiffs bring this action against
7 defendants for Negligence and Depravation of Civil Rights as the but for cause of
8 Personal Property Damages, Business Damages, Financial Damages,
9 Consequential Damages, Emotional Distress, Intentional Infliction of Emotional
10 Distress, Pain and Suffering, Lost Wages and Punitive Damages.
11
12
13
14

15 NATURE OF CLAIM

- 16 1. This case arises from the Defendants negligent and fraudulent lending
17 practices in Sub-Prime loans, funding and purchase of such loans to and
18 from third parties. Fraud in the packaging and securitization and ratings
19 of Sub-Prime loans and misrepresentation of these securitizations in their
20 sale to investors.
21
22
- 23 2. With the announced settlement between the Department of Justice and
24
25

1 Bank of America N/A on August 21, 2014. U.S. Attorney Anne M.
2 Tompkins for the Western District of North Carolina. Stated
3 “Today’s settlement attests to the fact that fraud pervaded every
4 level of the RMBS industry, including purportedly prime securities,
5 which formed the basis of our filed complaint even reputable
6 institutions like Bank of America caved to the pernicious forces of
7 greed and cut corners, putting profits ahead of their customers. As
8 we deal with the aftermath of the financial meltdown and rebuild our
9 economy, we will hold accountable firms that contributed to the
10 economic crisis. Today’s settlement makes clear that my office will
11 not sit idly while fraud occurs in our backyard.”

12 3. All of the financial institutions listed as defendants in this instant case are
13 known to have played a role in the Financial meltdown of Financial
14 Markets in an around 2008.

15 4. The financial institutions identified, as defendants are included based on:
16 1. Their inclusion in the top 25 Sub Prime lenders (SPL) responsible for
17 nearly \$1 trillion of subprime loans, according to a Center for Public
18 Integrity analysis of 7.2 million “high interest” loans made from 2005
19

1 through 2007.² See Plaintiffs [Exhibit 1] 2. An Analysis of Alt-A:
2 Mortgages entitled “Alt-A: The Forgotten Segment of the Mortgage Market
3 by Rajdeep Sengupta of the ST. Louis Federal Reserve Bank
4 January/February 2010. And the relative impact Sub-Prime lending had
5 on the Alt A classification of mortgages from 2004 through 2007. See
6 [Exhibit 2]. 3. The Financial Crisis Inquiry Commission Report. See
7 [Exhibit 3].
8
9

10 5. Plaintiffs contend Negligence and Fraud by these financial
11 institutions is the primary but for cause of the U.S. Governments
12 implementation of Dodd Frank legislation and changes to regulation
13 B , the implementation of the ability-to-repay rule crucial provisions
14 of the Dodd-Frank Act.
15

16 6. Plaintiffs contend the financial institutions negligence and fraud
17 caused a significant decline in Alt-A non-QM credit, which effectively
18 locked, otherwise credit worthy borrowers from real estate secured
19 credit. Consequently, Plaintiffs were and are denied equity leverage,
20 which prior to the financial meltdown would not, and did not occur,
21
22

23 ² Who’s Behind the Financial Meltdown? The Subprime 25 by The
24 Center for Public Integrity May 6, 2009 Updated May 19, 2014.
25

1
2 and which today is not appropriately warranted although has become
3 law significantly if not completely eliminating non-qualifying stated
4 income lending.

5
6 7. Plaintiffs contend the negligence and fraud perpetrated by these
7 financial institutions caused the disappearance of specific products,
8 which provided credit to specific market segments. The failure of due
9 care, negligence, and fraud in the ALT A product segment caused a
10 complete disappearance of, and serious constraints to, some market
11 segments, which had been available previously for decades. Plaintiffs
12 contend this situation has created a serious inappropriate
13 impediment to entrepreneurship specifically damaging Plaintiffs who
14 had in process development efforts when the markets collapse
15 occurred.
16
17
18

19 JURISDICTION AND VENUE

20 8. Plaintiff's re-allege paragraphs 1 through 7 as though fully restated.

21 9. This action is brought pursuant to authority codified as 28 U.S.C. §§1331,
22 "The district courts shall have original jurisdiction of all civil actions
23 arising under the Constitution, laws, or treaties of the United States." And
24

1 §1332 (a) the district courts shall have original jurisdiction of all civil
2 actions where the matter in controversy exceeds the sum or value of
3 \$75,000, exclusive of interest and costs, and is between—
4

5 (1) Citizens of different States;

6 10. The amount in controversy, exclusive of interest, cost, and attorney's fees,
7 exceeds \$75,000.00 in damages.
8

9 11. Venue for this action is therefore properly situated in this Court.

10 12. Jurisdiction, therefore, is properly vested in this Court.
11

12 PARTIES

13
14
15 13. Plaintiff's re-allege paragraphs 1 through 12 as though fully restated.

16 14. Plaintiffs are Christopher B. and Renee G. Julian a married couple who
17 had long careers in banking, were bank stock investors in many of these
18 financial institutions and were developing a business in a rural community
19 prior to 2012 when they had been able to obtain financing on their project.
20

21 15. Defendant Bank of America Corporation and Bank of America, N.A. are
22 among the world's largest and most powerful financial institutions. Bank
23 of America Corporation is a Delaware corporation headquartered in
24

1
2 Charlotte, North Carolina. Bank of America, N.A. (f/k/a NationsBank,
3 N.A.) is a federally chartered national banking association headquartered
4 in Charlotte, North Carolina and is an indirect, wholly owned subsidiary of
5 Bank of America Corporation. First Franklin (SPL #4) was purchased by
6 Merrill Lynch, which was merged with all its obligations into Bank of
7 America Corporation in 2009. Countrywide (SPL #1) financial was merged
8 into Bank of America Corporation with all its obligations into Bank of
9 America Corporation in 2008.

10
11 16. Defendant Citigroup, Inc. Is a Delaware corporation headquartered in New
12 York, New York. Citibank, N.A. is a federally chartered national banking
13 association headquartered in New York, New York Citi financial (SPL #
14 15) is a wholly owned subsidiary of Citigroup. Ameriquest Mortgage (SPL
15 #2) was merged into Citigroup with all its obligations in 2007.

16
17 17. Defendant JPMorgan Chase & Co. is a Delaware corporation
18 headquartered in New York, New York. JPMorgan Chase Bank, N.A. is a
19 federally chartered national banking association headquartered in New
20 York, New York and a wholly owned subsidiary of JPMorgan Chase.
21 Chase Home Finance (SPL # 12) is a wholly owned subsidiary of
22 JPMorgan Chase. Long Beach Mortgage co. / Washington Mutual (SPL
23

1 #5) was acquired by JP. Morgan Chase & Co The Federal Deposit
2 Insurance Corp. "Facilitated" the bank's sale to JPMorgan Chase. Bear
3 Stearns (SPL # 17) was acquired by JPMorgan Chase with 29 Billion in
4 guarantees from the Federal Reserve Bank of New York.
5

6 18. Defendant Wells Fargo (SPL #8). Is a Delaware corporation
7 headquartered in San Francisco California Wells Fargo is a federally
8 chartered national banking association. Wachovia Bank and Trust wholly
9 acquired golden West Financial and Wachovia (SPL #19) was merged into
10 Wells Fargo with all its obligations in 2008.
11

12 19. Defendant HSBC Holding PLC (SPL # 9) is the world's fifth largest bank
13 by total assets headquartered in London, United Kingdom HSBC Bank
14 and HSBC finance Corp are wholly owned subsidiaries of HSBC Holdings
15 PLC and are headquartered in Buffalo New York.
16

17 20. Defendant G.E. Capital Bank Weyerhaeuser Mortgage Company. WMC
18 (SPL # 10) became the sixth-largest subprime lender in the country before
19 General Electric purchased it in 2004 and became part of the GE Money
20 division a division of G.E Capital. G.E. Capital was sold in parts to
21 multiple buyers April 2015. Plaintiffs cannot identify how specifics of this
22 sale may affect liabilities for this instant case. It should be noted that a
23
24
25

1 large portion of this business was sold to another defendant of this case
2 Wells Fargo. G.E is an American multinational conglomerate corporation
3 incorporated in New York, and headquartered in Fairfield, Connecticut.
4

5 21. Defendant Barclays Bank plc – is a British multinational banking
6 and financial services company headquartered in London. It is a universal
7 bank with operations in retail, wholesale and investment banking, as well
8 as wealth management, mortgage lending and credit cards. It has
9 operations in over 50 countries. Equifirst (SPL # 16) was a wholly owned
10 subsidiary of Regions Bank purchased by Barclays Bank in April of 2007.
11

12 22. Defendant American International Group (AIG) (SPL #18) American
13 International Group, Inc. (AIG), incorporated on June 9, 1967 in
14 Delaware, is a global insurance company headquartered in New York
15 New York. The Company provides a range of property casualty insurance,
16 life insurance, retirement products, mortgage insurance and other
17 financial services to customers in over 100 countries and jurisdictions.
18

19 23. Defendant Ally Financial formerly GMAC - Cerberus Capital
20 Management (SPL # 20) is a bank holding company headquartered in
21 Detroit, Michigan and incorporated in Delaware.
22

1 24. Defendant Novation Companies formerly NovaStar Financial (SPL # 21)

2 is incorporated in Maryland and headquartered in Kansas City Mo.

3
4 Novation owns and operates early-stage businesses in the technology-
5 enabled services industry.

6 25. Defendant Capital One. Is a Delaware Corporation headquartered in

7 McLean Virginia. Capital One Financial Corporation, incorporated on

8 July 21, 1994, is a diversified financial services holding company. The

9 Company and its subsidiaries offer a range of financial products and

10 services to consumers, small businesses and commercial clients through

11 branches. Capital One purchased Green Point Mortgage (SPL #23) in

12 December 2006.

13
14 26. Defendant Goldman Sachs is incorporated in Delaware and

15 headquartered in New York New York. Goldman Sachs is a bank holding

16 company and a financial holding company. The Company is a global

17 investment banking, securities and investment management company

18 that provides a range of financial services to a diversified client base that

19 include corporations, financial institutions, Governments and high-net-

20 worth individuals. Goldman Sachs was a Buyer/ Seller/ Market maker

21 and financier of the sub prime mortgage market. While not one of the Top

1
2 25 Lenders Goldman Sachs provided financial support to six of the now
3 bankrupted Sub Prime lenders in the top 25 list implicating their
4 culpability for concurrent negligence.

5 27. Defendant Morgan Stanley, incorporated on January 10, 1981 in
6 Delaware is a financial holding company headquartered in New York New
7 York. Through its subsidiaries and affiliates, the Company provides a
8 variety of products and financial services to a group of clients and
9 customers, including corporations, governments, financial institutions and
10 individuals. Morgan Stanley was a Buyer / Seller / Market maker and
11 financier of the sub prime mortgage market. While not a lender Morgan
12 Stanley provided financial support to numerous entities in the sub prime
13 top 25 lenders implicating their culpability for concurrent negligence.

14
15
16 28. Defendant Moody's Corporation (Moody's), incorporated on June 2, 2000
17 in Delaware is headquartered in New York New York. Moody's is a
18 provider of credit ratings; credit, capital markets and economic related
19 research, data and analytical tools. Their negligent ratings enabled the
20 activities of the Sub Prime 25 and their market makers and creditors
21 implicating their culpability for concurrent negligence.
22
23
24
25

1
2 29. Defendant Fitch Group Global issues ratings for some 19,500 banks,
3 financial institutions, insurance companies, corporations, and
4 governments. It's one of the top three credit rating agencies in the world
5 (alongside Moody's and Standard & Poor's). It has dual headquarter is
6 New York and London and is a subsidiary of Hearst Corporation. Their
7 negligent ratings enabled the activities of the Sub Prime 25 and their
8 market makers and creditors implicating their culpability for concurrent
9 negligence.
10

11 30. Defendant McGraw Hill Financial Aka Standard and Poor. McGraw Hill
12 Financial, Inc. incorporated in New York on December 29, 1925, is a
13 benchmarks and ratings, analytics, data and research provider. The
14 Company's products cater to the global capital market, which includes
15 asset managers, investment banks, commercial banks, exchanges and
16 issuers. Their negligent ratings enabled the activities of the Sub Prime 25
17 and their market makers and creditors implicating their culpability for
18 concurrent negligence.
19
20

21 31. Defendant Judge Edwin A. Gendron Jr. is the Patrick County Virginia
22 General district court judge.

23 32. Defendant Judge Martin F. Clark Jr. is the Patrick County Virginia
24

1
2 circuit court judge.

3
4 **UNNAMED ENTITIES CULPABLE FOR NEGLIGENCE**

5
6 33. Various other entities not named as Defendants in this complaint
7 participated in a manner aiding and abetting defendants in acts of
8 negligence and fraud and are not listed as Defendants because they have
9 been taken into Government held conservatorship or are now bankrupt.
10

11
12 **FACTUAL ALLEGATIONS**

13
14
15 34. Plaintiff's re-allege paragraphs 1 through 33 as though fully restated.

16 35. In 2007 Plaintiffs purchased debt free 22.75 acres of raw land for cash.

17 36. In early 2008 Plaintiffs obtained a financial commitment from Branch
18 Banking and Trust (BB&T) based on Assets, Credit History, and Prior
19 Business relationships for development on this property, as they had done
20 in 1995 with property in Charlotte N.C.
21

22 37. In 2008 Plaintiffs developed plans to reestablish, refurbish the existing
23 Apple orchard and expand it to include viniferous grapes for sale and
24

1 wine making with long-term business development plans.

2
3 38. In late 2008 due to project delays Plaintiffs loan commitment with BB&T
4 expired without draw. Subsequently, Plaintiffs had customer service
5 issues with BB&T and sought alternative credit providers.

6
7 39. In September 2009 Plaintiffs secured a credit commitment from Surry
8 Bank and Trust. However, at the time of signing Plaintiffs were informed
9 of time restrictions on the commitment by Surry. Due to project delays,
10 which had occurred previously, and were occurring as well as timing
11 relative to winter weather, Plaintiffs were not prepared at that time to
12 commit to the time constraints.

13
14 40. In October 2009 Plaintiffs took business and development plans to the
15 SBA. The SBA informed Plaintiffs in order to work with them they're
16 prerequisites would require Plaintiffs Farm Winery Business funding be
17 denied by the USDA prior to their consideration for project support.

18
19 41. In October 2009 Plaintiffs sought funding information from the USDA
20 Farm Service Agency (FSA). While FSA appeared to be a viable source of
21 funding with attractive terms it had restrictions, which at the time
22 Plaintiffs did not meet.

- 1
- 2 a. It required Plaintiffs be unable to obtain credit elsewhere.³
- 3 b. It required Plaintiffs have 3 years farming experience. ⁴
- 4

5 42. In 2009 significant capital expenditures had been incurred for

6 development of this property. Plaintiffs continued development utilizing

7 their own private capital with the firm belief, market knowledge, relevant

8 experience, capital assets, and credit history they could obtain the needed

9 funding when project delays were sufficiently behind them.

10

11 43. Plaintiffs now own land with capital improvements, with total cost in

12 excess of \$500,000.00, as a result of the Financial meltdown, Dodd Frank

13 ability to pay rules, and the resultant disappearance of credit Plaintiffs

14 have been locked out of the Mortgage loan and credit markets since 2012

15 and unable to use real estate holdings as collateral. As a result of the

16 financial meltdown rural real estate no longer has collateral value

17 without an income stream, the definition of which, government has

18 constrained with ability to pay rules eliminating stated income

19 financing and depriving Plaintiffs of the liberty to work for

20

21

22

23 ³ Plaintiffs had just been able to obtain credit.

24 ⁴ Plaintiffs had just begun efforts to revitalize and farm the
25 property and did not have prior farming experience.

1 themselves and destroying an honorable path to entrepreneurship.

2
3 44. Plaintiffs attest they learned of being locked out of credit markets in
4 March of 2012 after having worked diligently investing there time and
5 financial resources from January 2006 to March of 2012 on development
6 of a Farm Winery Business plan which included a primary residence and
7 future development plans.
8

9 45. March 2012 Plaintiffs learned from Surrey Bank and Trust they could no
10 longer provide financing as a result of Dodd Frank Reg B regulations
11 implemented in June of 2011. Plaintiffs learned they could no longer
12 leverage the invested capital in real estate to provide funding for
13 completion of their development efforts, even from lenders who prior to
14 2011 had been willing to make commitments.
15

16 46. In June of 2012 after six years of dedicated hard work on developing a
17 farming operation producing apples intended as a resource for hard apple
18 cider production, preparing the land for planting of viniferous wine
19 grapes, and finally meeting requirements for crop insurance. Plaintiffs
20 were reminded of the USDA FSA farm loan program. Plaintiffs believed
21 they were now eligible for a USDA/FSA farm loan. Because, 1. They now
22 had the prerequisite 3 years of farming experience and 2. as a result of
23
24
25

1 the financial collapse, and Dodd–Frank Reg B. Plaintiffs were no longer
2 able to acquire or find financing on a debt free development effort. As far
3 as they knew they now met all the eligibility requirements for an FSA
4 beginning farmer loan.
5

6 47. October 10, 2012 after numerous unsuccessful efforts to obtain credit, or
7 a mortgage on the property, Plaintiffs filed an application for a
8 USDA/FSA beginning farmer, farm ownership loan.
9

10 48. November 28, 2012 Plaintiffs loan application with the USDA/FSA was
11 denied at Thanksgiving for the following reasons:

- 12 1. Plaintiffs had requested to pay themselves for work on
13 capital improvements, which the agency defined as a
14 request to pay living expenses.⁵
15
- 16 2. Plaintiffs house was not eligible for capital expenditure
17 improvements because it was not modest in size, cost,
18 and design.⁶
19

20
21
22 ⁵ Note Dodd Frank Ability to pay rules now prevent an individual from claiming
23 an income by paying themselves to work on capital improvements while
24 developing a business.

25 ⁶ Plaintiffs had managed and constructed this dwelling from the ground up as a
26 DIY project with the help of two farm hands and were experienced.

1
2 3. Plaintiffs had requested to use farm ownership loan
3 funds to refinance debt.⁷

4 Plaintiffs maintain each of the justifications given were not in accordance
5 with the promulgated laws on beginning farmer loan eligibility and were in
6 fact fraudulently misrepresented in the declination.⁸

7
8 49. September 16, 2013 after being informed by USDA/ National Appeals
9 Division (NAD) Plaintiffs had exhausted all administrative avenues for
10 adjudication. Having been through the adjudication process and reading
11 completely the USDA/FSA and NAD procedural manuals. The
12 Department of Justice civil and criminal racketeer influenced corrupt
13 organization act (RICO) prosecutorial guides. Plaintiffs filed suit Pro-Se
14 against the USDA et al for racketeering and requested that a jury decide
15 whether the law had been appropriately applied with regards to the
16 declination reason stated in ¶48 (2). Case #4:13-cv-00054.⁹

17
18
19
20

⁷ Plaintiffs owned the land; all capital improvements were paid for and all farm
21 equipment save the tractor were debt free. There was no debt on plaintiff's real
22 estate to refinance.

23 ⁸ Item (a) was found in error during adjudication proceedings. Item (c) was
24 dropped prior to administrative hearings and discussion thereof denied
25 evidentiary presentation in the administrative hearing.

26 ⁹ Its important to note Plaintiffs believed the reasons given for declination were
27 simply wrong and would get corrected by following the required adjudication
28

1
2 50. March 24, 2014 Superior Federal District Court Judge Jackson L Kiser
3 dismissed the RICO claims converting the charges to tort actions and
4 denying jurisdiction for failing to ask the USDA permission to sue under
5 the Federal Tort Claims Act (FTCA). With this ruling Judge Kiser
6 segregated the request for a jury to decide whether USDA's application of
7 the law in ¶48 (2), as requested under the civil cause of action for RICO
8 had been appropriate, or whether it was a racketeering scam to segregate
9 and avoid financial damages from the loan denial so the agency could
10 plead no harm no fowl on the torts. Judge Jackson L. Kiser converted this
11 request for a Jury's purview in a civil case to a request for judicial review.

12
13 10

14
15 51. May 19, 2014 Plaintiffs filed an interlocutory appeal Pro Se with the 4th
16 circuit court of appeals. Case # 14-1480.

17 52. August 15, 2014 Judge Jackson L. Kiser issued his opinion on judicial
18

19 procedures unaware the process was simply a racket to avoid accountability and
20 responsibility for criminal acts, negligent management, and failure to perform
21 required procedural duties. A jury decision is a constitutional guarantee in civil
22 proceedings.

23 ¹⁰ Plaintiffs contend the Judges ruling is filled with intentional
24 misrepresentation, deceit, deception, and dabbled with outright lies and some
25 criminal acts. It was not in accordance with the law. Furthermore, it violated
26 Plaintiffs civil rights by denying a single opportunity for a Pro-Se Plaintiff to
27 amend the complaint.

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1 review of the agencies actions even though his jurisdiction to do so had
2 been challenged. Under extreme objection to Judge Kiser's performing
3 judicial review he granted the agency extraordinary deference to re-write
4 the law contrary to the underlying statute. ¹¹

5
6 53. August late or early September 2014 Plaintiffs read the DOJ's settlement
7 announcement with Bank Of America dated August 21, 2014.

8
9 54. September 4, 2014 Plaintiffs filed an appeal of Judge Jackson L. Kiser's
10 unconstitutional judicial review with the 4th circuit court of appeals Pro
11 Se. Case # 14-1925.

12 55. October 10, 2014 American Express Bank FSB filed a Warrant In Debt
13 with the General district court of Patrick County.¹² Case # GV14000231-
14 00. See [Exhibit 4]

15
16 56. November 4, 2014 the 4th circuit court of appeals issued an order
17 consolidating for review case 14-1480 and 14-1925.

18 57. November 18, 2014 01:00 PM Plaintiffs appeared before the General
19 District Court of Patrick County as Defendant in the case cited at ¶55.
20

21
22

¹¹ Plaintiffs contend not only was this unconstitutional but it was a criminal act
23 to aid and abet the commission of the RICO enterprises stated objectives.

24 ¹² Plaintiffs believe the sum of this warrant was intentionally understated in
25 order to file the case in general district court.

1 Defendants pled a demand for jury trial before the court and council for
2 Plaintiffs American Express Bank FSB. General District Court Judge
3 Edwin A. Gendron Jr made the immediate statement it was “not going to
4 happen in this court”. As defendant Plaintiffs stated the reasons outlined
5 on their notes in court for demanding a jury trial. [Exhibit 5].
6
7

- 8 a. The proximate cause of the defendants default resulted from the
9 Financial Collapse of 2008. (i.e. a cause of action in this filing).
- 10 b. The implementation of Dodd Frank ability to pay rules and
11 resultant elimination of stated income loans. (i.e. a cause of action in
12 this filing).
- 13 c. USDA/FSA unlawful denial of a farm loan. (i.e. the cause of action in
14 the RICO proceedings case # 4:13-cv-00054JLK)
- 15 d. The disappearance of real estate secured, asset backed lending, farm
16 credit.
- 17 e. The significant financial damages, financial and emotional distress,
18 and unemployment caused as a result of these events.

19 Judge Edwin A. Gendron Jr inexplicably directed the clerk to docket a
20 continuance and set the date and time for January 27, 2015 1:00pm. See
21 docket [Exhibit 6] and note for FRCP 9(f) the date and time stamp in the
22
23
24
25

1 bottom right hand corner 2-1-2015 11:15 am.¹³

2
3 58. November 24, 2014 at Thanksgiving the fourth circuit upheld the rulings
4 of Judge Jackson L. Kiser with an Unpublished per Curium Opinion and
5 no discussion of the issues raised.

6 59. December 4, 2014 Plaintiffs received in the mail a document from council
7 for American Express Bank (AMEX), which stated a hearing, would be
8 held on December 16, 2014 to hear Plaintiffs (Amex) council motion for
9 pleadings. Plaintiffs/Defendants in this case had not received notice from
10 the court any motion had ever been filed in this case. A review of the
11 docket (see [Exhibit 6] showed only the continuance scheduled for
12 January 27th. See [Exhibit 7]

13
14 60. December 8, 2014 Plaintiffs/Defendants in the case with AMEX sent to
15 the General District Court of Patrick County still having never received
16 any notice of any kind from the court, a motion for an extension of time to
17 answer or otherwise plead. [Exhibit 8].¹⁴

18
19 61. December 16, 2014 having not received any notice or any communication
20
21

22 ¹³ On 2-1-15 the docket reflected only the original court date
23 and the date for continuance. No other information.

24 ¹⁴ Note from the court docket this motion to the court was never docketed or
25 even noted.

1 at all from the Patrick County General District Court or Clerk and not
2 finding any indication of any pending motion or proceedings on the court
3 docket for this instant case. See [Exhibit 6 noting date and time]
4 Defendants presumed the court had not entertained the Plaintiffs motion
5 and did not appear on December 16th but instead tended to their work
6 obligations.
7

8
9 62. January 27, 2015 Plaintiffs as defendants in the debt warrant with
10 AMEX appeared at the Patrick County General District Court at the time
11 designated and stated for continuance in court and on the courts docket
12 in the case. Judge Edwin A. Gendron Jr. informed Plaintiffs he held a
13 hearing in December in Defendants absence and found the Defendnat
14 guilty and granted judgment for the Plaintiffs in the case. The court was
15 informed that they had not docketed any motions or proceedings nor had
16 they notified Plaintiffs of any pending or planed court action. Plaintiffs
17 contend that the first tenant of Due process is one of notice. This court
18 had neither provided nor docketed any such notice. No Defendant or
19 Plaintiff in any case should be expected to rely solely on written
20 communication from opposing counsel of a motion. Nor should the court
21 dismiss its constitutional obligations to due process or defendants right to
22
23
24

1 a jury trial when demanded without due process and equal justice of the
2 law.
3

4 63. February 4, 2015 after researching the appropriate procedures Plaintiffs
5 took time off work to file an appeal with the Patrick County Clerks Office.
6 Plaintiffs were informed at the time any appeal would have to go through
7 the Patrick County Circuit Court and Plaintiffs would be required to post
8 a \$25,000.00 bond. With all our capital tied up in the real estate
9 investment, no available credit, and outstanding delinquent debt with
10 Bank Of America, AMEX, and Discover Card, having spent more than a
11 year contesting the USDA's actions, Plaintiffs having obtained
12 employment attempted to get a loan against the real estate to post the
13 25,000.00 bonds but with judgments against Plaintiffs and additional
14 delinquent debt with Bank Of America no financial institution would
15 accept our real estate as collateral for a loan. Consequently, Plaintiffs
16 filed, with the appeal, see [Exhibit 9] a request to proceed in forma
17 pauperis. See [Exhibit 10]. Plaintiffs were anticipating Bank Of America
18 would not be far behind AMEX in seeking a warrant in debt to which
19 Plaintiffs expected to respond with a counter suit, which was to be based
20 on the same financial institution claims as presented in this complaint.
21
22
23
24

1
2 64. February 6, 2015. Judge Martin F. Clark denied Plaintiffs/ (AMEX
3 Defendants) in forma pauperis request without comment or question.
4 Plaintiffs contend a constitutional right to have a jury decide this case,
5 the Case against the USDA for racketeering, and should have had the
6 opportunity to present these allegations as a Defense to the debt warrant
7 filed by Amex.
8

9 65. February 23, 2015 Petition for a writ of certiorari was filed with the
10 Supreme Court of the United States Pro Se. Petition #14-1051.

11 66. April 14 2015 As the statute of limitations approached on critical torts
12 committed by USDA personnel, Plaintiffs felt pressured to proceed with
13 filing of form SF-95 as required under the FTCA, see [Exhibit 11] Letter
14 to President Barack Obama as dictated by the ruling of Judge Jackson L.
15 Kiser on March 24, 2014. Based on the filing date of Form SF-95
16 Plaintiffs were required to wait 6 months for a response from the USDA
17 before refilling the suit in Federal Court. This meant Plaintiffs would not
18 be able to continue with prosecution of this civil action prior to October
19 17, 2015 three years after the initial criminal acts.
20
21

22 67. April 27, 2015 Plaintiffs petition 14-1051 writ of certiorari to the
23 Supreme Court was denied.
24
25

1
2 68. August 18, 2015 Patrick County General District Court Garnished
3 Plaintiffs wages on behalf of AMEX taking twenty five percent of
4 Plaintiffs Gross Pay. [Exhibit 12].

5 69. September 15, 2015 Although, Plaintiffs employer Tri Area Community
6 Health, a Government funded Federally Qualified Healthcare Center
7 (FQHC), with long-term loan funding from the USDA, and a nonprofit
8 organization with annual government funding, will contend Plaintiffs
9 quit their job Plaintiffs were asked to leave and return at the end of the
10 month, handing over access keys, there systems access was immediately
11 revoked.
12

13 70. October 18- 22nd 2015 Upon Plaintiffs request with the Virginia
14 Employment Commission for unemployment benefits Tri Area
15 Community Health initially informed the Virginia Employment
16 Commission Plaintiff had been terminated for misconduct. See [Exhibit
17 13]
18

19 71. November 24th at Thanksgiving Tri Area showed up at the scheduled
20 hearing see [Exhibit 13] for scheduled hearing] making false statements
21 related to Plaintiffs ongoing litigation with the USDA and AMEX.
22

23 72. While Plaintiffs certainly wanted to quit because, as Finance Director
24

1
2 Plaintiffs found numerous activities of the CEO and organization
3 bordering on Financial Fraud, Fraud on the Government, Fraud to the
4 Board of directors, and other financial institutions information
5 documented to the Virginia Employment Commission, truth is Tri Area
6 Community Health forced Plaintiffs to leave involuntarily but Plaintiffs
7 unemployment benefits were denied as The Employment Commission
8 found Plaintiffs quit see [Exhibit 14]. Consequently Plaintiffs have
9 collected SNAP benefits and been unemployed since. It took 2 years from
10 December 2012 until January 2014 for Plaintiff Christopher B. Julian to
11 find the position with Tri Area. Due to these employment records and the
12 damages from the events in this complaint to credit history, Plaintiff
13 Christopher B. Julian has not been able to find employment in his field.
14
15 Renee G. Julian since 2012 has not been able to find permanent
16 employment and has worked as a substitute teacher in the Patrick
17 County school system.
18

19
20 73. November 9, 2015 Plaintiffs filed Pro Se a lawsuit in the Federal Court of
21 Claims for breach of contract and a taking without just compensation,
22 resulting from Superior Federal District Court Judge Jackson L. Kiser's
23 unlawful and unconstitutional conversion of the RICO case against the
24

1
2 USDA. Case # 1:15-cv-01344 and the Federal Laws promise of treble
3 damages, attorney fees and cost.

4 74. December 11, 2015 Plaintiff Christopher Julian had to move to Charlotte
5 N.C. as the only reasonable option to provide palliative care for his 91
6 year old Mother, who's doctors determined could no longer live alone,
7 consequently, separating him from his wife and daughter, who for
8 financial and educational reasons have remained in Virginia.
9

10 75. Plaintiffs argue the Negligence and Fraud perpetrated by these financial
11 institutions caused an identifiable negative impact on ALT-A mortgage
12 financing from 2004 – 2007 and into the Financial Crisis of 2008. That
13 the Financial institution Defendants activities in Sub-Prime lending,
14 ALT-A mortgage market, and related securitization of these products are
15 the direct cause of Dodd Frank legislation, the appearance in 2011 of the
16 ability to pay rules, and the disappearance of stated income loans.
17

18 Plaintiffs argue but for these legal causes Plaintiffs would not have been
19 unable to find credit and forced into the hands of a criminal racketeering
20 enterprise operated by the USDA ultimately under the President of the
21 United States. See [Exhibit 11]. Plaintiffs would not have been locked out
22 of the credit markets and had their right to life, liberty, and the pursuit
23
24

1 of happiness deprived. Furthermore, Plaintiffs contend the “ability to
2 pay” rule has deprived Plaintiffs of the liberty to make a living in their
3 personally preferred manner.
4

5 76. Plaintiffs contend as a direct consequence of the negligence and fraud of
6 the defendants: Plaintiffs suffered being forced to move into an
7 unfinished house without window’s doors, central heat, water, electricity,
8 and on cold concrete floors with a young daughter and no privacy at a
9 time when obtaining employment was extremely difficult, especially in a
10 Hud Zone. Plaintiffs suffered and continue to suffer personal property
11 damages as a result of exposure to the elements. Plaintiff’s daughter has
12 been deprived of the childhood she deserved; Plaintiffs aging mothers
13 have been deprived of comfort in their declining years and the
14 opportunity to enjoy their grandchild significantly diminished. Plaintiffs
15 pristine credit history in 2012 [Exhibit 15] was destroyed as a result of
16 being locked out of credit markets and pursuing adjudication against a
17 racketeering designed to deny fair hearings. Destruction of Plaintiffs
18 credit continues to have significant negative impacts on their
19 employment at a late stage in their lives. Plaintiffs lost 6 years of
20 development work along with 3 years and counting spent in very
21
22
23
24
25

1 traumatic litigation. Plaintiffs suffered posttraumatic stress disorder
2 amplified by legal abuse syndrome, and stress of self-representation
3 while unemployed. Plaintiffs' very viable business opportunity in a rural
4 Hud Zone was devastated and the foregone opportunity cost can never be
5 replaced. Plaintiffs have now twice suffered humiliation requesting SNAP
6 benefits from the very organization terrorizing them with their RICO
7 operation. Plaintiffs have suffered a barrage of humiliation and attacks
8 from numerous creditor situations resulting from all of the above. All of
9 the above has placed a very happy marriage under considerable stress
10 and destroyed the efforts of two peoples life work.

11
12
13
14 77. Plaintiffs lost their two primary vehicles to catastrophic engine failures
15 during this period and credit issues, prevented them even while gainfully
16 employed from obtaining credit on a used car.

17 78. Plaintiffs while gainfully employed were unable to obtain a mortgage to
18 extinguish there revolving debt and purchase adjoining property with a
19 residence using their debt free real estate holdings as additional
20 collateral far exceeding a twenty percent equity stake. ¹⁵

21
22
23 ¹⁵ It's very interesting to note; Banks now term this refinancing when the
24 current property owned, has no debt.

1
2 79. Plaintiffs had in 2007 obtained personal assets in excess of a million
3 dollars from more than 20 years of hard work in banking and substantial
4 sacrificial personal saving. Plaintiffs chose to invest those assets with
5 more hard work in the development of a family home and business in the
6 country, in a rural hud zone providing economic development and
7 employment, in a area significantly lacking in both. Plaintiffs were debt
8 free, owned their farmland, equipment, and all capital improvements
9 with little or no leverage, when the financial meltdown occurred
10 ultimately locking them out of credit markets in 2011 and destroying
11 their life's work. ¹⁶

12
13
14 80. Plaintiffs were denied a beginning farmer farm loan on a farm they
15 already owned and operated, by an agency who portends to assists
16 beginning farmers with credit when none is available elsewhere. An
17 agency, which portends to promote rural development and the creation of
18 jobs in rural communities. A federally funded agency that denied a
19 beginning farm loan because a house built from the ground up by
20 Plaintiffs and 2 farm hands, was not modest in size cost and design as
21

22
23 ¹⁶ Financial institutions informed us in 2012 that changes in
24 Regulation B. instituted in 2011 prevented them from providing
25 us with credit.

1 recommended by guidelines changed 3 years after the project started and
2 never stated in the code of federal regulations or supported by the plain
3 language of the statute.
4

5 81. Plaintiffs in an administrative process for mediation of issues, found
6 themselves dealing with a criminal unconstitutional racketeering
7 enterprise ultimately controlled by the President of the United States and
8 assisted and defended by the department of justice. A criminal enterprise
9 designed to protect the USDA from financial damages resulting from
10 legal liabilities for negligence, fraud, and other criminal acts of
11 Government employees. An enterprise specifically designed to deny
12 individuals their constitutional rights to Due Process, Equal Justice, and
13 Jury trial.
14

15 82. Plaintiffs allege as a result; Personal property damages, Business
16 Damages, Foregone opportunity damages, significant financial and
17 emotional distress, alienation of affection, intentional infliction of
18 emotional distress and a litany of specific damages too numerous to list in
19 a brief.
20

21 83. Plaintiffs point out the Irony of all this! The current Presidential
22 administration along with the Department of Justice in the name of the
23
24

1 United States prosecuted many of the defendants named in this case for
2 the very negligence and fraud claimed in this cause of action.

3
4 84. Suits by the United States Government and prosecuted by the
5 Department of Justice resulted in settlements in multiple tens of billions
6 of dollars. These settlements compensated victims of the mortgage
7 collapse, many of who, were highly over leveraged, had little or no
8 personal assets, and took on credit arrangements they did not
9 understand. Countless, individuals have benefited in the form or
10 principal reduction and historically low interest rate refinancing, and
11 debt forgiveness.
12

13
14 85. Plaintiffs on the other hand, responsible hard working with pristine
15 credit, debt free with no leverage, to speak of, and significant assets had
16 their life's work destroyed and were personally locked out of credit by
17 financial institutions who were negligent, and fraudulent, and leveraged,
18 some by estimates as much as 75 to 1. Today one of these same
19 institutions has declined to take Plaintiffs real estate as collateral for a
20 loan to extinguish unsecured debt from the same lender.
21

22 86. That's Irony enough but then consider the United States Government,
23 from the office of the President operating a criminal enterprise, which
24

1
2 Plaintiffs believe was aided and abetted by the Department of Justice and
3 Federal District court judge Jackson L. Kiser and which Plaintiffs know,
4 has legally been represented by the Department of Justice. A criminal
5 unconstitutional RICO enterprise designed to deny Due process, Equal
6 Justice, and Jury trial so they may avoid financial liability for the
7
8 USDA's negligence and fraud. An enterprise created by legislative acts of
9 treason.

10 87. Plaintiffs look forward to the opportunity in court, to make the case
11 before a jury Federal Judges attempted to protect criminals in this
12 enterprise, to protect the enterprise from financial damages, and most
13 grotesquely from the potential of this criminal despotic enterprise being
14 dismantled under provisions of RICO.
15

16 88. Suing a Government agency is a daunting task. Suing a Government
17 Agency involved in a racketeering enterprise is a monumental task.¹⁷
18 Realization the enterprise is operated by a cabinet member of the
19 President of the United States and created by treasonous act of congress
20

21 ¹⁷ RICO provides for a civil cause of action and places the
22 Plaintiff into the role of a prosecutor. It's the only legal
23 avenue of which plaintiffs are aware to sue the government for
24 such an operation. A private individual with standing must
25 pursue it. Being in the Presidents cabinet creates other
26 obstacles to any financial liability.

1 and senate gives one serious pause they've taken on a quixotic venture.
2 Encountering a Federal Judiciary aiding and protecting this enterprise
3 from prosecution gives one a legitimate fear for personal safety.
4

5 89. Plaintiffs have suffered all this for need of a \$300,000 loan on property
6 they had already invested in excess of half a million and six years of
7 personal unpaid hard labor into. Property after five years, which had
8 viable Apple production, production they had finally obtained crop
9 insurance eligibility for, the first time in 10 years. Property prepped and
10 ready for planting a vineyard with ideal vineyard characteristics, at a
11 time when the state was offering significant tax credits for vineyard and
12 winery capital expenditures. A time when Hard Apple cider demand was
13 growing double digits, a time when Virginia's grape demand had
14 significantly out grown its production. A time when Virginias wine sales
15 were seeing significant growth and recognition A time when a
16 government agency would rather put farmers through all this despotic
17 tyranny than admit a mistake and offer to work through corrective action
18 to see a business flourish in a rural hud zone. Or was it a hidden
19 Government agenda? This is how Government works against the people
20 rather than for We The People.
21
22
23
24
25

1
2 90. In 2012 Plaintiffs were debt free, (that's 0 to 1) leverage, with excess of
3 half a million in real estate equity, pristine credit history, a very viable
4 business opportunity, but got locked out of credit markets by the
5 negligence and fraud of these financial institution Defendants whose
6 dereliction of duty poisoned the credit markets national well.
7
8 Consequently, they were forced to seek credit from the lender of last
9 resort the USDA /FSA who required plaintiffs to be unable to find credit
10 elsewhere a condition incurred only because of the market collapse.
11
12 Plaintiffs were subsequently raped, robbed, criminally abused, subjected
13 to hostile intimidation, denied their constitutional rights, at the hands of
14 a criminal enterprise run by a member of the Presidents cabinet. And
15 Judicially abused and robbed by a Federal Court looking to protect these
16 criminals and their operations. While at the same time these financial
17 institution defendants responsible for financial market meltdowns
18 worldwide were bailed out with hundreds of billions by the same
19 government administration.
20

21 91. Plaintiffs state the cause of all these events is directly attributable in a
22 natural and continuous sequence, unbroken by any efficient intervening
23 cause and would not have occurred but for the negligence, fraud, and
24
25

1
2 misrepresentation of the Financial Institution Defendants and were
3 exacerbated by the denial of civil rights by Judge Edwin A. Gendron Jr.
4 and Judge Martin F. Clark Jr. Defendants!

5
6 **COUNT 1**
7
8 **NEGLIGENCE**

9 **Duty**

10 92. These Financial institutions all outwardly, publicly represent themselves
11 as experts in the financial field in one-way or another.

12 93. These financial institution Defendants all had a duty of care to all
13 reasonably expected to make use of their products.

14 94. Products in the Mortgage pool prior to the financial collapses included.

15 a. Alt A Mortgages

16
17 Low Doc, No doc, and Stated Income loan products.

18 **Breach of Duty**

19 95. These Financial institution lenders all breached their duty of care with
20 respect to certain financial products and specifically in this instant case
21 to Sub Prime loans.

22 a. Sub prime Lenders in this instant case were derelict in their duty of
23
24
25

1 care with substantial inappropriate reductions in lending criteria.

- 2
- 3 b. Sub Prime Lenders and their agents participated in the
- 4 inappropriate consolidation into prime securitization pools; sub
- 5 prime loans now reflecting significantly degraded credit quality.

6 96. Financial institution portfolio buyers, sellers, manufacturers, and

7 fanciers breached their duty of care by ignoring the significant

8 degradation of credit quality,

- 9
- 10 a. They misrepresented the quality of these products to investors,
- 11 b. In some cases they fraudulently represented sub prime loans as
- 12 prime comingling them with prime loans in securitized pools to
- 13 boost yields.
- 14 c. They financed the operations of numerous financial enterprises
- 15 engaged in negligent and fraudulent lending, securitization, and
- 16 sale of a product, which had been spoiled by the dereliction of their
- 17 duty to care.
- 18

19

20 97. Financial institution rating agencies breached their duty of care by

21 providing inappropriate risk ratings.

- 22 a. By providing financial institutions with inappropriate risk ratings
- 23 on their corporate entities.
- 24

1
2 b. By providing investors with inappropriate risk ratings on the
3 quality of loan securitization pools.

4 **Causation**

5 98. These financial institutions failed to take care during the manufacture of
6 financial products resulting in the manufacture of defective financial
7 products. Ultimately the introduction of defective products caused by
8 proclaimed experts in the financial field brought world financial markets
9 to a great collapse. So manipulative to product quality as to have the
10 Federal Reserve deem them suitable for classification as a new product
11 Alt B. see [Exhibit 2 pg 69 Conclusion]. In the aftermath of this great
12 collapse products needed by Plaintiffs in the development of their
13 business no longer exists.
14

15
16 99. The Negligence and Fraud perpetrated by these institutions on
17 shareholders, investors, customers, clients, and the general public.
18 Resulted in a great financial market collapse. The degradation of credit
19 quality, manipulation of credit products in the sub prime markets and
20 the resultant impact to Alt A mortgage products significantly degraded
21 availability in the Alt A mortgage pools, asset backed lending loans, and
22 ultimately eliminated stated income products in the Alt A pool.
23
24

1
2 100. In 2008 and 2009 Plaintiffs were able to obtain financing on their well-
3 capitalized business development effort. In 2012 when Plaintiffs needed
4 to obtain credit on their well-capitalized and high potential development
5 there was no available credit and credit options previously available and
6 previously in existence no longer exists. Consequently, Plaintiffs were
7 relegated to pursue a Farm loan with the only presumed source of
8 available credit at the USDA.
9

10 101. The USDA contended it was not a viable credit source because the
11 Plaintiffs house was not modest in size cost and design. ¹⁸

12 102. Plaintiffs subsequently have spent in excess of 3 years challenging the
13 USDA's contention and allege the USDA is operating a criminal,
14 unconstitutional, racketeering enterprise specifically to deny citizens
15 their constitutional rights to due process, equal justice, and fair hearing.
16 All to avoid financial damages for there gross negligent mismanagement,
17 negligence, fraud, and discrimination.
18

19 103. The cause of these events is directly attributable in a natural and
20 continuous sequence, unbroken by any efficient intervening cause and
21

22
23 ¹⁸ Plaintiffs would not have had to seek credit from the USDA
24 had the ability to pay rule not been implemented; however
25 Defendants may site the USDA for contributory negligence.

1 would not have occurred but for the negligence, fraud, and
2 misrepresentation of the Financial Institution Defendants.
3

4 **Proximate Cause**

5 104. U.S. Financial history is replete with the cause and effective of poor
6 credit profiles to loan portfolio performance. So highly regarded is its
7 analysis there are entire companies dedicated to credit risk rating,
8 analysis, and scoring. The Defendants all proclaim their expertise in
9 finance to the world. This industry is well aware, the deterioration riskier
10 attributes, such as lower FICO, higher LTV ratios and lower
11 documentation have on loan pool performance. Furthermore, the industry
12 has a very long history and a short memory for the imposition of
13 Government regulations when they seek to abuse power for greed. It
14 does not take an MBA to know the degree of credit quality deterioration,
15 fraudulent rating, packaging, and sell of these products would ultimately
16 have a negative impact to a significant segment of the U.S. mortgage
17 market and the out come would certainly be contraction of credit
18 availability and potentially greater government regulatory intervention.
19
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Damages

105. From personal, business, property, financial, psychological, and all manner of destruction to life, liberty, and property of Plaintiffs, Friends, and Family the damages are irreparable, significant, and too lengthy to respectably cover in this brief.

COUNT 2

CIVIL RIGHTS VIOLATIONS

106. Plaintiffs allege Edwin A. Gendron Jr. and Judge Martin F. Clark Jr of Patrick County conspired to deprive Plaintiffs of the right to a jury trial as demanded pursuant to the seventh amendment to the constitution of the United States. Consequently, with malice, fore thought and intent intentionally violated 42 U.S.C. §1983 subjecting “ or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or

¹⁹ History is also replete with evidence of government regulatory intervention having been overly reactive and harmful.

1 immunities secured by the Constitution and laws.”²⁰

2
3 107. Said depravation of rights prevented the allegations of this case from
4 being utilized much earlier as a defense to actions taken by American
5 Express against Plaintiffs and anticipated by Bank Of America which are
6 all a consequences of the same cause of action presented in this lawsuit.
7

8 **Damages**

9 108. The Courts action resulted in significant financial hardship as it imposed
10 a 25% lien on Plaintiffs salary at a time when Plaintiffs were already, for
11 all intense purpose homeless, without transportation, struggling to afford
12 basic needs, and perhaps most importantly pursuing criminal activities
13 against the USDA and Federal Courts of Virginia. All while owning debt
14 free real estate with cost in excess of half a million dollars they could not
15 borrow against. Real Estate they had for sale but which buyers are
16 reluctant to consider because of Government Policies and Financial
17 obstructions.
18

19
20 109. The Courts actions ultimately resulted in causing Plaintiffs loss of
21 employment, which resulted in further significant hardships including
22

23 ²⁰ Plaintiffs believe this is to be the juries purview pursuant
24 to 28 U.S.C. 455(a).

1 the loss of family health insurance. ²¹

2
3
4 **Plausibility of Allegations**

5 **See Plaintiffs [Exhibit 16]**

6 110. Most of the Defendants in this instant case have already admitted or
7 been found guilty of the negligence and fraud upon which this action is
8 brought.
9

10
11 **CONCLUSION**

12 Prior to the Mortgage collapse Plaintiffs were able to obtain mortgage
13 financing based on assets, credit history, and relevant experience. After
14 Dodd Frank Plaintiffs seeking a capital improvement loan, with less than
15 a 60% loan to value ratio, a top tier credit history 20 years blemish free,
16 cash on hand, assets with a tax value in excess of \$200,000.00, book value
17 in excess of \$500,000.00, a viable business plan with 5 years development
18 behind it, equipment paid for and all but minor strategic debt free. Could
19 not obtain a \$300,000 capital improvement loan because they're source of
20
21

22 ²¹ Plaintiffs have no hard evidence only countless
23 circumstantial occurrences, which lead them to believe Patrick
24 County, and the USDA/FSA wish to take Plaintiffs property
25 without compensation for conservation efforts.

1 income was paying themselves to be the low cost experienced provider of
2 capital improvements on their business development.
3

4 The ability to pay rule prevents hard working entrepreneurs from being
5 able to pay themselves to work in the development of their businesses. I
6 tell the financial geniuses any small business that fails to account for
7 paying its management to work is doomed to fail.²² The ability to pay rule
8 needs serious refinement for the benefit of small business development.
9

10 Defendants had a duty of care to all reasonably expected to make use of
11 mortgage loan products. Those products included ALT A stated income
12 loans. As a result of negligence and fraud in the sub prime and ALT A
13 mortgage pools, so extensive as to justify new categorization, new
14 regulations were implemented and non qualified stated income mortgage
15 loans have disappeared. Consequently, Plaintiffs suffered all manner of
16 damages as a result of Defendants poisoning the mortgage pools
17 eliminating a product needed for small business developments.
18
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23 ²² Note the justification for loan denial by the USDA/FSA item
24 1 ¶48 later proven erroneous.

