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3 California. Lincoln uses the premises at the present time as his principle place of real estate
4 consulting business in California, based at 4 Via Corbina in Rancho Santa Margarita, Orange
5 County, California 92688. Lincoln previously filed a Federal Complaint for Quiet Title against
6 Defendants Wells Fargo, and the servicers, Cal-Western Reconveyance, who have in turn
7 allegedly sold the property to the Defendants GRE Development Inc after the service and during
8 the pendency of his still pending lawsuit for quiet title (09-cv-001334-DOC).

9 2. Such allegations of this complaint as are stated on information and belief are made in
10 good faith, and will have evidentiary support after a reasonable opportunity for further
11 investigation or discovery, which this Court should order to begin at the soonest time practicable.

12 3. Defendant Cal-Western Reconveyance acted as "Substitute Trustee" aka "servicer" of
13 the property located at 4 Via Corbina in Rancho Santa Margarita California 92688. They have
14 allegedly sold the property during a pending lawsuit for Quiet Title in which they are the
15 Defendants; they are guilty of Trespass, Forcible Detainer, and Racketeering by wire fraud, mail
16 fraud, burglary of a habitation, and filing false legal documents.

17 4. Defendant GRE Development, Inc. is, and at all times herein mentioned was, a
18 corporation organized and existing under the laws of the State of California with its principal
19 place of business in Tustin, California. Defendant GRE Development, Inc., shares an office
20 address and suite number with Steven D. Silverstein, who appears to maintain GRE
21 Development as his "mere alter ego" as he conducts a piratical campaign of theft by forcible
22 detainer, burglary, and the filing of fraudulent legal documents.

23 5. As a development group GRE Development and Silverstein buy and sell properties
24 located in the surrounding areas of California including, allegedly, the property in question
25 located at 4 Via Corbina, Rancho Santa Margarita, California 92688.

26 6. Defendants Steven D. Silverstein and GRE Development, Inc., have requested and sought
27 the assistance of Sheriff SANDRA HUTCHENS of Orange County and the Sheriff's Deputies,
28 Constables, and other officers (possibly ex-officio, off-duty, according to local custom) under her

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3 command in effecting the forcible eviction of Plaintiff from his rightful possession as owner of 4
4 Via Corbina, Rancho Santa Margarita, California 92688. Prior cases have held that the County
5 Sheriff in California is a necessary and proper Defendant in actions to stay eviction proceedings,
6 even where only injunctive relief is sought.

7 7. Here, however, it is also alleged and will be shown that the Sheriff's Deputies routinely
8 enforce void eviction orders entered contrary to law, and as a matter of their local custom,
9 practice, and policy having the force or effect of law, the Orange County Sheriff does not even
10 inquire into the legality of any such orders, but enforce them blindly and unquestioningly.

11 8. Defendant Steven D. Silverstein (and Ron Elter, his verifying "agent") are and at all
12 times herein mentioned was/were a lawyer (or lawyers and agents) representing GRE
13 Development, Inc., supposedly trustee of the interests of an unknown beneficiary of a trust
14 created in name of the street address of the property in question, located at 4 Via Corbina,
15 Rancho Santa Margarita California. He has acted on behalf of Defendant GRE by making false,
16 misleading and malicious statements regarding the ownership of 4 Via Corbina, and Plaintiff
17 Lincoln's right to title.

18 9. Defendant John Murk represented Defendant Deanna D'Agnolo's interest in the property
19 located at 4 Via Corbina by interacting with the de facto property manager Peyton Yates
20 Freiman, whereas Defendant D'Agnolo resided in said property as a tenant and Dianne, as tenant
21 is in breach of contract by breaking the lease.

22 10. Plaintiff accordingly sues the above cited defendants for Illegal Transfer under RICO,
23 Slander of Title and Interference of Contract and Advantageous Business Action and Breach of
24 Contract.

25 11. This U.S. District Court has subject matter jurisdiction under both 28 U.S.C. Sections
26 1331 and 1332, as both Federal Question Jurisdiction and Diversity of Citizenship exist, in that
27 Plaintiff is a sometime resident of Texas, Florida, and Massachusetts but all Defendants are
28 either full-time residents of California or have their principle places of business in California,

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3 specifically John Murk, Steven D. Silverstein, GRE Development and Dianne D'Agnoles are
4 lawful permanent residents of Orange County, California, so that venue is proper in the United
5 States District Court for the Central District of California, Southern (Santa Ana, Orange County)
6 Division.

7 **COUNT I: VOID TRUSTEE'S SALE & TRANSFER OF TITLE**

8 12. Plaintiff realleges paragraphs 1-8 of this Complaint and incorporates the same by
9 reference as if fully recopied and restated herein below.

10 13. Plaintiff Lincoln alleges and asserts that Defendants GRE Development Inc, by and
11 through their attorney Defendant Steven D. Silverstein bought or falsified a sale of a property
12 located at 4 Via Corbina, Rancho Santa Margarita illegally from Cal-Western Reconveyance at a
13 sale that should not have been allowed to transpire during a pending lawsuit regarding a Clouded
14 Title because to do so was in violation of and infringement upon the Court's lawful jurisdiction
15 to decide the complaint brought by Charles Edward Lincoln, III, on November 21, 2008.

16 14. Wells Fargo and Cal-Western Reconveyance had filed responsive motions by and
17 through their attorneys of record and thus acted at all times with full-knowledge and awareness
18 of the ongoing litigation in 2008-cv-01334-DOC and thus sold and transferred any interest which
19 they might have actually possessed subject to such knowledge, and no purchaser under Wells
20 Fargo or Cal-Western Reconveyance can be described as a bona fide purchaser for value, even if
21 valuable consideration was paid, which seems doubtful.

22 15. The voluntary appearance of Wells Fargo and Cal-Western in the 08-cv-01334-DOC
23 litigation acted with more and superior force than any mere *Lis Pendens* as an acknowledgement
24 that they knew of the dispute and cloud on title alleged in his Complaint for Quiet Title filed with
25 the US District Clerk and with the County Recorder's office (which also included a published
26 copy of Hal Kuder's Deed).

27 16. Cal-Western acted contrary to law, inequitably and unlawfully by selling (or attempting
28 to sell) this property while having full knowledge and information that the title was clouded by

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3 Lincoln's claims asserted in his Federal Complaint, keeping their mouth shut while selling
4 lawsuits alongside the property located at 4 Via Corbina.

5 17. In addition, GRE Development, Silverstein, and Coldwell Banker all acted
6 unconscionably in buying the property with knowledge, and should be allowed no presumption
7 of legitimacy under the circumstances, especially since they would appear either to have used
8 John Murk and Dianne D'Agnolo from the beginning, or at the very least from mid-July 2009.

9 18. The act of selling or transferring this property under such terms constitutes a count of
10 Racketeering, in violation of Title 18 of the US Code under RICO.

11 19. GRE in collusion with Cal-Western and Silverstein formed a corrupt enterprise in
12 transferring, selling and buying the property at 4 Via Corbina under RICO.

13 **COUNT II: SLANDER OF TITLE**

14 20. Plaintiff realleges and incorporates ¶¶ 1-19 of this Complaint as if they were fully copied
15 and restated herein below.

16 21. As of the date of this filing, Defendant Steven S. Silverstein has not provided ANY deed
17 of sale or documents stating that his clients GRE actually obtained the property at a legal sale. In
18 fact his clients at GRE Inc, sent out their agents along with a local Constable and tried to
19 intimidate Tenant D'Agnolo with threats of forcible eviction without ANY DUE PROCESS.

20 22. Murk acting for D'Agnolo then called Lincoln's trustee, Peyton Freiman, and told him
21 that they were in fact the new owners of 4 Via Corbina. When Lincoln's trustee Freiman asked
22 their lawyer Steven D. Silverstein if he could see the deed Silverstein refused saying that he
23 needed to see paperwork from Freiman (see Peyton Freiman's affidavit, attached as Exhibit D).

24 23. Plaintiff contends that even if they COULD provide a recorded deed that it should be
25 rendered void because of the dispute of clouded title, and at the very least, give good cause to sue
26 for Slander of Title. The recordation of an instrument facially valid but without underlying merit
27 will, of course, give rise to an action for slander of title (*Forte v. Nolfi* (1972) 25 Cal.App.3d
28 **656, 685-686 [102 Cal.Rptr. 455]**).

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3 24. Freiman has tried several times to directly talk to the supposed new owners, who operate
4 under a DBA called "4 Via Corbina Trust" within GRE Development. They have never provided
5 either Freiman or Lincoln with ANY DEEDS to support their causes, preferring instead to offer
6 threats of criminal prosecution instead.

7 25. GRE, by and through their attorney Steven D. Silverstein knowingly and falsely
8 disparaged Plaintiff Lincoln's title, denying that he ever owned the property in the first place to
9 Defendant Murk, who eventually agreed to move based on the allegations and threats of forcible
10 detainer and criminal trespass of Defendant Silverstein.

11 26. Lincoln has received lawful title to 4 Via Corbina, Rancho Santa Margarita, California
12 92688 in the form of an original deed from the previous and last lawful owner, Hal Kuder (A
13 copy of which is attached as Exhibit C), to him and can provide the Court with a certified copy
14 after he files the deed with the Recorder. He simply thought filing a copy of the deed in multiple
15 Courts in Complaints for Quiet Title would be sufficient to assuage any doubts as to his right to
16 Title. Besides with possession, title is presumed.

17 27. "Possession is not **title**, but only evidence from which **title** may be presumed." **46 Cal.**
18 **162; 1873 Cal. LEXIS 152.** Plaintiff alleges that he had possession through an agreement with
19 Defendants John Murk and Dianne D'Agnolo in the form of a Lease (see Exhibit B). The threats
20 made by GRE Development by and through their lawyer Steve Silverstein were a tortious
21 interference of Plaintiff's right to possession and title.

22 28. Plaintiff's trustee even tried to provide a copy of the lawsuit to Defendant Silverstein but
23 was cut off on the phone (see his affidavit). After all, this is not simply about possession, but
24 about Title and Plaintiff Charles Lincoln is willing to supply this Court and the Defendants with
25 evidence of his right to Title, as he did earlier with Defendant Cal-Western. He contends that he
26 simply hasn't provided Silverstein with any evidence because he has never been provided with
27 any information from Silverstein himself.
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3 29. Steve Silverstein's Slanderous and often misleading statements constituted a Slander of
4 Title by Disparagement under Cal Code § 40.81:

5 "A statement is disparaging if it casts doubt as to the ownership
6 of property. Section 629 of the first Restatement, defining disparagement,
7 states that "[m]atter which is intended by its publisher to be understood or
8 which is reasonably understood to cast doubt upon the existence or extent of
9 another's property in land, chattels or intangible things, or upon their
10 quality, is disparaging thereto, if the matter is so understood by its
11 recipient." Many California cases have cited this definition.

12 Clearly, a direct denial of the plaintiff's title or claim of a leasehold interest
13 in the property is actionable as slander of title. Thus, the defendant
14 slandered the plaintiff's title to timber when he wrote a letter to a prospective
15 buyer of the timber from the plaintiff, which falsely said that the defendant
16 was the owner of the timber. Defendant may cast "doubt" on the
17 plaintiff's title without directly contesting it. Examples of indirect
18 disparagement are (1) the filing by a developer of a master plan which falsely
19 implied the right to use the plaintiff neighbor's property, (2) the recordation
20 by the defendant of a document entitled "Rescission of Contract," falsely
21 charging the seller-plaintiff with fraud, (3) the recordation of a fraudulently
22 obtained deed of trust to the plaintiff's property, (4) the recording of a
23 fraudulent grant deed to plaintiff's property, and (5) the wrongful
24 recordation of a mining claim to property leased by the plaintiff."

25 30. The Defendants Silverstein and GRE have intimidated the Plaintiff's tenant, threatening
26 criminal prosecution if she does not leave the premises. They even went so far as to appear with
27 a Police Officer to get this point across to the Tenant. These threats were made to influence and
28 turn the Tenant against the owner Charles Lincoln, making it a "he said, she said" situation
creating undue suspicion in the Tenant's mind towards the property owner, destroying Lincoln's
relationship with his tenant.

31. Another statement of definition of the tort, perhaps more pertinent to the facts of this
case, is to be found in *Fearon v. Fodera* (1915) 169 Cal. 370, at pages 379 and 380 [148 P.
200], as follows: "Slander of title," as recognized by the law, may be defined to be defamation of
title to property, real or personal, by one who falsely and maliciously disparages the title thereto,
and thereby causes the owner thereof some special pecuniary loss or damage. "Admittedly under
this definition slander of title may be committed by maliciously clouding the title to real

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3 property and causing damage to the owner thereof by the execution, willful acceptance, and
4 malicious recordation of a deed, which falsely declares the **title** of the property involved to be in
5 a person other than the true owner.

6 **32.** In destroying this relationship GRE, by and through their attorney Silverstein have
7 irreparably hurt Lincoln's relationship with his tenant through threats and subsequently deprived
8 him from the rent that he would have other wise received from Defendant Dianne D'Agnolo.

9 **COUNT III: TORTIOUS INTERFERENCE**

10 **33.** Plaintiff realleges paragraphs 1-32 of this complaint and incorporates the same by
11 reference as if fully copied and restated herein.

12 **34.** California has adopted the definition of the tort set forth in section 624 of the
13 Restatement of Torts, which provides: "One who, without a privilege to do so, publishes matter
14 which is untrue and disparaging to another's property in land . . . under such circumstances as
15 would lead a reasonable man to foresee that the conduct of a third person as purchaser or lessee
16 thereof might be determined thereby is liable for pecuniary loss resulting to the other from the
17 impairment of vendibility thus caused." (*Howard v. Schaniel* (1980) 113 Cal.App.3d 256, 263-
18 264 [169 Cal.Rptr. 678]; see *Gudger v. Manton* (1943) 21 Cal.2d 537, 541 [134 P.2d 217].

19 **35.** Nowhere does a California decision require that the published matter create a legal
20 "cloud" upon plaintiff's title to constitute a disparagement. Indeed, the tort may be committed
21 through the use of oral statements (*Burkett v. Griffith* (1891) 90 Cal. 532, 537-538 [27 P. 527])
22 or signs (*Phillips v. Glazer* (1949) 94 Cal.App.2d [***19] 673, 674 [211 P.2d 37]), neither of
23 which involve any recordation whatsoever.

24 **36.** Plaintiff asserts that in emailing Defendants John Murk and Dianne D'Agnolo repeatedly,
25 Defendants GRE Development, by and through their attorney, Defendant Steven D. Silverstein
26 have in fact published untrue and disparaging comments regarding the ownership of the land
27 located at 4 Via Corbina through written word AND Orally as John Murk has purportedly talk to
28 agents of GRE Development face to face. He accordingly sues Defendants GRE and Steven D.

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3 Silverstein for Tortious Interference under Restatement Second of Torts, § 629 and
4 disparagement:

5 **§ 629 Disparagement Defined**

6 **A statement is disparaging if it is understood to cast doubt upon the quality**
7 **of another's land, chattels or intangible things, or upon the existence or**
8 **extent of his property in them, and**

9 **(a) the publisher intends the statement to cast the doubt, or**

10 **(b) the recipient's understanding of it as casting the doubt was reasonable.**

11 **COUNT IV: FORCIBLE DETAINER**

12 37. **Plaintiff realleges paragraphs 1-36 and incorporates the same by reference.**

13 38. Defendants GRE Development Inc and 4 Via Corbina Trust are guilty of a Forcible
14 Detainer given that they have repeatedly, after having been informed of the clouded title by
15 Plaintiff Lincoln, ENTERED WITHOUT PERMISSION, FORCED DOORS OR WINDOWS
16 OPEN and changed the locks of the property in question in an effort to take and maintain
17 unlawful possession.

18 39. Plaintiff Lincoln was in possession of the property before the locks were changed and has
19 subsequently been forced to change the locks several times. The Defendants are guilty of a
20 Forcible Detainer pursuant to Cal Code of Civ Proc § 1160:

21 **Every person is guilty of a forcible detainer who either:**

22 **1. By force, or by menaces and threats of violence, unlawfully holds and**
23 **keeps the possession of any real property, whether the same was acquired**
24 **peaceably or otherwise; or**

25 **2. Who, in the night-time, or during the absence of the occupant of any lands,**
26 **unlawfully enters upon real property, and who, after demand made for the**
27 **surrender thereof, for the period of five days, refuses to surrender the same**
28 **to such former occupant. The occupant of real property, within the meaning**
of this subdivision, is one who, within five days preceding such unlawful
entry, was in the peaceable and undisturbed possession of such lands.

39. When told that he would be prosecuted for interfering in the possession of the property
Defendant Silverstein, as representative for GRE Development and 4 Via Corbina, remained
defiant and curt, saying that he represented the new owner, without ANY PROOF OF ANY
KIND as to GRE Development's ownership.

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3 **COUNT V: BREACH OF CONTRACT**

4 41. Plaintiff realleges paragraphs 1-40 and incorporates the same by reference as if they were
5 recopied and restated in full herein below.

6 42. Plaintiff alleges that his business involves the acquisition and management of property
7 directly from distressed owners of real property for the purpose of preserving real estate value
8 and equity in a collapsing market.

9 43. Specifically, however, there was a meeting of the minds and a bargained for
10 consideration with offer and acceptance of the terms of a long-term residential lease for 4 Via
11 Corbina, and John Murk and Dianne D'Agnolo breached not only the contract but the implied
12 covenant of good faith and fair dealing in connection with that contract.

13 44. In or about late April of 2009, shortly after the filing of the First Amended Complaint in
14 08-cv-01334-DOC on April 17, 2009, and shortly after the apparent "trustee's sale" which is
15 sometimes referenced as having taken place on April 24, 2009, John Murk contacted Charles E.
16 Lincoln to rent 4 Via Corbina on behalf of Dianne D'Agnolo. They expressed great interest in
17 the property and agreed to clean it up and in May 2009 signed a renewable yearly lease at
18 \$2,500/month with \$5,000.00 down, and credit for all cleaning, painting, and repairs done to the
19 property or premises.

20 45. In July of 2009 John Murk, acting as attorney for Dianne D'Agnolo, communicated and
21 expressed Dianne D'Agnolo's desire to terminate the contract, to which termination Lincoln did
22 not agree and charged breach of contract.

23 46. John Murk, acting as attorney for Dianne D'Agnolo, falsely charged that Charles Edward
24 Lincoln was not the owner of 4 Via Corbina owing to an alleged sale of the property of which
25 Lincoln had no notice, and which sale constituted as alleged herein an unlawful slander of title.

26 47. Plaintiff alleges that Defendants Steven D. Silverstein and GRE Development, Inc.,
27 acting either together by agreement in concert and conspiracy to induce a breach of contract or
28 else to breach the implied covenant of good faith and fair dealing.

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48. Lincoln further charges John Murk and tenant Dianne D’Agnolo with breach of contract who signed a leasing agreement stating that they would be at the property for another 6 months.

49. Defendants Murk and D’Agnolo’s have acted in collusion with Defendants GRE and Silverstein by moving out and destroying the Plaintiff’s possession of the property.

50. Murk has repeatedly offered up emails showing his involvement with Silverstein in accordance with Silverstein’s demands, instead of aiding Lincoln in his obvious ownership. Lincoln has provided Murk with a file marked copy of his Complaint for Quiet Title in which he shows a copy of the deed and an obvious dispute in title. Murk, for his part, simply remained reticent, and failed to show the complaint to Silverstein, preferring instead to take GRE’s side.

51. When asked for a deed from GRE Murk provided only a list of properties GRE has supposedly bought. Murk too this information as legally sufficient to convince Tenant Dianne D’Agnolo that she should leave, thus transferring possession of an already clouded title to co-defendants who have yet to prove they actually own the property.

52. This collusion has simply augmented a criminal enterprise adding both D’Agnolo and Murk to the endeavor, actionable under RICO.

53. Plaintiff charges both Defendants John Murk and Dianne D’Agnolo with violations of 18 U.S.C. §1961, *et seq.*, namely the Racketeer Influenced and Corrupt Organizations Act of 1970, as breach of contract and breach of the implied covenant of good faith and fair dealing, as well as mail fraud, wire fraud, and extortion all in favor of a conspiracy and criminal enterprise under RICO.

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3 **COUNTS VI-VII: WRONGFUL EVICTION AS TORT AND CONSTITUTIONAL**
4 **DECLARATORY JUDGMENT RE: STATE LAW, CUSTOM, PRACTICE, & POLICY**

5 54. Plaintiff realleges ¶¶1-53 and incorporates the same by reference as if fully copied and
6 restated herein below.

7 55. Trebled damages for wrongful eviction are available when eviction takes place in
8 violation of law, by negligence or fraud, in California. *Sylve v. Riley*, 15 Cal. App. 4th 23; 18
9 Cal. Rptr. 2d 608 (Cal. App. 1st Dist, Div. 5, 1993).

10 56. Plaintiff alleges that the actual damages from the trespass, slander of title, forcible
11 detainer, tortuous interference, and wrongful eviction committed by GRE Development, Inc., and
12 Steven D. Silverstein equal the minimum market value of the property, estimated at \$300,000.00
13 (with recent property tax appraisals actually showing a much higher value).

14 57. Silverstein is a complete and total stranger to Lincoln, or at least he there was no prior
15 course of dealings with Lincoln and certainly no contract for rent or lease or any other business
16 between Lincoln and Silverstein.

17 58. The California forms utilized by Silverstein in his eviction action include spaces or boxes
18 to be checked for the terms of contractual landlord tenant relationships, leases, and the payment
19 of rents.

20 59. To the degree that California Courts, as a matter of custom, practice, and policy having
21 the force of law, allow and authorize evictions and grant judgments in favor of parties who do
22 not plead completely by filling out these forms, the California Courts effect a denial of due
23 process under color of law which courts are committing clearly in excess of their jurisdiction
24 within the meaning of 42 U.S.C. §§1983, 1988(a), and Plaintiff prays that this Court so adjudge
25 and declare.

26 60. Defendant Steven D. Silverstein advertizes himself as an extremely tough eviction lawyer
27 who basically could evict the Pope from the Vatican on 3 days notice.

28 61. Plaintiff alleges that Steven D. Silverstein is engaged in a widespread piratical or
terroristic conspiracy to deprive Plaintiff and others similarly situated of their right to make and

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3 enforce contracts, to own and utilize property, and to have access to the courts of the United
4 States, in violation 42 U.S.C. §§1981 and 1982, as well as of their civil rights to due process and
5 equal protection (actionable under 42 U.S.C. §§1983, 1988(a), as well as the privileges and
6 immunities of the citizens of the several states engaged in interstate commerce by refusing to
7 communicate with out-of-state landowners who identify themselves as such and trying to cheat
8 them out of their property or steal it by filing and prosecuting actions in secret.

9 62. CONSTITUTIONAL TORTS, JUDICIAL CONDUCT CLEARLY IN EXCESS OF
10 JURISDICTION, VIOLATIONS OF DUE PROCESS OF LAW: To the degree that the Clerks
11 and other judicial or quasi-judicial officials of the State Courts of Orange County, the Sheriff of
12 Orange County, the Deputy Sheriffs and Constables of Orange County, and any persons or
13 entities acting on their behalf, further Steven D. Silverstein's program of real estate piracy and
14 terrorism as a matter of local custom, practice, and policy having the force of law, Plaintiff
15 submits that these Judges have acted so far in excess of their lawful jurisdiction that the Judicial
16 System has become corrupted and cannot be trusted, especially in this time of economic crisis, so
17 that the eviction process in Orange County should be shut down and Federalized on the model of
18 *Dombrowski v. Pfister*, 380 U.S. 479, 85 S.Ct. 1116; 14 L.Ed.2d 22 (1965), *Younger v. Harris*,
19 401 U.S. 37, 91 S. Ct. 746; 27 L.Ed.2d 669 (1971), and *Mitchum v. Foster*, 407 U.S. 225; 92 S.
20 Ct. 2151; 32 L. Ed. 2d 705 (1972) due to extraordinary circumstances.

21 63. In truly extraordinary circumstances, such as the present mortgage-foreclosure crisis
22 gripping California, and impacting its citizens to a much greater degree even than the rest of the
23 United States, except for Florida (and resulting in more evictions from homes than took place
24 during the Great Depression of the 1930s) it can be truthfully said that a constitutional and socio-
25 economic crisis has been created and threatened to be continued by unconstitutional state actions
26 infringing upon fundamental rights preserved to the people by the First, Fifth, Seventh, Ninth
27 Amendment and Fourteenth Amendments.
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3 64. In such extraordinary circumstances as exist today in California, due to the mortgage
4 crisis, Federal Court intervention has been held to be proper, as it was during the Civil Rights
5 crisis in the Southern United States during the 1960s, as in *Dombrowski v. Pfister*, 380 U.S. 479;
6 85 S.Ct. 1116; 14 L.Ed.2d 22 (1965).

7 65. In California, the mortgage foreclosure and eviction crisis has been triggered or at the
8 very least deepened and aggravated by express judicial disregard and abandonment of state
9 statutory and common law, such as is evident in the incomplete, unfilled Complaint for which
10 relief was granted to Steven D. Silverstein and perhaps tens of thousands of similar cases.

11 66. The state of California has by judicial adoption implemented an unconstitutional
12 substantive and/or procedural norm of foreclosure processing, in plain violations of the State's
13 written laws, such as was applied in the courts below in the Superior Court of California, County
14 of Orange, Laguna Hills Court in relation to the Plaintiff herein, where the documents submitted
15 to the Court clearly demonstrated that the Eviction Plaintiffs were NOT part of any chain of title
16 in violation of California Common and Statutory laws.

17 67. WHEREFORE, Plaintiff asks that this Court, pursuant to Rule 23 of the Federal Rules of
18 Civil Procedure, certify a class action regarding eviction procedures after foreclosure in Orange
19 County, separate application for which will be submitted so that a hearing may be set at the
20 earliest possible date, so that the de facto customs, practices, and policies having the force of law
21 in Orange County eviction courts may be reviewed, evaluated, and all violations of due process
22 of law and equal protection be remedied with the State Courts under Federal Supervision, and
23 special attention given to the role of Steven D. Silverstein and the Orange County Sheriff and
24 Sheriff's Deputies in perpetuating an illegal and unconstitutional reign of terror and piratical,
25 chaotic local regime of foreclosures and evictions.

26 **Count VIII; QUIET TITLE TO 4 VIA CORBINA**

27 68. Plaintiff Charles Edward Lincoln, III, realleges paragraphs 1-67 of this Complaint and
28 incorporate the same by reference as if fully copied and restated herein below.

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3 69. Plaintiff now sues for quiet title to 4 Via Corbina pursuant to the California Action to
4 Quiet Title Statute contained in Cal. Code Civ. Proc. §760.010-§765.020, and in particular seeks
5 trebled or punitive damages against GRE Development, Steven D. Silverstein, and the
6 dissolution of the preposterously entitled “4 Via Corbina Trust”, after a full accounting of and to
7 the beneficiaries of this so-called “Trust.”

8 70. As authorized by Cal. Code Civ. Proc. §760.020, Plaintiff asserts this claim to establish
9 his title to 4 Via Corbina, Rancho Santa Margarita, California 92688 against the adverse claims
10 of Steven D. Silverstein, GRE Development, Inc., Wells Fargo Bank, its Trustee Cal-Western,
11 and Michael D. Harris, formerly Trustee of the Kuder Family Trust.

12 71. Jurisdiction and Venue are proper pursuant to §§760.040-769.050 because 4 Via Corbina,
13 the principal and most valuable part of the property formerly belonging to Hal Kuder, Jr.,
14 Plaintiff’s assignor and transfer (predecessor in interest) for which quiet title is sought, is located
15 within the Santa Ana Division of the United States District Court for the Central District of
16 California

17 72. Plaintiff will file a *lis pendens* as required by §761.010 with the County Clerk of Orange
18 County, California, within 48 hours of the filing of this Complaint.

19 73. Pursuant to §761.020, Plaintiff identifies the principal property as 4 Via Corbina, in
20 Rancho Santa Margarita, California 92688, being legally described as Lot 15 of Tract No. 15607,
21 as shown on a map recorded in Book 773, at Page 35 to 39, inclusive of miscellaneous maps,
22 records of Orange County, California.

23 74. Plaintiff asks and prays for relief that this Court to quiet title in him, because Wells
24 Fargo’s encumbrance on the subject property entirely depends on a contract with Hal Kuder, Jr.,
25 which was either void ab initio or voidable by Plaintiff as assignee and transferee (successor in
26 interest) to Hal Kuder for the simple reasons that (a) Wells Fargo undertook no to assume and
27 accept no detriment to itself nor any entity under its control, and there was accordingly no
28 mutuality of consideration, (b) even if Wells Fargo were a bona fide contracting party on

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3 origination, after securitization of Hal Kuder's note, Wells Fargo surrendered its status as holder
4 in due course of Hal Kuder's note, and ceased to have any privity of contract with Hal Kuder, Jr.,
5 or his successors in interest whatsoever.

6 75. To this end, Plaintiff asks this Court to devise a means of publishing or effectively
7 noticing the purchasers of Hal Kuder, Jr.'s securitized mortgage note to appear and answer this
8 complaint or be forever barred from doing so, even if the John Does or Jane Roes or Corporate
9 Coes who are the actual holder in due course of Hal Kuder's note reside or are incorporated or do
10 business abroad.

11 76. Quiet title should be established in Plaintiff as of the date he received title from Hal
12 Kuder, Jr., which is to say on or about June 5, 2008.

13 77. Plaintiff is also entitled to Quiet Title as against Michael D. Harris as former trustee of
14 the Kuder Family Trust because the Kuder Family Trust was either dissolved or transferred all of
15 its property to Plaintiff, by the act of Suzy Kuder, who was successor to Michael D. Harris
16 although Michael D. Harris appears never to have executed formal deeds to Suzy Kuder,
17 although he has elsewhere admitted to having resigned as trustee.

18 78. Michael D. Harris never provided an accounting of his actions as Trustee to the Kuder
19 Family trust, and Plaintiff as assignee of all Hal Kuder Jr.'s rights, title, and interests relating to
20 his properties asks that this Court order Michael D. Harris to account to Plaintiff for his actions
21 and omissions as trustee of the Kuder Family Trust, and reimburse Plaintiff for losses to the
22 Kuder Family Trust, whose assets have all been transferred and assigned to the Plaintiff Charles
23 Edward Lincoln, III.

24 79. As required by law, Plaintiff hereby affirms and VERIFIES by his declaration under
25 penalty of perjury that all statements of fact herein alleged are within Plaintiff's knowledge and
26 true and correct, and that all statements of opinion herein articulated are held by Plaintiff in good
27 faith after reasonable investigation.
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3 80. Plaintiff has furthermore attached his Declaration (in lieu of affidavit) as Exhibit D to this
4 his First Amended Complaint.

5 81. Plaintiff reserves the right to amend this Complaint for Quiet Title to conform with
6 California law before any final determination of the legal sufficiency of this Complaint.

7 82. Pursuant to §764.010, Plaintiff prays that the Court will hold a hearing to examine into
8 and determine Plaintiff's Claims against all of the Defendants, and that upon Final Trial-by-Jury,
9 demand for which is hereby made and tendered, that the Court will award Plaintiff quiet title to 4
10 Via Corbina, Rancho Santa Margarita, California 92688, the subject of this lawsuit, ordering that
11 all transfers of title, whether based on void encumbrances and liens, including the Deed of Trust
12 and Trustee's sale filed by or on behalf of Defendants Steven D. Silverstein, GRE Development,
13 Inc., Wells Fargo Bank, and Cal-Western Reconveyance Corporation be ordered stricken and
14 removed from the public property records of California, or else expunged and marked as VOID
15 if otherwise required to remain in the public property records of each relevant county.

16 **COUNT IX: CIVIL RIGHTS DECLARATORY JUDGMENT:**
17 **CALIFORNIA CIVIL CODE §§1614 2924-2924i ARE UNCONSTITUTIONAL**
18 **ON THEIR FACE AND AS APPLIED**

19 83. Plaintiff realleges §§1-82 and incorporates the same by reference as if fully copied
20 and restated herein below.

21 84. To the degree that California Civil Code §§1614 and 2924-2924i afford any
22 legal immunity or protection to fraudulent devices in mortgage finance, those
23 provisions of the California Civil Code should be declared unconstitutional
24 impairments on the obligations of contract forbidden to the States and the Federal
25 Government under the Constitution of the United States of America.

26 85. To the degree that the laws of the State of California as articulated in §§1614 and
27 2924-2924 are designed and implemented for the purpose of giving foreclosure trustees
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3 special privileges and immunities under the law for conduct which would otherwise be
4 illegal, these laws are unconstitutional as a denial of equal protection.

5 86. To the degree that Trustees are insulated and immunized from suit as a means of
6 protecting otherwise unlawful transactions, such as the alleged April 24, 2009 sale of 4 Via
7 Corbina and the purchase of these premises by GRE Development, Inc., these laws
8 constitute authority under color of law and effect a denial of due process of law, and must
9 be declared oppressive and unconstitutional.

10 **REAL ESTATE PIRACY & RACKETEERING IN ORANGE COUNTY**

11 87. Plaintiff realleges ¶¶1-86 of this Complaint and incorporates the same by reference
12 as if fully stated and recopied herein below.

13 88. Plaintiff alleges that SILVERSTEIN EVICTION LAW is the RICO Enterprise for
14 purposes of all alleged violations of 18 U.S.C. §§1961, 1962, actionable under §1964(c).

15 89. SILVERSTEIN EVICTION LAW is the business name of the enterprise headed and
16 advertised by Defendant Steven D. Silverstein, <http://www.stevensilverstein.com/> with its
17 principle place at 14351 Red Hill Avenue, Suite G, Tustin, California 92780, which just happens
18 to be the same legal address given by Defendant GRE Development, Inc., which entity purports
19 to be trustee for the 4 Via Corbina Trust.

20 90. On or about August 20, 2009, utilizing the electronic wire facilities of interstate
21 commerce, Steven D. Silverstein sent a series of multiple wire communications to Plaintiff's
22 Orange County Attorney, Dr. Orly Taitz, which series of multiple wire communications,
23 standing alone, constitute the predicate acts in violation of 18 U.S.C. §1343. Additional
24 violations of 18 U.S.C. §1343 occur each day that <http://www.stevensilverstein.com> is
25 published on the world wide web.

26 91. In addition, however, by ordering repeated breaking-and-entering at 4 Via Corbina
27 during August 2009, Steven D. Silverstein, acting by and through various "dirty hands"
28 agents, has acted as a Racketeering Principle in Violation of 18 U.S.C. §1962(a).

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3 92. Steven D. Silverstein has unlawfully received substantial income derived, directly or
4 indirectly, from a pattern of racketeering activity built around and concerning SILVERSTEIN
5 EVICTION LAW, whose primary business purpose was operation through collection of
6 unlawful debts in which Steven D. Silverstein has participated as a principal within the meaning
7 of section 2, title 18, United States Code, for the partial or primary purpose of creating and
8 enriching GRE Development, Inc.

9 93. Steven D. Silverstein has used or invested, directly or indirectly, a substantial part of the
10 income, or the proceeds of such income, in acquisition of any interest in, or the establishment or
11 operation of GRE DEVELOPMENT, INC., as well as the 4 Via Corbina Trust, as well as
12 SILVERSTEIN EVICTION LAW, at least two of which three enterprises which are clearly
13 engaged in, and the activities of which affect, interstate or foreign commerce, also in violation of
14 18 U.S.C. §1962(a).

15 94. Steven D. Silverstein, has unlawfully, by and through the pattern of racketeering
16 activity herein as well as through a business focused on and carried out through the
17 collection of unlawful debts to acquire or maintain, directly or indirectly, any interest in
18 or control of at least two enterprises: GRE DEVELOPMENT, INC., and SILVERSTEIN
19 EVICTION LAW, both of which are engaged in, and the activities of which affect,
20 interstate or foreign commerce, all in violation of 18 U.S.C. §1962(b).

21 95. Ron Elter, John Murk, and Dianne D'Agnolo have all, each acting together and jointly
22 and severally, been employed by or associated with the SILVERSTEIN EVICTION LAW and
23 GRE DEVELOPMENT, INC., both of which enterprises are engaged in, or the activities of
24 which affect, interstate or foreign commerce, as well as constituting a conspiracy to obtain title
25 by fraudulent stratagem or scheme regarding 4 Via Corbina by and through the creation of the 4
26 Via Corbina Trust, all in violation of both 18 U.S.C. §§1962(c) and 1962(d).

27 96. Each of the individuals Ron Elter, John Murk, and Dianne D'Agnology, have acted as
28 employees or agents of Steven D. Silverstein and SILVERSTEIN EVICTION LAW, and GRE

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3 DEVELOPMENT, INC., and each of these individuals has individually or have together, by their
4 acts described above in this complaint conducted or participated, directly or indirectly, in the
5 conduct of SILVERSTEIN EVICTION LAW's affairs through a pattern of racketeering activity
6 or collection of unlawful debt, based in and focused on Orange County, California, also in
7 violation of 18 U.S.C. §§1962(c) and 1962(d).

8 97. The SILVERSTEIN EVICTION LAW website, together with the level of activity of
9 GRE Development, Inc., in Orange County, suggest a high level threat of continuing criminal
10 and in particular racketeering activity.

11 **98. WHEREFORE, as allowed by 18 U.S.C. §1964(c), Plaintiff prays for treble his**
12 **actual injuries, as well as costs of suit in the approximate amount of \$25,000.00 and**
13 **attorney's fees for the undersigned attorney Dr. Orly Taitz, Esq., in the reasonable amount**
14 **of \$125,000.00 a total amount of approximately \$1,500,000.00.**

15 **CONCLUSION**

16 99. Defendants Wells Fargo, Cal-Western Reconveyance, GRE Development, Steven D.
17 Silverstein, Coldwell Bankers, Dennis Stacy, John Murk and Dianne D'Agnolo have acted in
18 collusion as a Criminal Enterprising by transferring a clouded title to a party who "bought" the
19 property at an illegal sale. Their subsequent plan to resell the property by and through Defendant
20 Caldwell Banker and its agent Defendant Dennis Stacy would be yet ANOTHER fraudulent sale
21 of the property in question.

22 100. Plaintiff Charles Edward Lincoln III asks accordingly that the State Sale be rendered
23 void by this Court, and that no actions will take place regarding this property until the parallel
24 and pending action filed in Federal Court is decided.

25 101. Plaintiff asks for damages against Steven D. Silverstein for Slander of Title and
26 Disparagement of Contract and the costs of losing the rent payments coming from his tenants
27 who signed a 6 month lease at 2500.00 a month. Plaintiff asks to be paid for each month the
28 tenants have gone missing at the hands of the over zealous Defendants.

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4 **PRAYER FOR RELIEF**

5 102. **WHEREFORE**, plaintiff prays judgment against defendant as follows:

6 1. For an order requiring the defendants to show cause, if any, why they
7 should not be enjoined as set forth in this complaint during the pendency of
8 this action.

9 2. For a temporary restraining order, a preliminary injunction, and a
10 permanent injunction requiring defendants to refrain from taking possession
11 of or selling, transferring or conveying the property located at 4 Via Corbina
12 while a question of title still exists in Federal Court.

13 3. For the trebled amount of Plaintiff's Actual Damages in the amount
14 of \$1,500,000.00, as authorized by California law and 18 U.S.C. §1964(c).

15 4. For reasonable costs of suit incurred in prosecuting this complaint in
16 the amount of \$25,000.00 as authorized by 18 U.S.C. §1964(c).

17 5. For reasonable attorneys' fees in the amount of \$125,000.00 as
18 authorized by 18 U.S.C. §1964(c).

19 6. For other and further relief to the Plaintiff as the Plaintiff may find
20 the Plaintiff justly entitled at law or as a matter of equity.

21 Wednesday September 16, 2009,

22
23 By: 

Charles Edward Lincoln, III, Plaintiff, *pro se*

40 Dr. Orly Taitz, Attorney-at-Law
29839 S. Margarita Pkwy

Rancho Santa Margarita, California 92688

Telephone 949-683-5411, Fax: 949-766-7036;

Alt. Telephone 512-968-2500

dr_taitz@yahoo.com

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself) <input checked="" type="checkbox"/> <i>Charles Edward Lincoln, III</i>	DEFENDANTS <i>Steven D. Streiten see attached</i>
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(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) <i>4000 Br. Oaks Pkwy, 25939 Santa Margarita 25939 Santa Margarita Parkway Parker Square, Margarita, CA 92688</i>	Attorneys (If Known) <i>See</i>
--	---

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> <td style="width:33%;"></td> <td style="width:33%; text-align: center;">PTF DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>		PTF DEF		PTF DEF	Citizen of This State	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen of This State	<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ 1,800,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input checked="" type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input checked="" type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) (405(g)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

SACV09 -1072 JVS (ANx)

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): 09-cv-1334-PDC

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	<u>Tarrant County, Texas</u> <u>Middlesex County, Massachusetts</u>

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
<u>Orange County</u>	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
<u>Orange County</u>	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ~~ATTORNEY~~ **PRO PER**:

[Signature] Date September 16, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV09- 1072 JVS (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Charles E. Lincoln II
c/o Dr. Dily Partz, Attorney at Law
29839 Santa Margarita Highway
Rancho Santa Margarita CA 92688

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Charles Edward Lincoln II

PLAINTIFF(S)

v.

Steven D. Silverstein (and
seen attached)

DEFENDANT(S)

CASE NUMBER

SACV09 -1072 JVS (ANx)

SUMMONS

TO: DEFENDANT(S)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Charles Edward Lincoln II, whose address is c/o Dr. Dily Partz Esq 29839 Santa Margarita Hwy Rancho Santa Margarita. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

U.S. District Court

SEP 16 2009

Dated: _____

By: _____

DODJIE GARGANTOS

Deputy Clerk

(Seal of the Court)

SEAL

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

