

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
Portland Division

Obsidian Finance Group,

Kevin Padrick,

v.

Crystal Cox

3:11-cv-00057-HZ

**Motion for Clarification**

The purpose of this motion is to move this court to clarify Order Denying New Trial, Document Number 123 and to seek a retraction, word change and apology from this court for the defamatory content in which Caused Cox irreparable harm. Cox also seeks a clarification of the words of this Ruling.

Cox moves this court to clarify it's allegations of Cox's criminal and unethical activity of which Cox has not engaged in nor is there adjudicated fact to such matters.

Cox asks this in effort to clarify the role of a Judge in judicial orders to protect the rights of future litigants and preserve this issue as a matter of law.

**Defendant Crystal Cox is an anti-corruption blogger exposing corruption.**

Cox has not ever extorted anyone nor posted information in an attempt to expose corruption, to then later seek some sort of payoff.

Defendant Crystal Cox alleges that this ruling essentially gives all Judges in civil cases the legal right to "frame", set up, accuse, rule that litigants have committed crimes before they are allowed due process in the criminal justice system.

As seen in the hearing the day before Cox's trial, Cox objected to the eMail that Plaintiff used to frame COX, paint her in false light and have the world believe she is a criminal.

Cox told Judge Hernandez she was accused of extortion, he said no you are not and if you are, you can plead the fifth. Then months later in a DENIAL of a New Trial, which Judge Hernandez ruled in error of Law and Constitutional Rights as the Ninth Circuit clearly showed, Judge Hernandez himself accused Cox of extortionate behavior in a court ruling of which Cox had no way of rebuttal, defense and was denied due process of these allegation.

**Judge Marco Hernandez Accuses Defendant of Seeking Money to Repair Damage She ALLEGEDLY Caused.**

On Page 14 of Order Denying New Trial, Document Number 123, Judge Marco Hernandez states;

“In addition, the uncontroverted evidence at trial was that after receiving a demand to stop posting what plaintiffs believed to be false and defamatory material on several websites, including allegations that Padrick had committed tax fraud, defendant offered "PR," "search engine management," and online reputation repair services to Obsidian Finance, for a price of \$2,500 per month. Ex. 33. The suggestion was that defendant offered to repair the very damage she caused for a small but tasteful monthly fee. This feature, along with the absence of other media features, led me to conclude that defendant was not media. “

**This is an error in fact.** There was no “**uncontroverted evidence at trial**” that Cox sought money to remove ANY false and defamatory content. Cox was not presented with evidence accusing her of this action, and was not allowed due process to provide a defense on this issue.

There were many motions where Defendant Crystal Cox objected to Plaintiff's falsifying evidence, of submitting a truncated email out of context in which was a negotiation to compromise after Cox had been threatened of being sued and after Cox was sued.

Judge Marco Hernandez knew that COX had sent this email as a REPLY to the Plaintiff's attorney's legal threat, it was literally a REPLY email sent and after Cox was sued for 10 Million Dollars.

There was a hearing the day before Cox's trial whereby Cox again let Judge Marco Hernandez know that she had concerns of the email and extortion allegations. Judge Marco Hernandez stated that this was not the case, yet later accused Cox himself. He did

this, Cox alleges because of private meetings and communications with Plaintiff's attorney David Aman and Marc Randazza, Cox's former attorney who **convinced Judge Marco Hernandez that Cox had extorted them both.**

**There was no adjudicated evidence.** There was no full email thread presented. Cox certainly did "refute" the claims. The Jury was not asked to deliberate on this issue yet Judge Marco Hernandez claims falsely and in error that "uncontroverted evidence at trial".

Defendant Crystal Cox moves this court to retract this allegation from this ruling and to clarify the meaning, evidence and motive for such a statement in a federal ruling.

Judge Marco Hernandez **cites the email** as an Exhibit to his ruling, knowing full well that the email is a settlement negotiation, an offer to compromise and that Cox objected all along to it being used.

**Judge Marco Hernandez knows that an offer to compromise is against the rules of evidence to be used in a hearing or a trial against defendant.**

Judge Marco Hernandez stated, **"The suggestion was that defendant offered to repair the very damage she caused for a small but tasteful monthly fee."**

Defendant Crystal Cox alleges that it is an error in law for a Federal Judge to **speculate, use hearsay and unadjudicated evidence** to speculate that a litigant engaged in extortionate behavior.

COX never offered to repair damage she had caused. The full negotiation, offer to compromise, to settle, shows this clearly.

Defendant Crystal Cox did not DAMAGE Plaintiff's reputation, their bad actions, unethical behavior, HIPAA violations, breach of contract, violations of Bankruptcy and IRS code that led to court motions filed and other legal actions, blogs, media and many people complaining and discussing the matter damaged their reputation.

Cox was telling their story and did not "cause damage" to Plaintiff's alleged "clean slate".

THE TRUTH damaged their reputation.

**Defendant COX simply got the story found and exposed Plaintiff, they sued Cox.**

Judge Marco Hernandez has NO lawful right to RULE, as a matter of law that there is “uncontroverted evidence at trial” that Cox had offered (offer to compromise) to allegedly clean up Plaintiff’s reputation for a fee of the very damage she cause. This is not true and a Federal Judge has an obligation to the public to uphold the law.

**There is no lawful reason, nor “uncontroverted evidence at trial”, nor adjudicated evidence of any kind that Cox did what Judge Hernandez accused her of.**

As a matter of law, it needs to be made clear to Judges such as, Judge Marco Hernandez, that they are not above the law and that it is not proper, as a matter of law to retaliate against a litigant they don’t like by accusing them of engaging in criminal activity of which they were not on trial for in the first place and not even under investigation and thereby denying them of due process.

**Judge Marco Hernandez even went so far as this to be some legal reasoning for claiming Cox to not be media which also was in error.**

Judge Marco Hernandez led Cox to believe, in the hearing the day before the Trial that if she testified for herself the email would come in, but if she chose not to testify on her own behalf that the email would stay out. Cox then chose not to testify, Judge Marco Hernandez let the email in anyway then used it to ruin Cox’s life.

So when the email blind sided Cox in the closing statement, she was not prepared with the surrounding 4 emails to present her side as Judge Marco Hernandez had told her it would not be allowed. (see hearing Dated November 28th, 2011) regarding Cox asking the court about extortion.

Page 16, 8-25 Says,

“I do have one question about tomorrow, what he’s allowed to bring. He’s accusing me of extortion over and over and over. And if he’s allowed to put in e-mails and accuse me of extortion, which is a crime, do I have any rights on that tomorrow in a criminal justice system?”

THE COURT: This isn’t a criminal case.

MS. COX: But extortion is a crime.

THE COURT: That's right. And **you have the right to remain silent** if you think you may be subject to criminal prosecution, which means that you don't have to testify if you don't want to, by the way. He may call you as a witness; and if you raise that as a defense in this case, then you take the Fifth Amendment, and we'll see what happens at that point.

MS. COX: The jury -- my concern is what the jury will think with him accusing me of extortion and providing e-mails that were before this blog post that aren't relevant to this case.

THE COURT: I can't really advise you about that."

Even after stating this, Judge Marco Hernandez accused Cox of extortionate behavior and she was Denied due process in this allegation.

Cox asks this court if this is correct as a matter of law and moves this court to retract allegations of extortion from the record.

**Oregon Statute 40.190 1. (a), Rules of Evidence 501 and 502, Rules of Evidence 408, Oregon Statute 35.300, Rule 901(b)(1) of the Federal Rules of Evidence, Rule 702, and Rule 801(c)(1).**

Per Rules of Evidence, as Judge Marco Hernandez knows well. He should have honored Cox's objection to this email and not led Plaintiff use it against COX and especially Judge Marco Hernandez himself should not be allowed, as a matter of law to use this email, this hearsay, this unadjudicated evidence as some sort of proof that Cox was involved in extortionate behavior.

Judge Marco Hernandez should have given Cox due process and if he believed she did what the Plaintiff, AMAN and Randazza claimed then he should have reported Cox to the authorities so she could present her side of the allegation and have an attorney as is her due process rights, bill of rights, and constitutional rights as a matter of LAW.

**Defendant Crystal Cox moves this court to retract these allegations and to apologize to Cox and to give Cox all relief allowed by law for the damage this has done to her.**

Document 123, 3-27-2012 Judge Marco Hernandez ruled that Cox did not get a new trial and the reason he gave was in part because Cox did not meet his standard of Ethics, and had somehow engaged in bad behavior of some kind.

This OPINION by Judge Marco Hernandez was not based in law, adjudicated fact nor material evidence. Judge Marco Hernandez simply, in essence, ruled Cox to be a Criminal Extortionist in a ruling that Denied Cox's First Amendment Rights in a Civil Litigation.

**Judge Marco Hernandez did this without affording Cox due process and with no adjudicated facts. Cox moves this court to retract, to remove and to clarify in effort to protect future litigants from suffering this same irreparable harm.**

Cox now has won the right to a New Trial, in her Ninth Circuit Appeal, however Cox is prejudiced, as the very Judge who Denied her Trial is to be her Judge Again.

Judge Marco Hernandez prejudiced Cox by painting Cox out to the world as having Malice, of which Cox did not have.

**Judge Marco Hernandez refuse to remove himself as Cox's Judge in this case, though he is clearly conflicted and has caused COX irreparable harm.**

How can Defendant Cox get a fair trial when the Judge has already convicted her of malice and of extortion as far as public opinion goes and has ruined Cox's life, way to have a home, make a living and her personal relationships?

All because David Aman And Marc Randazza, two attorney convinced him with unadjudicated emails that they had been extorted.

Cox wishes to protect future litigants and moves this court to act in a manner of law and NOT in potshots, hearsay and unadjudicated facts.

**Judge Marco Hernandez did not say anything about the many settlement offers, offers to negotiate or Compromise by the Plaintiff. They could easily be seen as Extortion as well.**

Judge Marco Hernandez deliberately made Cox look bad, painted her in false light, slandered and defamed her and it is a violation of Cox's Civil Rights, Constitutional Rights and Law.

Plaintiff made offers that included, if Cox mention their name anywhere it would be \$5000 every time she mentioned or posted their name. They bullied Cox and made offer after offer, even ones where Cox blame innocent people, yet those negotiations were not deemed as EXTORTION by Judge Hernandez, nor put in a Federal Judge's ruling as to be a "tasty sum".

**It is a violation of Law and improper for Judge Marco Hernandez to have used a federal ruling as his personal retaliation tool** and simply convict Cox to the world, branded as engaging in Criminal actions, of which she had NO DUE PROCESS on what so ever.

Cox makes this stand for all Civil Litigants who face this same discrimination and constitutional rights violations by Judges everywhere.

**Defendant Crystal Cox asks this court is this Lawful and moves this court to clarify the allegations, insinuations and ruling of Cox being involved in some sort of Extortionate Behavior**

Defendant Crystal Cox alleges that Judge Marco Hernandez violated her Constitutional Rights and violated Due Process Laws and the Bill of Rights, as he painted a picture for the world to believe that Pro Se Defendant Crystal Cox was seemingly guilty of the crime of Extortion.

Judge Marco Hernandez got this idea, information or whatever he used to make this determination, from attorney David Aman and attorney Marc Randazza, whom Cox was and is reporting on both of them and their involvement or connection to organized crime or bankruptcy court crimes. These two attorneys ganged up against Cox to retaliate for blowing the whistle on them.

Cox alleges that David Aman and Marc Randazza met with or communicated with Judge Marco Hernandez privately and convinced him that Cox was extorting them both. Therefore Judge Marco Hernandez announced to the world that Cox had engaged in extortionate actions. This led to a New York Times article about the Denial of the New Trial ORDER which accused Cox of criminal activity. This New York Times article was quoted in Cox's

Ninth Circuit appeal case in the Ruling that she WON. Yet COX was painted out as to having a history of extortionate behavior and the Ninth Circuit used the New York Times article as their unadjudicated evidence that Cox had this alleged history.

**This is an IMPORTANT Legal Issue** as it is imperative the Judges not be able to sideswipe, take potshots at litigants. It is a violation of law and rights to paint out a civil litigant as a Criminal in Civil Trial.

Judges have a powerful position and are believed by the Public at large. And with this they have a powerful responsibility to make sure they use adjudicated fact, as a matter of law.

**It is NOT OK, nor lawful** for Judge Marco Hernandez to have Painted Cox out to be involved in some sort of racket of extortion with NO ADJUDICATED FACTS, no evidence presented to Cox nor investigation whereby Cox could in any way defend herself against these accusations.

Judge Marco Hernandez convinced the world that Defendant Crystal Cox engaged in bad, extortionate behavior which is malicious and thereby prejudicing her in her NEW TRIAL and refusing to removing himself in this trial though Cox has shown he has massive conflicts of interest.

Defendant Crystal Cox alleges that Judge Marco Hernandez formed the opinion that she is guilty of the crime of extortion without giving Cox due process. And that this prejudices her new trial proceeding.

Cox's first trial was focused on Cox committing the crime of extortion and on sending an email asking for money to remove negative content of which she herself put online. This was NOT true. And the trial was REALLY, legally about one blog post and whether the post was true or not regardless of malice.

Judge Hernandez knew that Cox was concerned of this issue, as noted in the court hearing dated, Nov. 28th 2011, page 16, whereby Cox asks for help and asks of her rights in the Criminal Justice system regarding the extortion allegations.

As the record clearly shows, Judge Marco Hernandez stated that extortion was NOT alleged and was not part of this case, however Judge Marco Hernandez allowed the ONE email, out of context, to come in as evidence against Cox, the very next day, at the Obsidian v. Cox Trial.



PRETRIAL CONFERENCE  
TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE MARCO A. HERNANDEZ  
Dated November 28th 2011

Page 16, Line 8 Says;

"I do have one question about tomorrow, what he's allowed to bring. He's accusing me of extortion over and over and over.

And if he's allowed to put in e-mails and accuse me of extortion, which is a crime, do I have any rights on that tomorrow in a criminal justice system?

THE COURT: This isn't a criminal case.

MS. COX: But extortion is a crime.

THE COURT: That's right. And you have the right to remain silent if you think you may be subject to criminal prosecution, which means that you don't have to testify if you don't want to, by the way.

He may call you as a witness; and if you raise that as a defense in this case, then you take the Fifth Amendment, and we'll see what happens at that point.

MS. COX: The jury -- my concern is what the jury will think with him accusing me of extortion and providing e-mails that were before this blog post that aren't relevant to this case. "

Judge Marco Hernandez allowed David Aman to use one email out of context, with me having no way to defend myself and bring in the other 4 emails of this privileged attorney to attorney settlement negotiation. Thereby the Jury Hated Defendant Cox and ruled for even more money than Plaintiff asked for at the start of the Trial.

Judge Marco Hernandez, himself, even with the above noted, accused Defendant Cox of extortionate behavior in "OPINION & ORDER: Defendant's motion for new trial 105 is denied. Signed on 3/27/2012 by Judge Marco A. Hernandez".

As Cox faces a new trial she is faced with EXTREME prejudice of this court, as this court already believes Cox to be an extortionist, though she has never been given due process on these allegations. So how can Cox possibly have a fair and impartial judge, or trial in any way, in this court.

With "Malice" being the key issue, certainly if this court believes Cox had bad intentions and posted negative information online only to ask for money to remove it, that right there says Cox had Malice. Truth is Cox posted online about Summit, Obsidian for 3 years before Aman sued her, and continues to report on the story. Cox was not the source of the information, as it comes from other blogs, court hearings, internal DOJ and attorney emails, court hearings and documents, news outlets, interviews and more. Cox still, to this day believes Kevin Padrick and Obsidian Finance acted unethical, unfair, unlawful in the Summit Bankruptcy, as a matter of law.

Cox did not post online to ask for money at a later date. Cox has NEVER, ever posted online and later asked for money to remove her true reporting, that is something David Aman painted to this court and to the world maliciously and deliberately, neglectfully and willfully as he was in the email thread with Cox, she was her own attorney at the time the email was sent.

Aman will use this same tactic again with this court to incite hate against Cox, and this time to prove Cox had malice Aman will lie, he will accuse Cox of crimes and enter pieces of evidence into this court that violate Cox's due process rights, human right, civil rights and bill of rights.

Defendant Cox alleges that she has a fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty, or property. Yet Cox was not given notice of the crimes alleged, nor a way to present her side. Cox was not given due process, as a matter of law and constitutional rights and Cox has thus lost her life as she knew it, her liberty and has lost personal property in this matter.

The due process clause of the Fifth Amendment asserts that no person shall "be deprived of life, liberty, or property, without due process of law." This amendment restricts the powers of the federal government and applies only to actions by it. Cox was not given due

process, and was simply ruled, assumed guilty of criminal activities, by this court, with no adjudicated evidence what so ever. And was thereby "deprived of life, liberty, or property, without due process of law."

This issue needs to be cleared up once and for all so that Cox can have a fair proceeding, if this court feels Cox is guilty of this Crime than Cox moves the court to investigate her through the proper channels and not to assume her guilt, prejudice her, nor to let David Aman and Steven Wilker of Tonkon Torp keep defaming, slandering and painting Cox in false light to win their case.

The eMail was ONE email of a thread of 5, see Exhibit One for emails in thread. This email was a reply to a legal threat and was sent after Defendant Cox had been sued for 10 million Dollars. This was a settlement offer to STOP years of legal action, massive money, loss, court time, and end this legal action.

**Cox did NOT extort Plaintiff nor attorney. THAT IS A FACT.**

Here is the Disclaimer in this Email Thread Regarding the Communication, Privileged Communication Between Crystal Cox Defendant in Her Pro Se Capacity and Opposing Counsel David Aman, Tonkon Torp Law Firm.

"The information contained in this e-mail message may be privileged, confidential, and protected from disclosure. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. .... If you think you have received this e-mail message in error, please e-mail the sender at [davida@tonkon.com](mailto:davida@tonkon.com)"

This misled me, deceived me, in my Pro Se Capacity, that along with the fact that the lawsuit had already been filed, a cease and desist already sent and I was responding to David Aman, Attorney for the Plaintiff CONTACTING ME. Yet he got this court and the world to believe I am guilty of this crime, this clearly prejudices Defendant Cox in this proceeding.

I did not email David Aman out of the Blue, and I did NOT Extort the Plaintiff in any way. I certainly assumed these emails were privileged, private correspondence between Crystal Cox, Defendant (Me) in My Pro Se Capacity and Opposing Counsel David Aman, Tonkon Torp Lawyer for Plaintiff Kevin Padrick and Obsidian Finance Group.

That Email was in Response to the "Letter from David Aman" as you see in the Full Thread.

See David Aman, Tonkon Torp Attorney's Filing called Aman "Reply Memorandum In Support of Plaintiff's Motion for Summary Judgement".

On the Bottom of Page 3 David Aman Says, "In fact, Ms. Cox's real purpose for falsely attacking plaintiffs, is clear. In response to plaintiffs' December 22, 2010 "cease and desist" letter, she wrote the following by email on January 19, 2011:"

It was in Response to their Threats in order to STOP a Year Long Lawsuit and in Effort to Negotiate a Cease Fire, I wanted them to Cease Fire and made an Offer, later I learned it was called a "Settlement Communication". I did not know that at First as I had never been sued, and certainly had never been my Own Pro Se Attorney.

These Emails were a PRIVILEGED Communication Between 2 Attorneys in this case as it was between me, Crystal Cox in my Pro Se Capacity and David Aman, Tonkon Torp Attorney for the Plaintiff (Opposing Counsel ) and it Seems to Proclaim it is Confidential and Should not get into the Wrong hands, thing is this Same Attorney leaked part of these emails to set me up for extortion.

Defendant Crystal Cox has no history of posting anything online and seeking a retraction for a payment. Cox was never "determined" by any court to have posted allegation, then sought a retraction, then continued posting and was sued. There was no retraction sought. Oregon Retraction Laws do apply to blogs, clearly.

It is not ethical nor lawful to render rulings that accuse litigants of criminal activity of which they have not had due process of law in regard to. Nor to insinuate these crimes as Judge Hernandez did in his ruling on Cox gets no new trial according to him.

Cox has a constitutional guarantee to liberty, equality, freedom, due process rights, and free speech rights under the U.S. Constitution as do all citizens, pro se litigants, anti-corruption bloggers, citizen journalists and whistleblowers alike.

**Powerful attorneys and federal judges do not have a right to use their power and position to silence, intimidate, suppress speech, bully, paint in false light, slander and defame litigants who expose corruption in the judicial system and of whom they have extreme prejudice in regard to.**

Cox alleges that it is not fair, ethical, equitable in rights, constitutional, nor appropriate as a matter of law and rules of procedure for Judges to state unrelated allegations, rumor and speculation in an esteemed court rulings, that are published to the world and affects the life

of litigants forever, as well as affects all whistleblowers, citizen journalists and anti-corruption bloggers like her.

Cox alleges that it is **an abuse of power and process, and an extreme violation of her human and civil rights, for Judges to use or allow hearsay and rumors as adjudicated fact in this court process**, and to seek revenge, retaliate, and use extreme prejudice against litigants like her by using a court ruling to paint Cox in false light, slander and defame Cox and cause her a lifetime of irreparable harm.

Cox alleges that it is the duty of this court to report anyone they deem a danger to the public. If Attorney David Aman or Steven Wilker, Tonkon Torp Law Firm, Plaintiff or this court believe Cox to have a history of extortionate or blackmailing conduct, or to have extorted them, then it is their duty as public servants to order a criminal investigation by the proper authorities and it is NOT their duty, nor legal right to simply, flat out state, that Cox is guilty of these crimes and thereby defame and slander Cox and put her under extreme prejudice as she heads back to face a \$10 Million dollar civil court proceeding.

Cox alleges that it violates her constitutional rights and the rights of those who engage in the same online activity as her, for Judge Hernandez and Tonkon Torp Lawyers to essentially take “pot shots”, add in gossip and hearsay into a ruling and thereby slander, defame and ruin the life of Cox, deliberately, willfully, and with actual malice as they clearly know that Cox was not nor did Cox ever engage in acts of extortion against them at any time.

**This is a critical first amendment issue. And a critical issue of due process laws, the fourteenth amendment, civil rights and human rights.**

Cox alleges that she has a constitutional right to due process in the criminal justice system and that it violates her constitutional rights to rule, have the opinion or even insinuate, alleged criminal activity BEFORE she has been adjudicated or under investigation by the proper courts and legal procedure in the criminal justice system.

These accusations by judges prejudice the litigants such as Cox in the re-trial at the District Court level and put them under extreme prejudice in all matters of their life, even things as simple as renting a home or getting a job.

Those researching litigants such as Cox find this courts ruling with extortionate language and they assume Cox is a criminal or else why would an esteemed, “honorable” Judge state such allegations or allow attorneys in the case to do so.

A court ruling, issued by esteemed judges in a powerful position of which the public at large deems to be of the utmost authority, in which accuses the litigant of criminal activities, of extortionate behavior. This is a violation of Cox's rights of due process and constitutional rights, as she now faces extreme prejudice, hate, inequality and duress in all aspects of her life. She is deemed a criminal, when she has not had due process in the criminal justice system. This precedence now makes it so that judges everywhere can do this same thing to essentially punish, retaliate against whistleblowers, citizen journalists and anti-corruption bloggers.

Cox alleges that she has a constitutional right for it to be proven, as a matter of law, "beyond a reasonable doubt" that she is guilty of a crime, before Judges are allowed, by law, to state those allegations in a court ruling, a court opinion. And before attorneys such as Steven Wilker, David Aman and Marc Randazza are allowed to paint Cox out as a criminal in a court proceeding.

**Beyond a reasonable doubt is the highest standard of proof that must be met in any trial. In civil litigation**, the standard of proof is either proof by a preponderance of the evidence or proof by clear and convincing evidence. There was neither in Obsidian v. Cox. Yet this court has issued rulings that clearly show that this court believes Cox to be guilty of this crime, of which this trial was in no way about.

Cox asked this court in motions before the trial to STOP this, and asked this court the day before the trial, Cox was ignored her rights ran over and now she is branded an extortionist worldwide. All due to the illegal, unconstitutional, unethical actions of this court.

**Cox alleges that Judges must have "Clear and Convincing Proof" beyond a reasonable doubt BEFORE they are, by law allowed to state such allegations in a court ruling.**

Cox was not on trial for crimes or civil matters involving allegations, investigations or even a cause of action regarding posting content or allegations of others online and then seeking a payoff to remove those allegations, (aKa Extortion or Blackmail). Cox was on trial for defamation, and that this was the only cause of action. There was no "seeking a payoff" to remove allegations, as a material factor of Obsidian v. Cox nor a factor in this case what so ever, therefore it was not a matter of record and was not a material factor in this case.

Cox alleges that her **Due Process of Law, Fourteenth Amendment Rights, and her rights under the Bill of Rights, have been violated** by Judge Marco Hernandez accusing her of criminal activity in rulings / opinions in civil cases of which these crimes have nothing to do with. Cox alleges this is retaliation for her exposing corruption that involves judges, and people with financial and political power.

The Due Process Clause of the Fourteenth Amendment, declares, "[N]or shall any State deprive any person of life, liberty, or property, without due process of law" (§ 1). Yet petitioner Cox was not given due process in the criminal justice system nor has Cox been adjudicated for or even under investigation for the crime of extortion, yet high court judges accused Cox of extortionate behavior in a ruling of a civil case, a defamation case, unrelated in it's material fact, evidence and testimony to the crime of extortion and to of having "a history of making similar allegations and seeking payoffs in exchange for retraction.", which is essentially the felony crime of blackmail, or extortion.

**The Due Process Clause of the Fourteenth Amendment** has also been interpreted by the U.S. Supreme Court in the twentieth century to incorporate protections of the Bill of Rights, so that those protections apply to the states as well as to the federal government. Thus, the Due Process Clause serves as the means whereby the Bill of Rights has become binding on state governments as well as on the federal government.

The Due Process Clause of the Fourteenth Amendment is intended to protect individuals such as Cox from arbitrary actions by state as well as federal governments, which includes the arbitrary actions of a court opinion.

Due process requires that the procedures by which laws are applied must be evenhanded, and in this case there was severe prejudice and inequality and Cox has thereby suffered harm, and wishes this court to remedy this ruling to protect future anti-corruption bloggers, citizen journalists and whistle blowers such as herself.

Cox alleges that, under 42 U.S.C.A. § 1983, and other human rights and civil rights laws, and constitutional amendments, that the actions of these judges deprived her of "fundamental fairness" and of Civil Rights under the Due Process Clause. And now has the potential to do so to ALL future anti-corruption bloggers, citizen journalists and whistle blowers such as herself.

The Bill of Rights contains provisions that are central to procedural due process. These protections give a person a number of rights and freedoms including the right to be told of the crime being charged; the right to cross-examine witnesses; the right to be represented

by an attorney; freedom from Cruel and Unusual Punishment; and the right to demand that the state prove any charges Beyond a Reasonable Doubt. Cox was deprived of these rights, as Judge Hernandez and attorney David Aman simply portrayed to the world she was guilty of criminal acts without having due process and without being told of the crime being charged; the right to cross-examine witnesses; the right to be represented by an attorney; freedom from Cruel and Unusual Punishment; and the right to demand that the state prove any charges Beyond a Reasonable Doubt.

Cox moves this court to retract all allegations and insinuations of extortion and to apology to Cox and provide Cox with all allowable relief by law.

This is false and Defamatory. This statement prejudiced COX in the media, in her Ninth Circuit appeal and has been cited in many other court cases.

Judge have absolute Immunity Yes, but Judges should not have the right ruin litigants life with flat out lies, speculation, hearsay and non-adjudicated facts.

#### **Certificate of Service**

On September 2nd, 2014 I hereby certify that I served the foregoing on:

Portland U.S. Courts  
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Portland, OR 97204

via Electronic Service

/s/ Crystal L. Cox, Pro Se

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