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6  
7  
8

9 UNITED STATES DISTRICT COURT FOR THE NINTH CIRCUIT

10 DIVISION

11 UNLIMITED CIVIL JURISDICTION  
12 CLASS ACTION  
13 DEMAND FOR JURY TRIAL

14 PATRICK A. MISSUD,

Case No.:

Dept.

15 vs.

16 STATE OF NEVADA; EIGHTH JUDICIAL  
17 DISTRICT COURT COUNTY OF CLARK;  
18 JUDGE ELIZABETH GONZALES; DOES 1-  
19 200. Defendants.

**COMPLAINT FOR CONSTITUTIONAL  
VIOLATIONS: FIRST AMENDMENT  
SPEECH, PRESS, AND RIGHT TO  
PETITION GOVERNMENT TO REDRESS  
GRIEVANCES; ARTICLE IV, PRIVILEGES  
AND IMMUNITIES; 5<sup>TH</sup> AMENDMENT  
DUE PROCESS; 14<sup>TH</sup> AMENDMENT  
PRIVILEGES AND IMMUNITIES, DUE  
PROCESS, EQUAL PROTECTIONS;**

22 Date:

23 Time:

24 Dept:

Judge:

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26 **I. INTRODUCTION**

27 This civil rights complaint was filed following the Clark County, Eighth Judicial District Court's  
28 final rulings in case #A551662 which blatantly favored racketeering by Nevada corporate

1 residents D R Horton Inc., and DHI Mortgage LTD [DHI] at the expense of nationwide  
2 consumers and taxpayers. The plaintiff has been both a state and federal whistle blower who has  
3 and is still warning Nevadans, and all of America, of DHI's rampant, nationwide, TARP creating,  
4 predatory lending and mortgage fraud. Complainant Missud already has ample documentation  
5 proving the state of Nevada in contempt of Constitution on several grounds, and its government  
6 and judicial officers in lies. Via the world wide web, what happens in Vegas no longer stays in  
7 Vegas.

## 8 **II. JURISDICTION AND INTRADISTRICT ASSIGNMENT**

9  
10 This federal circuit has jurisdiction under Section 1331 Federal Question, and the Constitutional  
11 violations have occurred within the Ninth Circuit.

## 12 **III. PROCEDURAL BACKGROUND AND ILLEGAL STATE ACTION WHICH HAS** 13 **ALREADY EGREGIOUSLY VIOLATED PLAINTIFFS RIGHTS UNDER THE U. S.** 14 **CONSTITUTION**

15  
16 On February 6, 2010, the 'just' and 'neutral' *Nevada* Supreme Court asked that *Nevada's* Attorney  
17 General investigate *California* Attorney Patrick Missud's request for judicial notice. Missud sent  
18 the Supreme Court notice of DHI's widespread fleecing of Nevada residents for its upcoming  
19 Betsinger appeal. Betsinger was a typical case involving financial crimes by DHI against at least  
20 80 Nevadans, and 44 other residents outside of Nevada per the official Federal Trade  
21 Commission records that were concurrently referenced for the Supreme Court's benefit.

22 On February 25, 2010, Nevada's Criminal Division then proceeded with the investigation and  
23 issued its own letter requesting that the *State Bar of Nevada* "take action."

24  
25 On March 5, 2010, The State Bar of Nevada did as directed, accosted Missud's attorney in the  
26 hallway immediately after a discovery hearing, and then four days later demanded written  
27 explanation from California's Missud prior to "opening a file."  
28

1 On March 19, 2010, HUD independently published its Audit Report for DHI Mortgage offices in  
2 Arizona. Within that report HUD stated that every one of DHI Mortgage's originated loans was  
3 in severe financial distress and that 12 of the 20 audited were already in foreclosure.

4 <http://www.hud.gov/offices/oig/reports/files/ig1091009.pdf>

5 On April 21, 2010, both the Clark County Court, and the \$8 Billion DHI Corporation, filed a  
6 "Stipulated Protective Order" to "seal" documents to keep DHI's criminal enterprise \$ecret for  
7 case #A551662. The terms of the 'agreement' were that Missud was to be muzzled from stating  
8 that thousands of Americans had already fallen victim to DHI's predatory lending. This 'order'  
9 was signed by Judge Gonzales who has signed 115 such 'sealed' civil suits to keep details of those  
10 cases quiet: <http://www.lvrj.com/news/11802041.html>

11  
12 Then on April 29, 2010, the RICO operating DHI filed a "Motion for Sanctions," and "Request  
13 for a Court Ordered Issue of Contempt of Court." Therein, the \$8 Billion D R Horton  
14 Corporation tried to bankrupt Missud with their frivolous motion seeking more than \$80,000.00  
15 in sanctions, and have the Clark County Court trample the First Amendment along with many  
16 other clauses of the U. S. Constitution. Therein, the \$8 Billion D R Horton Corporation also  
17 sought to have Missud illegally incarcerated for contempt of court to keep its criminal enterprise  
18 \$ecret so that it and its partners, could then drain additional federal TARP funds from American  
19 taxpayer\$' pockets. Therein, the \$8 Billion D R Horton Corporation even wanted to have  
20 Missud's counsel financially sanctioned. Since 2003, the law in Nevada has been that such  
21 filings/motions are considered SLAPP tactics which have a chilling effect on First Amendment  
22 truthful speech. D R Horton v. Safe Homes Nevada:

23 [http://www.reviewjournal.com/lvrj\\_home/2003/May-29-Thu-2003/business/21422432.html](http://www.reviewjournal.com/lvrj_home/2003/May-29-Thu-2003/business/21422432.html) .

24 Since December 31, 2009, by unanimous Nevada Supreme Court decision, the law has been that  
25 under no circumstances are sealing or redacting court records to have the purpose or effect of  
26 concealing public hazards such as widespread major financial crimes which have already led to  
27 statewide foreclosures and bankruptcies throughout Nevada. Nevada law was by that time very  
28 well established.

1 On May 19, 2010, Missud electronically submitted his Opposition to DHI's frivolous motions  
2 scheduled for June 2, 2010. The document was 'P' pending within just minutes. The Oppositions  
3 were also mailed confirmed to the Clark County Discovery Commissioner and even sent certified  
4 to Nevada's Supreme Court, Attorney General, and State Bar. However, the Clark County Court  
5 did not register Missud's electronic document until 10 days *after* the June 2, 2010 hearing. The  
6 court even refused the confirmed package containing the pleadings, and denied having received or  
7 even seen the pleadings despite their having been reproduced as copies in DHI's very own reply  
8 papers. Court transcripts and USPS records verify all these lies.

9 On May 20, 2010, Missud's exasperated and pressured counsel motioned the court to withdraw  
10 from representation.

11  
12 In the May 25, 2010 Reply to Missud's Opposition to D R Horton's frivolous motions, the \$8  
13 billion company again asked the court to "sanction Missud in a matter that will deter him and  
14 make it too expensive for him to continue his abusive litigation tactics." That was code for  
15 making Nevada's courts too expensive for California's Missud to petition the government and  
16 redress his grievance.

17 On May 27, 2010, Nevada's illegal state action against Missud caused his local counsel's formal  
18 withdrawal from representation.

19  
20 On June 2, 2010, plaintiff Missud surprised the court and appeared in pro per to oppose DHI's  
21 frivolous motions. He brought in hundreds of official documents and established a very detailed  
22 record upon which the impartial court could then rule.

23 Somehow, on June 4, 2010, the court ruled that DHI's motions were unopposed and sided with  
24 the \$8 billion builder/racketeer.

25  
26 On July 13, 2010, the court scheduled a hearing to consider Missud "Special Motion to Dismiss"  
27 D R Horton's frivolous motion to chill first amendment speech. Missud had filed pleadings chock  
28 full of Defendants' court perjury and nationwide criminal acts but yet, the court again sided with  
the \$8 billion builder/racketeer and allowed their frivolous motion to stand.

1 On July 20, 2010, the court held a second hearing to consider the \$8 billion builder/racketeer's  
2 frivolous motion to chill Missud's right to truthful speech, and then ruled that the \$8 billion  
3 builder/racketeers costs and fees for violating federal speech rights should be bourn by the  
4 Plaintiffs.

5 Then, on August 4, 2010, DHI Mortgage acknowledged that it had produced **128,000 loan files**  
6 for two civil investigative demands by the FTC for investigations concerning violations under the  
7 EEOC, TILA, RESPA, and various FTC acts. The FTC's interrogatories were all very similar, if  
8 not identical, to the questions posed in the Betsinger and Missud cases:

9 <http://www.drhortonfraud.com/index.html> . See D R Horton vs. FTC.

#### 10 11 **IV. JUST A FEW FACTS**

12 No less than 1500 pages of facts are already registered in Federal RICO suit 10-cv-00235-SI in the  
13 Northern District of California. No less than 1000 pages of official government and court records  
14 are publicly posted at <http://www.drhortonfraud.com/index.html> . They all amply support the  
15 below listed Constitutional Violations by the 'Great \$ilver \$tate' of Nevada. Only eleven of the  
16 more notable exhibits include:

- 17  
18 1. 205 pages of official FTC records reporting DHI's nationwide predatory lending [RICO  
19 10-cv-235, Declaration I, Exhibits 1, and <http://www.drhortonfraud.com/id12.html> and  
20 [http://www.drhortonhomesstink.info/FTC\\_Records.html](http://www.drhortonhomesstink.info/FTC_Records.html) ];
- 21  
22 2. Over 500 consumer email recounts detailing DHI's nationwide predatory lending [RICO  
23 10-cv-235, Declaration II, Ex's 1-5, and <http://www.drhortonfraud.com/id19.html> ];
- 24  
25 3. Scores of DHI's nationwide consumers filing class action or individual federal and state  
26 suits all claiming the same rampant predatory lending and extortion by DHI [RICO 10-cv-  
27 235, Declaration II, Exhibits 5, <http://www.drhortonfraud.com/id16.html> and  
28 <http://www.drhortonconfidential.com/> ];
4. A March 19, 2010 HUD Audit Report #2010-LA-1009 finding that all 20 out of 20 DHI  
originated loan samples either had deficiencies or *significant* deficiencies *after* the  
mortgage melt down <http://www.hud.gov/offices/oig/reports/files/ig1091009.pdf> and

1 <http://www.drhortonfraud.com/id14.html> . For instance- selling a cash strapped second  
2 year college student a home and approving him because of his “potential for  
3 advancement.” All 20 audited DHI originated loans have either been foreclosed on, or are  
4 at least in major financial distress. Within 10-cv-235, Declaration I, Exhibits 1; and  
5 Declaration II, Exhibits 1-5, at least 500 consumers have been similarly defrauded by DHI  
6 Mortgage. The damages are in the hundreds of millions of dollars. Goldman Sachs was  
7 indicted last month for bundling those same loans which were described as ‘shitty’ and  
8 ultimately fail due to their predatory nature. Those funds then caused municipal  
9 bankruptcies world wide [http://dockets.justia.com/docket/court-candce/case\\_no-  
10 3:2010cv00235/case\\_id-223488/](http://dockets.justia.com/docket/court-candce/case_no-3:2010cv00235/case_id-223488/) That’s called ongoing bank fraud;

- 11 5. Notice to Nevada’s Supreme Court that an additional 30 Nevadans have been defrauded  
12 just like in Betsinger, yet that high court will not consider this “evidence which is outside  
13 of the official record.” Betsinger v. D R Horton #503121 wherein 4 D R Horton agents, D  
14 R Horton and DHI Mortgage are found civilly liable for deceptive trade and fraud when  
15 they switched terms and the interest rate on his loan at the last minute. That’s deceptive  
16 trade/predatory lending. [RICO 10-cv-235, Declaration II, Exhibits 6-8 and  
17 <http://www.drhortonfraud.com/id15.html> and  
18 <http://www.nevadajudiciary.us/images/advanceopinions/126nevadvopno17.pdf> ];
- 19 6. A federal judge in Southern California forcing five blatantly defrauded DHI consumer-  
20 victims into secretive arbitration where that arbitrator’s decision is final and almost never  
21 subject to review even if there is a ‘mistake’ in either law or fact [RICO 10-cv-235,  
22 Declaration I, Exhibits 13], and [Moncharsh v Heily, 1992, 3 Cal 4<sup>th</sup>, 1 at 11]. The five  
23 class action representatives declare that they had their interest rates hiked at the last  
24 minute, just like Betsinger, and were threatened with deposit forfeiture if they didn’t hand  
25 over the money [http://www.bamlawca.com/CM/Custom/wilson%20-%20Complaint%20-  
26 %20filed.pdf](http://www.bamlawca.com/CM/Custom/wilson%20-%20Complaint%20-%20filed.pdf) ;
- 27 7. Several 2006 notifications to Nevada’s Attorney General that their Deputy Commissioner  
28 for Mortgage Lending, Susan Eckhardt, was on Donald Horton’s payroll, leading to her  
termination..... and then yet more of the exact same type of predatory lending after her  
‘replacement.’ Eckhardt is the fifth corrupted Nevada commissioner most directly

1 responsible for destroying Nevada's property values:

2 [http://en.wikipedia.org/wiki/Operation\\_G-Sting](http://en.wikipedia.org/wiki/Operation_G-Sting). Even after her 'replacement' yet more  
3 evidence of D R Horton's fraud, at the height of the real estate market, poured in. Half of  
4 the Nevada Ranch community in Henderson was preyed on with oppressive bait and  
5 switch loan terms just like in Betsinger. Over half of those homes are now in foreclosure,  
6 but Nevada at least got it\$ tran\$fer taxe\$ when tho\$e time\$ were good. [RICO 10-cv-235,  
7 Declaration I, Exhibits 5 and <http://www.drhortonsjudges.info/> ];

8 8. A \$50 million deferred prosecution agreement reached by Beazer Homes and the DOJ on  
9 July 1, 2009 for the exact type of predatory lending that DHI is even more nationally  
10 renowned for- DHI's financial wreckage has occurred in an *additional 19 states* and just  
11 like in Betsinger: <http://charlotte.fbi.gov/dojpressrel/2009/ce070109.htm> and  
12 <http://online.wsj.com/article/SB124648101952382381.html> ;

13 9. DHI even touts that it has an overwhelming percentage of 'captive mortgages' which  
14 illegally bundles its predatory mortgage \$ervice\$ with its home sales. Since 1945, that's  
15 called an Alcoa antitrust violation. [RICO 10-cv-235, Declaration I, Exhibits 2 and  
16 <http://www.liuna.org/Portals/0/docs/PressReleases/Report%20-%20Cruel%20Hope.pdf>  
17 and DHI's 10K available at investor relations:  
18 <http://www.drhorton.com/default.aspx?lang=en-US>, and the lies documented within  
19 <http://www.drhortonfraud.com/id3.html> ];

20 10. DHI's purcha\$e of \$pecial Magi\$trate Curti\$ Coltrane'\$ \$ervice\$, who judicially  
21 eliminated sacrosanct First Amendment speech in \$outh Carolina just like Nevada has  
22 done in this very \$imilar ca\$. [RICO 10-cv-235, Declaration I, Exhibits 4 and  
23 [http://www.islandpacket.com/man/pdfs/070606\\_restrainingorder.pdf](http://www.islandpacket.com/man/pdfs/070606_restrainingorder.pdf) and  
24 <http://www.drhortonfraud.com/id13.html> ].

25 11. D R Horton's own admission in federal case #10-cv-547, filed August 4, 2010 that it is  
26 under investigation for massive predatory lending and mortgage fraud in at least 6 of its  
27 market states.

## 28 V. LEGAL ANALYSIS

### 1. VIOLATION OF FIRST AMENDMENT SPEECH

1 The First Amendment prohibits the making of any law infringing on the freedom of  
2 speech, freedom of the press, interfering with the rights to peaceably assemble or petition  
3 for a government redress of grievances.

4 In Beaufort County South Carolina, Donald Horton bought Special Magistrate Curti\$ Coltrane.  
5 Coltrane twice ruled in favor of DHI by claiming that the corporation's financial interests were  
6 more important than the consumers who were assembling to speak at traditional public forums to  
7 notify neighbors and prospective buyers that DHI homes were either defectively built or  
8 misrepresented as part of a golf course community. <http://www.drhortonfraud.com/id13.html> In  
9 Nevada, the court has violated its own decision in Safe Homes Nevada by allowing DHI to file a  
10 second SLAPP motion to chill Missud's speech in case #A551662.  
11 <http://www.lvrj.com/news/11802041.html> and <http://www.clarkcountycourts.us/> Donald Horton  
12 has already bought the First Amendment's Freedom of Speech and Assembly in at least two  
13 states.

## 14 2. U.S. CONSTITUTION ARTICLE IV, SECTION 2: PRIVILEGES AND IMMUNITIES

15 "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens  
16 in the several States."

17 This clause requires interstate protection of "privileges and immunities." The Supreme  
18 Court, has held that the clause means that a state may not discriminate against citizens of  
19 other states in favor of its own citizens. In Corfield v. Coryell, 6 F. Cas. 546 (C.C.E.D. Pa.  
20 1823), the federal circuit court held that privileges and immunities in respect of which  
21 discrimination is barred include protection by the Government; the enjoyment of life and  
22 liberty ... the right of a citizen of one State to pass through, or to reside in any other State,  
23 for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefits  
24 of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the  
25 State; to take, hold and dispose of property, either real or personal; and an exemption  
26 from higher taxes or impositions than are paid by the other citizens of the State.

27 Nevada has clearly favored its own criminal citizens Daniel Callihan, James Frasure, DHI  
28 Mortgage Ltd., Michael Mason, Annie Schankin, D R Horton Inc., Troy Collins, Jeff Ward,  
Deborah Martinez.... and a dozen others who have already been found civilly liable for fraud  
and/or identified in FTC records alleging fraud. [RICO 10-cv-00235-SI, Declaration II, Exhibits 1  
and <http://www.drhortonfraud.com/id12.html> ]. For example, Californians Song, Park, Yoon,  
Missud, Carter, Ollufson..... purchased DHI homes in the Silver State where they were allowed to

1 be fleeced by these same criminal Nevadans. Song, Yoon and Park all contracted to purchase  
2 from D R Horton which repeatedly called them into DHI Mortgage offices where their interest  
3 rates and loan terms were incrementally inflated such that their loans became unaffordable.  
4 <http://www.drhortonfraud.com/id19.html> Sounds like Betsinger. D R Horton then forfeited their  
5 deposits because they did not want to consummate extortive loans. Sounds like Betsinger. Even  
6 after 20 such examples were presented to Nevada's officials that the Nevada 'citizens' were  
7 practicing grand theft, bank fraud, predatory lending and extortion among other crimes, the state  
8 allowed DHI's RICO activities to thrive and financially rape additional Californians.  
9 <http://www.drhortonfraud.com/id4.html> The state of Nevada profited hand\$omely with the  
10 extortive tran\$fer and property taxe\$, along with other fee\$ generated by Donald Horton'\$ home  
11 \$ales. Then, to add insult to injury, when Missud came to Nevada to assert his legal rights to try  
12 and protect other Californians and Nevadans from additional State of Nevada/DHI fraud, the  
13 great \$tate of Nevada eliminated his right to petition the government and maintain his court  
14 action to keep thing\$ \$ecret. <http://www.drhortonfraud.com/id5.html> and  
15 <http://www.drhortonfraud.com/id3.html> . Donald Horton has bought Privileges and Immunities.

### 16 3. FIFTH AMENDMENT DUE PROCESS

17  
18 **Due process** is the principle that the *government must respect all of the legal rights that are*  
19 *owed to a person according to the law.* Due process holds the government subservient to  
20 the law of the land, *protecting individual persons from the state.*

21 Due process has also been frequently interpreted as limiting laws and legal proceedings,  
22 so judges instead of legislators may define and guarantee *fundamental fairness, justice,*  
23 *and liberty.* This interpretation has proven controversial, and is analogous to the concepts  
24 of natural justice and procedural justice used in various jurisdictions. It is also stated that  
25 *the government shall not be unfair to the people.*

26 What can be \$aid? The great \$tate of Nevada has violated the highest laws of the land, \$ided with  
27 the deepe\$t pocket\$, extorted it\$ own con\$umers, and thrown fairne\$\$ out the window. The  
28 Clark County court even stated for the record that D R Horton's Due Process Rights were being  
violated by Missud's First Amendment Truthful Speech (as supported by numerous federal

1 investigations and hundreds/thousands of documents). Money talk\$ in \$in City! Donald Horton  
2 has bought Due Process in La\$ Vega\$.

#### 4 **4. U.S. CONSTITUTION ARTICLE IV, 14<sup>TH</sup> AMENDMENT: EQUAL PROTECTIONS**

5 **Section 1.** “All persons born or naturalized in the United States, and subject to the  
6 jurisdiction thereof, are citizens of the United States and of the State wherein they reside.  
7 No State shall make or enforce any law which shall abridge the privileges or immunities  
8 of citizens of the United States; *nor shall any State deprive any person of life, liberty, or  
property, without due process of law; nor deny to any person within its jurisdiction the equal  
protection of the laws.*”

9  
10 This Amendment's Equal Protection Clause requires states to provide equal protection under the  
11 law to all people within their jurisdictions. Nevada can't even get this one right. Over 80 honest  
12 Nevadans have already been found who were egregiously defrauded, bankrupted and/or  
13 foreclosed on by some of Nevada's most prolific criminals.

14 <http://www.drhortonfraud.com/id19.html> and <http://www.drhortonfraud.com/id12.html> . D R  
15 Horton Inc., its wholly owned subsidiary and RICO operating predatory lender DHI Mortgage  
16 Ltd., former Nevada Deputy Commissioner Susan Eckhardt, Ward, Martinez, Knobloch,  
17 Callihan, Mason, Schankin, Frasier, Collins ..... are all free to fleece their honest Nevada  
18 neighbors for Donald Horton's good, and to fill Nevada's coffer\$ with tran\$fer and property  
19 taxe\$. God Bless Donald Horton and the great \$tate of Nevada. Let 'em roll. Donald Horton  
20 has bought Equal Protections.

#### 21 **5. ARTICLE I: HABEUS CORPUS**

22 Reserved if the court arrests the complainant for redressing his grievance.

#### 24 **6. EIGHTH AMENDMENT EXCESSIVE BAIL**

25 Reserved if the court arrests the complainant for redressing his grievance.

#### 27 **VI. RECENT DEVELOPMENTS**

28 1. On May 27, 2010, the Nevada Supreme Court issued its advisory opinion in Betsinger v. D R Horton, Appeal #50510, 126 Nev. Adv. Opn. No. 17. “Statutory offenses that sound in fraud are

1 separate and distinct from common law fraud. Therefore, we conclude that deceptive trade  
2 practices, as defined under NRS Chapter 598, must only be proven by a preponderance of the  
3 evidence.” The burden of proof is now officially a lower bar to reach. However, in that same  
4 decision, the punitive damages to be paid by DHI Mortgage were remanded to possibly further  
5 reduce them, even though they were already way too low to penalize DHI from repeating the  
6 lucrative financial fraud. The moral of the story is that crime pays and once caught, the penalty  
7 makes the nationwide fraud worth repeating from the safety of Nevada’s borders.

8 2. On July 12, 2010, the court refused press access to the July 13, 2010 hearing in direct  
9 contravention of both the U. S. Constitution and Nevada’s own rules regarding sealing and  
10 redacting court records.

11 3. On July 21, 2010, the court penalized Missud for uncovering D R Horton’s nationwide  
12 racketeering. Judge Gonzales ordered that state and federal whistle blower Missud pay for  
13 Defendants’ costs and fees for trying to suppress their nationwide criminal acts, which have also  
14 stuffed Nevada’s coffers when real estate was ‘hot.’

## 15 VII. CONCLUSIONS:

16 1. Nevada’s Clark County Court has already assisted Donald Horton in creating public financial  
17 hazards throughout Nevada in contravention of the NR\$ \$RCR rules;

18 2. Nevada will continue to ‘earn’ transfer tax\$ from Donald Horton’s ongoing extortive home  
19 sales throughout Nevada as he is currently doing throughout Arizona

20 <http://www.hud.gov/offices/oig/reports/files/ig1091009.pdf> . For that matter, in the first 6  
21 months of this year, D R Horton has sold an additional 406 homes in Las Vegas\$ and has the  
22 largest market share of all the builders\$: [http://www.snhba.com/economic\\_indicators.html](http://www.snhba.com/economic_indicators.html) ;

23 3. Additional judges from Nevada will likely join judge\$ Coltrane, Porteus\$,

24 <http://washingtontimes.com/news/2009/dec/19/impeachment-appears-imminent-for-federal-judge/>  
25 Benjamin <http://www.reuters.com/article/idUSN0832244320090608> and Maynard in the Virgin  
26 Islands to share some laughs with good friend and ‘contributor’ Donald cash-in-your pocket  
27 Horton [http://www.wvrecord.com/news/208928-supreme-court-says-it-cant-investigate-maynard-](http://www.wvrecord.com/news/208928-supreme-court-says-it-cant-investigate-maynard-blankenship-friendship)  
28 [blankenship-friendship](http://www.wvrecord.com/news/208928-supreme-court-says-it-cant-investigate-maynard-blankenship-friendship) ;

1 4. Donald Horton will continue to steal TARP funds and take hundreds of millions in tax write-  
2 offs injuring 300 million Americans from his safe harbor in Las Vegas, Nevada, the criminal  
3 capitol of the world.

4 5. Money still talk\$, but perhaps a lot of media exposure might get it to only whisper.

## 6 VII. PRAYER FOR RELIEF

- 7 1. In restitution of Nevada's homeowners whose property values have been decimated by the  
8 great State of Nevada, \$835,500,000.00 which is the amount that D R Horton's CEO,  
9 Donald Tomnitz wrote off in fiscal 2008 in tax look back provisions which were lobbied in  
10 Congress by his agent Jester to get TARP and other funds from honest American  
11 taxpayers [http://seekingalpha.com/article/109112-d-r-horton-inc-f4q08-qtr-end-09-30-08-  
12 earnings-call-transcript?source=bnet&page=2,](http://seekingalpha.com/article/109112-d-r-horton-inc-f4q08-qtr-end-09-30-08-earnings-call-transcript?source=bnet&page=2)

13 Donald Tomnitz: "Well, actually the high production homebuilders council  
14 has been working very hard in terms of trying to visit, have been visiting  
15 members of Congress on what we think our plight is. And frankly I'd suggest  
16 that you call back and give Jester your number, we'd love to update you on  
17 what they are working on, because basically they're working on something  
18 that is very similar to the last time we had had a major downturn in terms of  
19 homebuyer credits, something that's more substantial than what they passed  
20 the first time which is \$7,500 credit that you have to pay back. So frankly it  
21 is a good initiative. We believe strongly in it, we're supporting it, but  
22 something has to be done much more than what's been done so far, because  
23 the only way people are going to buy homes is when they realize and a  
24 substantial number of homes being sold that they have to have value, their  
25 value is not going to erode after they've purchased the home, and that's just  
26 not appealing in the marketplace today."

27 and page 29 of RICO 10-cv-235 <http://avenue-s.us/DRHRICO.pdf> ;

- 28 2. In restitution of out of state homeowners whose property values have been decimated by  
the great State of Nevada, \$352,000,000.00 which is related to DHI's taxable loss for  
fiscal 2009, paid for TARP providing taxpayers, the same ones who were already fleeced a  
first time by Donald Horton: [http://seekingalpha.com/article/202119-dr-horton-q2-2010-  
earnings-call-transcript?page=2](http://seekingalpha.com/article/202119-dr-horton-q2-2010-earnings-call-transcript?page=2)

Stacey Dwyer: "During our March quarter, we received the tax refund of  
approximately \$352 million related to our taxable loss in fiscal 2009. Our  
current \$29 million income tax receivable is expected to be received from

1 state and federal tax refunds in future periods. Our deferred tax asset is now  
2 \$894.1 million and is fully reserved at March 31.”

- 3 3. As a first installment to restore international losses due to DHI’s knowingly originating  
4 predatory loans which were then resold by Goldman Sachs in ‘shitty deals,’  
5 \$149,200,000.00 representing only the first quarter tax write off for fiscal 2010:  
6 <http://www.bloomberg.com/apps/news?pid=20601087&sid=ah.WnNdy8hUY&pos=4> and  
7 <http://www.nytimes.com/2010/02/03/business/03home.html> and  
8 [http://www.telegraph.co.uk/finance/comment/ambroseevans\\_pritchard/3118994/Financial](http://www.telegraph.co.uk/finance/comment/ambroseevans_pritchard/3118994/Financial-Crisis-So-much-for-tirades-against-American-greed.html)  
9 [l-Crisis-So-much-for-tirades-against-American-greed.html](http://www.telegraph.co.uk/finance/comment/ambroseevans_pritchard/3118994/Financial-Crisis-So-much-for-tirades-against-American-greed.html)
- 10 4. In restitution of Missud’s enormous efforts to bring the ‘just and equitable’ judiciary back  
11 in line, restore the ideals and fundamental rights embodied in the Constitution, and settle  
12 the founding fathers back in their graves, the combined salaries ‘earned’ by both Donalds  
13 Horton and Tomnitz from 2007-2010, which were clearly procured through extortion,  
14 grand larceny, mail fraud and financial rape of the American people:  
15 <http://www.reuters.com/assets/print?aid=USTRE6452KQ20100506>
- 16 5. In restitution of Corrente’s and other consumers’ efforts to expose the Donalds’ enormous  
17 greed, and utter disdain/complete dismissal of state and federal laws, the repurchase of  
18 construction defect riddled homes at original contract price plus additional amounts for  
19 consumers’ trouble as honest advocates: [http://orleansdodge.net/my-3yr-old-new-](http://orleansdodge.net/my-3yr-old-new-construction-home-is-falling-apart-and-in-75-negative-equity-what-should-i-do#comments)  
20 [construction-home-is-falling-apart-and-in-75-negative-equity-what-should-i-do#comments](http://orleansdodge.net/my-3yr-old-new-construction-home-is-falling-apart-and-in-75-negative-equity-what-should-i-do#comments)
- 21 6. Variable costs will be added to the final registered draft of this complaint which include:  
22 a.) \$5 million per week starting from June 2, 2010, the date that Clark County’s Discovery  
23 Commissioner lied, until the complaint is filed pending Judge Gonzales’ ruling on  
24 Defendants costs and fees in A551662;  
25 b.) 5X the costs and fees awarded to DHI in A551662 by Judge Gonzales, for her part in  
26 concealing and suppressing DHI’s nationwide fraud, extortion, predatory lending, bank  
27 fraud, mail fraud, wire fraud, misrepresentation, bait and switch, deceptive trade, .....,  
28 and major role in causing the nation’s mortgage melt down.
7. Other just and equitable relief as the DOJ, honest judges, and hard working American  
taxpaying public deem appropriate. (Like prison terms for DHI’s officers).

