AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT

LEON R. KOZIOL, et. al.

Plaintiff

v.

JONATHAN LIPPMAN , et. al.

Defendant

Civil Action No. 6:10-CV-1361 NAM/GHL

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jonathan Lippman
New York Court of Appeals
Albany, New York

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Leon Koziol
1518 Genesee Street
Utica, New York 13502

If you fail to respond, 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.

Lawrence K. Baerman
CLERK OF COURT

Date: 11/10/2010

Maria A. Pluent
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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LEON R. KOZIOL, individually and as natural parent of Child "A" and Child "B", and on behalf of parents similarly situated,

Plaintiffs,

-against-

JONATHAN LIPPMAN, individually and as Chief Administrative Officer of the New York Unified Court System; the NEW YORK UNIFIED COURT SYSTEM; the STATE OF NEW YORK; JOHN W. GROW, individually and as State Supreme Court Judge; CHARLES MERRELL, individually and as Family Court Judge; GEORGE S. GETMAN, individually and as Support Magistrate; MICHAEL DALEY, individually and as Acting Judge; JUSTICES OF THE APPELLATE DIVISION THIRD/ FOURTH DEPARTMENTS; FIFTH JUDICIAL DISTRICT GRIEVANCE COMMITTEE; GREGORY HUETHER, individually and as Chief Counsel/ Complainant of the Fifth Judicial District; MARY GASPARINI, individually and as investigator/attorney for the Fifth District; KATHLEEN SEBELIUS, U.S. Secretary of Health and Human Services; BRIAN J. WING, individually and as Commissioner of the Office of Temporary and Disability Assistance; DAVID J. SWARTS, as Commissioner of Motor Vehicles; LUCILLE SOLDATO, individually and as Commissioner of the Oneida County Department of Social Services; DARLENE CHUDYK, individually and as "Investigator" for Oneida County; KELLY HAWSE-KOZIOL individually and as "Custodial Parent" for the State of New York; KEITH EISENHUT; WILLIAM KOSLOSKY, individually and as the state's "Attorney for the Child"; MARTHA WALSH-HOOD, individually and as Acting Judge; C. DUNCAN KERR, individually and as Deputy Tax Commissioner; DONNA COSTELLO, CHARLOTTE KIEHLE and unknown enforcement agents of the state, County of Oneida and New Hartford Police; COUNTY OF ONEIDA and TOWN OF NEW HARTFORD,

Defendants.

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COMPLAINT

Case No.

6:10-CV-1361

NAM / GHL

Plaintiffs, as and for a Complaint against the above-named defendants, set forth the following:

Preliminary Statement

(1) The State of New York maintains a separate but unequal doctrine of parenting laws in domestic relations matters which is inherently unconstitutional and fraudulently designed, in part, to exploit children for money generating purposes.

(2) Custodial and non-custodial classifications are mandated in blanket fashion among separated parents to provoke public court contests and a stream of money transfers upon which to generate government support. Mainstream and irresponsible parents are lumped together under this scheme and arbitrarily forced to prove their fitness to the state.

(3) A "custodial institution of childrearing" has consequently arisen whereby residents and businesses are needlessly brought under state scrutiny, children are placed above their parents against a natural order of childrearing, and gender discrimination is practiced in order to comply with federal welfare laws found in Title IV-D of the Social Security Act.

(4) As relevant here, the named defendants have committed the plaintiff parents and children indefinitely to this custodial institution in violation of parenting agreements and a full range of inalienable rights protected by the United States Constitution without a compelling, important or rational basis.

Parties

(5) Plaintiff, Leon R. Koziol, hereinafter referred to as the "father", is the natural parent of Child "A" and Child "B" with a residence located in the Town of New Hartford, Oneida County, New York. Until the time of his public and professional challenges to the above described laws and practices, he possessed an unblemished 23 year career as a civil rights attorney and public office holder where he derived income for childrearing purposes.

(6) Plaintiffs, Child “A” and Child “B” were born to the father in 2002 and 2003 respectively, having thereby established a unique and unbroken genetic bond with him which originates from a time immemorial. The father has nurtured and enhanced this bond to the present day notwithstanding the efforts of the defendants to extinguish that bond.

(7) Plaintiff parents, similarly situated, are unidentified in this pleading due to a generalized fear of retaliation and an inherent impossibility of joining them in any class action under the state of laws associated with domestic relations litigation in New York State.

(8) Defendant, Jonathan Lippman, is the Chief Justice of the New York Court of Appeals. As relevant to this Complaint, he has charge over the administration of domestic relations matters and case management orders of the New York Unified Court System. His principal place of business is found in the City of Albany, New York.

(9) Defendant, New York Unified Court System, hereinafter “UCS”, is the branch of state government which has assumed control over all children found subject to its wide ranging jurisdiction. As relevant to this Complaint, it has pursued litigation against other co-equal branches of government in its own courts in order to command judicial pay raises.

(10) Defendant, State of New York, has established a socialist form of government which controls every manner of activity enjoyed by the People in violation of the state and federal constitutions. As relevant to this Complaint, it features a multi-tiered court system in family matters designed to conform to Title IV-D of the Social Security Act.

(11) Defendant, John Grow, is, or was, a state Supreme Court Judge in Rome, New York and member of the Unified Court System accorded initial jurisdiction over an uncontested action for divorce filed by the father in September, 2005. As relevant to this

Complaint, he personally damaged successfully performed childrearing agreements without lawful authority, substituting his judgments for those of the natural parents.

(12) Defendant, Charles C. Merrell, is a Family Court Judge in Lewis County purporting to act in a judicial capacity over plaintiffs before recusing himself in December, 2007. As relevant to this Complaint, he retained an attorney for the plaintiff children without prior notice, cause or authority, thereby substituting additional judgments for the parents.

(13) Defendant, George S. Getman, is a state Support Magistrate in Herkimer, New York operating at the lowest tier of domestic relations processes. As relevant to this Complaint, he assisted defendants in the mass production of "child support" orders coerced from the father here under threat of incarceration in a manner which harmed child relations.

(14) Defendant, Michael Daley, is a state Supreme Court Judge acting upon the plaintiffs' domestic relations matters in some hybrid capacity. As relevant to this Complaint, he abused his position as a jurist by directing sheriff deputies to investigate the father's girlfriend after recusing himself from prior cases involving the father in his lawyer capacity.

(15) Defendant, Justices of the Appellate Division, Third/ Fourth Departments, is the body of government in Albany and Rochester, New York which licenses attorneys and acts a middle level appeals capacity. As relevant to this Complaint, it abused its disciplinary authority by retaliating against the father with concocted charges for critical statements made in divorce appeals during processes interacting simultaneously in 2008, 2009 and 2010.

(16) Defendant, Fifth Judicial District Grievance Committee, is the local entity in Syracuse, New York, acting in attorney disciplinary processes for the defendant Fourth Department Justices. As relevant to this Complaint, it orchestrated a disciplinary process to suppress the father's rights of defense, lawyer criticisms and filing of reform petitions.

(17) Defendant, Gregory Huether, is the Chief Counsel of the defendant Fifth District Committee appointed by the defendant Fourth Department Justices. As relevant to this Complaint, he fashioned a disciplinary process designed to remove the father from the legal profession in retaliation for his exercise of protected constitutional rights.

(18) Defendant, Mary Gasparini, is a subordinate attorney hired by the defendant Fourth Department Justices to conduct disciplinary cases. As relevant here, she exceeded her scope by concocting complaints in retaliation for the father's exercise of First Amendment rights against vague, conflicting and exploited rules of professional conduct.

(19) Defendant, Kathleen Sebelius, is the Secretary of Health and Human Services for the United States government. As relevant to this Complaint, she has charge over the administration and enforcement of Title IV-D of the Social Security Act with a principal place of business located in Washington, D.C.

(20) Defendant, Brian J. Wing, is the Commissioner of the Office of Temporary and Disability Assistance for the State of New York. As relevant to this Complaint, he exceeded his scope by targeting plaintiffs in the above described scheme of money generating processes and causing severe injuries to child sustenance and fundamental parent child relationships.

(21) Defendant, David J. Swarts, is the Commissioner of Motor Vehicles for the State of New York with a principal place of business located in Albany, New York.

(22) Defendant, Lucille Soldato, is the Commissioner of the Oneida County Department of Social Services in Utica, New York. As relevant to this Complaint, she directed and participated in enforcement actions over the father and his children resulting in suspension of the father's driving privileges, livelihood and an unlawful seizure of assets.

(23) Defendant, Darlene Chudyk, is a person acting under color of state law styling herself as an "investigator o/b/o Kelly Hawse-Koziol" for Oneida County. As relevant to this Complaint, she filed an unlawful action against the father on September 18, 2008 which remained pending under duress before defendants Getman and Daley until August 23, 2010.

(24) Defendant, Kelly Hawse-Koziol, hereinafter "custodial agent", is the natural mother of the plaintiff children residing in New Hartford, New York. As relevant to this Complaint, since 2005, she has been transformed by other defendants into a statutory creature known as a "custodial parent", abusing powers to tax and destroy the father of her children.

(25) Defendant, Keith Eisenhut, hereinafter "lawyer", is a divorce lawyer in Utica, New York retained on March 1, 2006 by the custodial agent. As relevant to this Complaint, until his discharge in November, 2008, he committed unethical and child damaging practices to extort legal fees while seated on the defendant Grievance (ethics) Committee.

(26) Defendant, William Koslosky, hereinafter "attorney", was appointed to a state position of "attorney for the child" at the urging of defendant lawyer by the defendants UCS, Merrell and Grow, over parental objections. As relevant to this Complaint, he promoted his own interests in a malicious effort to permanently alienate the children from their father.

(27) Defendant, Martha Walsh-Hood, hereinafter "Hood", is a Family Court Judge in Syracuse, New York purporting to act as a state Supreme Court Judge. As relevant to this Complaint, she manipulated processes to retain a custodial status quo between the parents while retaliating against plaintiffs for their exercise of protected constitutional rights.

(28) Defendant, C. Duncan Kerr, is the Deputy Tax Commissioner for the state Department of Taxation and Finance, Child Support Enforcement Section in Albany, New

York. As relevant to this Complaint, she directed and participated in an unlawful seizure of assets from the father's homestead on October 19, 2010.

(29) Defendant, Donna Costello, is a state Tax Compliance Agent in Utica, New York. As relevant to this Complaint, she directed and participated in an unlawful seizure of assets from the father's homestead on October 19, 2010 in part retaliation for the exercise of protected constitutional rights.

(30) Defendants, Charlotte Kiehle and unknown enforcement agents of the state, county and town police, are persons who invaded plaintiffs' homestead October 19, 2010. As relevant to this Complaint, they acted in violation of their own warrant, levy, and operative court order, all in further retaliation for the father's exercise of protected constitutional rights.

(31) Defendant, County of Oneida, is a municipal corporation duly organized under the laws of the State of New York with a principal place of business located in Utica, New York. As relevant to this Complaint, it relies upon revenues secured through unconstitutional policies and practices exemplified by this case.

(32) Defendant, Town of New Hartford, is a municipal corporation duly organized under the laws of the State of New York. As relevant to this Complaint, it directed its police force in a manner to provoke controversy and arrest of the father without reasonable cause in retaliation for the filing of unrelated civil rights actions against its police department.

Jurisdiction

(33) This action is brought, in part, pursuant to 42 U.S.C. Sections 1983, 1985, 1986 and the First, Fourth, Fifth, Eighth, Ninth, Tenth, Thirteenth and Fourteenth Amendments to the United States Constitution to redress the deprivation of rights secured to

the plaintiffs. Jurisdiction of this Court is founded upon 28 U.S.C. Sections 1331, 1361, 1367(a), 2201 and 2202.

(34) Jurisdiction and pendent claims are further supported by Title IV-D of the Social Security Act generally, and 42 U.S.C. Section 652(a)(8) specifically. The State of New York is engaged in the use of federal district courts, and will continue to do so here in the parenting of children found within the state for revenue generating purposes.

Background

(35) On January 1, 2000, the parties, Leon R. Koziol and Kelly Hawse-Koziol forged an intimate partnership for the purpose of creating children and a family. This objective was achieved, in part, on May 20, 2001 when their first "Child A" was conceived.

(36) Two children were ultimately born of this partnership through a natural process that infused co-equal genetic traits uniquely within each infant. Such traits are, and remain, most cognizable to the parents charged with a duty and right to rear their own children.

(37) The father participated in successive birthing processes to the extent of his natural capacity. Among other things, he engaged in, or assisted with, intimate decisions, sonogram viewings, exigent home confinement, pre-birth programs and delivery processes.

(38) During the year 2003, the parents commenced a residential separation. The first proposed agreement drafted by the mother "at Mr. Koziol's request" contained references to "sole custody" over Child "A" and "baby Koziol unborn" (Child "B"). This version was rejected due to a tendency of "custody" terms to extinguish the father's co-parenting rights.

(39) Ultimately, upon the birth of Child "B" later the same year, the parents entered into a "joint custody" arrangement consistent with state mandates. A July 14, 2004 parenting

(separation) agreement addressed all material child rearing issues notwithstanding the state's "custodial" framework which was alien to their parenting philosophy.

(40) The parents and children enjoyed an improved environment over an ensuing 18 month period of separation. By example, the father agreed to pay the full cost of pre-school tuition instead of a half amount under contract while his parenting time was nearly doubled consistent with an equal time transition and shared parenting philosophy.

(41) An uncontested divorce action followed, and on January 5, 2006, the father petitioned defendant UCS for a final decree dissolving the three year marital partnership. The parents sought an expeditious, economical and confidential outcome based upon successful completion of the one year period of separation under state Domestic Relations Law 170(6).

(42) The petition was immediately assigned to defendant Grow where it remained unresolved for a period of years. On October 8, 2008, a letter ruling stated erroneously for the first time that the parties' submissions had violated sections 236 and 240 of the same law, thereby precluding finality and provoking controversy to the detriment of the children.

(43) Such controversy was commenced on March 1, 2006 when the said custodial agent retained defendant lawyer to supervise her part in the continuing process. A settlement conference with the Court was rejected by the lawyer in favor of unauthorized communication which immediately caused a written court directive to this lawyer to cease such behavior.

(44) The lawyer then filed a public motion with defendant Grow contesting the petition together with demands for an investigation into the father's financial and personal life. The father cross-moved for disqualification of the lawyer based upon personal, political and ethical conflicts. Prior abuses of the UCS by this lawyer were cited, as "child support" was being extorted and diverted to the father's then existing campaign opponent for Congress.

(45) On May 18, 2006, defendant Grow issued a letter decision which contained an interim "child support" order without any fact finding on the arbitrary presumption that the father alone was not properly supporting his own children. Disclosure of the father's personal and financial affairs was also ordered and erroneously stated to be by "agreement".

(46) During this newly contested period, the lawyer exploited his state law license consistent with an unremedied history of unethical behavior to convince the custodial agent that she would be entitled to "child support" from the father as high as $6,000 monthly instead of the $1100 agreed upon by the parents. A $3,000 payment was extorted contrary to law.

(47) To avert consequential childrearing conflicts, the parents nevertheless separately completed a new "opt-out" arrangement under a provision commonly known as the Child Support Standards Act, hereinafter "CSSA". This fully executed agreement collapsed in October, 2006 when the lawyer continued fraudulent and unauthorized communications.

(48) During this opt-out process, the mother became empowered by her assumed status as "custodial parent" under federal and state law. The lawyer convinced her to exploit the children to coerce unmanageable support orders and counsel fees, in effect, compelling the father to finance all the costs of escalating litigation. Child relations continued to deteriorate.

(49) On November 10, 2006, the father responded with an omnibus motion for, inter alia, equal parenting rights under the Constitution, "custody" rights in the alternative, transfer to a neutral location and orders to offset an extinguishment of his fatherhood role. The custodial agent offered to substitute this role in exchange for an end to child support.

(50) In a January 11, 2007 argument transcript, defendant Grow denied the father's motion for parenting and constitutional relief, citing "husbands" who refused to support children in the seventies. He focused proceedings instead upon money issues and directed the

father to renew his "custody" petitions at a later time due to an alleged lack of changed circumstances. The father objected to such delay because of its predictable controversy.

(51) As part of his ensuing formal decision, defendant Grow issued latent protection orders against the lawyer and custodial agent due to their joint violations of an earlier confidentiality directive. The father appealed the remaining parts, but the record was insulated from review by a lower court "final" certification which excluded the argument transcript.

(52) Such transcript corroborated oppressive and discriminatory treatment needed to show constitutional violations. It would also have shown the trial judge's noncompliance with section 71 of the Executive Law regarding a legal precondition for consideration of constitutional challenges to statute and unique dilemmas caused by delayed decision making.

(53) On September 17, 2007, defendant Grow signed a divorce decree over the objections of the father which wrongfully bifurcated continuing unresolved support and custody issues, respectively, between Supreme Court and Family Court. Another money petition was then granted for the mother and another parenting petition denied to the father.

(54) As a result, the father was forced to petition defendant Family Court Judge, Charles Merrell, to enforce his parenting rights. Unfamiliar with the case, and in disregard of a divorce proviso requiring schedule changes to be in writing, defendant Merrell denied a prime time Thanksgiving period consistent with ongoing bias shown by the defendant UCS.

(55) This deprivation occurred during an exigent teleconference three weeks prior to defendant Merrell's recusal when he simultaneously appointed an "attorney for the child" without prior notice at the lawyer's urging. This added party further intruded upon parent-child privacy with incompetent judgments and escalating controversy for both family units.

(56) Continuing unresolved discord predicted one year earlier resulted in a retaliatory petition to terminate all "joint custody" on December 26, 2007. This was based on a "complete breakdown in communication" between the parents. The father had ceased all non-emergency conversations due to the aforesaid extortionist threats and "custody" tactics.

(57) Such tactics evolved from Title IV-D to establish an aggravated contest for the purpose of naming a statutorily mandated "custodial parent". This contest was at all times a foregone conclusion to the father due to gender biased caregiver doctrines and natural deference to the infant Child "A" and unborn Child "B" when the parents agreed to separate.

(58) Over time, the mother limited the father's access to his children to maintain a custodial welfare check of indefinite proportion. When she exploited her powers further to damage income capacities, the father petitioned for suspension of "child support" consistent with a set remedy for "visitation" violations. This remedy was never seriously considered.

(59) A show cause petition was therefore necessitated before a defendant Fourth Department Judge on January 3, 2008 in Syracuse. An interim order, decree and two letter decisions in 2007 were consolidated on appeal and submitted in three parts. They included criticisms of bench and bar practices along with descriptions of the lawyer as "unethical" and "unrestrained by the State" in proceedings conducted as a "star chamber of sorts."

(60) Six days after the filing of this petition, on the same day as appeal arguments were being heard, an ethics investigation was opened several blocks away by the defendants Fourth Department, Fifth District, Huether and Gasparini into the father's unblemished professional background over two decades. On January 11, 2008, formal notice of misconduct was issued in connection with eleven grievances dating back to events of the year 2000.

(61) A disciplinary process was then uniquely tailored against the father-attorney-litigant which included the following:

(a) false and misleading statements by defendants Huether and Gasparini to defendant ethics committee and Fourth Department Justices in violation of ethics rules;

(b) misconduct determinations on a complaint first submitted one month earlier prior to the attorney's receipt for fair response routinely accorded other attorneys;

(c) a voluminous report haphazardly assembled by defendant Gasparini alleging numerous violations of vague and irreconcilable code provisions designed to coerce confessions and a first time disciplinary finding by defendant ethics committee;

(d) recommendations which failed to account for basic facts over a five year period that actually showed the father-attorney's proper compliance with ethical obligations.

(62) On or about February 22, 2008, a Fourth Department panel denied a stay on appeal in the father's domestic relations case based upon the same three part submission reviewed by a single member one month earlier. Only days later, disciplinary processes were adjourned to scrutinize the father-attorney's voluminous response report for any discrepancies that could be used to elevate a recommended confidential "admonition" to "formal charges".

(63) Over a period of five months, at least three of the eleven original determinations were reversed and dismissed exclusively on the face content of the same grievances with such conclusions as: "the complaint states no allegations, which if proven true, would result in a breach of any disciplinary (ethics) rule." Another two were similarly dismissed years later.

(64) On or about June 15, 2008, the father filed a state court action in Albany, New York against defendant UCS on behalf of several fathers, a non-custodial mother and the National League of Fathers, Inc. It was a test case critical of bench and bar practices in domestic relations litigation. This was followed by public speaking engagements in Washington D.C. and elsewhere which were reported nationwide on various internet sites.

(65) In September, 2008, defendants Heuther, Gasparini and Committee filed formal charges precipitated by three concocted discrepancies derived from a comparison of the father's hastily prepared response report dated February 25, 2008 and isolated responses made years earlier. Unlike the adjournment granted to scrutinize the father's report, a similar request was denied the father to properly defend against many years of combined complaints.

(66) To address growing misconduct by an "unethical ethics committee", as it was described, the father filed a pre-hearing motion in April, 2009 with the defendant Fourth Department seeking relief under the United States Constitution, a transfer of processes to an unbiased court, and discovery needed to evidence First Amendment retaliation. This was denied upon opposition papers which claimed the absence of legal authority for such relief.

(67) Of the five remaining grievants exploited to generate a formal hearing in June, 2009, one never appeared, another refused to comply with defendants' subpoena and a third had withdrawn his grievance in 2005. Plaintiff's 2008 response report included an affidavit from the latter admitting the falsity of his complaint and an illicit scheme with other lawyers. This was all withheld from the voluminous petition (charges) before the Fourth Department.

(68) The hearing directed by the latter defendant nevertheless went forward in a hostile, biased and retaliatory manner in June, 2009. The said latter grievant was never called or subpoenaed. Instead, he appeared without compulsion on plaintiff's behalf to reiterate his earlier recantations. A county legislator at the time, the referee compared him to a "retard".

(69) Contemporaneous with the appeals petition and disciplinary processes, an order was issued by defendant Jonathan Lippman which returned all severed components of the father's original uncontested divorce to defendant Grow. This order altered existing

appellate processes while causing the father alone to prepare and appear for a "custody" proceeding in another county that had been cancelled beforehand without any notice to him.

(70) By 2008, the defendants' combined processes were severely impairing the father's law practice, income forecasts and child enjoyment. When a licensed attorney was accordingly substituted to make basic court appearances, defendants Huether, Gasparini, Committee and Fourth Department retaliated further with new charges that the father had "neglected" matters in "dishonest" fashion contrary to similar practices by larger law firms.

(71) The same impairments forced the father to rely upon a proviso in the parents' 2004 agreement which called for termination of basic support amounts when preschool tuition became shared, a condition then satisfied without dispute. A $2,000 payment was made in good faith toward "add-on" child expenses in February, 2008. However, defendant Grow wholly disregarded this proviso ordered under his own 2007 decree in subsequent processes.

(72) Exemplary is a series of petitions and counter-petitions between March and November, 2008 treated in discriminatory pattern against the father's parenting interests and in favor of defendants' money interests. Even telephone contact with plaintiff children was never enforced over a five year period on the lawyer's claim of their "burdensome" nature.

(73) A signed order emerged from these proceedings which failed to include a summary denial of support suspension and the father's signed show cause order for contempt against the custodial agent. These child matters became thereby further insulated from review.

(74) Among the decisions that were provided in said order was an unauthorized one never requested or raised for deliberation by any party beforehand. Defendant Grow granted an oral request by the lawyer at the conclusion of a June, 2008 bench decision for

enforcement of support through a state child support collection unit, hereinafter "CSCU". The state was accordingly made a functioning party to litigation on the side of its custodial agent.

(75) A disjointed "support" hearing was held one month later out of proper order based upon "custodial" and "non-custodial" roles never identified in the parties' parenting agreements. Decisions continued to be made along gender lines, thereby impairing and prejudging the father's rights in any "custody" hearing yet to be conducted.

(76) By example, defendant Grow sought in vain to find ethics issues at this hearing in the father's financial statements while ignoring perjurious ones in the mother's filings. A disqualification motion was therefore asserted similar to one denied on the June motion record but also never included in the signed order for appeal. Among the grounds was an ongoing tolerance of the lawyer's misconduct as a member of defendant ethics Committee, to wit:

(a) repeat violations of confidentiality directives resulting in protection orders never enforced against lawyer and client;

(b) filing of papers "in the wrong court" resulting in dismissal and costly renewal one year later at parental expense;

(c) drafting of a proposed decree, corrected by the father, which found his own client to have committed "cruel and inhumane" treatment of the father on an uncontested case;

(d) maliciously delayed disclosure of fraudulent support bills which collapsed his client's signed opt-out settlement in 2006 and forced the costly continuing proceedings;

(e) coercive and unauthorized threats to gain arbitrarily inflated child support transfers and lawyer compensation from the father; and

(f) submission of sworn client papers having clearly demonstrable false statements on their face which threatened his client's professional career and ability to support her own children.

(77) On October 7, 2008, a resulting letter decision found that the father had been overpaying the CSSA basic support obligation over a three year period. To preserve the status quo and state's money interests while absolving himself of the damage to date, defendant Grow nevertheless retained the outdated 2005 agreed upon amounts in his order without explanation in violation of the same CSSA. Lawyer fees awarded against the father, later abandoned, were derived from events partially described in the previous paragraph.

(78) Defendant George S. Getman, became the tenth trial level member of the UCS to become involved in the case in November, 2008 as a support magistrate. Defendants State, Wing, Soldato, Chudyk, and Custodial Agent sponsored an unauthorized, fraudulent and stigmatizing petition for support violations which produced a suspension of the father's driving privileges without proper hearing, official notice or opportunity for appellate review.

(79) A federal court action was therefore filed, necessarily naming defendant Getman who, in turn, vowed revenge from his bench and sanctions never sought by his lawyer thereafter. He denied the father's requisite motion for disqualification and concluded hearings on April 6, 2009 with a jail recommendation for alleged child support violations.

(80) In consequence, objections were timely filed, resulting in a "confirmation" hearing scheduled for May 26, 2009 in Family Court. Defendant Michael Daley was assigned by defendants Lippman and UCS to decide the jail question notwithstanding Daley's prior removal by order referenced at paragraph 69, his history of recusals involving the father in a lawyer capacity, and designation outside of proper order as a state Supreme Court Judge.

(81) On May 21, 2009, during a child exchange at the mother (agent's) home, three New Hartford police vehicles arrived unannounced at the scene. Officers then directed the father to remain in his vehicle due to a suspension of driving privileges. After a public display

near the children, alternate transportation was secured, resulting in further parenting deprivations. Plaintiff received no prior notice of suspension from any authorized agency.

(82) As an additional consequence, the father was unable to appear days later for the hearing set by defendant Daley in Herkimer the morning after Memorial Day. A first appearance was accordingly consummated by telephone with a timely hearing to be scheduled to address conceded jurisdictional complications, judge competency and record production.

(83) One hour later, Herkimer County Sheriff deputies arrived at the business place of plaintiff's girlfriend to complete an investigation of her location. This was ordered by defendant Daley without authority, cause or prior notice. It produced issue in a relationship which was a source of income to offset losses caused by defendants' combined impairments.

(84) In July, 2009, the father received his first confirmed hearing notice to address parenting petitions dating back to November 10, 2006. This was set to occur before defendant Hood, a Family Court Judge in Syracuse acting in the capacity of state Supreme Court Judge. At the first appearance, numerous petitions over the years were presented, including an April, 2009 unsigned show cause order seeking "supervised visitation" which was never served.

(85) Over the father's requests for adjournment to assert formal responses and a conference to define its scope, the hearing went forward the next day. Demonstrably unfamiliar with the case, defendant Hood ordered a reversal in case presentment to offset notice issues. She also rationalized and marginalized yet another weekend of parenting time unilaterally denied to the father on the eve of hearing allegedly for "make up" reasons.

(86) Over the course of a four day hearing, defendant Hood joined other defendants in longstanding tactics designed to provoke outrage from the father and a male stereotype as unfit caregiver. Among the examples, she confined him to his trial table, effectively deprived

him the use of his pen (which she alone deemed to be a weapon of intimidation) and effectively prevented the father from presenting a profound case supported by ten witnesses.

(87) The father ultimately obtained permission to safely exit the courtroom prior to conclusion on the last day to avoid further provocations. The result had been predetermined by years of frustrated petitions and parenting deprivations which foreclosed any reasonable opportunity for the father to demonstrate "relative fitness" under New York "custody" law.

(88) As the 18th trial level judge to become assigned to a single case, splintered by years of petitions, processes and UCS orders, defendant Hood acted to preserve a custodial status quo for the benefit of other defendants rather than plaintiff children. Accordingly, an order was issued limiting the father's contact with his daughters. It was executed without notice to cause contempt by ambush, avoided by happenstance on July 29, 2009.

(89) These events were further orchestrated in retaliation for public criticisms of the UCS. During the hearing, the father's participation in parenting rights activities was allowed into the record. Specific references included a convention in Washington D.C. where internet videos showed the plaintiff children clinging to their father before an entertained audience.

(90) Contemporaneous with this hearing, Fourth Department defendants opened yet another investigation into unresolved support delinquencies. The combined assault caused the father to cease child contact until proper protection could be secured. The vague hearing order was accordingly vacated in November, 2009 but reinstated with particulars only days later.

(91) On October 1, 2009, defendant Daley issued a "willful violation order" without the hearing committed on the May 26, 2009 record. Improperly processed, this order was then exploited to suspend the father's law license by the defendant Fourth Department which, in turn, refused any review of the constitutional challenges disregarded by defendant Daley.

(92) For her part, defendant Hood reiterated a hearing order the same month which conditioned any "custody" decision upon the parties' half payment of transcripts estimated at $5,000. By reason of child support diversions, the father was effectively burdened with the entire amount contrary to standard Family Court practices. Both defendants Daley and Hood were manipulating jurisdiction to impose Supreme Court motion fees as additional conditions.

(93) On January 22, 2010, defendant Hood issued a decision on the July, 2009 hearing which was not filed as directed until June, 2010 for appeal and enforcement purposes. The decision restored the father's parenting time without weekend overnights to preclude activity previously enjoyed at remote locations. The decision featured extensive grammar errors, concocted facts and career damaging matter without citation to any hearing transcript.

(94) In February, 2010, the defendant "attorney for the child" petitioned defendant Hood for a contempt action before the Fourth Department based on alleged violations of its suspension order. The petition itself outlined the impossibility of compliance with an order publicly entered one week after alleged issuance while the father was still submitting letters to the court on law office stationery. This petition remains in limbo to the present time.

(95) At a May, 2010 hearing, defendant Hood dismissed the July, 2009 petitions by the defendant attorney and agent for lack of evidence. Related orders restricting child access were vacated the same day. Despite requests for a protective copy, no response was given, thereby placing the father at constant risk of ambush during childrearing periods.

(96) On December 5, 2009, the father filed a prohibition action with the defendant Fourth Department against defendants Hood and Daley to compel adherence to timely procedure and constitutional protections. An exigent motion was immediately denied on improper conclusions to foreclose preexisting holiday periods between father and children.

(97) On April 30, 2010, the Fourth Department adversely decided the prohibition action without hearing despite its order two days earlier which transferred all disciplinary matters involving the same party to the Third Department. Such transfer was based on the father's November, 2009 motion, earlier denied without prejudice, on impartiality grounds.

(98) On August 10, 2010, defendant Daley conducted a "confirmation hearing" on the violation action filed by defendants Chudyk, et. al., pending since September 18, 2008. A second motion for recusal and dismissal was filed, this time with Supreme Court filing fee on a Family Court case. Decision was again pushed off indefinitely while the hearing proceeded.

(99) Faced with the prospect of incarceration and the loss of his home where the children were raised since birth, the father entered into a stipulation under duress which served to insulate the prior misconduct of defendants Getman and Daley from review. The father's support violation was removed by way of a $10,000 advance and 50% increase in monthly support payments. Any future delinquency was to be remedied by home sale only.

(100) In chambers, Defendant Daley orchestrated an order which had all sale proceeds of the father's home, yielding three times the total support arrears, held in escrow to cover at least fifteen years of future support. This presumptive and excessive seizure was executed without an "attorney for the child" in complete disregard of the paternal family unit.

(101) Defendant Daley submitted copies of his order to both defendants Third and Fourth Departments to effect a removal of law license suspension needed for income and increased support payments. This fraudulent condition was induced after a seven month period of unemployment while the state withheld payment on a gender discrimination settlement, thereby instigating arrears and attorney-client controversy for disciplinary action.

(102) The defendant Third Department responded on September 23, 2010 with first time misconduct found on two consolidated petitions and a grossly excessive suspension of one year tacked on to the seven months for support violation. Wholly disregarded was the state's role in causing support delinquencies and prosecutorial fraud in the concocted charges.

(103) In conformity with all interacting state sponsored processes over a five year period, defendant Third Department refused to hear diverse constitutional challenges. Among them was the misconduct of the disciplinary referee whose findings were entirely confirmed. The record showed gross alignment, rude behavior and additional concocted representations.

(104) The Third Department decision was designed to publicly discredit the father's civil rights activity and adverse opinions of judicial processes. Three related transfer orders between the defendant departments confirmed discourse between their presiding justices, and various lower judge defendants had acknowledged or demonstrated ex parte discussions.

(105) Defendant Third Department was presented with a summary of interrelated processes over a five year period. Both Departments were criticized in the record for their set practice of enforcing CPLR 1012 notice requirements against litigants while setting aside similar judicial duties under Executive Law 71. This was a means for insulating constitutional challenges from review in the lower courts. The practice was elsewhere compared to tyranny.

(106) Applied here, the father cited a Fourth Department decision in March, 2009, relying on precedent from the Third Department, which denied the consolidated four appeals referenced at paragraph 59. Lack of CPLR notice upon the state Attorney General was faulted to the litigant with no mention of the companion Executive Law duties. Related bad faith existed in the argument transcript excluded from the appeal record at paragraphs 51 and 52.

(107) Successive suspension orders in 2010 by defendants Third and Fourth Departments operate now as a lifetime expulsion from the legal profession nationwide. When applying imputed income doctrine and increased support obligations in vindictive court settings, the father can never rationally satisfy payment to lift the first open ended suspension.

(108) Such punishment was aggravated on October 19, 2010 when state, county and New Hartford Town police and enforcement agents converged upon the father's homestead. Their cited purpose in a state "tax levy" for child support collections was to seize "personal property" found at "1518 Genesee Street, Utica, NY", or the father's former law office.

(109) Despite coming to the wrong address in further violation of the August, 2010 order of Supreme Court Judge Daley, offered at the scene, defendants completed the trespass and seizure in a manner designed to provoke additional outrage, arrest without cause, and remote residential relocation. Due to the unanticipated Third Department suspension, one of the seized assets was scheduled for sale the same day to prevent delinquency and home loss.

(110) The Third Department suspension of the father's law license was, and remains, grossly excessive, wrongfully punitive and imposed in retaliation for the exercise of protected constitutional rights. Examples of disparate treatment between the father and other lawyers in the defendant UCS follow:

> (a) Former state Governor and Attorney General, Eliot Spitzer, resigned public office for acknowledged violations of federal criminal laws prohibiting the transport of prostitutes across state lines. No disciplinary outcome has been publicly announced.
>
> (b) Contemporaneously, in 2008, Attorney Bernard Nussbaum and Wachtell, Lipton, Rosen & Katz filed a complex action on behalf of judges statewide seeking pay raises against co-equal branches of government. Reportedly no fee was charged for an estimated seven figure value of professional services at trial and appellate levels. This comprised an unlawful gift in violation of judicial and lawyer ethics. The Third Department took no action even after its focus on an isolated incident of client assistance involving the moving of office furniture at the father's law office in 2004.

(c) In the defendant Fifth District, lawyers charged with felonies and convicted of crimes included James Kernan and the late Ken Ray. The latter was never publicly censured or suspended for any period while the former served no prison sentence due to unstated impacts upon his law license. Utica Corporation Counsel Linda Fatata was described by a witness in the father's case as an attorney engaged in material discussions with a represented client in a scheme to avoid municipal accountability.

(d) Defendant Fourth Department denied the father's March, 2009 motion for a special ethics prosecutor to investigate the demonstrated misconduct of defendant attorneys and committee members during the father's case, see par. 60, 61, 63, 67 and 76. This led to the conclusion that the defendant state was financing the work of an "unethical ethics committee", producing additional retaliation. Defendant Judge Getman received a six month suspension for spending $7,000 in client funds in 1989.

FIRST CAUSE OF ACTION
(Substantive Due Process)

(111) Plaintiffs repeat and re-allege all of the paragraphs of this pleading against all defendants in the federal causes of action which follow under a conspiracy and joint enterprise theory of liability. Paragraph 116 is incorporated into pendent state claims on the element of damages.

(112) Government seizures of children, homesteads, mobility, livelihoods and precious human rights protected by the American Constitution for money generating purposes is conduct which "shocks the conscience" of a free society in a modern day world.

(113) The State of New York and assisting defendants have effectively seized the children, home and livelihood of the plaintiff father without fair showing of abandonment, neglect, abuse, unfitness, misconduct or legitimate cause and without just compensation.

(114) Over a five year period, the defendants have engaged in acts of psychological torture through fraud and the exploitation of innocent children. They systematically destroyed

productive parent-child relationships that required no state intervention and compelled the victim father and his children to pay for the processes that produced the damage left behind.

(115) Child "A" and Child "B" were deprived of their inherent natural rights to have a father in their lives unimpaired by utopian parenting philosophies and the state's "custodial institution of childrearing". Since 2005, they have become pawns in needless and arbitrary "custody" and "support" battles which have caused serious internal and developmental harm.

(116) By reason of the foregoing, plaintiffs are entitled to an award of compensatory damages in the amount of Twenty Five Million Dollars ($25,000,000), an award of punitive damages in an amount to be determined by the court, attorneys fees pursuant to 42 USC section 1988 and the costs of prosecuting this action. Declaratory and injunctive relief are also sought to remedy long neglected discriminatory practices and increasingly fraudulent conduct of government actors purporting to act in the "best interests" of the People's children.

SECOND CAUSE OF ACTION
(Procedural Due Process)

(117) Unrestrained expansion of state power into private and sensitive matters of childrearing has perverted the constitutional character of the People's judicial branch of government. Pay raise litigation, federal incentive funding, and child support interest revenues have burdened courts beyond their declared capacity as super parents over children. A 2006 UCS study reported that judges viewed child duties as "punishment assignments".

(118) Defendant UCS exceeded its traditional scope as an impartial institution of justice by promoting personal views, vague and abusive standards, and money goals to

childrearing decisions. Judges have become active participants in domestic relations processes on the side of the state's "custodial parent" to expedite mass produced support orders.

(119) To insulate widespread misconduct from federal review and public scrutiny, defendant judges abused their powers under the guise of acting in the "best interests" of the state's children. Pleading examples include Judge Grow's unlawful intrusion upon uncontested parenting agreements over a period of years, Merrell's incompetent invasions of child privacy, Hood's substitution of personal experience for the parents, Getman's vow of revenge from the bench during violation processes, the Third and Fourth Departments' retaliatory disciplinary processes to preserve its fee generating "custodial institution", and Daley's complete aberration of judicial scope en route to coercing a fraudulent support order.

(120) All of the divorce and disciplinary decisions challenged here were made on a preponderance standard of evidence with a design to compel abandonment of petitions and constitutional rights under penalty of incarceration, career ending stigmatization and child/home seizures. Under applied state laws, the father was precluded all meaningful right to confront witnesses exploited against him through discovery and notice deprivations.

THIRD CAUSE OF ACTION
(Parental Privacy)

(121) Through a scheme of federal and state CSSA laws, a "custodial institution of childrearing" has been erected to support government. As a condition for divorce or judicial relief involving children in every case, regardless of agreement, circumstance or proven fitness, parents are arbitrarily required to name a "custodial" and "non-custodial" parent.

(122) A legal fiction of "continuing jurisdiction" is then applied uniquely to such cases having an ulterior goal of causing endless and recurring controversies, or products sold by attorneys for profit. The parents are compelled by law to fight over their own children in public court contests to secure and retain power (custody) and welfare (support) "awards".

(123) This "custodial institution" operates further as a gender cleansing process by removing traditional father and mother roles in favor of the statutory creations. "Custodial parents" are trained and exploited to place money over natural child interests. True parenting relationships are routinely destroyed with "custody" tactics and "civil" imprisonment.

(124) In November, 2005, the party parents executed their third agreement during 18 months of successful childrearing activities in separated residential settings. Decision making was shared, child access was mutually flexible and the natural parties possessed promising futures. Five years of intervening state invasions into the privacy of these parties resulted in a complete and irrevocable destruction of the former productive childrearing environment.

FOURTH CAUSE OF ACTION
(Distinct Right of Fatherhood)

(125) The "custodial institution of childrearing", as practiced in this case and others similarly situated, impairs the capacity of half the parenting population to raise children as natural fathers. A scheme of gender biased presumptions is applied in blanket fashion to "custody" and "support" processes to foreclose participants of this distinct liberty interest.

(126) Most invasive are the arbitrary placements of children with a single residential unit and the concomitant order of money payments from the other unit. These mandatory impositions operate on the presumption that parents are incompetent to arrange their own

childrearing environments. Enforced at the outset of every case without hearing, they further operate to uniformly deprive fathers of any meaningful relationships with their children.

(127) Beginning in September, 2006, the "custodial agent" threatened to concoct false petitions with defendant UCS to terminate the father's longstanding involvement in pre-school programs which he was then financing completely. These divorce tactics were sufficiently damaging and unremedied to cause the father to abandon his school involvements.

(128) Other unique activities were similarly removed from the plaintiff children over time as these "custody" laws were applied. By virtue of his gender disability at birth, and state caregiver doctrines, the father was systematically demoted to a non-parenting role as "visitor" in his children's lives, subservient even to common babysitters in the allocation of priorities.

FIFTH CAUSE OF ACTION
(Contracts Clause)

(129) As part of their natural right and duty to raise children, parents rely upon infinite forms of agreement in joined or separated environments. This right is protected expressly under the Contracts Clause of the original Constitution and inherently under a privacy right fashioned from a penumbra of amendments ratified by the states thereafter.

(130) The named defendants have directly or indirectly impaired the obligations and consummation of numerous contracts over the years that were arranged by the parties most competent to decide the futures of their own infant children. Defendants have zealously protected their lucrative institution through additional acts of retaliation upon the exercise of this right since that time. Even when the parents were coerced to rearrange support obligations by court order in August, 2010, defendants undermined their contract on October 19, 2010.

SIXTH CAUSE OF ACTION
(Retaliation)

(131) Defendants State, UCS, Grow, Merrell, Getman, Daley, Hood, lawyer, Hawse-Koziol, attorney, Soldato, Chudyk, Kerr, Costello, Kiehle and unknown police officers of defendant Town of New Hartford have directly or indirectly participated in acts of retaliation upon the father-attorney-litigant's exercise of protected rights in distinct capacities.

(132) Among the acts cited elsewhere in this pleading, defendant Grow maliciously ignored a proviso made effective in his 2007 decree which called for timely termination of basic support in retaliation for the filing of constitutional challenges upon his conduct of proceedings. In further violation of due process, he ordered or caused the intervention of irrelevant third parties to stigmatize the father and subject him to burdensome litigation.

(133) Defendants State, County, lawyer, custodial agent, Soldato and Chudyk asserted false, frivolous and career damaging petitions to coerce improper payments, job support and paternal abandonment in retaliation for the father's professional and public statements seeking reform to their lucrative "custodial institution".

(134) Defendants State, UCS, Gasparini, Heuther, Committee, Fourth and Third Departments sponsored and published malicious disciplinary processes to harm the father and his public credibility in both paternal and civil rights capacities. They were tailored in retaliation for public statements that were critical of domestic bench and bar practices.

(135) Defendants State, UCS, Merrell, Getman, Hood and Daley manipulated processes in violation of due process, right to counsel and scope of jurisdiction to protect other defendants and their "custodial institution". Various acts of revenge were carried out to suppress the father's exercise of fundamental rights at play throughout this pleading.

(136) Defendants State, County, Town, custodial agent, Wing, Soldato, Kerr, Costello, Kiehle and other unknown enforcement officers retaliated against the father in both his paternal and lawyer capacities on October 19, 2010 and thereafter for the filing of civil rights claims and public statements which were critical of their governmental practices.

SEVENTH CAUSE OF ACTION
(Burden of Litigation)

(137) The United States Supreme Court has announced a rule of constitutional law in Troxel v Granville, 530 US 57, 75, 100-101 (2000) which limits the conduct of domestic relations litigation when it reaches a point which unduly impairs childrearing decisions. That point was exceeded here well before the UCS assignment of 21 trial level judges to substitute their diverse judgments for those of the natural parents. An extraordinary burden has resulted.

(138) Over a period of five years, at least 50 decisions, orders and judgments have been entered in diverse proceedings splintered off of an original uncontested petition for divorce filed in September, 2005. Under New York law, these entries implicated substantial rights necessitating distinct appeals, each one carrying filing fees, transcript costs and attorneys fees that collectively burdened the parents well beyond mainstream capacities.

(139) The father was particularly burdened through one sided support payments maliciously diverted from the children to finance the other side of escalating controversies. Through disciplinary retaliations and office impairments, defendants were able to manipulate the custodial institution to harm the attorney-father and preclude legal representation for him.

(140) Plaintiff parents, similarly situated, were contemporaneously burdened by these laws and processes to cause productivity losses in their respective workplaces. Additionally,

plaintiff children, incapable of meaningful participation in this institution, were nevertheless exploited with a collective impact that continues to harm an entire nation.

EIGHTH CAUSE OF ACTION
(Petition for Redress)

(141) Defendants have individually or collectively impaired the father's rights under the last clause of the First Amendment to the United States Constitution. Such impairment has been effected by retaliation upon domestic relations filings, public criticisms, and in further impairment of the father's protected interest in seeking relief on other complaints and actions.

(142) As a consequence of professional time critically diverted from the father's private practice in order to protect his children from seizure by the state, petitions were necessitated to hold persons accountable for misappropriations of office funds and files since their discovery in November, 2009. All remedy was foreclosed by actions challenged here.

(143) Since 2006, defendants state, county, town, UCS, Third and Fourth Departments, and related parties acted upon knowingly fabricated statements to stigmatize the father as a criminal notwithstanding the lack of evidence, probable cause or civil finding by defendant Hood on May 3, 2010. This produced a suppression of father access to our courts.

(144) The disciplinary defendants in particular relied upon convicted criminals, drug abusers, con-artists and even a complainant who confessed his fabrications under oath to cause support delinquencies and a lifelong suspension of the father's law license. When the father endeavored to assert logical reports and positions, he was subjected to exploited discrepancies by unethical lawyers in a scheme to coerce false confessions and charges.

NINTH CAUSE OF ACTION
(Free Speech)

(145) On January 11, 2007, defendant Grow cited reasons for putting off decision on the father's "custody" petitions and related constitutional challenges to domestic relations laws and practices. Among them was his referral of the father to the legislature for reform.

(146) Accordingly, the father organized parents, published columns and addressed audiences in the state and Washington D.C. Such activities were protected by the First Amendment but suppressed by defendant retaliations described elsewhere in this pleading.

TENTH CAUSE OF ACTION
(Free Association)

(147) Prior to child seizure by defendant Hood in July, 2009, the father had engaged in activities with his children in public and private schools, campaigns for public office and father's rights assemblies. Defendant retaliations and inquisitions on these subjects during Hood's "custody" hearing produced an unconstitutional chilling effect on these activities.

ELEVENTH CAUSE OF ACTION
(Free Religion)

(148) Retaliatory imposition of ex parte restraint orders upon parent-child relations by defendant Hood in 2009 resulted in a ten month absence of the father from his infant daughters' lives. A protracted decision making process contributed further to cause the father to miss Thanksgiving, Christmas, Easter, two child birthdays and a First Holy Communion.

(149) In observance of religious beliefs, the father endeavored to testify on subjects of pre-birth care giving at the said custody hearing. This was precluded along with overnight

periods with the children in a subsequent decision which ended a previously enjoyed practice in the father's family unit of reciting bedtime prayers.

TWELFTH CAUSE OF ACTION
(Search and Seizure)

(150) Personal and private effects of the father were invidiously searched and seized in violation of the Fourth Amendment to the United States Constitution. Overt seizure of two automobiles from his homestead on October 19, 2010 comprised a continuing violation of this right. One of these, a 1998 corvette having 110,000 miles and little monetary value, was being held for sentimental transfer to the eldest daughter for her 16th birthday.

THIRTEENTH CAUSE OF ACTION
(Inverse Taking)

(151) The collective actions of defendants have amounted to an inverse taking of children and parent-child relationships without due process or just compensation in violation of the Fifth Amendment to the United States Constitution. The state's "custodial institution" features a current level of overregulation which permanently and irrevocably transforms natural parent child relations into an alien and dysfunctional form of public childrearing.

FOURTEENTH CAUSE OF ACTION
(Cruel and Unusual Punishment)

(152) To support the state's "custodial institution" and fraudulent money collection schemes, the defendants have sponsored or promoted domestic incident reporting and debtor prisons in violation of the Eighth Amendment to the United States Constitution.

(153) Defendants' imposition of a permanent stigma upon the father for purported noncompliance with civil codes comprises a further violation of this right. His placement upon nationwide registries without a hearing and indefinite suspension of license privileges beyond a penalty accorded to convicted felons and disbarred attorneys are incompatible with this Amendment. Protracted processes and psychological torture were routinely featured.

FIFTEENTH CAUSE OF ACTION
(Tyranny Claim)

(154) In order to protect their "custodial institution", defendants have set aside laws and constitutional protections with impunity, thereby compelling the father to resort to self help remedies. Mainstream parents, similarly situated, have exercised such remedies through violent behavior and employment "under the table", among other things, simply to survive.

(155) Overregulation has been exacted needlessly in an area reserved by the People to private resolution in violation of the Ninth Amendment to the United States Constitution. As a consequence, serious dysfunction has occurred in defendants' overzealous enforcement of money interests for the "custodial agent" while the father has been denied all parenting relief.

SIXTEENTH CAUSE OF ACTION
(Sovereign Abuse)

(156) The defendant state has surrendered attributes of its reserved sovereignty to the limited powers of the federal government under Title IV-D of the Social Security Act in violation of the Tenth Amendment to the United States Constitution. Among other things, it has subjected its courts to federal laws which remove judicial discretion over support arrears

in order to receive entitlement monies for its budgets. The People have been further deprived of their rights under the state constitution to be governed by the states as states of the union.

SEVENTEENTH CAUSE OF ACTION
(Involuntary Servitude)

(157) Civil judgments have been accorded special treatment under Title IV-D with the state as a biased participant in money collection processes between private parties. Parens Patriae powers have been accordingly abused to revive involuntary servitude practices and debtor prisons in violation of the Thirteenth Amendment to the United States Constitution.

EIGHTEENTH CAUSE OF ACTION
(Equal Protection)

(158) New York law has imposed an inordinate burden upon the male parenting population in the allocation of rights and responsibilities in domestic relations litigation. Census Bureau statistics continue to report that 85% of parents paying "child support" are men whereas 80 to 90% of women engaged in contested cases receive "custody" awards.

(159) By reason of his gender disability at the time when the parents agreed to separate, the father could not overcome arbitrary caregiver presumptions while his second child was in the womb. Accordingly he was institutionalized to a condition of servitude in favor of the state's "custodial parent" for the balance of his useful life.

(160) In October, 2008, defendant Grow found the "joint custodial" parents to be roughly equal in incomes totaling $100,000 annually. In January, 2010, defendant Hood found that the mother had proven herself fully capable of supporting the children after two years of alleged non-support. Accumulating arrears, therefore, comprise a form of prostitution

upon the father's "privilege" of "visiting" his children given the history of socialist processes here and the absence of legal accountability for the intended "child support" beneficiaries.

(161) By reason of retaliatory suspensions of his law license, the father was unable to complete civil rights litigation against a support magistrate who declared that a male client would have to be "eating air and living in the streets" in order to avoid a support order. Such punishment is now sought by the defendants on account of gender and protected activities.

(162) The discrimination cited throughout these pleadings violate the Fourteenth Amendment to the United States Constitution. Examples are found in the actions and inactions of defendants Grow, Merrell, Hood and Daley in their failure to accord any child value to the father's home as a birthplace and location for maintaining a distinct family unit.

NINETEENTH CAUSE OF ACTION
(State Law Trespass)

(163) Defendants Kiehle, Costello and unknown state, county and town enforcement officers trespassed upon the father's homestead on October 19, 2010 contrary to lawful authority, seizing unspecified personal property under threat of arrest. The invasion was designed to provoke a criminal act following the father's civil rights filings against the county and town defendants on behalf of former clients which had received publicity weeks earlier.

TWENTIETH CAUSE OF ACTION
(Declaratory/Injunctive Relief)

(164) Plaintiffs seek specific relief under 28 U.S.C. Sections 1361, 2201 and 2202 declaring unconstitutional the above described processes and an order permanently enjoining their continuation. Plaintiffs further seek an order declaring New York Domestic Relations

Law sections 236 and 240 unconstitutional on their face and as applied to this case. The father particularly seeks an order restoring full privileges to both his driving and law licenses together with a reversal of parenting periods and relief to correct longstanding discrimination.

(165) To the extent that greater protections are afforded among parallel provisions enumerated in Article I of the New York Constitution, plaintiffs seek a similar declaration under state law. Plaintiffs claim violations of New York Bill of Rights sections 5, 6, 9, and 11.

TWENTY- FIRST CAUSE OF ACTION
(State Law Abuse of Process and Emotional Distress)

(166) Defendants Hawse-Koziol, William Koslosky, Keith Eisenhut, and unknown others have individually and collectively engaged in a malicious process for filing false claims and inducing extreme emotional distress upon the plaintiff father.

(167) Additionally, defendants and unknown others directed, assisted or participated in acts of psychological torture by effectively seizing and exploiting the father's children. On October 19, 2010, this culminated in a police trespass upon the father's homestead.

(168) The defendant agents claimed to be at the private home to "prevent violence" whereas their true purpose was to provoke violence and humiliation. The father remains under threat of surprise recurrence of these events by armed police on a daily basis.

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TWENTY-SECOND CAUSE OF ACTION
(State Law Breach of Contract)

(169) Defendants have breached their agreement or tortiously interfered with the party parents' 2004, 2005, 2006 and 2010 childrearing agreements, including one imputed between the plaintiff children and their so-called "attorney" advocate William Koslosky.

TWENTY-THIRD CAUSE OF ACTION
(State Law Attorney Malpractice)

(170) When he was improperly appointed as "Attorney for the Child", defendant William Koslosky nevertheless entered into an attorney-client relationship with the plaintiff children that imposed upon him a professional or minimal duty of care to preserve the pre-existing parent-child relationships enjoyed by his so-called "clients".

(171) Defendant Koslosky breached this duty when he maliciously embarked upon a course of conduct that he knew would permanently harm Child "A" and Child "B. William Koslosky's entire performance at the July, 2009 "custody" hearing reflected a vindictive spite against his clients' father to avenge the naming of this attorney in a 2009 federal action.

(172) The plaintiffs' joint reputation was knowingly crucial to child sustenance and a productive future for all concerned. Nevertheless, defendant Koslosky continued to demonstrate his malice and child injury by filing a frivolous complaint with defendant Hood in February, 2010 seeking contempt and incarceration of the father on false pretenses.

TWENTY-FOURTH CAUSE OF ACTION
(State Law Defamation of Character)

(173) Certain named defendants have maliciously and recklessly published false and defamatory statements concerning the plaintiff father to each other and to third parties in the community. Discovery is needed on this claim to flesh out the words, locations and dates.

WHEREFORE, plaintiffs respectfully request judgment in this action as follows:

(1) An order restoring unimpaired child relationships and licensing privileges;

(2) Compensatory damages of Twenty-Five Million Dollars ($25,000,000);

(3) Punitive damages in an amount to be determined by the Court;

(4) Declaratory relief determining rights as between the parties together with a finding of unconstitutionality to the processes and provisions described in this pleading;

(5) A permanent injunction restraining the defendants from further action in the proceedings and processes applied against the plaintiffs;

(6) An order reversing the parenting periods between the mother and father for a time frame equating the period since the plaintiff children entered compulsory education;

(7) An order desegregating the mother and father as custodial and non-custodial parents of the state together with appropriate remedial provisions;

(8) An order directing the defendants State, UCS, Lippman and Sebelius to study, evaluate and similarly desegregate the parenting population coming under their jurisdiction to rectify the ongoing historic imbalance between the genders in public childrearing practices;

(9) An award of attorneys fees and litigation costs pursuant to 42 U.S.C. Section 1988; and

(10) Such other relief as may be just and proper.

Dated: November 10, 2010

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