

**IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

LARRY KLAYMAN,
7050 W Palmetto Park Rd.
Suite 15-287
Boca Raton, FL 33433

Plaintiff,

v.

STEPHANIE A. DELUCA
2598 Kerwick Road,
University Heights, OH 44118

SUZANNE JAMBE
1900 East 9th Street,
Suite 3200
Cleveland, OH 44114-3482

JAMES ROLLINSON
1900 East 9th Street,
Suite 3200
Cleveland, OH 44114-3482

BAKER HOSTETLER
1900 East 9th Street,
Suite 3200
Cleveland, OH 44114-3482

HEWITT B. SHAW
1900 East 9th Street,
Suite 3200
Cleveland, OH 44114-3482

Defendants.

Case No: _____

**COMPLAINT UNDER RICO, CONSPIRACY TO COMMIT RICO, FRAUD BY
STATEMENT TO THIRD PARTIES, FRAUD, INTRUSION INTO PRIVATE
AFFAIRS, TRESPASS TO CHATTELS, AND CONVERSION**

Plaintiff Larry Klayman brings this action against Defendants Stephanie A. Deluca, Suzanne Jambe, James Rollinson, Baker Hostetler, Hewitt B. Shaw, and alleges

as follows:

THE PARTIES

1. Plaintiff Larry Klayman (“Plaintiff”) is an individual citizen of Florida.
2. Defendant Stephanie A. Deluca (“Deluca”) is an individual citizen of Ohio and is the ex-wife of Plaintiff.
3. Defendant Suzanne Jambe (“Jambe”) is an individual citizen of Ohio. Defendant Jambe is an attorney and partner with the firm of Baker Hostetler, a national law firm with offices in multiple cities, including Cleveland, Ohio. Defendant conducts business within this judicial district.
4. Defendant James Rollinson (“Rollinson”) is an individual citizen of Ohio. Defendant Rollinson is an attorney and partner with the firm of Baker Hostetler, a national law firm with offices in multiple cities, including but not limited to Cleveland, Ohio. Defendant conducts business within this judicial district.
5. Defendant Baker Hostetler (“Baker”), a national law firm, is a limited liability partnership with offices throughout the country, including Cleveland, Ohio. Defendant Baker and conducts substantial business within this judicial district. Defendants Jambe and Rollinson are partners at Baker Hostetler.
6. Defendant Hewitt B. Shaw (“Shaw”) is a partner with Baker Hostetler and is the Office Managing Partner of the Cleveland headquarters of Baker Hostetler. Defendant conducts business within this judicial district.

JURISDICTION

7. Jurisdiction is proper pursuant to 28 U.S.C. § 1331, which provides for jurisdiction whenever there is a federal question. Furthermore, this Court has jurisdiction pursuant to 28 U.S.C. § 1367 which allows for supplemental jurisdiction over all other claims that are related to claims in the action within such original jurisdiction that they form part of the same case or controversy. Jurisdiction is also proper

pursuant to 18 U.S.C. § 1965, which allows for nationwide jurisdiction pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961-1968.

VENUE

8. Venue is proper pursuant to 28 U.S.C. § 1391. A substantial part of the events or omissions giving rise to the claim occurred within this district.

FACTS

Background

9. Plaintiff Larry Klayman is an attorney.
10. Plaintiff divorced Defendant Deluca in June of 2003. At that time, the parties entered into a Consent Marital Settlement Agreement in the Commonwealth of Virginia which contained a choice of law provision that mandated and required that Virginia law would apply to the enforceability and all other matters concerning the Consent Marital Settlement Agreement.
11. Defendant Deluca hired Defendants Jambe and Rollinson, attorneys at Baker Hostetler, to represent her in the divorce and custody proceedings. Defendants Jambe and Rollinson were at all material times supervised by and under the direction of Defendant Shaw, the Office Managing Partner of the Cleveland headquarters of Defendant Baker.
12. Plaintiff has two children with Defendant Deluca. In the summer of 2007, Plaintiff was forced to file for custody of his children in the Court of Common Pleas for Cuyahoga County ("Family Court") (Case No. DR-07-316840) when Deluca failed to timely inform Plaintiff, and would not provide to him medical information about a serious accident involving their youngest child, among other compelling grounds.

13. Shortly after Defendant Deluca remarried in 2007, Plaintiff had been cut off from visitation and all contact, even by telephone, with his children by Deluca.
14. Plaintiff could not see and, for the most part, could not talk with his children. Given the severe and extreme factual circumstances that Plaintiff faced, Plaintiff withheld child support after these actions were taken by Defendant Deluca, and after Deluca cut him off from accessing his children.
15. Under applicable Virginia law, the decision in *Hartman v. Hartman*, 33 Vir. Cir. 373, 1994 WL 1031136 (Apr. 13, 1994), provided Plaintiff with a complete defense for not paying child support when Plaintiff was denied access to his children. In *Hartman*, the mother cut off the father's access to his child and also told the child that someone else was his father. The court absolved the father from having to pay any child support payments to the child's mother. Plaintiff relied on the decision of *Hartman* in justifiably refusing to pay child support to his ex-wife, who no longer allowed him to see his own child.
16. Nevertheless, the Family Court inappropriately applied Ohio law, instead of Virginia law which was supposed to govern under the Consent Marital Agreement, and erroneously found Plaintiff in contempt for not paying child support to Defendant Deluca despite the existence of Virginia law which stated that Plaintiff was under no obligation to pay child support after his children were effectively kidnapped from him.
17. Since the time the original custody lawsuit was filed within the Family Court, Defendants arranged and implemented a pattern of illegal activities in an attempt to

financially, personally, and emotionally harm Plaintiff. Indeed, Plaintiff has been continuously harassed and extorted since the time he filed for custody of his children.

18. Defendants took these actions to “punish” Plaintiff for daring to file for custody of his own children.
19. This pattern of illegal activities partaken by the Defendants, the “Predicate Acts,” discussed below, were done with the purpose of financial gain and were done within the past ten (10) years.

PREDICATE ACTS

A. False Accusations of Sexual Abuse

20. Shortly after Plaintiff filed the 2007 custody lawsuit in the Family Court, Defendants falsely accused Plaintiff of having sexually abused his children. This accusation was completely falsified and did not have any basis in fact.
21. This false accusation was specifically done in order to defraud the Family Court into siding with Defendant Deluca and her attorneys and in an effort to destroy Plaintiff and his reputation. False accusations of child sexual abuse are commonly used to gain leverage in a custody proceeding. *See* Composite Exhibit 1– Articles.
22. Plaintiff was cleared of these false charges by the Cleveland Department of Children and Families and the Cuyahoga County District Attorney, both of whom dismissed these false and unsubstantiated allegations.
23. Further, Plaintiff voluntarily took and passed a polygraph test administered by a widely recognized expert in polygraphs, evidencing that Plaintiff did not sexually abuse his own children.

24. Despite the overwhelming evidence that cleared Plaintiff of all wrongdoing, the family law magistrate, Lawrence Loeb, based on the false accusations, and based on his bias and prejudice against Plaintiff and his religious and political beliefs, found in favor of Defendant Deluca and ordered that Defendant Deluca would have custody of the children and that Plaintiff would only be able to have supervised visits with his children.
25. This action has significantly harmed Plaintiff personally, professionally, and in his relationship with his children.
26. Accusations of child sexual abuse, no matter how false they are proven to be, continue to harm a person's reputation. Thus, Plaintiff has been continuously harmed by the false and fraudulent accusations made by Defendants from the time they were made until now. See Composite Exhibit 1 – Articles.
27. Defendants made these false allegations knowing that the magistrate's fraudulently obtained and compromised findings would be published publicly, harming Plaintiff personally, professionally, and his relationship with his children.

B. Suppressing Evidence from the Family Court

28. For example, during the course of the child custody dispute before the Family Court, Defendants subsequently defrauded the Family Court by suppressing the evidence and testimony of Dr. Mark Lovinger, a child psychologist and expert witness who observed and interviewed Plaintiff's children, Plaintiff, Defendant Deluca, and Defendant Deluca's husband, as well as other relevant persons. Dr. Lovinger additionally observed the children's interaction with Plaintiff.

29. On information and belief, Dr. Lovinger determined that Plaintiff had not sexually or generally abused his children in any way and this information would have been crucial for the Family Court to make a fair judgment about the merits of the lawsuit.
30. Defendants purposely withheld -- if not hid-- the exculpatory evidence and testimony of the court appointed psychologist, from the magistrate and the Family Court to the detriment of Plaintiff Klayman, ensuring that Plaintiff would not receive a fair and just determination of the false allegations charged against him.
31. These fraudulent acts in the Family Court were also done with the motive of receiving a monetary judgment from Plaintiff, as ordered by the Family Court. The winner of a custody lawsuit automatically receives attorney's fees. Defendants further defrauded the Family Court by grossly inflating their attorney's fees and cost to obtain a larger award against Plaintiff. Defendants filed frivolous motions and performed unnecessary and improper legal actions on behalf of Defendant Deluca, with each action adding to the total cost of attorney's fees that Defendants would later seek to recover.
32. As a result of Defendants' false accusations and suppression of any evidence that would also clear Plaintiff of the allegations, the Family Court wrongfully awarded a judgment of \$320,000 in attorney's fees to Defendant Deluca in a judgment entry of June 22, 2011.

C. Illegally Influencing Family Court Magistrate Lawrence Loeb

33. Upon information and belief, Defendants further gave or bestowed upon Magistrate Lawrence Loeb gratuities and favors, financial and otherwise, in order to have him issue a favorable finding for Defendant Deluca.

34. Magistrate Loeb's decision is full of false invectives and lies that he obviously intended to have picked up, mischaracterized and published in the written press and other media and on the internet to destroy Plaintiff financially and by harming Plaintiff's reputation in his trade and profession, and personally, and was done with the intent to have it published in Cleveland, OH, Florida, Plaintiff's home state, domestically throughout the United States, and internationally.
35. Loeb, who is Jewish and a liberal Democrat, took extreme offense to and in a disparaging way, mocked Plaintiff's religious beliefs in both Judaism and Jesus Christ as the Lord and Savior and Son of God in his decision that dishonestly ridiculed and viciously smeared Plaintiff to the highest extent both on and off the record. He also ridiculed and mocked Plaintiff's political beliefs and activities as a public interest lawyer.
36. Loeb's cynical, belittling, hateful, and outrageous manufacture of facts demonstrate bias and prejudice that is far beyond the pale and was maliciously intended to bury Plaintiff Klayman personally and professionally.
37. As a result of the magistrate's decision, which was improperly, and on information and belief illegally, "influenced" by Defendants, Plaintiff was harmed in his home state and community of Florida and throughout the country, and internationally.
38. These examples are just some of the fraudulent actions taken by Defendants in the Family Court.
39. As another example, early in the lawsuit, Defendant Jambe told the magistrate that the Department of Children and Families ("DCF") did not allow Plaintiff to have contact with his children. During deposition it was revealed by DCF itself, under

oath, that it was not the Department of Children and Family's policy to prevent contact with children.

D. Illegally Obtaining Financial Information from Colonial Bank

40. Defendants illegally and fraudulently obtained financial records belonging to Plaintiff from Colonial Bank located in Miami, FL.
41. During the course of the custody lawsuit, in or about 2007, Defendants served Colonial Bank with subpoenas requesting financial information belonging to Plaintiff.
42. Defendants illegally failed to serve Plaintiff with the Colonial Bank subpoenas and thus failed to give him notice and an opportunity to respond.
43. Colonial Bank was thus induced fraudulently and illegally into believing that the release of Plaintiff's financial information was proper and without objection.
44. As a result of the fraudulent and illegal activity on the part of Defendants, Colonial Bank released Plaintiff's financial information. Thus, Defendants obtained Plaintiff's financial information illegally and in violation of the Ohio Rules of Civil Procedure as well as federal law.
45. Defendants utilized Plaintiff's financial information to harass and extort Plaintiff in order to force Plaintiff into paying them a huge sum of money that they could not have legally obtained.
46. Plaintiff was harmed as a result of the illegal release of his financial information. Plaintiff's bank records were no longer safe and secure and Plaintiff was forced to take actions to further protect his financial information by among other things moving his finances to another institution.

E. The Subpoena Requesting Records from Paypal

47. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the an amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.
48. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.
49. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio. Even though these Defendants knew that their actions were contrary to the Ohio Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.
50. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records which Defendants believed to be those of Plaintiff's.
51. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on

behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

52. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- a) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- b) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.
- c) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- d) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- e) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the

front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.

53. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as “Account Information for Larry Klayman” by Paypal and listed Larry Klayman as the user.
54. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.
55. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.
56. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:
57. (Something is left out here – see below)
 - “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
 - a) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - b) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - c) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - d) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”

58. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
59. Despite the number of objections by Paypal, and the multiple clear violations of relevant rules and codes of civil procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff's before Paypal Defendants' objection was filed.
60. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.
61. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
62. These documents were entitled "Account Information for Larry Klayman" and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
63. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
64. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.

65. These documents were released in violation of Paypal's Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

66. Plaintiff, upon hearing and learning of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.

67. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff's correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

68. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

69. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

70. In addition to the fraudulent and illegal activities already described, Defendants violated several federal and state criminal statutes.

F. Criminal Violations of Federal Bank Fraud Statute, 18 U.S.C. § 1344

71. Defendants acted in criminal violation of federal bank fraud statutes under 18 U.S.C.

1344. 18 U.S.C. § 1344 provides:

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

- (1) to defraud a financial institution; or
 - (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;
- shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

72. Defendants knowingly attempted to execute and executed a scheme or artifice to defraud financial institutions.

73. Defendants succeeded in defrauding financial institutions utilized by Plaintiff, including but not limited to Colonial Bank, Ebay, and Paypal.

74. Defendants sought to obtain money, funds, assets, securities, and other property belonging to Plaintiff but under the control of these financial institutions.

75. Defendants first obtained Plaintiff's financial information and sought to obtain money, funds, assets, securities, and other property by utilizing false or fraudulent pretenses, representations, and/or promises.

76. Violation of 18 U.S.C. § 1344 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000 for each violation.

G. Criminal Violations of Federal Mail Fraud Statute, 18 U.S.C. § 1341

77. Defendants acted in criminal violation of the federal mail fraud statute under 18

U.S.C. 1341. 18 U.S.C. § 1341 provides:

“Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.”

78. Defendants devised or intended to devise a scheme or artifice meant to defraud and/or for obtaining money or property from Plaintiff and from financial institutions utilized by Plaintiff.

79. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from Plaintiff and from financial institutions utilized by Plaintiff.

80. In order to achieve or attempt to achieve the fraud described in the preceding paragraphs, Defendants sent subpoenas, correspondence, and other documents that were sent or delivered by the Postal Service.

81. Violation of 18 U.S.C. § 1341 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000.

H. Criminal Violations of Federal Wire Fraud Statute, 18 U.S.C. § 1343

82. Defendants further acted in criminal violation of the federal wire fraud statute under 18 U.S.C. 1343. 18 U.S.C. § 1343 provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

83. Defendants devised or intended to devise a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses from Plaintiff.

84. Defendants transmitted or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice when they transmitted telephone and cellular telephone calls, documents, facsimiles, emails, instant messages, and any other form of communication.

85. Violation of 18 U.S.C. § 1343 is felony punishable by 20 years of imprisonment and a fine of \$1,000,000 for each violation.

I. Criminal Violation of Florida's Stat. §817.568(2)(a).

86. Defendants acted in criminal violation of Florida's Stat. §817.568(2)(a), entitled:

“Criminal use of personal identification information.” This statute provides in pertinent part:

“Any person who willfully and without authorization fraudulently uses, or possesses with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual's consent, commits the offense of fraudulent use of personal identification information, which is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

87. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently obtained Plaintiff's personal information and information thought to be that of Plaintiff's.

88. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently used or are in Plaintiff's personal information and information thought to be that of Plaintiff's.

89. Defendants' fraudulent and illegal actions were done in an effort to harass and extort Plaintiff.

90. Violation of Florida's Stat. §817.568(2)(a) is felony of the third degree.

J. Criminal Violation of Florida's Stat. §817.568(9).

91. Defendants acted in criminal violation of Florida's Stat. §817.568(9) which provides in pertinent part:

“Any person who willfully and fraudulently creates or uses, or possesses with intent to fraudulently use, counterfeit or fictitious personal identification information concerning a fictitious individual, or concerning a real individual without first obtaining that real individual's consent, with

intent to use such counterfeit or fictitious personal identification information for the purpose of committing or facilitating the commission of a fraud on another person, commits the offense of fraudulent creation or use, or possession with intent to fraudulently use, counterfeit or fictitious personal identification information, a felony of the third degree, punishable as provided in s.775.082, s. 775.083, or s. 775.084.”

92. Defendants intended to fraudulently obtain, misappropriate and use Plaintiff’s personal identification information.
93. Defendants used Plaintiff’s personal identification information in order to facilitate the commission of fraud on another person.
94. Violation of Florida’s Stat. §817.568(9) is felony of the third degree.
- K. Criminal Violation of Florida’s Stat. §817.568(10).
95. Defendants further acted in criminal violation of Florida’s Stat. §817.568(10) which provides in pertinent part:

Any person who commits an offense described in this section and for the purpose of obtaining or using personal identification information misrepresents himself or herself to be a law enforcement officer; an employee or representative of a bank, credit card company, credit counseling company, or credit reporting agency; or any person who wrongfully represents that he or she is seeking to assist the victim with a problem with the victim’s credit history shall have the offense reclassified as follows:

- (a) In the case of a misdemeanor, the offense is reclassified as a felony of the third degree.
- (b) In the case of a felony of the third degree, the offense is reclassified as a felony of the second degree.
- (c) In the case of a felony of the second degree, the offense is reclassified as a felony of the first degree.
- (d) In the case of a felony of the first degree or a felony of the first degree punishable by a term of imprisonment not exceeding life, the offense is reclassified as a life felony.

96. Defendants intended to fraudulently and illegally obtain, misappropriate and use Plaintiff’s personal identification information.

97. Upon information and belief, Defendants misrepresented themselves as law enforcement officers; employees or representatives of a bank, credit card company, credit counseling company, or credit reporting agency; or as persons who wrongfully represented that they were assisting Plaintiff (the victim) with a problem with the Plaintiff's credit history.

98. Defendants made these representations in order to perpetrate crimes under Florida's Stat. §817.568, et seq.

99. Violation of Florida's Stat. §817.568(10) reclassifies crimes committed pursuant to this chapter as felonies of the second degree.

L. Criminal Violation of Florida's Stat. §817.568(11).

100. Defendants also acted in criminal violation of Florida's Stat. §817.568(11) which provides in pertinent part:

“A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

101. Plaintiff is over the age of 60.

102. Defendants fraudulently used Plaintiff's personal identification information.

103. Defendants did not obtain consent for the use of Plaintiff's personal identification.

104. Violation of Florida's Stat. §817.568(11) is felony of the second degree.

105. As described above, Defendants have engaged in numerous tortious, illegal, and criminal activities under both the common law and under Florida criminal law.

106. These fraudulent, illegal, and criminal activities have demonstrated a pattern and practice of behavior by Defendants.

107. The pattern and practice described above constitutes a criminal enterprise as described by federal RICO statutes.

108. Plaintiff previously filed suit for these offenses in the U.S. District Court for the Northern District of California. *See Klayman v. Deluca, et al.* (No. 5:14-cv-03190)(C.A.N.D.).

109. The Northern District of California dismissed the lawsuit without prejudice finding that jurisdiction would be proper in Florida because “the harm to Plaintiff personally should have been suffered in the state where he resides or works...” *See Order Granting Motion to Dismiss, Klayman v. Deluca, et al.* (No. 5:14-cv-03190)(January 30, 2015).

COUNT I
**(CIVIL VIOLATIONS OF THE RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS ACT, 18 U.S.C. §1961 ET SEQ.)**
(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

110. Plaintiff refers to and incorporates herein paragraphs 1 through 109 of this Complaint;

111. Defendants Jambe, Rollinson, Baker, and Shaw, on behalf of Deluca, have created an *enterprise* engaged in a *pattern of racketeering activity* across State lines, and a conspiracy to engage in *racketeering activity* involving at least two RICO predicate acts during the past ten (10) calendar years, and benefitted financially from these actions;

112. Other RICO predicate acts, although *appearing* to be isolated events, as described above, were actually part of the overall conspiracy and *pattern of racketeering activity* alleged herein;

113. The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff;

114. Defendants have benefitted financially from the racketeering *enterprise*;

115. At various times and places partially enumerated in this Complaint, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did associate with a RICO *enterprise* of individuals who were associated in fact and who engaged in, and whose activities did affect, interstate commerce;

116. The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff;

117. Defendants have benefitted financially from the racketeering *enterprise*;

118. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca conducted and/or participated, either directly or indirectly, in the conduct of the affairs of said RICO *enterprise* through a *pattern of racketeering activity*, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(c);

119. During the ten (10) calendar years preceding July 14, 2014, all Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did cooperate and in concert jointly and severally commit the above alleged acts in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. §1962(c) (Prohibited activities);

120. Plaintiff further alleges that all Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing

threat of their respective *racketeering activities*, also in violation of the RICO law at 18 U.S.C. §1962(c) *supra*;

121. The predicate acts are alleged herein and repeated as follows:

PREDICATE ACTS

M. False Accusations of Sexual Abuse

122. Shortly after Plaintiff filed the 2007 custody petition in the Family Court, Defendants falsely accused Plaintiff of having sexually abused his children. This accusation was completely falsified and did not have any basis in fact.
123. This false accusation was specifically done in order to defraud the Family Court into siding with Defendant Deluca and her attorneys and in an effort to destroy Plaintiff and his reputation. False accusations of child sexual abuse are commonly used to gain leverage in a custody proceeding. *See* Composite Exhibit 1– Articles.
124. Plaintiff was cleared of these false charges by the Cleveland Department of Children and Families and the Cuyahoga County District Attorney, both of whom dismissed these false and unsubstantiated allegations.
125. Further, Plaintiff voluntarily took and passed a polygraph test, evidencing that Plaintiff did not sexually abuse his own children.
126. Despite the overwhelming evidence that cleared Plaintiff of all wrongdoing, the family law magistrate, Lawrence Loeb, based on the false accusations, and his bias and prejudice concerning Plaintiff’s religious and political beliefs issued falsified findings in favor of Defendant Deluca and ordered that Defendant Deluca would have custody of the children and that Plaintiff would only be able to have supervised visits with his children.

127. This action has significantly harmed Plaintiff personally, professionally, and in his relationship with his children.
128. Accusations of child sexual abuse, no matter how false they are proven to be, continue to harm a person's reputation. Thus, Plaintiff has been continuously harmed by the false and fraudulent accusations made by Defendants from the time they were made until now.
129. Defendants made these false allegations knowing that the magistrate's findings would be published publicly in this state and district and elsewhere, harming Plaintiff personally, professionally, and his relationship with his children.

N. Suppressing Evidence from the Family Court

130. During the course of the child custody dispute before the Family Court, Defendants subsequently defrauded the Family Court by suppressing the evidence and testimony of Dr. Mark Lovinger, a court appointed child psychologist and expert witness who observed and interviewed Plaintiff's children, Plaintiff, Defendant Deluca, and Defendant Deluca's husband, as well as other relevant persons. Dr. Lovinger additionally observed the children's interaction with Plaintiff.
131. On information and belief, Dr. Lovinger determined that Plaintiff had not sexually or generally abused his children in any way and this information would have been crucial for the magistrate and the Family Court to make a fair and accurate judgment about the merits of the lawsuit.
132. Defendants purposely withheld -- if not hid-- the exculpatory evidence and testimony from the magistrate and the Family Court to the detriment of Plaintiff

Klayman, ensuring that Plaintiff would not receive a fair and just determination of the false allegations charged against him.

133. These fraudulent acts before the magistrate and the Family Court were also done with the motive of receiving a monetary judgment from Plaintiff, as ordered by the Family Court. The winner of a custody lawsuit automatically receives attorney's fees. Defendants further defrauded the Family Court by inflating their attorney's fees and cost to obtain a larger award against Plaintiff. Defendants filed frivolous motions and performed unnecessary, improper and illegal and void legal actions on behalf of Defendant Deluca, with each action adding to the total cost of attorney's fees that Defendants would later seek to recover.

134. As a result of Defendants' false accusations and suppression of any evidence that would clear Plaintiff of the allegations, the magistrate and the Family Court wrongfully awarded a judgment of \$320,000 in attorney's fees to Defendant Deluca in a judgment entry of June 22, 2011.

O. Illegally Influencing Magistrate Lawrence Loeb and the Family Court

135. Upon information and belief, Defendants further gave or bestowed upon Magistrate Lawrence Loeb gratuities and favors, financial and otherwise, in order to have him issue s favorable findings for Defendant Deluca and destroy Plaintiff in his trade and profession and his professional and personal reputation.

136. Magistrate Loeb's decision is full of false invectives and lies that he obviously intended to have picked up and mischaracterized in the written press, other media and on the internet to destroy Plaintiff financially and by harming Plaintiff's reputation in his trade and profession, and personally and was done with the intent to have it

published in Cleveland, OH, in this district and Florida, domestically throughout the United States, and internationally.

137. Loeb, who is Jewish and a liberal Democrat, took extreme offense to and in a disparaging way, mocked Plaintiff's religious beliefs in both Judaism and Jesus Christ as the Lord and Savior and Son of God in his decision that dishonestly ridiculed and viciously smeared Plaintiff to the highest extent both on and off the record. He also mocked and smeared Plaintiff's political beliefs and his activism as a public interest advocate.

138. Loeb's cynical, belittling, hateful, and outrageous manufacture of facts demonstrate bias and prejudice that is far beyond the pale and was maliciously intended to bury Plaintiff Klayman personally and professionally.

139. As a result of the magistrate's decision, which was improperly, and on information and belief illegally, "influenced" by Defendants, Plaintiff was harmed in his state and community of Florida and throughout the country, and internationally.

140. These examples are just some of the fraudulent actions taken by Defendants before the magistrate and the Family Court.

141. As another example, early in the lawsuit, Defendant Jambe told the magistrate that the Department of Children and Families ("DCF") did not allow Plaintiff to have contact with his children. During deposition it was revealed by DCF itself, under oath, that it was not the Department of Children and Family's policy to prevent contact with children.

P. Illegally Obtaining Financial Information from Colonial Bank

142. Defendants illegally and fraudulently obtained financial records belonging to Plaintiff from Colonial Bank located in Miami, FL.
143. During the course of the custody lawsuit, in or about 2007, Defendants served Colonial Bank with subpoenas requesting financial information belonging to Plaintiff.
144. Defendants illegally failed to serve Plaintiff with the Colonial Bank subpoenas and thus failed to give him notice and an opportunity to respond.
145. Colonial Bank was thus induced fraudulently into believing that the release of Plaintiff's financial information was proper and without objection.
146. As a result of the fraudulent activity on the part of Defendants, Colonial Bank released Plaintiff's financial information. Thus, Defendants obtained Plaintiff's financial information illegally and in violation of the Ohio rules of civil procedure, other rules of civil procedure, state as well as federal law.
147. Defendants utilized Plaintiff's financial information to harass and extort Plaintiff in order to force Plaintiff into paying them money that they could not have legally obtained.
148. Plaintiff was harmed as a result of the illegal release of his financial information. Plaintiff's bank records were no longer safe and secure and Plaintiff was forced to take actions to further protect his financial information by among other things moving his finances to another institution.

Q. The Subpoena Requesting Records from Paypal

149. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of

the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.

150. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

151. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio and Florida. Even though these Defendants knew that their actions were contrary to the Ohio and Florida Constitutions, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.

152. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

153. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal

received the subpoenas on or about August 12, 2012.

154. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- f) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- g) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.
- h) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- i) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- j) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman

and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.

155. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as “Account Information for Larry Klayman” by Paypal and listed Larry Klayman as the user.
156. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.
157. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.
158. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:
- e) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
 - f) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - g) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - h) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - i) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”

159. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
160. Despite the number of objections by Paypal, and the multiple clear violations of various relevant codes and rules of civil procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff's before Paypal Defendants' objection was filed.
161. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.
162. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
163. These documents were entitled "Account Information for Larry Klayman" and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
164. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
165. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.

166. These documents were released in violation of Paypal's Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

167. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.

168. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff's correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

169. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the family ordered the release of the documents.

170. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

171. In addition to the fraudulent activities already described, Defendants violated several federal and state criminal statutes.

R. Criminal Violations of Federal Bank Fraud Statute, 18 U.S.C. § 1344

172. Defendants acted in criminal violation of federal bank fraud statutes under 18 U.S.C. 1344. 18 U.S.C. § 1344 provides:

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

- (1) to defraud a financial institution; or
 - (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;
- shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

173. Defendants knowingly attempted to execute and executed a scheme or artifice to defraud financial institutions.

174. Defendants succeeded in defrauding financial institutions utilized by Plaintiff, including but not limited to Colonial Bank, Ebay, and Paypal.

175. Defendants sought to obtain money, funds, assets, securities, and other property belonging to Plaintiff but under the control of these financial institutions.

176. Defendants first obtained Plaintiff's financial information and sought to obtain money, funds, assets, securities, and other property by utilizing false or fraudulent pretenses, representations, and/or promises.

177. Violation of 18 U.S.C. § 1344 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000, for each violation.

S. Criminal Violations of Federal Mail Fraud Statute, 18 U.S.C. § 1341

178. Defendants acted in criminal violation of the federal mail fraud statute under 18

U.S.C. 1341. 18 U.S.C. § 1341 provides:

“Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.”

179. Defendants devised or intended to devise a scheme or artifice meant to defraud and/or for obtaining money or property from Plaintiff and from financial institutions utilized by Plaintiff.

180. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from Plaintiff and from financial institutions utilized by Plaintiff.

181. In order to achieve or attempt to achieve the fraud described in the preceding paragraphs, Defendants sent subpoenas, correspondence, and other documents that were sent or delivered by the Postal Service.

182. Violation of 18 U.S.C. § 1341 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000, for each violation.

T. Criminal Violations of Federal Wire Fraud Statute, 18 U.S.C. § 1343

183. Defendants further acted in criminal violation of the federal wire fraud statute under 18 U.S.C. 1343. 18 U.S.C. § 1343 provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

184. Defendants devised or intended to devise a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses from Plaintiff.

185. Defendants transmitted or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice when they transmitted telephone and cellular telephone calls, documents, facsimiles, emails, instant messages, and any other form of communication.

186. Violation of 18 U.S.C. § 1343 is felony punishable by 20 years of imprisonment and a fine of \$1,000,000, for each violation.

U. Criminal Violation of Florida's Stat. §817.568(2)(a).

187. Defendants acted in criminal violation of Florida's Stat. §817.568(2)(a), entitled: "Criminal use of personal identification information." This statute provides in pertinent part:

"Any person who willfully and without authorization fraudulently uses, or possesses with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual's consent, commits the offense of fraudulent use of personal identification information, which is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."

188. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently and illegally obtained Plaintiff's personal information and information thought to be that of Plaintiff's.

189. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently and illegally obtained, misappropriated and used Plaintiff's personal information and information thought to be that of Plaintiff's.

190. Defendants' fraudulent and illegal actions were done in an effort to harass and extort Plaintiff.

191. Violation of Florida's Stat. §817.568(2)(a) is felony of the third degree.

V. Criminal Violation of Florida's Stat. §817.568(9).

192. Defendants acted in criminal violation of Florida's Stat. §817.568(9) which provides in pertinent part:

"Any person who willfully and fraudulently creates or uses, or possesses with intent to fraudulently use, counterfeit or fictitious personal

identification information concerning a fictitious individual, or concerning a real individual without first obtaining that real individual's consent, with intent to use such counterfeit or fictitious personal identification information for the purpose of committing or facilitating the commission of a fraud on another person, commits the offense of fraudulent creation or use, or possession with intent to fraudulently use, counterfeit or fictitious personal identification information, a felony of the third degree, punishable as provided in s.775.082, s. 775.083, or s. 775.084.”

193. Defendants intended to fraudulently use Plaintiff's personal identification information.
194. Defendants obtained, misappropriated and used Plaintiff's personal identification information in order to facilitate the commission of fraud on another person.
195. Violation of Florida's Stat. §817.568(9) is felony of the third degree.

W. Criminal Violation of Florida's Stat. §817.568(10).

196. Defendants further acted in criminal violation of Florida's Stat. §817.568(10) which provides in pertinent part:

Any person who commits an offense described in this section and for the purpose of obtaining or using personal identification information misrepresents himself or herself to be a law enforcement officer; an employee or representative of a bank, credit card company, credit counseling company, or credit reporting agency; or any person who wrongfully represents that he or she is seeking to assist the victim with a problem with the victim's credit history shall have the offense reclassified as follows:

- (a) In the case of a misdemeanor, the offense is reclassified as a felony of the third degree.
 - (b) In the case of a felony of the third degree, the offense is reclassified as a felony of the second degree.
 - (c) In the case of a felony of the second degree, the offense is reclassified as a felony of the first degree.
 - (d) In the case of a felony of the first degree or a felony of the first degree punishable by a term of imprisonment not exceeding life, the offense is reclassified as a life felony.
197. Defendants intended to fraudulently use Plaintiff's personal identification information.

198. Upon information and belief, Defendants misrepresented themselves as law enforcement officers; employees or representatives of a bank, credit card company, credit counseling company, or credit reporting agency; or as persons who wrongfully represented that they were assisting Plaintiff (the victim) with a problem with the Plaintiff's credit history.

199. Defendants made these representations in order to perpetrate crimes under Florida's Stat. §817.568, et seq.

200. Violation of Florida's Stat. §817.568(10) reclassifies crimes committed pursuant to this chapter as felonies of the second degree.

X. Criminal Violation of Florida's Stat. §817.568(11).

201. Defendants also acted in criminal violation of Florida's Stat. §817.568(11) which provides in pertinent part:

“A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

202. Plaintiff is over the age of 60.

203. Defendants fraudulently used Plaintiff's personal identification information.

204. Defendants did not obtain consent for the use of Plaintiff's personal identification.

205. Violation of Florida's Stat. §817.568(11) is felony of the second degree.

COUNT II
**(CONSPIRACY TO ENGAGE IN A *PATTERN OF RACKETEERING ACTIVITY*,
18 U.S.C. §§ 1961(5), 1962(D))**
(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

206. Plaintiff refers to and incorporates herein paragraphs 1 through 205 of this Complaint;

207. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, have created an *enterprise* engaged in a *pattern of racketeering activity* across State lines, and a conspiracy to engage in *racketeering activity* involving at least two RICO predicate acts during the past ten (10) calendar years, and benefitted financially from these actions;

208. Other RICO predicate acts, although *appearing* to be isolated events, were actually part of the overall conspiracy and *pattern of racketeering activity* alleged herein;

209. The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff;

210. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca have benefitted financially from the racketeering *enterprise*;

211. At various times and places partially enumerated in this Complaint, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did conspire to acquire and maintain an interest in a RICO *enterprise* engaged in a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(b) and (d);

212. The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff;

213. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca have benefitted financially from the racketeering *enterprise*;

214. At various times and places partially enumerated in part in this Complaint, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did also conspire to conduct and participate in said RICO *enterprise* through a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(c) and (d);
215. During the ten (10) calendar years preceding July 14, 2014, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. §1962(c) (Prohibited activities);
216. Plaintiff further alleges that Defendants Jambe, Rollinson, Baker, Shaw, and Deluca committed two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of 18 U.S.C. § 1962(d) (Prohibited activities *supra*);
217. The predicate acts are alleged herein and repeated as follows:

PREDICATE ACTS

Y. False Accusations of Sexual Abuse

218. Shortly after Plaintiff filed the 2007 custody lawsuit in the Family Court, Defendants falsely accused Plaintiff of having sexually abused his children. This accusation was completely falsified and did not have any basis in fact.
219. This false accusation was specifically done in order to defraud the Family Court into siding with Defendant Deluca and her attorneys and in an effort to destroy

Plaintiff and his reputation. False accusations of child sexual abuse are commonly used to gain leverage in a custody proceeding. *See* Composite Exhibit 1– Articles.

220. Plaintiff was cleared of these false charges by the Cleveland Department of Children and Families and the Cuyahoga County District Attorney, both of whom dismissed these false and unsubstantiated allegations.
221. Further, Plaintiff voluntarily took and passed a polygraph test, evidencing that Plaintiff did not sexually abuse his own children.
222. Despite the overwhelming evidence that cleared Plaintiff of all wrongdoing, the family law magistrate, Lawrence Loeb, based on the false accusations, and his bias and prejudice concerning Plaintiff’s religious and political beliefs and activism as a legal public advocate and lawyer, issued findings in favor of Defendant Deluca and ordered that Defendant Deluca would have custody of the children and that Plaintiff would only be able to have supervised visits with his children.
223. This action has significantly harmed Plaintiff personally, professionally, and in his relationship with his children.
224. Accusations of child sexual abuse, no matter how false they are proven to be, continue to taint a person’s reputation. Thus, Plaintiff has been continuously harmed by the false and fraudulent accusations made by Defendants from the time they were made until now.
225. Defendants made these false allegations knowing that the magistrate’s findings would be published publicly, harming Plaintiff personally, professionally, and his relationship with his children.

Z. Suppressing Evidence from the Family Court.

226. During the course of the child custody dispute before the Family Court, Defendants subsequently defrauded the Family Court by suppressing the evidence and testimony of Dr. Mark Lovinger, a court appointed child psychologist and expert witness who observed and interviewed and analyzed Plaintiff's children, Plaintiff, Defendant Deluca, and Defendant Deluca's husband, as well as other relevant persons. Dr. Lovinger additionally observed the children's interaction with Plaintiff.
227. On information and belief, Dr. Lovinger determined that Plaintiff had not sexually or generally abused his children in any way and this information would have been crucial for the magistrate and Family Court to make a fair judgment about the merits of the lawsuit.
228. Defendants purposely withheld -- if not hid-- the exculpatory evidence and testimony from the Court to the detriment of Plaintiff Klayman, ensuring that Plaintiff would not receive a fair and just determination of the false allegations charged against him.
229. These fraudulent acts before the magistrate and the Family Court were also done with the motive and intent of receiving a monetary judgment from Plaintiff, as ordered by the Family Court. The winner of a custody lawsuit automatically receives attorney's fees. Defendants further defrauded the magistrate and the Family Court by inflating their attorney's fees and cost to obtain a larger award against Plaintiff. Defendants filed frivolous motions and performed unnecessary, improper and illegal legal actions on behalf of Defendant Deluca, with each action adding to the total cost of attorney's fees that Defendants would later seek to recover.

230. As a result of Defendants' false accusations and suppression of any evidence that would clear Plaintiff of the allegations, the magistrate and the Family Court wrongfully awarded a judgment of \$320,000 in attorney's fees to Defendant Deluca in a judgment entry of June 22, 2011.

AA. Illegally Influencing Family Court Magistrate Lawrence Loeb

231. Upon information and belief, Defendants further gave or bestowed upon Magistrate Lawrence Loeb gratuities and favors, financial and otherwise, in order to have him issue a favorable finding for Defendant Deluca.

232. Magistrate Loeb's decision is full of false invectives and lies that he obviously intended to have picked up and mischaracterized in the written press, other media and on the internet to destroy Plaintiff financially and by harming Plaintiff's reputation in his trade and profession, and personally and was done with the intent to have it published in Cleveland, OH, in this district and Florida, domestically throughout the United States, and internationally.

233. Loeb, who is Jewish and a liberal Democrat, took extreme offense to and in a disparaging way, mocked Plaintiff's religious beliefs in both Judaism and Jesus Christ as the Lord and Savior and Son of God in his decision that dishonestly ridiculed and viciously smeared Plaintiff to the highest extent both on and off the record. He also mocked and ridiculed Plaintiff's political beliefs and activism as a public advocate lawyer.

234. Loeb's cynical, belittling, hateful, and outrageous manufacture of facts demonstrate bias and prejudice that is far beyond the pale and was maliciously intended to bury Plaintiff Klayman personally and professionally.

235. As a result of the magistrate's decision, which was improperly, and on information and belief illegally, "influenced" by Defendants, Plaintiff was harmed in his home state and community of Florida and throughout the country, and internationally.
236. These examples are just some of the fraudulent actions taken by Defendants in the Family Court.
237. As another example, early in the lawsuit, Defendant Jambe represented to the magistrate that the Department of Children and Families ("DCF") did not allow Plaintiff to have contact with his children. During deposition it was revealed by DCF itself, under oath, that it was not the Department of Children and Family's policy to prevent contact with children.

BB. Illegally Obtaining Financial Information from Colonial Bank

238. Defendants illegally and fraudulently obtained financial records belonging to Plaintiff from Colonial Bank located in Miami, FL.
239. During the course of the custody lawsuit, in or about 2007, Defendants served Colonial Bank with subpoenas requesting financial information belonging to Plaintiff.
240. Defendants illegally failed to serve Plaintiff with the Colonial Bank subpoenas and thus failed to give him notice and an opportunity to respond.
241. Colonial Bank was thus induced fraudulently into believing that the release of Plaintiff's financial information was proper and without objection.
242. As a result of the fraudulent activity on the part of Defendants, Colonial Bank released Plaintiff's financial information. Thus, Defendants obtained Plaintiff's

financial information illegally and in violation of the Ohio Rules of Civil Procedure, other relevant rules of civil procedure, as well as state and federal law.

243. Defendants utilized Plaintiff's financial information to harass and extort Plaintiff in order to force Plaintiff into paying them money that they could not have legally obtained.

244. Plaintiff was harmed as a result of the illegal release of his financial information. Plaintiff's bank records were no longer safe and secure and Plaintiff was forced to take actions to further protect his financial information by among other things moving his finances to another institution.

CC. The Subpoena Requesting Records from Paypal

245. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution and the Florida Constitution.

246. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

247. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio.

Even though these Defendants knew that their actions were contrary to the Ohio Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.

248. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

249. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

250. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- k) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- l) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.
- m) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as

"complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.

- n) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
 - o) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.
251. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as "Account Information for Larry Klayman" by Paypal and listed Larry Klayman as the user.
252. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.
253. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.

254. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:
- j) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
 - k) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - l) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - m) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - n) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”
255. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
256. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff’s before Paypal Defendants’ objection was filed.
257. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.

258. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
259. These documents were entitled “Account Information for Larry Klayman” and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
260. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
261. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.
262. These documents were released in violation of Paypal’s Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

263. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.
264. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff’s correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on

August 20, 2014, Paypal demanded the return of the released documents and information.

265. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.
266. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.
267. In addition to the fraudulent activities already described, Defendants violated several federal and state criminal statutes.

DD. Criminal Violations of Federal Bank Fraud Statute, 18 U.S.C. § 1344

268. Defendants acted in criminal violation of federal bank fraud statutes under 18 U.S.C. 1344. 18 U.S.C. § 1344 provides:

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

- (1) to defraud a financial institution; or
 - (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;
- shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

269. Defendants knowingly attempted to execute and executed a scheme or artifice to defraud financial institutions.

270. Defendants succeeded in defrauding financial institutions utilized by Plaintiff, including but not limited to Colonial Bank, Ebay, and Paypal.
271. Defendants sought to obtain money, funds, assets, securities, and other property belonging to Plaintiff but under the control of these financial institutions.
272. Defendants first obtained Plaintiff's financial information and sought to obtain money, funds, assets, securities, and other property by utilizing false or fraudulent pretenses, representations, and/or promises.
273. Violation of 18 U.S.C. § 1344 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000 for each violation.

EE. Criminal Violations of Federal Mail Fraud Statute, 18 U.S.C. § 1341

274. Defendants acted in criminal violation of the federal mail fraud statute under 18 U.S.C. 1341. 18 U.S.C. § 1341 provides:

“Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or

affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.”

275. Defendants devised or intended to devise a scheme or artifice meant to defraud and/or for obtaining money or property from Plaintiff and from financial institutions utilized by Plaintiff.
276. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from Plaintiff and from financial institutions utilized by Plaintiff.
277. In order to achieve or attempt to achieve the fraud described in the preceding paragraphs, Defendants sent subpoenas, correspondence, and other documents that were sent or delivered by the Postal Service.
278. Violation of 18 U.S.C. § 1341 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000.

FF. Criminal Violations of Federal Wire Fraud Statute, 18 U.S.C. § 1343

279. Defendants further acted in criminal violation of the federal wire fraud statute under 18 U.S.C. 1343. 18 U.S.C. § 1343 provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

280. Defendants devised or intended to devise a scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses from Plaintiff.

281. Defendants transmitted or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice when they transmitted telephone and cellular telephone calls, documents, facsimiles, emails, instant messages, and any other form of communication.

282. Violation of 18 U.S.C. § 1343 is felony punishable by 20 years of imprisonment and a fine of \$1,000,000 for each violation.

GG. Criminal Violation of Florida's Stat. §817.568(2)(a).

283. Defendants acted in criminal violation of Florida's Stat. §817.568(2)(a), entitled: "Criminal use of personal identification information." This statute provides in pertinent part:

"Any person who willfully and without authorization fraudulently uses, or possesses with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual's consent, commits the offense of fraudulent use of personal identification information, which is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."

284. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently obtained Plaintiff's personal information and information thought to be that of Plaintiff's.

285. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca fraudulently used or are in Plaintiff's personal information and information thought to be that of Plaintiff's.

286. Defendants' fraudulent actions were done in an effort to harass and extort Plaintiff.

287. Violation of Florida's Stat. §817.568(2)(a) is felony of the third degree.

HH. Criminal Violation of Florida's Stat. §817.568(9).

288. Defendants acted in criminal violation of Florida's Stat. §817.568(9) which provides in pertinent part:

“Any person who willfully and fraudulently creates or uses, or possesses with intent to fraudulently use, counterfeit or fictitious personal identification information concerning a fictitious individual, or concerning a real individual without first obtaining that real individual's consent, with intent to use such counterfeit or fictitious personal identification information for the purpose of committing or facilitating the commission of a fraud on another person, commits the offense of fraudulent creation or use, or possession with intent to fraudulently use, counterfeit or fictitious personal identification information, a felony of the third degree, punishable as provided in s.775.082, s. 775.083, or s. 775.084.”

289. Defendants intended to fraudulently obtain, misappropriate and use Plaintiff's personal identification information.

290. Defendants used Plaintiff's personal identification information in order to facilitate the commission of fraud on another person.

291. Violation of Florida's Stat. §817.568(9) is felony of the third degree.

II. Criminal Violation of Florida's Stat. §817.568(10).

292. Defendants further acted in criminal violation of Florida's Stat. §817.568(10) which provides in pertinent part:

Any person who commits an offense described in this section and for the purpose of obtaining or using personal identification information misrepresents himself or herself to be a law enforcement officer; an employee or representative of a bank, credit card company, credit counseling company, or credit reporting agency; or any person who wrongfully represents that he or she is seeking to assist the victim with a

problem with the victim's credit history shall have the offense reclassified as follows:

(a) In the case of a misdemeanor, the offense is reclassified as a felony of the third degree.

(b) In the case of a felony of the third degree, the offense is reclassified as a felony of the second degree.

(c) In the case of a felony of the second degree, the offense is reclassified as a felony of the first degree.

(d) In the case of a felony of the first degree or a felony of the first degree punishable by a term of imprisonment not exceeding life, the offense is reclassified as a life felony.

293. Defendants intended to fraudulently use Plaintiff's personal identification information.

294. Upon information and belief, Defendants misrepresented themselves as law enforcement officers; employees or representatives of a bank, credit card company, credit counseling company, or credit reporting agency; or as persons who wrongfully represented that they were assisting Plaintiff (the victim) with a problem with the Plaintiff's credit history.

295. Defendants made these representations in order to perpetrate crimes under Florida's Stat. §817.568, et seq.

296. Violation of Florida's Stat. §817.568(10) reclassifies crimes committed pursuant to this chapter as felonies of the second degree.

JJ. Criminal Violation of Florida's Stat. §817.568(11).

297. Defendants also acted in criminal violation of Florida's Stat. §817.568(11) which provides in pertinent part:

"A person who willfully and without authorization fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal

Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

298. Plaintiff is over the age of 60.

299. Defendants fraudulently used Plaintiff's personal identification information.

300. Defendants did not obtain consent for the use of Plaintiff's personal identification.

301. Violation of Florida's Stat. §817.568(11) is felony of the second degree.

COUNT III
(FRAUD BY STATEMENT TO THIRD PARTIES)
(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

302. Plaintiff refers to and incorporates herein paragraphs 1 through 301 of this Complaint;

KK. The Subpoena Requesting Records from Paypal

303. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution and Florida Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.

304. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

305. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio.

Even though these Defendants knew that their actions were contrary to the Ohio Constitution and Florida Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.

306. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

307. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

308. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- p) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- q) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.

- r) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
 - s) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
 - t) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.
309. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as "Account Information for Larry Klayman" by Paypal and listed Larry Klayman as the user.
310. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.

311. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.
312. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:
- o) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
 - p) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - q) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - r) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - s) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”
313. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
314. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff’s before Paypal Defendants’ objection was filed.
315. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued

subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.

316. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
317. These documents were entitled “Account Information for Larry Klayman” and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
318. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
319. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.
320. These documents were released in violation of Paypal’s Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

321. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.
322. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff’s correspondence and

informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

323. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

324. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

325. Defendants Jambe, Rollinson, Baker, and Shaw, acting on behalf of Deluca, made a false or misleading statements to a third party, Paypal, stating that they were required to turn over the subject private banking and transaction information that was possessed by Paypal;

326. Defendants Jambe, Rollinson, Baker, and Shaw, acting on behalf of Deluca, knew that the statements were false or misleading;

327. Defendants Jambe, Rollinson, Baker, and Shaw, acting on behalf of Deluca, intended to defraud Paypal into turning over the private banking and transaction information that they believed to be that of Plaintiff's;

328. Paypal reasonably relied upon the false or misleading statements;

329. As a consequence of Defendant Jambe, Rollinson, Baker, Shaw, and Deluca's false or misleading statements, Plaintiff was damaged by being deprived of a right or thing of value.

COUNT IV
(FRAUD)

(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

330. Plaintiff refers to and incorporates herein paragraphs 1 through 329 of this Complaint;

LL. The Subpoena Requesting Records from Paypal

331. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution and Florida Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.

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334. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

335. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

336. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- u) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- v) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.
- w) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- x) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards

or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.

y) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.

337. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff.

Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as "Account Information for Larry Klayman" by Paypal and listed Larry Klayman as the user.

338. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.

339. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.

340. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. ("Patrick"), responded to Defendant Jambe, Rollinson, Shaw, and Baker's subpoena, objecting to it under multiple grounds, including the following:

t) "it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure ("CCP") § 2029.100-2029.900."

- u) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - v) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - w) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - x) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”
341. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
342. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure, other rules of civil procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff’s before Paypal Defendants’ objection was filed.
343. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.
344. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
345. These documents were entitled “Account Information for Larry Klayman” and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers,

addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.

346. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.

347. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.

348. These documents were released in violation of Paypal's Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

349. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.

350. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff's correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

351. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

352. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

353. Defendants Jambe, Rollinson, Baker, and Shaw, on behalf of Deluca, fraudulently and illegally filed a motion that had no basis in law and was void ab initio, and was intended solely as a fraudulent subterfuge to obtain financial information from the Plaintiff;

354. Defendants Jambe, Rollinson, Baker, and Shaw, on behalf of Deluca, falsely, fraudulently, and with the intent to deceive and defraud Plaintiff, deceptively induced Paypal to release private transaction and banking records believed to be that of Plaintiff;

355. Paypal provide credit card and in-effect banking and other financial services for Plaintiff;

356. Paypal, as agents of Plaintiff, reasonably relied on Defendant Jambe, Rollinson, Baker, Shaw, and Deluca's false and fraudulent representations that the subpoenas were valid;

357. Plaintiff was harmed when financial information which Defendants believed belonged to Plaintiff was released; and

358. Paypal' reliance, and thus Plaintiff's reliance, on Defendants Jambe, Rollinson, Baker, Shaw, and Deluca's representations was a substantial factor in causing Plaintiff's harm.

COUNT V
(INTRUSION INTO PRIVATE AFFAIRS)
(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

359. Plaintiff refers to and incorporates herein paragraphs 1 through 358;

MM. The Subpoena Requesting Records from Paypal

360. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution and Florida Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution and Florida Constitution.

361. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

362. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio. Even though these Defendants knew that their actions were contrary to the Ohio Constitution and Florida Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain

Plaintiff's financial information.

363. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

364. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

365. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

z) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.

aa) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.

bb) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.

- cc) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- dd) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.
366. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as "Account Information for Larry Klayman" by Paypal and listed Larry Klayman as the user.
367. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.
368. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.
369. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. ("Patrick"), responded to Defendant Jambe, Rollinson, Shaw, and Baker's subpoena, objecting to it under multiple grounds, including the following:

- y) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
 - z) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
 - aa) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
 - bb) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
 - cc) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”
370. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
371. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff’s before Paypal Defendants’ objection was filed.
372. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.
373. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.

374. These documents were entitled “Account Information for Larry Klayman” and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.

375. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.

376. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.

377. These documents were released in violation of Paypal’s Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

378. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.

379. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff’s correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

380. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

381. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

382. Plaintiff had a reasonable expectation of privacy in the information that Defendants Jambe, Rollinson, Baker, Shaw, and Deluca believed to be that of Plaintiff's;

383. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca intentionally intruded into Plaintiff's private affairs by subpoenaing financial records that they believed belonged to Plaintiff through Paypal;

384. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca's intrusion would be highly offensive to a reasonable person;

385. Plaintiff was harmed as a result of the release of the financial records; and

386. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca's conduct was a substantial factor in causing Plaintiff's harm.

COUNT VI
(TRESPASS TO CHATTELS)
(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

387. Plaintiff refers to and incorporates paragraphs 1 through 386;

NN. The Subpoena Requesting Records from Paypal

388. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.

389. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

390. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio. Even though these Defendants knew that their actions were contrary to the Ohio Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.

391. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

392. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7,

2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

393. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- ee) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- ff) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.
- gg) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- hh) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
- ii) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman

and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.

394. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff.

Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as “Account Information for Larry Klayman” by Paypal and listed Larry Klayman as the user.

395. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.

396. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.

397. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:

- dd) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”
- ee) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”
- ff) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”
- gg) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”
- hh) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”

398. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.
399. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff's before Paypal Defendants' objection was filed.
400. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.
401. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
402. These documents were entitled "Account Information for Larry Klayman" and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
403. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
404. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.

405. These documents were released in violation of Paypal's Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

406. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.

407. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff's correspondence and informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

408. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

409. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

410. Plaintiff was listed as a user and account holder by Paypal;

411. Defendants Jambe, Rollinson, Baker, and Shaw, on behalf of Deluca, intentionally interfered with Plaintiff's perceived use of the PayPal account and further intentionally interfered with Plaintiff's perceived use of the account;

412. Plaintiff did not consent to the taking of the financial information;

413. Plaintiff was harmed as a result of the release of the financial information; and

414. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca's conduct was a substantial factor in causing Plaintiff's harm.

COUNT VII
(CONVERSION)

(To Defendants Jambe, Rollinson, Baker, Shaw, and Deluca)

415. Plaintiff refers to and incorporates paragraphs 1 through 414;

OO. The Subpoena Requesting Records from Paypal

416. Defendants Jambe, Rollinson, Shaw and Baker, on behalf of Deluca, fraudulently sought and filed a meritless motion to show cause for Plaintiff's alleged violation of the judgment entry of June 22, 2011, attempting to incarcerate Plaintiff for his non-payment of \$320,000 in attorney's fees, in clear violation of the Ohio Constitution and Florida Constitution. As provided in *Sizemore v. Sizemore*, 2010 Ohio 1525 (April 5, 2010), the use of the contempt powers of the court are prohibited when the amount at issue has been reduced to judgment. Contempt proceedings for failure to pay a judgment are in direct and blatant violation of Article 1, § 15, of the Ohio Constitution.

417. This motion to show cause was an invalid legal proceeding, had no basis in law and fact, and was void ab initio.

418. Defendants Jambe, Rollinson, and Shaw, partners at the law firm of Defendant Baker, each have substantial experience in both the laws and procedures of Ohio. Even though these Defendants knew that their actions were contrary to the Ohio Constitution, they went ahead and filed the motion to show cause to try to imprison and fraudulently issue subpoenas to illegally obtain Plaintiff's financial information.

419. Paypal, Inc. is a corporation that receives and transfers money on behalf of its registered users and thus has in its possession financial information for all registered users, including records thought to be those of Plaintiff's.

420. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, sent void subpoenas to third party entities, including Paypal, seeking to fraudulently induce third parties such as Paypal, Inc. into releasing financial records which they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently issued subpoenas on August 7, 2012. The subpoenas were issued by the Family Court on August 8, 2012. Paypal received the subpoenas on or about August 12, 2012.

421. The subpoena to Paypal requested the following documents concerning the PayPal account, which Defendants Jambe, Rollinson, Shaw, Baker, and Deluca believed was held by Plaintiff:

- jj) Documents which reveal or concern the name, address, and other contact information of the entity or person who holds the Account ("the Account Holder"), including but not limited to any documents relating to the opening of the Account.
- kk) Correspondence between the Account Holder, or anyone acting on its behalf, and Paypal, relating to the Account.

- ll) Documents concerning any transaction into or out of the Account, including but not limited to what eBay's Fraud Investigations Team refers to as "complete transactional information" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
 - mm) All documents revealing or concerning any financial accounts attached to the Account, including but not limited to any accounts to which PayPal forwards or otherwise credits payments made through the Account, including but not limited to any documents relating to what eBay's Fraud Investigations Team refers to as "attached financial accounts" in the attached *Responding to Law Enforcement Records Requests*, from July 1, 2011 through the present.
 - nn) The subpoena to the Cuyahoga Support Enforcement Agency requests any and all documents relating to all payments made, between January 1, 2012 and the present, by Larry E. Klayman, the obligor, to Stephanie A. DeLuca, the obligee, to either Ohio Support Payment Central or the Cuyahoga County Child Support Enforcement Agency, including but not limited to copies of the front and back of any checks received from (or on behalf of) Mr. Klayman and/or documents relating to any wire transfers from Mr. Klayman which identify the sources of the funds received.
422. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca, fraudulently sought records they believed contained banking information related to Plaintiff. Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca had no legitimate reason to subpoena these records, which were labeled as "Account Information for Larry Klayman" by Paypal and listed Larry Klayman as the user.
423. On August 16, 2012, Plaintiff gave notice, through written correspondence of his intention to move to quash the invalid, null, and void subpoenas issued by Defendants Jambe, Rollinson, Shaw, and Baker, on behalf of Deluca.

424. Plaintiff immediately sought to quash these subpoenas pursuant to Ohio Rules of Civil Procedure Rule 45 (C)(3) and filed his Motion to Quash on August 20, 2012, the following Monday.

425. Paypal, through Executive Escalations Legal Specialist Cedric Patrick, Jr. (“Patrick”), responded to Defendant Jambe, Rollinson, Shaw, and Baker’s subpoena, objecting to it under multiple grounds, including the following:

ii) “it does not comply with the Interstate Discovery Act codified at California Code of Civil Procedure (“CCP”) § 2029.100-2029.900.”

jj) “it does not comply with the service requirement of CCP § 2029.400 and § 2020.220(b)(2).”

kk) “it provides insufficient time for compliance. Section 2020.210(c) of the California Code of Civil Procedure requires a subpoenaing party to provide no fewer than 15 days for the subpoenaed party to comply.”

ll) “it does not provide notice to the other parties to the action, in violation of CCP § 2025.2020.”

mm) “it is not directed to the custodian of records of Paypal, in violation of CCP § 2020.410(c).”

426. Paypal further objected on the grounds that the information sought was unduly burdensome, that it may have been protected by attorney-client privilege, and that it was overly broad, and that it requested irrelevant information.

427. Despite the number of objections by Paypal, and the multiple clear violations of the California Code of Civil Procedure and common law, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca fraudulently induced the release of banking and transaction information believed to be that of Plaintiff’s before Paypal Defendants’ objection was filed.

428. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca, in an effort to induce Paypal into releasing the account information, told Patrick to ignore objections and send them the information immediately. This was done to prevent Plaintiff from having an opportunity to respond to and quash the void and fraudulently issued

subpoenas. Patrick was also not advised of the invalidity and fraudulent nature of the contempt motion upon which the fraudulent subpoenas were issued.

429. On August 16, 2012, Patrick sent to Defendant Rollinson via Federal Express, documents and a CD containing various files that were produced as a result of the subpoena.
430. These documents were entitled “Account Information for Larry Klayman” and listed Larry Klayman as the user. These documents included Paypal records which Defendants believed pertained to Plaintiff personally, including phone numbers, addresses, employee information, and checking account information. Plaintiff was listed as the user of the account.
431. Plaintiff never consented to the release of these documents. In fact, Plaintiff specifically opposed the release of these documents by objecting to the subpoena.
432. By obtaining these documents from Paypal, Defendants Jambe, Rollinson, Baker, Shaw, and Deluca had received the private account information which they believed related to Plaintiff.
433. These documents were released in violation of Paypal’s Privacy Policy, which sets for the following, in pertinent part:

“How We Protect and Store Personal Information

We store and process your personal information on our computers in North America, Asia, Europe and elsewhere in the world where our facilities are located. We protect your information using physical, technical, and administrative security measures to reduce the risks of loss, misuse, unauthorized access, disclosure and alteration. Some of the safeguards we use are firewalls and data encryption, physical access controls to our data centers, and information access authorization controls.”

434. Plaintiff, upon hearing of the release of the documents sent by Paypal to Defendants Jambe, Rollinson, and Baker, immediately demanded that Paypal retrieve the documents sent to Defendants Jambe, Rollinson, and Baker.
435. In response, Plaintiff was contacted by Judith M. Mercier, counsel for Paypal, on August 20, 2014, who acknowledged receipt of Plaintiff’s correspondence and

informed Plaintiff that Paypal would be requesting the immediate return of the released records based on the objections that Plaintiff had made. That same day, on August 20, 2014, Paypal demanded the return of the released documents and information.

436. On August 22, 2012, Defendant Rollinson falsely stated that he returned the released documents and information to Judith Mercier, who said she would keep possession of documents in question until the Family Court ordered the release of the documents.

437. Defendants Jambe, Rollinson, and Baker, on behalf of Deluca, made photocopies and/or kept electronic copies of the released documents, and provided them to Deluca. When asked by Plaintiff whether all copies had been sent back to Paypal or destroyed, neither Defendant Jambe nor Defendant Rollinson would attest under oath about whether they had retained and misappropriated copies and/or reviewed the documents and information before they were allegedly returned. They thus confirmed that they have retained copies of all the records and have them to this day.

438. Plaintiff was listed as a user and account holder by Paypal;

439. Defendants Jambe, Rollinson, Baker, and Shaw, on behalf of Deluca, intentionally and substantially interfered with records believed to be those of Plaintiff's and received private banking and transaction information that they believed belonged to Plaintiff;

440. Plaintiff did not consent to the taking of the Paypal account information which Defendants believed to be that of Plaintiff's;

441. Plaintiff was harmed as a result of the release of the financial information; and

442. Defendants Jambe, Rollinson, Baker, Shaw, and Deluca's conduct was a substantial factor in causing Plaintiff's harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, each and every one of them, for the following:

- I. For general and compensatory damages in an amount exceeding \$1,500,000.00, exclusive of interest and costs;
- II. For punitive and exemplary damages in excess of \$5,000,000.00, an amount sufficient to punish and deter such conduct;
- III. For injunctive relief preventing Defendants from once again attempting to gain access to information believed to be that of Plaintiff's;
- IV. An award of trebled damages as consistent with 18 U.S.C. § 1964(c);
- V. Attorney's fees and costs of this suit;
- VI. For prejudgment interest at the maximum legal rate; and
- VII. Such other relief as the Court deems proper, including a referral of the acts found to be illegal herein to appropriate authorities of the Ohio Bar.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Plaintiff Klayman demands trial by jury.

Dated: March 6, 2015

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
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Plaintiff Pro Se

Exhibit 1

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Avoid False Accusations of Child Sexual Abuse

Perhaps the most heinous of dirty tactics used in child custody litigation, the false allegations of child sexual abuse upon your own children is at the top of the list. Though false accusations of child abuse (generally) are extremely common in child custody matters, the ultimate weapon used when all else fails are the false allegations of sexually abusing your own child.

When you have a societal climate that portrays all males as potential sexual abusers and a family court system that has a propensity to err on the side of “caution” – the impact of a false allegation of sexual abuse is swift and severe. Further, even when you’re totally exonerated – your life is never the same personally, professionally, and you’re typically ostracized from your own community. Adding insult to injury – the false accuser is rarely punished.

Another problem is that many of the professionals associated with the family court take the “smoke/fire” approach to false allegations of sexual abuse, setting out from the get-go to prove that the allegations are true. This is troubling because even the most innocent of situations can be twisted by a vindictive, high-conflict ex-spouse into deviant sexual activity between a parent and child.

The reality is that a child who is made the victim of a false accuser is the ultimate abuse victim, even when the allegations are untrue. The level of invasive examinations, barrage of questioning by police and other mental health professionals, pressure from the falsely accusing parent – is child abuse in and of itself.

If there is even the most remote of thoughts in your head that your high-conflict ex-partner is capable of such a despicable level of behavior in your child custody matter (sometimes even if you don’t believe it), you have to exercise the highest level of self-protective measures and judgment when doing even the most normal daily things with your children. The overwhelming majority of

such false allegations are made against the father. If you are separated, divorced, or on the fast track to either, especially you're a father, please take the following precautions:

- Never shower or bath with your child. Depending upon the age, the act of bathing your child is unavoidable. What is avoidable is hopping into the tub or shower with them.
- Avoid being naked around your children. Whenever practicable, avoid having them being naked around you.
- Never sleep in the same bed with your children. If you have accommodations that permit separate sleeping quarters – all the better.
- Have witnesses every available moment. Of course this can't possibly cover your entire day – but the more time you spend with others around, the more witnesses you have around to refute false allegations of sexual abuse of your children.
- If your child develops any rashes or other skin problems around their genital or rectal regions, always take them to the doctor at the earliest possible moment for an evaluation and advice for treatment. Ultimately, you will have to care for your child with such ailments. They're common. Seeing a doctor rather than just addressing the matter on your own can be helpful when treatment is twisted into a potential false allegation of sexual abuse.

Never in your wildest nightmares did you imagine a scenario in your parenting life that you would have to subscribe to such horribly unfair methods of self-preservation. Unfortunately, these protections are essential when you're involved in a child custody dispute with a high-conflict, vindictive ex-spouse who will spare no effort to separate you and the children.

Utilize these suggestions with the understanding that they may likely only be temporary, though even a few months may feel like an eternity. The level of destruction that can be brought to bear on your life by a false allegation of sexual abuse of your children in a child custody situation cannot be overstated. The use of such a tactic is more common that you may want to believe. Protect yourself and protection your relationship with your children.

[Win child custody](#) and stop the insanity today. Learn about our [Membership Benefits](#) and get help by [Joining Now!](#) Thanks for visiting!

3 comments

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1. [Edward Nichols, MSW, LCSW-r February 16th, 2011 10:28 am :](#)

In my thirty-years of expert consultation in matters concerning false allegations of child sexual abuse, a pattern has emerged: Many of those falsely accused have exercised “poor judgment” in allowing themselves to be in a situation that opens themselves up to false allegations. It is frankly a sad day in America in which one has to exercise the measures outline in this article, but nonetheless, it is necessary. I agree completely. Good job!

2. [Tiffany Marie Petrossi Sexually Abuses Daughter, Blames Father | Mr Custody Coach April 14th, 2011 9:44 am :](#)

[...] [Avoid False Allegations of Child Sexual Abuse](#) [...]

3. [amelia biddle July 10th, 2011 4:22 am :](#)

4years ago my sisters used our past to take control of our 3children threw the family court,last year a sister manipulates our 13yr old to write sexual allegations against me and there father its been nearly a year and i haven!t been charged with sexual abuse on my 2boys,but there father has been charged for our boys and daughter and is waiting in prison for the trial .Our children have given there evidence that nothing happened ,only what there auntie made them believe.4years later and many family court battles she still has care of my baby 6yrs.13yr old is contained in child,youth,and family home aunt beats him ,he runs away.our daughter given away by aunt to family i have never meet..this wonderful machine i have and am still learning the ropes ,has opened my eyes to the truth of how those in power use it against us,I have also connected with support,finding this page has opened my eyes to ,how greed can make my sister use sexual allegations to keep my child just for the money and revenge.NOTE-

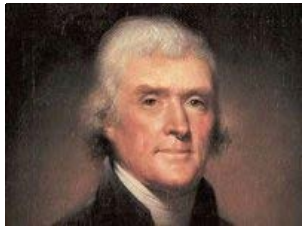
(Midwife neglects mother and new born child)my sister ,failed relationships,denial of drug addictions.

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* The Liberty Tree *

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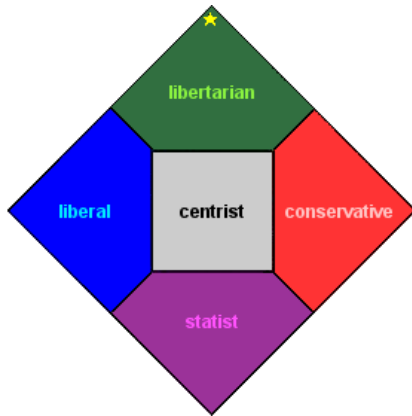


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The Federal Scheme to Destroy Father-Child Relationships Jake Morphonios libertarian



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There is a very simple trick, used all too frequently in family courts, that will almost always ensure the immediate elimination of a man's constitutional rights.

by Jake Morphonios (libertarian) Monday, February 18, 2008

In acrimonious divorce and child custody disputes emotions are tense and tempers flare. Buoyed by litigious attorneys, each side engages in strategic maneuvers to gain the greatest legal advantage. Sometimes a parent, fearing a loss of control or custody over a child, crosses the ethically acceptable bounds of legal warfare. An unfortunate but all too frequently used tactic by mothers is to accuse the father of sexually molesting their child. The mere accusation is sufficient to strip the father of all his custody rights and launch a criminal investigation. Even when no evidence is found to substantiate the allegation,

family law courts typically "err on the side of caution" and award full custody to the mother. While national statistics reveal that the majority of all child sex abuse reports are legitimate, when such claims are made by a mother in the context of custody litigation, an estimated 77% of allegations are determined to be unfounded (Tong, 2002).A false child sex abuse allegation made during child custody litigation is a destructive legal stratagem.

Throughout the world, child sexual abuse is considered the ultimate crime. Not even murder generates the kind of raw emotional reaction that results from the sexual abuse of a child. Society acknowledges the innocence of children and responds to child abusers with extreme prejudice. The power of the accusation alone is often enough for public opinion to impeach the character of the alleged child abuser and guarantee legal victory for the mother. According to Jeffery M. Leving (1997), a leading father' rights attorney, "the use of false sexual abuse allegations to win custody suits has become almost a standard tactic among disturbed mothers and unethical divorce lawyers" (pg 148).The accused may spend years rebuilding his reputation from the monumental damage caused by the accusation.

To investigate the effect of a false child abuse accusation, a child custody survey was conducted; the group was evenly divided between males and females. A scenario was presented in which a divorcing couple was contesting custody of the children. It was stated that both parents were fit and proper. The question posed regarded what custody arrangement would be in the best interests of the child. An overwhelming 94% of respondents indicated that joint legal and physical custody, shared between parents, would be in the child's best interest, with 78% of respondents indicating that a 50/50 time sharing agreement was appropriate. Another scenario was presented. In the second scenario the father has been accused by the mother of sexually molesting their child. The Department of Social

Services and the police conducted an investigation and concluded that there is insufficient evidence to determine whether or not the father committed sexual abuse. The question of custody is again asked. As a result of the unsubstantiated accusation against the father, 79% of the same respondents stated that sole legal and physical custody should be granted to the mother. Only 15% of respondents felt that the father should be permitted a minimum of 50% visitation with the children. In the final survey question regarding the respondent's personal opinion of child molesters, 42% stated that they should be "locked away for life" and 48% responded that they should "burn in hell". Why do so many mothers file false sexual abuse allegations during custody cases? They work. False accusers in this type of case rarely face prosecution.

The judicial system, likewise, responds to alleged child abusers swiftly and aggressively. Unfortunately for many falsely accused fathers, truth and justice are often niceties which are frequently ignored. Leving (1997) writes, "Based on well-meaning 'better safe than sorry' policy, abuse investigators often accept an abuse charge as fact and consider the accused abuser guilty until proven otherwise" (pg 150). This is a significant problem. The US Constitution guarantees that accused persons are to be treated as innocent until proven guilty. In this type of case, however, constitutional safeguards are abandoned. The burden of proof falls upon the accused to prove a negative, or, to conclusively show that an alleged event never occurred. This reversal of constitutional jurisprudence sets a dangerous precedent and ensures the conviction of many innocent men. The destructive power of a false child abuse allegation has been termed "the nuclear option" by law professionals (Tong, 1997). Once this nuclear bomb is dropped, all hope of civil reconciliation is lost. The custody battle escalates into a bitter war.

The prevalence of false accusations is a matter of debate. Disagreement over the proper ratio of false abuse statistics may range anywhere from 20% to 80%. It can be extremely difficult to correctly track the ration of true to false accusations because of the problem in identifying the intent of the accuser. In some instances a mother genuinely believes abuse has occurred. In other instances the mother may not be sure and simply doesn't know what to do other than to file an allegation of abuse. However, when one considers all factors, including the number of retracted allegations, recantations and the preponderance of cases proven to be dishonest, a fair estimate settled upon by many studies is an average of 77% (Brennan & Brennan, 1994).

False reports of sexual abuse against children are often first reported to Child Protective Services (CPS) or some other governmental social service agency. A safety assessment is conducted by a CPS or social worker (Ney, 1995). During this brief assessment standard questions are asked of the mother regarding the alleged event. At the end of the assessment, even if no proof of wrongdoing is presented, procedure requires the social worker to recommend that full custody be given to the mother as a safety precaution until a full investigation is concluded. This assessment is included in an official complaint and presented to a district court judge. The judge will typically grant an Emergency Ex-Parte Order giving the mother temporary sole custody of the children and restrain the father from having any contact with his children, even when no additional evidence beyond the mother's word exists. A hearing date is set and the legal battle begins.

The mother gains immediate advantages over the father. First, by giving the mother full custody of the children the court is setting a precedent that will be hard for the father to overcome. Most family court judges believe in maintaining the status quo, and subsequently order the children to continue residing with the mother rather than changing the children's residence to that of the father (Hardwick, 2004). A second advantage for the mother is that the children are unable to communicate with their father and a process of alienation begins. The more time that passes without contact, the greater the alienation. During this period of alienation, a child may be coached by the mother to support the allegation against the father.

After the Emergency Ex-Parte Order has been granted, an investigation of the allegation begins. As part of the investigation, the child is examined by a medical doctor for physical signs of sexual abuse. It is rare that evidence is discovered. The child is also seen by social workers who use items such as anatomically correct dolls to try to encourage the child to talk about what happened. Even when the child states that nothing happened, the investigation continues. After a series of interrogations, which often serve to reinforce the false story in the child's mind, the child may eventually say something or play with the dolls in such a way as to cause the social worker to suspect abuse (Tong, 1992). As part of this ongoing investigation by both CPS and local law enforcement, the reputation of the father is constructively destroyed by the investigation. Family relationships become strained. Employers tire of granting time off work to accommodate the father's frequent court hearings. Social relationships are damaged, often never to be repaired.

The very process of being investigated causes many men to give up and grant the mother everything she wants from him. Sadly, many fathers are so traumatized by the horror of the process that they commit suicide (Seidenberg, 1997). False abuse expert, Dean Tong (2002), says of the emotional state of the accused:

Sleep is forever elusive, night-terror becomes common-place and depression is a constant companion. Rarely is there any support to be found within the community and rarely is there any sympathy for the falsely-accused. Throughout it all, you must bear the title "abuser," until you prove otherwise, if you can.

Disorientation, denial, shock, confusion, anxiety, and disbelief are constant. Lack of concentration is a chronic problem, exceeded only by the frustration of being denied the right to see your children. (pg 25)

Immediately, the father finds himself in a maze of confusing litigation. He spends thousands of dollars to retain an attorney. Police often request the father to take lie detector tests. Even though he submits to and often passes several polygraph tests, it does him little good as the tests are not admissible in court. A single attorney is rarely sufficient to provide an appropriate defense in this type of case. Thousands of dollars must be spent to retain psychologists and other expert witnesses in the fields of sexual abuse. In an attempt to prove their innocence, many fathers submit to invasive psycho-sexual testing, such as the penile polygraph. In this particular test sensors are placed around the penis and variety of video images are displayed to the father, such as children playing in water or little girls in bathing suits. The subtlest of sexual responses while looking at images of children will condemn the father. The cost of testing, attorneys, expert witnesses and other legal fees in this type of case often exceeds \$50,000. The father sometimes has to mortgage his home and sell his assets to afford a sufficient defense. Naturally, little money is leftover at the end to use in a custody case.

In most court districts throughout the United States, judges run for office as any other politician. If a judge takes, or fails to take, an action that leads to the abuse of a child by an alleged child abuser, his political career may be over. Political expediency is a strong, yet unspoken, factor in emotionally charged cases such with child sexual abuse (Seidenberg, 1997). When a father has been falsely accused of molesting his child, even when no evidence substantiates the claim, he often loses custody of his children because the court decides to "play it safe". The father may not go to jail, but the temporary order preventing his access to his children is frequently made permanent. By no fault of his own, the father has lost his children, all because a mother chose to fight dirty in court. For the unfortunate father who loses his criminal case, he is locked away. Sentencing for child molesters is typically longer than sentencing for murder (Seidenberg, 1997). Men convicted of child molestation are constant targets of prison abuse by fellow inmates. Fathers, unjustly incarcerated, become bitter and less productive members of society.

The father is not the only victim in a false child sex abuse allegation. Children are also victimized. Not only does the child have to submit to numerous interrogations and invasive tests to determine if abuse occurred, but needless therapy is often prescribed. The child, knowing at first that nothing happened, is subjected to counseling that reinforces the story that abuse has occurred. In time, many children grow to believe and accept that their fathers molested them. The emotional trauma is life-long. This phenomenon has become so common that psychologists have given names to the syndromes that result from false abuse claims, including Parental Alienation Syndrome (PAS) and Sexual Abuse in Divorce (SAID). The allegation is, in itself, a form of child abuse (Wexler, 1990). The loss of self-esteem, the destruction of the father-child relationship, the mental and emotional damage and premature sexualizing of the child are all very real results of a false abuse accusation. Children who grow up believing they were sexually abused often develop deviant sexual interests and proclivities. No child should be treated so heinously by parents embroiled in a legal chess game.

A false child sexual abuse allegation, while usually ensuring the legal victory for the mother, is destructive to all parties involved. Child molestation is a terrible crime and false accusations play on the natural prejudices of society to the extent that victory can almost be guaranteed for the accuser. The loss of fathers in the lives of their children has many negative consequences for society as a whole. Laws need to be passed that protect the rights of the accused as in any other type of trial. Penalties for false accusers must be created and imposed. Social workers, judges, and others involved in the investigation of this type of allegation must be taught the syndromes that affect children when a false abuse claim is made. Sexual abuse claims made in the middle of custody proceedings must be viewed with some skepticism. Judges must be made aware of the usefulness of certain scientific tests, not currently admissible in court, which may help to vindicate the accused. Finally, an emphasis on more stable families will lead to fewer divorces, and, therefore, fewer false abuse claims. Until these, and other, reforms take place, innocent children will continue to be used as pawns in a senseless game of legal strategy.

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Jake Morphonios is a civil rights advocate and North Carolina State Coordinator for Fathers 4 Justice - US. The political opinions of Mr. Morphonios do not represent those of Fathers 4 Justice. Neither Mr. Morphonios nor F4J-US provide legal advice or assistance with individual cases.

Fathers seeking support or information, or other parties interested in becoming involved in the father's rights movement may contact Mr. Morphonios at: jake.morphonios@nc.f4j.us

Please read the article below and share it with others to spread the word about the importance of the role of fathers in the lives of their children:

[The Federal Scheme to Destroy Father-Child Relationships](#)



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fal · 5 months ago

i came across this while looking for information regarding one of my own family members. let me just say that this is repulsive and that for someone to have to stoop that low to concoct a story or implant memories into a child's head about such a horrible act defies me completely. Honestly, i think that this article is invalid. The first thing most people do when a child has the bravery to tell another soul what happened to them is to question that child's ability to tell the truth. for any mother reading this right now that just so happened to hear from their child things that should never happen to a child then please do something right away. you must believe them. even if in your body your heart has plummeted into your gut and your not sure which avenue to take. contact authorities asap. your child needs you and you are his advocate. Be his protector. Courts all across the land fail miserably every day to protect little ones. It's hard for judges and the like to hear these stories every day and still remain sympathetic. Just do one thing: ALWAYS

The Nuclear Option: False Child Sexual Abuse Allegations in Custody Disputes
 hard for judges and the like to hear these stories every day and still remain sympathetic. Just do one thing. ALWAYS HAVE FAITH IN THE GREATER GOOD. because if you don't, you will fall and your child will not have a standing chance. If your child has disclosed sexual abuse to you call your local police first, then your pediatrician. If you suspect that something happened within the last 72 hours from the sexual abuse allegations you would call your pediatrician and speak to a nurse and have her refer you to the ER if deemed necessary or come in for a visit with the doctor..whatever she suggests follow. She is a trained professional who has worked with these cases before. Do not question your child over and over or get angry in front of your child. Tell them that you love them and that you are glad that they felt brave enough to tell you and that you will help them. reaffirm that if needed. tell them it's not their fault. children tend to blame themselves. your child will most likely have a forensic interview where they set up a meeting with the child to ascertain exactly what happened. this is recorded so your child doesn't have to repeat him/herself over and over over. Hopefully someone reads this who is searching for help or resources. I am in no way a professional. These steps i've given are those of personal experience. In any case always contact doctor and local authorities and then from there you should be given a list of avenues to take. I wish you the best of luck and you will get through this and come out on the other side.

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Guest → fal · a month ago

FAL, the article describes exactly what my sister did to her husband. She used DSS and law enforcement in her home state to exact more damage on her ex-husband. She manipulates and twist facts to suit her the reality she wants. Mercifully, unlike DSS, the sheriffs department investigator and my ex-BIL company's internal affairs conducted MANY interviews and tried to align the facts she gave but they did not add up. Her motive, money, was crystal clear. The saddest thing is DSS is so backlogged and that the case is still pending and it has kept and honest and decent man from seeing his own children since August of this year. Yes, there are children in horrible circumstances that need help ASAP. Likewise, there are imbeciles with the power of the state's DSS behind them who do more harm. Lose, lose. Privatize DSS.

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annmarie79 · 8 months ago

i have a question for a friend of mine her brother came out of his bedroom and, saw that her husband was laying his couch and his 4 yr old niece was laying on her stomach nexts to the couch on the floor kicking him so he put his hand down to reach her back leg to stop her kicking him, the brother took a picture and all you can see is his back forearm and 1 of her legs, would this be consider sexual misconduct, is it the brothers word against the husbands? the picture could be misconrsued couldnt it, do anyone think it could lead to being evidence?

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annmarie79 · 8 months ago

i want to know if a picture was taken of the back of a mans forearm pulling on the back leg of his 4 year old niece to get her to stop kicking him, could this be considered inappropriate touching since you cant see where his hand is in the photo?

0 ^ [] v · Reply · Share >



Fukkme · 9 months ago

my cousin and i had been best friends for over 20 years.we did everything together..we literally always knew what each other was thinking and we even double dated a lot..in 2003 he met a woman &.she latched on to him as soon as they met.he's bipolar and disabled ,has 2 kids from a previous relationship and she was studying to be an RN... one of the first things i found out about her was the fact she couldn't physically have anymore children..well as time went on they began to argue and her main issue was that he wouldn't work and he didn't want to meet other married families and integrate in to being a "white pickett fence" family dad/: the kind of that will be playing ball with the kids for the next 20 years and taking them to prom,etc.he was immature and not ready for a family and wasn't ready for marriage imo//

he took care of them in a single dad way..he was able to hang out with me and his other friends,he"d just either bring his daughters with him or let grandmother take care of them for the evening/.well,he and his girlfriend argued all the time and she'd threaten to leave him and take the kids..

well one night in 2007 ,cps knocked on the door.they came in spoke to him and also the little girl,alone..they left and came back later that week and arrested him on charges of of molestation..i knew better,,i've know him for over 20 years up close//.turns out,the little girl made a comment at school one day...i don'tknow what the surrounding circumstances were but the comment she made was "daddy does that"...and boom..the fur flew./long story short,they arrested,

handcuffed him put him in jail..within a month after the sentencing,his wife had a new husband,who'm she met in class while my cousin and her were still together (this explains her extra 2 and 3 hours getting home late every night the last 6 months they were together) and she attempted to get custody of his two kids right away(don't forget she can'y ohvsicallv have children anvmore) and here's an interesting note the con that arrested my cousin goes to her

PPO, it will get you stuck with thousands of dollars in legal costs while she gets a free attorney compliments of the State, who now becomes the plaintiff. Additionally, since the State doesn't like to lose, most states have watered down the required proof to only "preponderance of the evidence", a standard so lacking in requirements that all the state needs to do is prove it's jus as likely it did happen as it didn't - far from the "proof beyond all reasonable doubt", the criminal standard.

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Posted By: dad4justice
Date: 2008-02-19 10:45:37

The more people highlight this terrible tragedy for so many non custodial fathers the better .I applaud the article

In solidarity

d4j

[Report violation](#)

Posted By: K Baker
Date: 2008-02-20 08:37:36

Thankfully, I am a happily married man with three beautiful children, but I have a lot of sympathy for this ever since first reading about it in Reason magazine years ago. My wife and I have also discussed these issues over the years, as we often discuss political and social issues together. Much to my surprise, my wife refuses to accept the idea that the system is rigged against fathers, though she admits a certain prejudice against men accused of abuse, she's pretty open-minded about everything.

If my wife, who is fairly reasonable and open-minded, doesn't believe the system is rigged against fathers, even after seeing such evidence, then fathers up against the system have a long row to go to gain sympathy from the general populace.

[Report violation](#)

Posted By: Moriyah
Date: 2008-02-22 08:47:19

A local religious sect here in Abilene Texas is the target of a 'witchhunt' using CPS as the tool. Not only is the constitution done away with but every vestige of due process is thrown out the window. There is little defense except 'keep your mouth shut'. Admit/say nothing to any investigator. They seek self incrimination to corroborate anonymous charges which won't hold up on their own. The ultimate defense is criminal and civil suit against the individual perpetrators and not their agencies.

Ultimately, all bear responsibility for their actions no matter what color of law they operate under. Accountability is a very powerful weapon.

[Report violation](#)

Posted By: John Haigh
Date: 2008-02-28 06:23:37

Clearly there is a pressing need for false claims of domestic violence or child sexual abuse to be vigorously prosecuted or punished. A person making such a claim should be faced with a significant downside. Now the husband is on a hiding to nothing. The wife has nothing to lose. My personal experience: During a business breakup my female partner said to mutual friends, "I was always afraid in the back of my mind that one day John might sexually molest my daughter." Ever tried to defend yourself against that type of allegation? A year after everything had settled down she apologised for saying it; explaining that she felt she needed an edge. But the damage done to my reputation is never completely arased.

[Report violation](#)

Posted By: Roland Adams
Date: 2009-06-02 14:21:17

I have a grandson who just last week was transferred to Lovelock State prison for 20 years to life for a child molestation conviction. A crime for which he is 100% innocent. the details of his case are very similar to this article, he was accused of penetration of the childs vagina with his finger, all testimony by the little girl (4 years old) her mother and grandmother, primarily and the back up of a person from child protection services and an officer from the County. All hearsay and all from their interview with the child. The childs mother was the girlfriend of my grandson who got mad at him over some incidental issue, with the results absolutely devastating to his family. He submitted to a lie dectector test only for his personal satisfaction and that of his family, and was found to be telling the truth, (not admissable in court). He is being represented by an appeals Attorney for presentation to the Nevada Supreme Court, and we pray he is found innocent. Your articles on this subject point out the emotional misuse of such cases and the law should require Professional substantiation of such charges, physical evidence, or eyewitness to bring such a serious charge to trial. In addition punishment to false charges confirmed should be just as strong as their accusation.

[Report violation](#)

Posted By: Unknown
Date: 2009-06-19 16:39:50

I would just like to say bull crap!. This is ludicrous. When a child discloses to a parent that the other parent is molesting them, the parent told reacts. The system fails to recognize the problem as family. Advice is given to go into a protection mode. A parent doesn't possibly know what this creates but trusts that the outcome will benefit the child. When in reality it hurts the child severely. Accusations of child molestation cause divorce. Divorce does not cause accusations of child molestation. They happen simultaneously. The problem is the court system does not know how to deal with it effectively and the children ultimately are the ones who suffer. I would really like to see the statistics on parents who are charged, found guilty of molesting thier own child, without admittance. I doubt any exist. This is an epidemic and a solution needs to be made not blame. Parents never liked to discuss sex with children at any age. I do believe parents are more open to the subject but it is still uncomfortable to most and maybe all. Just because a party isn't happy with a marriage isn't going to alter that judgement. Think about it. A parent sitting down with a child trying to convince them that their other parent did a sexual act to their genitalia. Wrong! No way! No how! It ain't possible. Come on lets get real. Children at a very young age are so innocent that they disclose information to parents who they trust, through play, immagination, whatever. My children are victims of the system. I know first hand how it works. I know cases are individual and unique but I also know that molestation occurs in the home. No matter how much one doesn't want to believe it, it is true. When it happens and the other parent reacts the cause of the reaction is manipulated and then ignored, and the child/children are damaged forever. Not so much by the act of being molested but putting the children in the hands of the court system. A child subjected to molestation is healable damage caused by accusations are permanent and irreversable. Think about that for a change.

[Report violation](#)

Posted By: bucove
Date: 2009-06-24 23:32:43

Forgive me if this seems a little off subject here...

I was lucky. My ex was not listened to when she tried to falsely accuse me of molesting our daughter. I guess her reputation had preceded her to the local authorities ;)

I raised my daughter single handedly from adolescence to adulthood as I was her choice for full time parent. She is married, almost 30, and has given me a beautiful grandchild.

Today, I am key person in a high tech startup with broad IP. A founder has accused me of molesting my daughter while I was raising her. He has threatened to bring hearsay evidence to a shareholders meeting.

So far, I have pretty much ignored him. But my disgust and revulsion at his attempts to steal my patents (and my granddaughter's future) is serving to burden my productivity.

Anyone here got any suggestions for me?

[Report violation](#)

Posted By: m ancona
Date: 2009-07-07 12:33:59

Women who falsely accuse men of child molestation should lose their right to reproduce, and have their reproductive organs surgically removed. I am of the opinion that these women should be imprisoned for the balance of their lives and the child should be removed from her care and placed permanently with the father.

In addition, women who "coach" their children in a false accusation, should have their voice box surgically removed during the sterilization operation, as they no longer deserve the ability to speak.

Any woman who would use this type of allegation, and draw the child into what is an abhorrent lie, no longer deserves to be on the same planet as me. I have absolutely NO feeling whatsoever for a woman who would do this to a man.

[Report violation](#)

Posted By: Ryan Dias
Date: 2009-09-12 23:36:05

My ex has made numerous accusations against me starting with causing diaper rashes, then domestic violence, then emotional abuse to our daughter, and now its making child pornography and molestation of our daughter. Everytime she is proven to be lying and she keeps uping the ante until now she has taken the "nuclear option". No one takes her serious because of her long history of false allegations and complete lack of evidence except her word. California has recently put laws into affect that will bring serious reprecutions to her. I am still awaiting court but my lawyers expect her to lose all custody because she is making her accusations in front of the child and coaching her to say she is being molested. Our daughter is almost 3 years old. This is by far the most horrific and stressful thing i have ever been through. This article is excellent and truthful. The system is being abused more often as a tool to gain custody easily and cheaply than going through a real legal battle based on fact to find what custody situation is best for a child.

Report violation

Posted By: Westerly
Date: 2009-10-05 10:43:55

This is a good article for those fathers that have been falsely accused, but what about the fathers that will hide behind this article that are guilty? I am a mother of a child that was sexually abused by her father. And all of you supporters are right, there is no evidence. Just my daughters word that he touched her. Do I believe her? You bet I do. Will I protect her? You bet I will. But the system is abusing her just as much as her father. He is able to bring anything he wants into the courtroom as his defense and the prosecutor cant do anything about it. He is trashing me and my other child who is an adult. He has moved to another city in the area but continues to have contact with other people in the community, telling them he is not my daughters father, accused me of multiple affairs, said my son stole expensive items from him. At a time when my daughter needs the most support from friends, family, and the community around her, her father is attempting to turn all of these against her. So to all of you women out there who would falsely accuse any man of doing this to your child. Please dont. It makes it harder on the real victims of abuse. And to all you men out there who feel the need to touch a child, may you burn in hell with my now soon to be ex husband.

Report violation

Posted By: LINDA ROBERTSON
Date: 2009-10-08 11:19:02

In the article, 'The Nuclear Option: false Child Sexual Abuse Allegations in Custody Disputes', dated February 18, 2008, you stated that "Judges must be made aware of certain scientific tests, not currently admissible in court, which may help vindicate the accused." My questions are? What are these scientific tests?

Have they become admissible since Feb. 2008 or have any other tests become admissible?

Report violation

Posted By: Shelia Bradley-smith
Date: 2009-11-12 00:13:48

My name is Shelia Bradley-Smith and I am writing this letter on behalf of my daughter Valencia Howard. My daughter had written to the Commission before and after doing so, her legal battle became worse. My daughter filed in court for the custody of their two sons and was treated very badly during the procedures and to this day is under constant attack of the attorney and her ex husband. My daughter has never used drugs, liquor, tobacco, or anything that would make her a potential risk factor to her children or no human for that fact. During the court hearing, the attorney presented a case file that had false allegations of sexual abuse and made accusations of psychological problem against my daughter. My daughter could not afford an attorney because she had always been a stay at home mother, before and during the time of separation. In March of 2008, her husband took the oldest son from the mother after they were in church and refused to return the son. In court, the attorney made it seem like he was a father trying to keep his son from harm from her breastfeeding. The ex made false sexual abuse allegations, which were unfounded, mental instability, also unfounded. My daughter and many mothers practice extended breast feeding and that has no sexual bearings or implications at all. During the hearing, Judge Camille Banks-Payne made bias statements to and against my daughter in court. She continuously interrupted my daughter's testimony and immediately degraded anything my daughter attempted to state on her behalf. The attorney didn't hardly have to question my daughter, the judge made their case for them. While overlooking any of the facts of the ex husband. Judge Banks-Payne also denied my daughter the opportunity to go into the lobby and breast feed her then seven month old son. She told her she should have pumped her milk. That was not and should not have occurred. She caused my daughter to become gorged and my grandson to be without milk for almost three hours. That was child abuse. She ordered my daughter to get a job, pump breast milk at the husband's request, and awarded her five hundred dollars for the car that her ex had taken without considering marital property. Unfortunately, this Judge allowed the attorney Matt Hanes(an attorney that works with the firm of Tash) to put demands in the order that were not even stated in court during the hearings. Upon having the court date in April 2009, the Judge asked my daughter if she had obtained a job, completed the psychological evaluation. My daughter stated that she had obtained employment and had completed the psychological evaluation. My daughter had no control over the timeliness of the evaluator to get that information into the courts.

Because it appeared to the Judge that my daughter did not have proof of the requirements she requested, the children were given to the father and my daughter was given supervised visitations. Judge Banks-Payne had her clerk to call my daughter and inform her of a scheduled meeting or hearing in her chambers a few days later. This time no one was allowed in the meeting but the Judge, Attorney Gary Tash, Regrick Howard and Valencia Howard. My daughter informed me that she felt that in order to see her children unsupervised (which costed money to visit) she had to agree with what they wanted in order for her to have regular visitations. My daughter had also filed in the courts requesting the Judge Banks-Payne remove herself from the case. According to my daughter, the judge told her that she would no longer be on the case anyway so that was not necessary and also allowed the attorney to explain that holding the appeal over them would not be necessary. Unfortunately, upon receipt of the actual written order, it showed that she had been railroaded completely. Judge Camille Bank-Payne insisted on maintaining jurisdiction and control over this case from the very beginning. Before the court hearing in April 2009, my daughter and I consulted with an attorney and she didn't accept the case, but she did act as someone who wanted to advise my daughter on what to file in court via email. While surfing the internet I found on Judge

R. Howard has falsely accused the mother of sex abuse which has been found untrue for the third time, yet he managed to get the mother put in jail because she cannot afford the \$800.00 per month child support payments. I will make sure that all that he does to the children's mother will known via internet about their father. I am sure that what is put in cyberspace stays in cyberspace. One day those children will grow up and read the truth. I pray they have a heart to forgive him. He has falsely accused her of sex abuse, told the children mama is going to jail, barred her from filing income tax, and is using whatever means to stomp their mom in the dirt. He knows that his attorney puts whatever he wants in orders to oppress their mom. I believe one day, those boys will know the entire truth and will confront him and his family about their wrong doings. He makes almost four thousand a month, yet he expects her to pay eight hundred a month out of her twelve hundred a month income. Instead of hurting her, he should try make it right with GOD instead of allowing satan to rule his heart. When she had the boys, R. Howard only paid a total of two hundred dollars over a three month period, their mother never once tried to have him put in jail. I think it takes a very weak person to call himself a man to do this. One would think that he should be charged for taking their boys through such abuse. I am sure emotional and perhaps psychologically, those boys are abused. That doesn't matter to the courts though, they are only concerned with who have a lawyer and who doesn't. One day we will get legal representation and I will make sure I keep the truth told about him and his corrupt heart. Reg, you nor satan can have her soul, justice will soon prevail. Someday you will have to look your kids in their eyes and try to explain your reasons, but my post will be in cyberspace to set the truth out before them. All the court documents will prove to them that you hated their mom for no reason. All because you wanted to be in control. It may look like satan is winning now, but good always wins.

Report violation

Posted By: Thomas
Date: 2010-06-27 17:28:10

My brother has been accused of child rape and is currently in jail while they investigate the case. We are a working class family and had to pull together nearly \$10,000 to retain a lawyer. Our entire family knows that my brother is being falsely accused (He was recently awarded full custody!!). These types of custody games hurt alot of people and there should be more resources for people accused of these crimes during custody battles. My brother may do serious time in prison for these accusations and as far as the courts are concerned he is already guilty. This is an outrage! any resources to offer or lawyers that deal with these types of cases please email: freebrownfoundation@gmail.com

Report violation

Posted By: Stephen Smith
Date: 2010-07-12 18:42:03

I can see that Im not alone. I filed for custody of my 3 children after my ex-wife was charged with child endangerment. My kids have begged for years to live with me and i saw what i thought was a chance to make that dream of my childrens and myself, a reality. I filed for custody and my ex-wife immediately filed a false report against me claiming sexual abuse. Although her entire family is on my side, the kids teachers at school who have talked to my kids, bus drivers, etc, the judge still gives her custody and i now havent seen my kids or even talked to themk on the phone going on 3 years now. My ex-wife actually confessed to the whole thing after getting caught in a lie by DHR, but she moved to another county within a few days and refiled the false charges against me. To make it worse, i hear stories from people in our town about my kids jumping out of their moms mini-van at gas stations, running frantically to strangers begging them to hide them in their car and take them to their daddy. They miss me as much as i miss them and that rips my heart into because i would rather them forget about me so they dont cry themselves to sleep every night like i do. Their mom is so mean to them. My youngest is Katie and i havent seen her since she was 4yrs old but at that time she already had a low self esteem because my ex told her every day that she was so fat and gross and my ex pinned her down regularly and plucked Katies eyebrows and often made her eybrows bleed. Katie is so cute and has the sweetest personality and im going crazy thinking about her being laughed at and put down and tortured every day. Im the only one that took them on vacation, fishing, camping, hiking, etc. Their mom will not let them play in the yard, she wont let them trick or treat and tells them that all the people that trick or treat are going to burn in hell forever and ever. I have over 3000 pages handwritten of stories like this that will break your heart. DHR and our government are protecting more abusers than they are the people that do right and love their children. The childrens opinions dont even matter to DHR because my kids have begged them to let them live with me because im nice to them and their mommy yells and hits them all the time. My ex-wife hit our son in the face so hard that it flipped him out of the buggy onto the floor, simply because he asked, "Mommy can i please get one piece of gum? You dont have to get me a whole pack." DO YOU UNDERSTAND THAT I LOVE MY KIDS AND I COACHED THEIR TEE BALL TEAM AND THEY MISS ME SO BAD AND I HAVE SPENT OVER \$15000 ON LAWYERS AND FILING MOTIONS AND OUR GOVERNMENT STILL CONTINUES TO SLOWLY KILL ME AND MY KIDS THAT I LOVE SO MUCH THAT MY CHEST AND MY HEART HURT CONSTANTLY. I JUST WANT TO SAY HEY AND TELL THEM I LOVE THEM ON THE PHONE! MY EX WIFE TELLS THEM IM DEAD NOW AND SHE STARTED TELLING THEM THAT AFTER THEY STARTED TRYING TO ESCAPE BEGGING PEOPLE TO TAKE THEM TO THEIR DADDY. I WAS THEIR HERO AND THEY DONT UNDERSTAND WHY I HAVENT RESCUED THEM BECAUSE I ALWAYS PROMISED THEM THAT I WOULD NEVER LET ANYBODY HURT THEM AND IF ANYONE EVEN TRIED TO ID COME SWOOPING IN LIKE SUPERMAN AND SAVE THEM. I HAVE FAILED THEM I CANT SAVE THEM PLEASE PLEASE HELP ME AND MY BABIES PLEASE

Report violation

Posted By: Sexual Abuse Claims
Date: 2010-10-28 04:59:42

sexually abused as a child can be painful, particularly when the perpetrator is a respected figure within the community or somebody who was otherwise very dear to you. However, with the help of an experienced sexual abuse claims solicitor, you will be able to get any help you need to put many of these nightmares behind you/

Sexual abuse claims

Report violation

Posted By: Zee Spall
Date: 2010-11-14 02:54:54

I am so glad I found this page. I am in the middle of a very bitter divorce & my ex-wife (to be) came up with similar nonsense. We have a court date on the 18th and I will be representing myself— I picked up some stuff from this site and others— I am hopping that Judge will use commonsense and slam my ex for being stupid and nasty. BTW: CPS/CPA, doctors and the cops didn't buy her bs. Wish me luck as I get ready for my fight in the court:)

I love my daughter more than I dislike my ex. Remember guys, they are trying to get us worked up but never let emotions take over your actions. use your head and fight and be sure to use your commonsense. I will let you know if it works for me lol

Report violation

Posted By: Marilyn
Date: 2010-11-28 15:12:26

My Son's Story

Summary of the Case

My son has been fighting in Family Court since 2005.He has been put threw hell in Family Court.

His ex wife has been allowed to get away with going against court orders, and of course she has not been punished for it. She is allowed to get away with making up false allegations filing false TPO's to get her way.

My son has fought in Family Court to get his daughter help after she tried committing suicide, and his ex wife has been allowed to only take her to canceling a few times and taking her out canceling.

My granddaughter has been out of control since she was 11 years old. Her mother has allowed her to do whatever she wants, and of course her mother has made her take care of her 2 brothers while she works at night and while she is out partying. My granddaughter has been having sex since she was 12.And this has gone on in her own home while her 2 brothers are there.

My granddaughter has been drinking, taking drugs which she has got the drugs and the alcohol from her own home. Her mother was ordered by the court to keep all drugs and alcohol locked up. This was ordered after my granddaughter tried committing suicide. And also my son learned at hat time my granddaughter has also been token to ER for intoxication before this incident.

My granddaughter has been the child that her own mother has used since 2005.Her mother has used her as being the main child that was scared of her own dad, and she use's this to get the false TPO's and she also adds my 2 grandsons in these allegations .My grandkids have all been asked by the judge if this is true, and they plainly state they are not afraid of their dad. There has also been court ordered people to talk to them, and they also get the same answers. But the of course the mother objects to these court appointed people. The mother only wants people that her attorney uses.

My granddaughter has been the child that has been allowed to be the one who chooses if se wants to see her own dad. My son had custody of his 2 boys and the mother was outraged that he had custody of them so she filed false rape charges on him. And of course none of the witness's that was there at the time she said it happened were not allowed to testify for my son. My son never went outside when she picked up the boys for visitation, he would watch them threw the kitchen window to make sure they got in the car safely. My son didn't trust her cause of all the false charges and lies she has told and done.

So because of these phony charges the boys were placed back with there mom and my son had to go to Donnas House for visitation at first. Then he got his visitation back and he got the boys Tuesdays Thursdays and every other weekend.

So last year his ex wife started playing her games again. She signed the boys up to play football. This would take his visitation days and take the days my son had with his boys for their bike races. So my son became an assistant couch for their football team and of course this pissed her off. At the last game she had her attorney send the football association phony papers that said my son had no parental rights. She did not tell my son that she had pulled the boys out of football. My son of course carried with him at all times he legal court papers. But the football association would not allow my grandson to play.This is the first time the phony papers show up...

She also took my grandsons out of state on Fathers Day. In my sons court papers it states that the boys are spouse to be with their dad on Fathers Day. She tells my son too bad deal with it.

Then my son is told by his ex wife that her fiancé almost killed her. He had strangled her and she was blue when

The Nuclear Option, False Child Sexual Abuse Allegations, Custody Disputes
 When my son is told by his ex wife that her fiancée almost killed her. He had strangled her and she was alive when my granddaughter stopped him. My granddaughter called the police. Then my granddaughter is told by her mom's fiancée that she is worthless and will never amount to anything to go cut herself again and do a better job this time and die.

Then the next thing my son knows is the false PTO's begin again. This was around Thanksgiving. My son was spouse to have his boys Thanksgiving. Then the next thing that happens is my granddaughter calls her dad crying and begging him to fight for her brothers and that she was coming to live with him. Then my son finds out that his ex is marrying the very same one who just had almost killed her by strangling her, and that they would be taking the kids to live in Vancouver, Washington.

So my son hires an attorney and starts the proceeding again. And of course she files another false PTO. And this PTO makes sure my son doesn't see his boys for Christmas. This brings you up to what's going on now.

The Present.....

My son has the court proceeding going on. My son doesn't agree on his ex taking his kids out of state. Then in court they try making a deal with my son to allow her to take the kids and that he won't have to pay child support and that he would be allowed 2 weeks out of a year with his boys. And that he could go to Vancouver and spend the weekend at a motel with his boys too. And my son doesn't agree with it and says no.

It starts out with my son's ex wife trying to pay his aunt to lie for her. Then an email is sent from her attorney's office to my son's aunt telling her to print this letter out and take it and sign it and have it notarized and fax it back to her attorney's office. In return my son's ex wife said she would give his aunt money and take her shopping and that she could buy whatever she wants. My son's ex wife wanted this so she could have my son arrested for validating the PTO.

So my son's aunt called and got the email address to my son's attorney office and she forwarded the email from my son's ex wife's attorney to then. My son's aunt also sent a email to my son's ex wife's attorney and his assistant and also included my son's ex wife in it, informing them all she was not lying for my son's ex wife nor taking any money or anything from them. And to also leave her alone, she wanted no contact from any of them. This is when the first payoff was tried. And also my son's ex wife informed my son's aunt that she had a lot of tricks up her sleeve..

In the meantime my son is trying to find out where his daughter is. My son's dad said he was told by my son's ex that my granddaughter was staying with a friend out of state. Then also my son's dad informs him that his daughter has had an abortion, that her boyfriend got her pregnant. And that she had stole 1500.00 from her granddad, and that she had used it to pay for the abortion.

We finally find out that my granddaughter had been taken to New Haven in Utah after she stole her mom's

fiancée's car and ran away and she wrecked the car. She had pills in the car with her and she had supposals had been drinking. My son called New Haven in Utah to find out where they was, because he was coming to get his daughter, because her mom had put her there without his permission. That's when they advised him he would be arrested if he came on their property, because they had papers that said he had no parental rights. This is the next time these phony papers show up.

We go to court and this is when we hear that my son's ex wife and his sister has said that my son has molested his own sister. And yes my daughter was there, she looked like a homeless person off the street. In this proceeding I was appointed by the judge to supervise my son's visitation with his boys. And also my son's ex wife and my daughter was told by the judge that they better have proof of these allegations against my son, by the way of arrest records and legal documents stating these facts. And of course we were ready for the visit from my grandkids, we recorded the whole visit from the time we picked them up and dropped them off....We knew that his ex wife and her attorney would say something happened. I was accused of leaving for 1 hour, because I was so upset. So I in turn wrote a letter to the court and had it notarized because these allegations were 100% false.

Then at the next court appearance there is BREAKING NEWS. It has come to light the night before court, once again from my son's ex wife's attorney and her, now saying my son had molested his daughter .This come from my granddaughter's boyfriend.

Ok here we have my daughter who has had her very own son took from her because of drugs and being an unfit mother. My daughter is a meth addict. My daughter dose drug with my son's ex wife and admitted that in court, and has done it for years. My son's ex wife's family has been convicted for having meth labs. My daughter is a meth addict, but the truth is the truth, and a drug addict will do anything to support their addiction.

My son's ex wife is married to a very wealthy man. Her husband hires the same attorney that the owner of the Wynn's had. And now we have CPS involved. And CPS never talks to any of us. We once again go to court. All the witness's for my son are there. We sit there and watch the CPS worker and the stepdad being very, very chummy see him hand her a small envelope the size you get from a bank and her winks at her. She had nothing else in her hands. She leaves for a few minutes and returns with nothing in here hands.HUM?????Now this is a person that is spouse to be for the kids.....What's up with her and the stepdad?????Now mind you this is a very, very wealthy man.

The next thing that happens we learn there are domestic violence charges on the stepdad and charges on the mom, because they say she new what was going on. My son go's to the hearing on this .After court we head back to his work, and his boss meets him outside and she tells him to stay there with her, and the next thing 2 vehicles pull up behind his truck. My son realizes what's going on and walks over to them. They tell him o stand in front of the hood and he dose, he takes everything out of his pockets and places it on the hood and then puts his hands behind his back. They cuff him and place him in the vehicle. Then the lady detective comes over to me and says my son will call me in a couple hours. This was on July 1st 2010 My son's boss tells me after they leave with my

my son will call me in a couple hours. This was on July 1st 2010. My son's boss tells me after they leave with my son, that the detective had called her and told her they were coming to arrest my son. His boss told the detective she would bring my son to her and he could turn himself in, the detective said no that my son would run if he found out. Then his boss told the detective to meet my son and her in their attorney's office, which is on the same property as his work and turn himself in to the detective. But once again the detective said no that my son would run. Now here you have my son walk over to them and do everything they say and place his hands behind his back and they cuff him....And this woman detective says my son will run.....

My son is not taken in front of the judge like the law states. They clearly go against his civil rights. When he finally gets to see the judge he tries to get released on OR, house arrest or have the bail reduced and the DA denies it saying my son is a flight risk. Here sits my son in jail, he has no record and has obeyed all court orders threw his divorce.

Now the attorney that was hired by my son's ex wife is no longer in the picture, he was only hired to push the DA and the detective and have my son arrested. And that happened.

My son sits in jail on probable cause. In the meantime my granddaughter runs away and is found just before my son goes to his prelim and me and my son's witness's sit outside and over hear my son's ex wife's husband say to her attorney that my granddaughter will go along with the story, or she will be placed in an institution. We see my granddaughter with the woman detective that arrested my son. My granddaughter is placed on the stand and when asked questions she says I don't remember or I don't know. Then after the hearing my son is transferred to Clark county detention center from Henderson jail. And of course we start all again with arraignment, prelim and so on. He starts 21 charges to 17 then back to 21 and then 13 and so on.

My son is taken to family court and he has to plead the fifth because of the case downtown. He is not aloud to testify or defend himself in this court. My problem is with the judge in family court is that he clearly states in open court he likes my granddaughter. So that right there should have caused him to be removed from the case. It makes him prejudice to the case judge is spouse to stay neutral. In this court my granddaughter was asked was if she told her dad she was coming to live with him and that she told her dad to take her mom back to court to fight for her brothers, and she said yes. Then she was asked if you dad did these things to you, why would you go live with him? She said her plan was to go live with her dad and then turn him in so she could be emancipated so no one can tell her what to do. CPS was going to place my granddaughter with my youngest son and his fiancée, they passed all the requirements by CPS. But when my youngest son and his fiancée went to the court hearing, once again my son's ex wife's attorney and her had another phony document by my daughter saying now my youngest son had molested her. This is because my son's ex wife don't want my grandkids around any of my son's family.

This very same judge that likes my granddaughter places her with her boyfriend and his parents. This is the very same boy who got my granddaughter pregnant. Now my granddaughter has what she wants. The first time she ran away it was with her boyfriend. When she ran away the second time we don't know who she was with. My granddaughter has learned how to play and use the courts just like her very own mother. She has learned how to get what she wants.

I myself have been attending court hearings on my son's ex wife and my grandkids. I have found out that my granddaughter caused problems the place in Utah and got in trouble, and that she has also got in trouble at the places CPS has had here in and that they had to call the police on my granddaughter, she has also said that 1 of the councilors at one of the places tried mess with her and of course he was a man. These things were never disclosed to my son or his attorneys.

The same judge has allowed my son's ex wife to move the boys to Vancouver, Washington. My granddaughter is here with her boyfriend and his parents. She refuse's to live with her mom. My granddaughter has stated that all her mom and stepdad do is drink, and fight all the time and that they make her watch the boys while they go out of towns for days at a time.

The Henderson detective states on the witness stand that she assumes my son is guilty and that they have no evidence and that they are still investigating. We have the first CPS worker state on the witness stand she did any investigation on the case. But here my son sits in jail while they try to build a case.

All they have is a mother who clearly states she has tricks up her sleeve. And a daughter who wants what she wants and has got it with living with her boyfriend. And has learned how to lie and be like her mother and use the courts to get what they want no matter what the cost. And no one to be able to tell her what she can and cant do.

And what so sad I have found on the internet lots of stuff in my granddaughter fairy tale story of what happened. Both my granddaughter and her mother use the internet all the time. My granddaughter's story has changed 5 times now. Her boyfriend was aloud to copy his first statement because he couldn't remember his story. In his first statement he stated my granddaughter had told him 2 years ago about what her dad had done to her. But my granddaughter said on the witness stand that she had told her boyfriend in Oct of last year.

My son has lost everything. We have had to sell everything he owns, he has lost his boys, because his ex wife wants her way. All because my son would not agree to the kids being took out of state to live. And she has told friends and family members her goal was to have my son locked away in jail and to lose everything he has. And it's sad because where is my son? He's locked up in jail. It looks like she has won.

The first CPS woman treated me and talked to me like I was a piece of trash just because I showed up at the hearing about my grandkids. This is wrong. WHATS WRONG WITH OUR COURT SYSTEM? YOU ARE SPOUSE TO BE INACENT TILL PROVEN GUILTY. NOT IN MY SON'S CASE. He sits in jail on here say. A detective that ASSUMES. His life has been threatened in jail, and my son is scared to sleep and he knows he could be killed at any time. Put yourself in his shoes knowing you are 100% in cent. He has never been in trouble in his life. And its because he would not give his consent to a very vindictive ex wife. And all the proof of all the tricks and games she plays in the court are all in black and white in court documents.

They won't reduce his bail or even let him out on house arrest, all because the DA says he is a fight risk or a threat

to the public. But here they release murders and men that have 100 % worse charges than my son. While my son has been in jail he has seen this happen.

All I have got to say is here is hi sex wife with a new husband that is very wealthy. And as the saying go's MONEY TALKS. Someone has got paid off .Why I say this the new husband is awful chummy with the DA, the detective and CPS.

Now my son is the only one that fought in court for his daughter to get the help and canceling after her suicide attempt. If he had done these things they say he did he would have never fought for her to get help. But her is the mother who takes her daughter to a few sessions and takes her out. Hum who is the guilty person....She must be trying to hide something from everybody. We all know it was her own brother that molested my granddaughter.

His ex wife has emailed my granddaughter and tells her to testify against her dad so they will lock him up so her brothers will never have to see their dad again. The first councilor says she is lying. So they get another one that says different....

I don't want my son to be railroaded into taking a plea bargain, cause that will brand him for the rest of his life. And I don't want him locked up for life. What I wane know how many incent men are locked away in prison that are incent.

If my son lived in any other state he would not be locked up in jail. What's wrong with the Nevada Justice System?????? Are they that corrupt???????????????? I know that Family Court, CPS and the DA And the detective are corrupt....I have read all about it on the internet and also how woman are using child molestation all the time to get their way.....It is in a epidemic portion now days and its sad....The court need to stop it and to make sure there is 100% proof that it is true before it is allowed to be used.

My name is Marilyn Farris, my email address is rsclady2000@yahoo.com My son's name is Terry Farris...I hope someone will help us.....Thank you.....

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Posted By: American in Fear
Date: 2011-01-28 12:25:31

Yeah, I read all about the liberal laws enacted to dispense with a parent's right to raise his child, as opposed to the state. Anyone accusing someone of child abuse "in good faith" is completely immune from legal retribution, no matter how much damage is caused.

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Posted By: wayne sanchez
Date: 2011-02-07 01:23:06

first of all my hearts and prayers to all who have shared thier stories here in this forum i am a 41yr old father who has been engaged in an ongoing custody war for almost 4 years now and my story mirrors so many of the details shared by all authors above best of luck to all the innocent and wrongly accused and a hope that sooner than later so many eyes will be opened to all these civil rights atrocities keep your chins up

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Posted By: frustrated ex-wife
Date: 2011-02-24 03:03:53

my ex-husband was recently accused of child molestation and now sits in jail awaiting his fate. the accuser is the daughter of a drug addict and ex-convict. the ex-con was just released from prison and now he and the mother are battling over the child, with my ex caught in the middle.

what can i do for him? he has no money for an attorney, and the public defender doesn't seem to be doing very much for his case. Can anyone help him or is he doomed to spend the rest of his life in prison for something he

The Nuclear Option: False Child Sexual Abuse Allegations in Custody Disputes
 didn't do?

thank you for any help or advice that you can give.

Frustrated ex-wife

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Posted By: Truth Prevails
 Date: 2011-08-15 22:35:54

"The father is not the only victim in a false child sex abuse allegation. Children are also victimized."

So VERY true, so VERY sad!

However, persistence occasionally pays off, and every now and then the good guy wins. For all fathers who have been victims of false allegations of sexual abuse, stand strong, be persistent, and continue fighting for your child(ren). This father finally, after many years, prevailed!

[\[link edited for length\]](#)

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Posted By: thomas j hackett
 Date: 2011-08-30 20:05:25

the false accusations must stop now. in my case, btw attorney and satan's little helper **** * must be disbarred. judge ***** disrobed, disbarred, and both need to be blacklisted. sue them, and make sure there isn't a soul left who isn't aware these guys are corrupt.

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Posted By: thomas j hackett
 Date: 2011-08-30 20:11:54

response to Roland. here's the deal: "government types" are committing TREASON by destroying innocent Americans. We the People must rise up and put an end to this corruption (communist/fascist coup).

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Posted By: marc acerra
 Date: 2011-10-04 17:55:20

My divorce ended Yesterday October 3rd 2011. I lost my daughter to a False Allegation. How could I explain it better than the article by Jake? I can't. It is exactly what happened to me. What to do when the civil courts in this country are criminals themselves! False Allegation investigations should not stop when it comes back unfounded, that's when they should begin!! Investigate why it was said? You pulled the child from the father, now pull her from the mother so can't be programed and start asking the hard questions. It is the only way you will get to the bottom of a false allegation and the felons who do these horrible acts to children. What am I saying? I'm wasting my time and my breath. Good luck getting our society to take a child from a Mother to actually get the truth. The truth is, the truth scares the hell out of all the players involved! Judges, attorneys, GAL's, Mom activist groups. It will never happen! Never!!!!

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Posted By: mac
 Date: 2011-10-09 12:08:55

This is an absolute description of case currently going on in Minn. Classic. As if the mother had read this article and went word for word, and The Dad was hit so fast he didn't know it was coming. But the sexual abuse was thrown at the half sister of the child in question, and its up to a 16 year old girl who now has to prove her innocence, and everyone is standing back saying, well if theres smoke theres fire, but the only one throwing the allegations is the child's Mother..

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Posted By: jenifer
 Date: 2011-11-09 08:39:08

I have been in a custody battle with my own mother for about 4 years now. I found out in August that my 55 year old stepfather climbs into bed with my 7 year old every night when he gets off work. This has been going on for over a year now. My mother got mad at me for not giving my 4 year old night time meds in the day time. The

over a year now. my mother got mad at me for not giving my 7 year old girl medicine in the day either. the medicine is for sinus but she had a cough. so i got her cough medicine. I have racked my brain to find justification for any man to get into bed with 7 year old girl. There isn't one. cps did nothing when called. see my mother lied and had me arrested 2 years ago and put my gils on the condition of release so for 8 horrible months i couldn't see them. The grand jury said she lied but I still had to go to court to get it lifted. She made the most horrifying accusatons in court. That i tried to give my self miscarriage and all this. but no one mentions or has in court for the past 4 years my riva. She was so emotionally neglected when we started supervised visits that she had her own little world. Whether he has touched her or not it is not teaching good things for papa to get into cora's bed every night. an dmy mother is turning riva into a drug addict. I spoke to her and she said she stopped but no riva getsd her night time medicine every day at naptime, my oldest looks to me to protect riva, but no one will help us. due to a mistake ai made. They are teaching them to lie and it's funny I think they think it'sover and iz've accepted this. my mother wants me to act like their sister. it's a sick situation. I have recently had a baby boy and I am married to a wonderful man. people will put memories into a childs head. I just the other day ,my sister came to visit and my mother would call me ean hour before an assembly or hono roll was to start at the school or tel me wrong times so i look irresponsible. at my daughter4s birthday. she kept saying jenifer, why are you being so rude to me. i wasnt' but i realised everyone there will remember it like i was because she put it in the back of their mind. i want my children home more than anything, but at this juncture I want them safe even if i can't be with them. It would be like death but knowing they are safe is more important then anything right now. I am so sorry for all of you father's going through these things. I haven't accused him of molestation just inappropriate behavior. which it most definately is. I could see cora getting into their bed but him in her bed every night with oiut a shirt cuddled up to her then my mom goes and gets her every mornin and says sh we can't wake papa . then drugging my 4 year becauseomg!!!!she's got the energy of a 4 year old. I just want you guys to know that there are some of us who are in your shoes as well. There's so much more to it. I can't believe i put my babie sthere. I thought they had changed. but they will be home. If it wasn't for my 4 month old boy. I would have ended my life last winter but I couldn't hurt him. my mom tells my 7 year old she has nightmares. I asked my cora what ae they about. I don't remember my dreams nana tells me what i dreeam. Thanks to all of you and thanks for allowing me to vent a little I feel so helpless. In a divorce it is very easy for a grandparent to swoop in and take the children as well. heck marriage actually would've protected us from my parents. I found out my dad fought 11 yrs for us. my sisters still think he mo;lested them but im betting on someone else. you can easily especially with years of mental manipulation- make a child's memory of someone else committing the abuse. i used to wake up in my panties thinking i must have gotten too hot and took my clothes off at night. it's kinda funny that only happened at my mother's house. i was cora's age. I know my mother sold us out but i was naive enough to think she'd never do that to cora-now my youngest is another story. she knows they don't care for he.r

sorry for going on like that i am justwell i guess you can imagine. jen

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Posted By: Lisa
Date: 2011-11-13 04:40:37

After reading all of these stories I feel I am no longer alone. My daughter files charges on my husband when refused to any more of her bills,

He took the 10 years deferred adjudication.What a huge mistake. She and her skinhead friends have harrassed us so much. we have had to move 5 times in one year due to harrassment. I have had to change cell numbers and landline numbers. Her and her little minded friends drive by our house all the time, and makes death threats to us.

I have gone to the Bellmead Texas police and they are nothing but a huge joke as well. Once you are accused of a horrible crime such as child molestation you are automatically guilty. My best advice is never , never be left alone with a child. Even if you are a father. The kid gets mad and it is all over the news these days about a child claimed a father molested them.

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Posted By: Michael
Date: 2011-11-25 06:33:20

I was abused sexually, physically,emotionally,mentally I left home hoping to go down like my daddy in a war that meant something because the rest of my life did not ..

Now I know it does it can help countless victims and get maximum prosecution for the.

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Posted By: Tina Adams
Date: 2012-03-19 11:26:14

Our family is going through something similiar to this. My brother was accused by his soon to be ex wife and his oldest daughter (15yrs old) of molestation. What we found out the night that he was being arrested is that his wife was seeing someone else and was leaving him. This has been the worst nightmare that anyone could possibly go through. We have spent so much money so far and it hasn't even went to trial. Child Services are absolutely HORRIBLE to us. The children are not with the mom or with my brother. The moms best friend was appointed as foster parent so the children are with her and guess what, the mom stays there as well as the

moms step dad, as much as they like. I pray for anyone who is going through this, the word nightmare doesn't even begin to explain the torture innocenet people are going through.

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