

IN THE COURT OF COMMON PLEAS
 DELAWARE COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION

PNC Bank, N.A., as Trustee for the Estate of George Pennock	:	
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	:	
Plaintiff,	:	No. 114-1937
v.	:	
	:	
Prohibition National Committee, et al.,	:	
	:	
Defendants.	:	
	:	

ANSWER

Defendant Leroy J. Pletten, Secretary, Prohibition National Committee, pro se, in response to the Complaint in Interpleader, says:

1. Admit as to the Plaintiff PNC Bank.

2. Admit but aver that one group comprised the majority, whereas the “Dodge group” was a minority, and now, having not been re-elected, are ex-members lacking standing.

3. Neither admit nor deny the nature of Plaintiff Bank’s knowledge; aver providing “Webb group” member names and addresses, but aver absence of “Dodge group” names and addresses.

4. - 37. Admit with respect to names and addresses at relevant times for case purposes.

38. - 39. Deny same as conclusions of law, pursuant to applicable affirmative defenses.

40. - 51. Admit.

52. Neither admit nor deny as to timing, but admit as to substance of the cited correspondence from the “Dodge group,” but aver that same is deemed fraudulent, with no evidence (e.g., affidavits or documents) having been submitted in support during the pendency of this case since October 2005 notwithstanding multiple opportunities for the “Dodge group” to have done so.

53. Admit having a Chairman, but deny that it is Mr. Webb (Complaint paragraph 33), and aver that it is Rev. Amondson (Complaint paragraph 4).

54. Admit as to (a) websites and (b) items sent by the “Dodge group” to Plaintiff prior to case filing, but aver that said items show no first-hand evidence for “Dodge group” claims and indeed undermine and refute same by showing no quorum for, and no signature on the alleged “minutes” of, their purported meeting. Admit as to own items being sent. Neither admit nor deny alleged “Dodge group” “motives” and timing of public awareness, but aver “Webb group” opposition to Dodge’s misconduct documented in the record, and his and accessories’ undermining vs promoting the organization, including obstructing growth efforts and member participation, and the very composing, writing, filing, and mailing of their fraudulent claims that gave rise to the instant case.

55. Neither admit nor deny in view of Plaintiff Bank’s failure to have timely provided the “Dodge group” correspondence notwithstanding pleas for same so as to respond and defend.

56. Admit that Plaintiff PNC Bank did file the cited petition, but deny its claim of the “address” as its “only” reason its petition did “favor the claims of the Dodge Group”; aver that actual reason included the fraud by Earl F. Dodge and accessories, combined with Plaintiff inability or unwillingness to comprehend basics of parliamentary procedure such as quorum and need for signed minutes, i.e., Plaintiff negligence via failure to competently evaluate the “Dodge group” materials, compounded by refusal to provide a copy of the “Dodge Group” materials for rebuttal, notwithstanding pleas it provide same.

57. Admit, and aver that the Court changed the hearing date pursuant to the undersigned’s 25 October 2005 documentation refuting “Dodge group” claims as referenced in para. 56, *supra*, which Plaintiff had negligently “favored,” a position from which it is self-admittedly receding.

58. - 59. Admit in part, but aver for conclusions-of-law purposes, significance of the absence of written record of said conference..

60. Neither admit nor deny “discussions,” but aver that no proposals came from the alleged “Dodge Group” attorney Robert A. Carpenter, Jr., notwithstanding his 11 January 2006 letter to this Court alleging that he would put together a proposal within two weeks.

WHEREFORE, the undersigned Defendant respectfully requests that this Court:

- (1) Enter declaratory judgment as sought by Plaintiff Bank in its request (1);
- (2) Should the Court determine that any distributions made to date were made to the incorrect persons, that the Court enter an Order requiring that person or persons to reimburse the Trust for the amount improperly received by such person(s), with interest;
- (3) Grant the motions of the undersigned heretofore filed in this case including for dismissal and/or summary disposition, the gravamen of which is to enforce the organization Prohibition National Committee Bylaws and standard parliamentary procedure pursuant to more than a century of judicial precedents, and accordingly

A. Declare that the small “Dodge group” meetings were held without adherence to same, thus lacked validity due to lack of notice, quorum, “disinterested “ Directors, and/or for lack of signature on their purported “minutes”;

B. Declare that the “Webb group” meetings were convened pursuant to the Committee’s own Bylaws; or at minimum in the alternative,

C. Declare that the undersigned Leroy J. Pletten was designated as Secretary by both the “Webb group” and the “Dodge group”;

(4) Order Plaintiff PNC Bank, to follow the instructions of the said Secretary, Leroy J. Pletten, as to disbursing the funds at issue;

(5) Order Plaintiff PNC Bank to recoup any funds paid to the “Dodge group” notwithstanding the undisputed instructions of the aforesaid Secretary Pletten;

(6) Declare that this litigation was improvidently filed without prior due diligence by Plaintiff Bank in terms of applying basic parliamentary procedure which every organization, including it in its own meetings, must know, and can have no lawful excuse for not knowing;

(7) Declare that the “Dodge group” claims were fraudulent and thus award triple damages pursuant to 18 USC § 1964;

(8) Require the “Dodge group” to pay all litigation costs (including but not limited to court, travel, and attorney fees), both by the Bank and by the victims, so wrongfully incurred;

(9) Order, as preservation of evidence, the immediate filing in this Court of the tapes of the June 2003 “Dodge group” meetings made by then outgoing Secretary Margaret S. Shickley, the undersigned’s predecessor; and/or

(10) Grant such other relief as is appropriate under all the circumstances.

The undersigned, in the interests of judicial economy, again suggests that this litigation may be summarily decided on the record as now augmented, pursuant to the concept in case law such as, e.g., *Melancon v Brown & Williamson Tobacco Corp*, 621 F Supp 567 (WD Ky, Louisville Div, 1985), without the necessity of burdening this Court with further telephone calls, hearing(s), oral argument(s), additional motions, and/or trial.

Respectfully,

6 April 2006

Leroy J. Pletten
Secretary, Prohibition National Committee
8401 18 Mile Road #29
Sterling Heights MI 48313-3042
(586) 739-8343

IN THE COURT OF COMMON PLEAS
DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

PNC Bank, N.A., as Trustee for the Estate of :
George Pennock :
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 Plaintiff, : No. 114-1937
 v. :
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 Prohibition National Committee, et al., :
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 :
 Defendants. :
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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)

The Complaint in Interpleader fails to state a Cause of Action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
(Fraud)

Plaintiff's claims are barred in whole or in part by the Defendant "Dodge group" fraud.

THIRD AFFIRMATIVE DEFENSE
(Consent, Waiver, Estoppel and Excuse)

By its acts and omissions, Plaintiff and/or Defendant "Dodge group" have consented to and have waived, and are estopped from complaining about, any alleged act or omission of the Prohibition National Committee (aka "Webb group"), and same are excused from any liability to Plaintiff and/or the "Dodge group" for any alleged act or omission by same.

FOURTH AFFIRMATIVE DEFENSE
(Good Faith)

Plaintiff and/or Defendant "Dodge group" are barred from recovery for the reason that the alleged acts and omissions, if any, of the Prohibition National Committee (aka "Webb group") were made in good faith by the majority after the exercise of reasonable care by same.

FIFTH AFFIRMATIVE DEFENSE
(Non-Fulfillment of Conditions Precedent)

Plaintiff and/or Defendant “Dodge group” are barred from any proceeding adversely impacting the Prohibition National Committee (aka “Webb group”) because conditions precedent to the existence and the purported rights being sought on behalf of the “Dodge group” minority are *prima facie* non-existent absent quorum, without even reaching the issues of (a) missing signature and (b) lack of notice to disfavored members, excluding them from attendance.

SIXTH AFFIRMATIVE DEFENSE
(Form)

The Complaint in Interpleader is not in proper form, is not properly an interpleader under the facts of this case, in view of only two contending entities (the PNC majority comprising the organization, vs the former minority, now ex-members), not some thirty or so separate and independent entities, persons as named in the Defendant listing..

SEVENTH AFFIRMATIVE DEFENSE
(Clean Hands)

The “Dodge group” lacks clean hands, i.e., lacks the equitable consideration needed for a proper case, whether or not deemed an interpleader case.

EIGHTH AFFIRMATIVE DEFENSE
(Jurisdiction)

Assuming *arguendo* that this case is an interpleader, this Court lacks jurisdiction of interpleader cases under the circumstances of this case, including but not limited to the federal law ramifications, which may more properly lie within federal jurisdiction, i.e., Comptroller of the Currency Case #618039.

NINTH AFFIRMATIVE DEFENSE
(Fiduciary Duty)

The PNC Bank failed to do its fiduciary duty, e.g, to adequately notify the PNC organization of the ex-member claims, refused to provide copy of said claims notwithstanding pleas for same, refused to follow standard parliamentary procedure concerning quorum, refused to follow standard business practice of verifying that the “minutes” purportedly supporting the claim were even signed, etc. as already documented in the record.

TENTH AFFIRMATIVE DEFENSE
(Inability to Perform)

The Claimant Earl F. Dodge and his aiding and abetting accessories by reason of his bad habitual offender reputation acquired over a period of years are unable to fulfill the intent of the Trust to “promote” the Party.

ELEVENTH AFFIRMATIVE DEFENSE
(Unwillingness to Perform)

The Claimant Earl F. Dodge and accessories by reason of their opposition to growth of the Party for fear of new members not supporting their life tenure and Dodge's bad behavior pattern are unwilling to fulfill the intent of the Trust to "promote" the Party.

TWELFTH AFFIRMATIVE DEFENSE
(Frivolousness)

The Bank's lawsuit attacking the victim of the 'identity theft' – as distinct from a proper Bank response to mail fraud, i.e., to support the victim by all appropriate means including but not limited to initiating or at least supporting filing of criminal charges against the would-be 'identity thief,' here, a reported habitual offender – is frivolous.

THIRTEENTH AFFIRMATIVE DEFENSE
(Contempt, Abandonment, or Collusion)

The name and address listing omissions evidence that Claimant Earl F. Dodge either did not provide listings to the Bank, or, in the alternative, that the individuals cited in the initial case as filed have abandoned their support of the Dodge claims, or, in the alternative, prohibited collusion.

RESERVATION OF RIGHT

Defendant reserves the right, to, upon completion of its investigation and discovery, file such additional or amended pleadings and/or defenses as may be appropriate.

WHEREFORE, the undersigned Defendant moves that the Complaint in Interpleader be dismissed with prejudice, and/or in the alternative, that judgment be granted for the Defendant individually and/or for the Prohibition National Committee (aka "Webb group") together with costs, defense time, and attorneys' fees, if any, as may be allowed by law.

Respectfully,

Dated: 6 April 2006

Leroy J. Pletten
Secretary, Prohibition National Committee
8401 18 Mile Road #29
Sterling Heights MI 48313-3042
(586) 739-8343

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 Defendants. :
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REQUEST FOR JURY TRIAL

The undersigned hereby requests a Trial by Jury, and reserves rights with respect to the matter of Trial by Jury pending disposition of above requests related to appointment of an attorney.

Respectfully,

Dated: 6 April 2006

Leroy J. Pletten
Secretary, Prohibition National Committee
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Sterling Heights MI 48313-3042
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6 April 2006

Clerk of Court
Orphans Court Division
Court of Common Pleas of Delaware County
201 W Front Street
Media PA 19063-2708

Re: Case Number 114-1937

Dear Clerk of Court:

Enclosed for filing are Answer, Affirmative Defenses, and Request for Jury Trial

Three sets of documents are enclosed, one original for the record, one copy for the judge, and one copy (first-page of each) for date-stamping and returning the enclosed postage-prepaid envelope

Thank you. Your assistance is appreciated

Sincerely,

Leroy J. Pletten

Enclosures:
3 sets of documents, a/s
1 return postpaid envelope
1 \$20 check filing fee