

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

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

APPEARANCE AND
SUPPLEMENT TO DEFENDANT PLETTEN'S APRIL 2006 ANSWER
TO PLAINTIFF'S COMPLAINT IN INTERPLEADER

Defendant Leroy J. Pletten, Secretary, Prohibition National Committee, pro se, having already answered in April 2006, in response to the Complaint in Interpleader served anew to him on 23 October 2006, as amended by the addition of certain defendant names by Order of same date, hereby appears and says confirming or revising prior answer, pursuant to subsequent information or discovery, as follows

PARTIES

1. Admit as to the Plaintiff PNC Bank.
2. Admit in part but aver that one group, the "Webb group," comprised the majority, whereas the "Dodge group" was a minority, and now, having seceded and not having been re-elected, are ex-members lacking standing, doubly so.
3. Neither admit nor deny the nature of Plaintiff Bank's knowledge; aver providing "Webb group" member names and addresses, but averred absence of "Dodge group" names and addresses, a deficiency objected to in April 2006 re which remedy is in process on Motion.

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

7. Admit, and aver that Bledsoe has new address, P. O. Box 3554, Milton FL 32572-3554.

8. - 12. Admit with respect to names and addresses at relevant times for case purposes.

Aver that Mr. Whitney is also listed in paragraph 35.

13. Admit Cain's name, but last known successful contact was August 2005, with his phone number thereafter reassigned by November 2005, hence presumed indisposed or deceased, and in any event, having no claim as an individual.

14. Admit Chilson, but aver his resignation, and in any event, having no claim as an individual..

15. - 19. Admit with respect to names and addresses at relevant times for case purposes.

20. Admit Gose's name, but aver that said individual died in April 2006.

21. - 25. Admit with respect to names and addresses at relevant times for case purposes.

26. Admit Krandell's name, but aver that said individual is now deceased.

27. - 35. Admit with respect to names and addresses at relevant times for case purposes

Aver that Mr. Whitney is also listed in paragraph 35.

36. Admit Williams' name, but aver corrected address, Masonic Health Center, 88 Masonic Home Road, Charlton MA 01507.

37. Admit with respect to name and address at relevant times for case purposes.

JURISDICTION AND VENUE

38. Deny same as conclusions of law, pursuant to applicable affirmative defenses, and undisputed Motions to Dismiss and for Summary Judgment, as now pending, including citing the jurisdictional issue of interference in our Committee internal affairs, not allowed pursuant to

Pennsylvania case law.

39. Admit.

FACTS

40. - 48. Admit.

49. Admit authorization for the referenced letter sent by the undersigned, but aver that the issue of potential dispute by the “Dodge group” was in fact brought to Bank attention in 2003; deny receipt of a check in January 2004, but aver instead that Plaintiff Bank negligently sent the said check to the “Dodge group” notwithstanding its ineligibility to receive same, thus mandating the Bank recouping and/or the “Dodge group” repaying the said funds, and aver “Webb group” complaining at the time of said Bank negligence.

50. Deny the cited distribution as “second.” In view of the Bank not having sent the first (para 49, *supra*), the June 2004 distribution was not “second.”

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

A. deemed false and fraudulent,

B. deemed frivolous pursuant to relevant case law shown in the record,

C. lacking in evidence at the time;

D. said lacking continues to present (e.g., no affidavits have been submitted in support of the “Dodge group” claims at any time during the pendency of this case since October 2005 despite numerous opportunities to have done so); and

E. pertinent pleadings including “Webb group” motions have been and are undisputed including by both Plaintiff Bank and the “Dodge group” notwithstanding Mr. Dodge having hired an attorney, Robert A. Carpenter, Jr., to represent him November 2005 through his 5 October 2006 resignation announcement).

53. Admit having a Chairman, but deny that it is Mr. Webb (cited at Complaint paragraph 33), and aver that it is Rev. Amondson (cited at Complaint paragraph 4) starting June 2005 at the time of the requisite “biennial” meeting. Aver notifying the Bank of said change, but that it refused to accept said notice, demonstrating that the Bank was “favoring” the “Dodge Group” pursuant to the scheme or artifice of fraud being perpetrated on it by the said “Dodge group.”

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 non-frivolous, 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, as heretofore documented in the record. Admit as to own items being sent. Neither admit nor deny alleged “Dodge group” “motives” and timing of public awareness, but aver irrelevance of motives pursuant to Pennsylvania case law. Aver “Webb group” opposition to Dodge’s misconduct documented in the record, and his and accessories’ undermining vs promoting the organization, including long-term obstructing growth efforts and member participation, including “Dodge group” ousting, confusing, and/or discouraging members (e.g., Higgeson, Watson, McKenzie, Van Horn, Chilson, Hallock, Jedlicka, etc.), including as recently as by the very composing, writing, mailing, filing of, and perpetrating their frivolous, false and fraudulent claims that gave rise to the instant litigation, and their refusal to retract same thus perpetuating vs mitigating the damage they have caused and are causing.

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. In law, no “conflict between . . . two competing leadership groups” exists, as the “Dodge group”

provided nothing non-frivolous, nothing showing first-hand knowledge; and what it did send meets the standard for “frivolous” pursuant to Pennsylvania case law as shown by the pending 25 September 2006 Motion for Summary Judgment, an undisputed Motion; and the Court would and does lack jurisdiction of this internal affair, which jurisdiction could not, pursuant to said Pennsylvania case law, have been obtained by the “Dodge group” filing directly, nor can it be obtained by circumventing same via the collusive device of having some third party, e.g., Plaintiff Bank, pose as a concerned organization, as a pretext to secure jurisdiction, and especially not an organization itself victimized by the “Dodge group” scheme or artifice of fraud. Aver that Plaintiff Bank had and has a fiduciary duty, above all else, to follow the rule of law including Pennsylvania case law.

56. Admit that Plaintiff PNC Bank did file the cited petition, but deny its innuendo of the “address” being an “only” or even a *de minimis* adequate reason that its petition did “favor the claims of the Dodge Group.” Aver that actual reason included the scheme or artifice of mail fraud by Earl F. Dodge and accessories, overwhelming the unsuspecting Bank and/or combined with Bank inability or unwillingness to comprehend and/or apply basics of parliamentary law such as quorum and need for signed minutes, thus its supporting the frivolous, false, and fraudulent “Dodge group” claims, i.e., Bank itself is a victim and/or is collusion with and/or is negligent, 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 Dodge-chosen 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. Aver that at the subsequent 5 October 2006 conference, he announced resigning as Dodge’s attorney.

WHEREFORE, the undersigned Defendant(s) (including via attached signatures of other Defendants) 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 law 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, pursuant to the Bylaws specifications for holding biennial and quadrennial meetings then due and overdue; and

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

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” paid contrary the undisputed instructions of the aforesaid Secretary Pletten;

6. Declare that this litigation was either caused by the “Dodge group” fraud upon the unsuspecting Bank, and/or collusively filed, and/or improvidently filed without prior due diligence by said Bank in terms of applying parliamentary law which every organization, including it in its own meetings, must know, and has no lawful excuse for not knowing;

7. Declare that the “Dodge group” claims were false and fraudulent within the meaning of 18 USC § 1961, et seq., and thus award triple damages pursuant to 18 USC § 1964;

8. Order the “Dodge group” to pay all litigation costs (including but not limited to court, travel, attorney fees, research costs, etc.), both by the Bank and by the PNC victims;

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 November 2006

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

NOTE: See also prior attached signatures
of other Defendants incorporating by
reference the above and other pleadings
by fellow Defendant Pletten.

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

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

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE
(Failure to State a Claim)

Plaintiff’s 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) the “Dodge group” lack of notice to disfavored members, excluding them from attendance at the only meeting the “Dodge group” avers constitutes its *raison d’etre*.

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 Complaint in Interpleader listing of Defendant names. Plaintiff’s claim as an “interpleader” is barred by the fact that there are in reality only two claimant groups, the majority “Webb group” now the only members, and the then minority, now former members, the “Dodge group,” not re-elected in September 2003, each of which overlap in terms of a number of members, i.e., the “Dodge group” claims in its unsworn documents filed to Plaintiff Bank, a number of “Webb group” members who are in fact not “Dodge group” members. In contrast to the “Dodge group” acting solely as individuals, none of the “Webb group” are acting as individuals, but are acting solely jointly, within group context exclusively, never as individuals acting for themselves.

SEVENTH AFFIRMATIVE DEFENSE
(Clean Hands)

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

EIGHTH AFFIRMATIVE DEFENSE
(Jurisdiction)

Assuming *arguendo* that this case is an interpleader, this Court lacks jurisdiction of Complaint in Interpleader under the circumstances of this case, including but not limited to the federal law ramifications, which may more properly lie within federal criminal court jurisdiction, and pursuant to Pennsylvania case law denying court jurisdiction within an organization internal affairs, the latter not being amenable to be circumvented by some outside third party purporting concern. (The absence of court jurisdiction on the Plaintiff’s case does not however extend to the herewith filed Counter-Complaint).

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NINTH AFFIRMATIVE DEFENSE
(Trifling Matter)

Plaintiff treated the matter as trifling, thus a matter notice of which Pennsylvania courts do not take.

TENTH AFFIRMATIVE DEFENSE
(Fictitious Problem)

Absent the “essential elements” of a non-frivolous case pursuant to parliamentary law applicable to the facts at hand, the “Dodge group” presented to the Plaintiff, which in turn presented to this Court, a case which is fictitious, with an “imaginary” problem that is “not real,” “not genuine,” but rather “non-existent,” thus presents nothing other than “fictitious principles of law.”

ELEVENTH 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 law 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.

TWELFTH AFFIRMATIVE DEFENSE
(Inability to Perform)

The Claimant Earl F. Dodge and his aiding and abetting accessories by reason of his reputation as an habitual offender as acquired over a period of years are unable to fulfill the intent of the Pennock Trust to “promote” the Party. Dodge’s vote total in 2004 was the lowest ever, and indeed only a small fraction of that of the regular organization (the “Webb group”) candidates, a fact of which Dodge is so ashamed that he would not publish the numbers to his readers.

THIRTEENTH 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, Dodge’s reputation of bad behavior, and discouraging of members including causing member resignations or sinking into “neutrality,” are unwilling to fulfill the intent of the Trust to “promote” the Party.

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FOURTEENTH AFFIRMATIVE DEFENSE
(Frivolousness)

The Bank’s lawsuit attacking the victim of the ‘identify 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. And the “Dodge group” claim is itself “frivolous” within the meaning of Pennsylvania case law, as elaborated in the undisputed pending 25 September 2006 Motion for Summary Judgment.

FIFTEENTH 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, an accomplished fact event having already occurred, and not corrected until after April 2006 objection by the “Webb group” via the undersigned.

SIXTEENTH AFFIRMATIVE DEFENSE
(Doctrine of Laches)

Plaintiff's claim is barred in whole or in part by the doctrine of laches. The “Dodge group” filings of November 2004 were well over a year after the September 2003 “Webb group” meetings at issue; and the Plaintiff Bank's initial litigation was not filed until about October 2005. Defense ability is thus impaired by reason of deaths or other member inabilities and losses.

SEVENTEENTH AFFIRMATIVE DEFENSE
(Prematurity)

The issues herein derive from “Dodge group” falsifications mailed across state lines in violation of federal (and likely state) laws against the making and mailing of false claims. The normal and proper sequence is for the victim to file criminal charges, with civil litigation not until thereafter; i.e., Plaintiff Bank noting the contradictory information and violations as documented in the record, including contradictions within the “Dodge group” material as to who is Secretary and Vice-Chairman, and lack of quorum, should have contacted the appropriate criminal authorities within a timely manner not later than soon after receipt of (a) the November 2004 “Dodge group” accusations that the “Webb group” had “organized a new group” and/or (b) the “Dodge group” minutes purporting to record the June 2003 “Dodge group” meetings, the small attendance numbers of which Dodge had insisted be kept secret due to his guilty knowledge of their impropriety.

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EIGHTEENTH AFFIRMATIVE DEFENSE
(Default)

The “Dodge group” has defaulted, meaning it did not answer the original litigation and the March 2006 Interpleader, has not cooperated in discovery, i.e., did not answer the December 2005 Interrogatories, and has not answered any of the pending Motions. Plaintiff Bank likewise has responded to none, thus leaving the defense by the “Webb group” undisputed, and entitled

to judgment, as a matter of law

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,

6 November 2006

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

NOTE: See also prior attached signatures of other Defendants incorporating by reference the above and other pleadings by fellow Defendant Pletten.

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

PNC Bank, N.A., as Trustee for the Estate of
George Pennock

Plaintiff,

No. 114-1937

Prohibition National Committee, et al.,

Defendants.

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,

6 November 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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6 November 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 with respect to the "Complaint in Interpleader" herein are Supplement to April Answer, Affirmative Defenses, and Request for Jury Trial, with additional signatures appended.

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

CERTIFICATE OF SERVICE

I hereby certify that on 6 November 2006, I transmitted a copy of the within Defendant Pletten appearance and Supplement to Pletten's April 2006 Answer to Plaintiff Bank's Complaint in Interpleader, by at least first class mail, postage prepaid, upon the following:

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

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The "Dodge Group"
% Earl F. Dodge
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Leroy J. Pletten

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Leroy J. Pletten

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