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
v.	:	
Prohibition National Committee, et al.,	:	
Defendants.	:	

MOTION FOR SUMMARY JUDGMENT

Defendant Leroy J. Pletten, Secretary, Prohibition National Committee (PNC), for Motion for Summary Judgment pursuant to Pennsylvania case law on parliamentary law and other relevant principles including criteria for deeming a case frivolous, states as follows:

1. This litigation has now been on file in this Court since about October 2005.

2. Plaintiff Bank manages the Pennock Trust established by George Pennock for the promotion of Defendant Prohibition National Committee. Disbursements are to be made semi-annually to the Treasurer (per notice by the Secretary, the officer in charge of correspondence).

3. Plaintiff Bank's apparent reason for filing this litigation is that it

A. wants this Court to inform it whether the majority "Webb group" or the dissident secessionist minority "Dodge group" of former members led by former Chairman Earl F. Dodge constitutes the genuine Prohibition National Committee,

B. i.e., wants this Court to inform it which group is entitled to the semi-annual disbursements from the Pennock Trust, notwithstanding its having been notified in writing by the authorized person, the Secretary, the undersigned.

4. This situation in turn derives from an issue of fact: whether the majority "Webb group" or the minority "Dodge group" conducted proper meetings pursuant to the organization Bylaws (Bank Petition Exhibit B, Pp.052 - 054) and well- and long-established parliamentary law.

5. Plaintiff Bank's innuendo for filing this litigation is that it cannot figure out on its own said parliamentary law and Bylaws and apply same to the facts. In short, it wishes this Court to intervene in our internal affairs, specifically, in the functioning of the Secretary.

6. In reaction to the said initial litigation received in October 2005:

A. No answer came from the "Dodge group" (to that or any subsequent pleading)

B. In contrast, the "Webb group" mounted a vigorous defense, beginning with timely filed Answer, Affirmative Defenses, and Request for Jury Trial.

7. The "Webb group," in reality the Prohibition National Committee, thereafter pursued further defense and promptly filed motions seeking dismissal or summary judgment based

A. on merits, 25 November 2006 (providing evidence that the "Webb group" met pursuant to the Bylaws and long established federal and state parliamentary law which everyone is presumed as a matter of law to know; and ignorance of which is negligence or worse)

B. on "Dodge group" default and failure to proceed, 28 November 2006

C. on merits again, 16 December 2005 (providing evidence that the "Dodge group" met contrary to the Bylaws and parliamentary law)

8. Again, no response came from the "Dodge group," indeed, no response from the Bank either, to any of the said Motions.

9. The "Webb group" filed and served 30 November 2006 Interrogatories for response by Earl F. Dodge / the "Dodge group."

10. No response to said Interrogatories came or has come in all this time.

11. On 4 March 2006, the "Webb group" filed a motion to require response.

12. Again, no response came from either the "Dodge group" or Plaintiff Bank.

13. Plaintiff Bank rewrote the case as an Interpleader in March 2006.

A. It named as Defendants the organization, "Webb group" members, and Earl F. Dodge.

B. It did not name as Defendants the other members of the "Dodge group" notwithstanding its having their names and addresses in its possession (Exhibit B, Pp. 0045-0047, 0049-0051: Paul B. Scott, Karen J. Thiessen, Howard L. Lydick, Margaret S. Shickley, Jerry Kain, and Faith D. Nelson), and its duty of thoroughness.

14. This omission committed in collusion with the "Dodge group" to vitiate the impact and finality of any Order or Judgment by this Court via lack of jurisdiction over unnamed individuals, occurred notwithstanding the fact that it was their writings which were instrumental in giving rise to the instant litigation.

15. Plaintiff Bank has not, to the undersigned's knowledge, served the March Interpleader on anyone except the undersigned Secretary Leroy Pletten.

16. The underlying situation herein relates to compliance with organization Bylaws and long and well-established rules of parliamentary law.

17. Published cases on-point in Pennsylvania courts reported in the *Pennsylvania Digest*, First and Second Editions, under "Parliamentary Law," date back to at least the year 1843.

18. It is undisputed that the undersigned, Leroy J. Pletten, was chosen in 2003 as Secretary by both the "Dodge group" and the "Webb group." Bank Exhibit B, P.021, col. 1.

19. In that capacity, Pletten sent written notice to Plaintiff Bank (Exhibit P.002 with the Interpleader) on disbursing the Pennock Trust to the organization Treasurer, William Bledsoe.

20. The thrust of this case is to ask the Court to interfere in our organization internal affairs and overrule the said notice to Plaintiff Bank.

21. This case was filed by Plaintiff Bank pursuant to and in support of or collusion with, allegations that Defendant Earl F. Dodge is current Chairman of the Defendant Prohibition National Committee and that his "Dodge group" constitutes the genuine organization.

22. The written evidence (Exhibit B in initial Petition) filed by Plaintiff Bank on behalf of Defendant Dodge and the "Dodge group" dates from June 2003 through at least November 2004.

23. The written evidence (Exhibit B in initial Petition) submitted by Plaintiff Dodge against interest establishes that

A. this situation arises from private June 2003 meetings conducted by the "Dodge group"

B. said meetings were held without adherence to well-established parliamentary procedure and organization Bylaws, including on having a quorum and on signature of the 'Minutes' (Appendix B, P.057) including signature by the Secretary

24. The purpose of the "Dodge group" holding invalid meetings was to fraudulently obstruct the foreseeable majority rule anticipated to not re-elect Defendant Earl F. Dodge in view of

A. Dodge's near loss (9-8) on a crucial vote at the 1999 Convention,

B. growing opposition to Dodge's mismanagement and worsening reputation, and

C. growing opposition to re-electing Dodge to the 2003-2007 term.

25. To that end, Defendant Dodge and his accessories the "Dodge group" acted to carry out their preconceived scheme to organize the invalid June meeting process at issue herein, in their own interest, and to obstruct, steal, and deny the property right of fellow members to notice, attend, convince, and debate as typically done by past practice.

26. The written evidence (specifically, Appendix B, P.057 and P.059) filed by Plaintiff Bank in support of Defendant Dodge and the "Dodge group," when juxtaposed with the PNC Bylaws (Appendix B, P.052, P.053, and P.054) shows that the private "Dodge group" June 2003 meetings lacked validity within the meaning of well-established parliamentary law for reasons including but not limited to the following:

A. not "the entire membership" (see Appendix B, P.053, "Meetings," "Section 1, Biennial Meeting")

B. lack of notice to all members,

C. absence of evidence of a quorum (purported "Minutes," Appendix B, P.057),

D. indeed, *prima facie* revealing lack of quorum, by having in the first two paragraphs of the said 'minutes' (Appendix B, P.057) only reference to "executive" and "platform" committee meetings (inherently not "the entire membership"), and when juxtaposing the 25 names listed in paragraph 5 with the few names (7) listed anywhere in the entirety of said minutes as having attended the totality of the events listed therein (top paragraph of said Appendix B, P.059)

E. counting of and participation by non-disinterested Directors, Karen J. Thiessen and Faith D. Nelson, daughters of Defendant Earl F. Dodge, further reducing countable attendees

F. lack of signature on the purported 'minutes' (Appendix B, P.057 and P.059)

G. no approval of said 'minutes by the therein stated Secretary, the undersigned Leroy J. Pletten.

27. Defendant Earl F. Dodge and the "Dodge group" did not convene the required "biennial meeting of the entire membership" in 2005, notwithstanding the PNC Bylaws requirement, "Meetings," "Section 1, Biennial Meeting" (Original Petition Appendix B, P.053) for doing so.

28. In contrast, it is the "Webb group" which has maintained the regular form of organization, according to the Bylaws and usages of the organization and according to long established parliamentary law.

29. In reaction to the dissident minority "Dodge group" secessionist meetings of June 2003, the "Webb group"

A. convened the real PNC "biennial' and quadrennial meetings pursuant to the Defendant PNC's Bylaws (Initial Bank Exhibit B, P.052, "Membership and Service, Section 3, Period of Service," and P.053, "Meetings, Section 1, Biennial Meeting")

B. in an abundance of caution (in essence, gratuitously), circulated petitions which were signed by not less than the requisite ten (10) members for calling a meeting (Initial Bank Exhibit B, P.054, "Meetings, Section 3, Call of Committee") (a meeting required to be held regardless of whether signatures were or were not obtained, but to be held automatically by operation of the said Bylaws)

C. all with the specific approval, knowledge and consent of the undersigned Secretary as chosen by the "Dodge group," which is estopped from denying same

D. all with written notice to all members of the "Dodge group" (Paul B. Scott, Karen J. Thiessen, Howard L. Lydick, Earl F. Dodge, Margaret S. Shickley, Jerry Kain, and Faith D. Nelson)

E. convened the requisite biennial and quadrennial meetings in Tennessee.

30. None of the "Dodge group" filed objections to the holding of the said requisite meetings.

31. Defendant Earl F. Dodge had himself in a prior year gone over with Defendant Don Webb the ten (10) member signature rule for calling a meeting (Initial Bank Exhibit B, P.054, "Meetings, Section 3, Call of Committee"), so is well aware of said proviso.

32. Indeed, shortly before the 2003 incidents at issue, Don Webb had in fact in 2001, likewise invoked the said ten (10) member signature rule to attempt to call a meeting.

33. Said 2001 effort to invoke the said rule had failed, by one signature – a fact with which the "Dodge group" was well (perhaps gloatingly?!), familiar.

34. With respect to the instant situation in 2003, Webb's invocation of said ten-signature rule did succeed in obtaining the requisite number, or more, of signatures.

35. The Plaintiff Bank's re-writing of the initial lawsuit into Interpleader form occurred after substantial evidence had been placed into the record showing

A. the aforesaid deficiencies and

B. Defendant Dodge's personal behavior incompatible with "promoting" the Party pursuant to requirements or purpose of the Pennock Trust.

36. Examples of the said evidence include:

A. Affidavits by, e.g., Richard Swift, Sarah F. Ward, Frank Clark, Willard D. Watkins, Gary R. Van Horn, Lois I. Helm, Lee F. McKenzie, and Dale E. Wagner, the contents of which speak for themselves in terms of Dodge misbehavior and obstructing or impairing the "promoting" of the Party notwithstanding the duty of "promoting the Party," as set forth and intended by the Pennock Trust

B. Evidence of Defendant Earl F. Dodge having a reputation for having a record of misbehavior, funds mismanagement, and/or thievery. See the Wagner Affidavit, and the January 2005 issue of the newsletter, *National Prohibitionist*, http://www.prohibitionists.org/History/Bios/dodge/body_dodge.html, article on "American Political Items Collectors [having] refused to renew Dodge's membership sometime before 1995, after complaints by several members that Dodge had visited their homes, distracted them, and pocketed things he liked. He is no longer allowed into display areas at APIC meetings (although the meetings are open to the public)."

C. Defendant Dodge's reported "'defense' or explanation of this evident criminal behavior, is that he is 'untreatable' for his ongoing kleptomania. Mr. Dodge has claimed this is a 'permanent disorder,' one which is, in Dodge's own words when confronted with accusations of yet another theft: simply 'out of my control.' (Wagner Affidavit, paragraph 10.)

37. The "Dodge group" chose not to attend but rather to boycott the legitimate organization meetings called pursuant to the aforesaid ten-signature rule and/or pursuant to the automatic operation of the Bylaws as said meetings were due to be held in any event.

38. None of the "Dodge group" has responded to the November 2005 Interrogatories.

A. None have filed an answer to any question, much less, an explanation for the false claims they had made accusing the "Webb group" of having "organized a new group using our name. They have no connection with us . . . ."

B. There is no evidence that any of the "Dodge group" intend to ever respond to the Interrogatories, for the reason that they (i) know that their claims are sheer fabrications, not true, never true, never believed or intended to be true, thus they are (ii) unwilling to make said claims under oath, under penalty of perjury.

39. Both Defendant Earl F. Dodge and his attorney Robert Carpenter, Esq., refuse to speak with the undersigned. Carpenter does not respond to phone calls, nor to correspondence sent to him by the undersigned. No written offer has come notwithstanding his 11 January 2006 letter to this Court alleging something to happen "within the next two weeks."

40. Notwithstanding Defendant Prohibition National Committee's pleas, Plaintiff Bank obstinately refused to provide the documentation (in its initial Exhibit B) so as to have enabled us to have provided further input (beyond that of Exhibit C) if we had only known what the "Dodge group" accusations were that were causing the Bank's allegations of concern (admittedly concern it kept at an informal, trivialized, trifling, e.g., mere email level).

41. Plaintiff PNC Bank, N.A., has not come forward with any explanation or case law to rebut or undermine Defendant Prohibition National Committee's email response (Exhibit C) citing pertinent case law on the simple parliamentary law issues at hand.

42. The PNC Bank, N.A., has Board meetings wherein it as a matter of parliamentary law and business routine convenes and conducts said meetings according to parliamentary law:

A. Gives notice of such Board meetings to its members,

B. Does not exclude disfavored members from attendance

C. Has 'disinterested' members

D. Has a quorum of 'disinterested' members

E. Does maintain minutes

F. Does maintain signed minutes.

43. The Chairman or President of Defendant PNC Bank, N.A., is as a matter of law (and fact) aware, for example, that he cannot convene meetings without notice, cannot exclude disfavored members, and cannot conduct meetings without a quorum.

44. Defendant PNC Bank, N.A., like all banks, requires signatures on documents including but not limited to checks, mortgages, loans, etc.

45. Banks worldwide including Defendant PNC Bank, N.A., routinely, without resorting to litigation, reject checks and other unsigned documents; Bank employees worldwide know the importance of signatures on documents, and do not sue every time an unsigned document is presented, on the pretext of needing a Court to tell them what to do!.

46. The knowledge of parliamentary procedure in herein-relevant terms (giving notice of Board meetings, not excluding disfavored members, having 'disinterested' members and quorum, and maintaining minutes, signed minutes) is one developed by the average normal American at the grade / primary school level, without reaching the issue of the fact that substantial case law to the same effect exists, has long existed, and by presumption of law, is and must be known.

47. The knowledge of the necessity of signature is known to undoubtedly every normal school-age American child, and perhaps worldwide, in terms of, e.g., having their parents sign their report cards. Such knowledge, in short, starts young.

48. The said knowledge of parliamentary procedure in these terms (giving notice of Board meetings; not excluding disfavored members, having 'disinterested' members, having a quorum, and maintaining minutes, signed minutes) is not such a difficult one as to require

A. completion of eighth grade level education

B. a high school education

C. a college education

D. a law school education

E. litigation to comprehend the application of same.

49. The very pleadings in this case have signatures, by both the Bank official Robert L. Altimore and the Bank's attorneys, establishing against interest their awareness of the necessity of signature.

50. Neither Plaintiff PNC Bank, N.A., nor Defendant Earl F. Dodge, has come forward with any case law to support their position on the simple parliamentary law issues at hand, for the reason that ALL pertinent case law is in the favor of the "Webb group."

51. Learning disorders, e.g., dyslexia, alexia, dyscalculia and acalculia, do admittedly exist which could explain the impairment of simple reading comprehension or arithmetical ability (e.g., the lack of signature of the alleged minutes (Appendix B, P.057), the *prima facie* data of seven (7) reported attendees as not a quorum, a majority, of the 25 cited names) evident in this situation, but none has been pleaded in extenuation.

Wherefore, as no evidence has come forward, or as a matter of law can come forward, in support of Plaintiff's lawsuit on behalf of and in collusion with Defendant Dodge and the "Dodge group," Defendant Prohibition National Committee, Leroy J. Pletten, Secretary, moves for relief as follows, that the Court order that:

A. This case be dismissed, and dismissed with prejudice

B. Plaintiff PNC Bank, N.A., be ordered to immediately comply with the instructions of the undersigned (Exhibit P.002 with the March 2006 Interpleader), with the word "immediately" defined as being within one (1) workday of its receipt of the appropriate Court ruling(s) or Order(s)

C. Triple damages be awarded as previously requested in our prior motions

D. Defendant Earl F. Dodge pay all costs, attorney fees, research time, travel expenses in this case, and as the case is frivolous, appropriate sanctions

E. Defendant Earl F. Dodge and the "Dodge group" be permanently enjoined from representing themselves as the "Prohibition National Committee,"

F. Defendant Earl F. Dodge and the "Dodge group" immediately turn over all PNC assets, including but not limited to property, funds, records, mailing lists, historical items, to the undersigned or his representative(s), with "immediately" defined as being within one (1) workday of receipt, for funds, and within seven (7) work days of receipt for property, records, mailing lists, and historical items

G. Defendant Earl F. Dodge and the "Dodge group" immediately notify their mailing list of the ruling(s) of this Court, using wording to be supplied by Defendant Pletten, with "immediately"defined as being within twelve (12) work days of receipt of said order(s)

H. Defendant Earl F. Dodge and the "Dodge group" immediately notify all media publications wherein since September 2003 he has claimed to be PNC Chairman and/or our 2004 Presidential nominee, of the falsity of said claim(s), using wording without change to be supplied by Defendant Pletten, with "immediately"defined as being within thirty (30) work days of receipt of said order(s)

I. WolfBlock under the fact circumstance shown herein, a school level parliamentary law matter (signature, quorum, etc.), be (i) denied attorney fees, and (ii) sanctioned for having brought this frivolous case

J. Defendant Bank be ordered to notify the appropriate criminal authorities of the false claims constituting mail fraud by defendant Dodge and "Dodge group" in violation of federal laws including but not limited to 18 USC §§ 1001, 1341, and 1961, and/or pertinent Pennsylvania law(s), a reporting action the Defendant Bank should have taken *ab initio*, and/or

K. Award such other relief including injunctive relief, as may be deemed appropriate, including to deter (a) the filing of false claims for Trust funds, (b) Banks aiding and abetting or colluding with false claimants against rightful owners, and (c) law firms filing frivolous or collusive litigation.

Respectfully,

25 September 2006

Leroy J. Pletten, Secretary
Prohibition National Committee
Defendant
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	:	
Plaintiff,	:	No. 114-1937
v.	:	
Prohibition National Committee, et al.,	:	
Defendants.	:	

BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATEMENT OF FACTS

The facts are as stated in the record and the motion. Briefly, George Pennock left funds for semi-annual disbursement for "promoting" the Prohibition Party. Defendant PNC Bank, N.A., has disbursed the funds for a number of years without incident, to Defendant Prohibition National Committee, the formal name.

In 1999, the then Chairman (now Defendant) Earl F. Dodge was facing severe challenge to his holding his position. A number of members had come to deem him as developing a bad reputation, unresponsive to requests for information and sound business practices, and failing to promote the organization and indeed obstructing growth. The affidavits on file elaborate. That year, Dodge barely held on, indeed won a significant position by only one vote.

Dodge saw the handwriting on the wall. By 2003, he was down to almost no supporters, perhaps seven or eight out of about thirty members. So he arranged with them a secession, a sham meeting of those few supporters. They fraudulently pretended to constitute the official biennial or quadrennial meetings in June 2003. Pursuant to this preconceived scheme, Dodge abused his position, did not notify disfavored members, excluded those he deemed 'troublemakers.' To insure they could not attend, he held said meetings in private settings such as his personal home.

After the fact discovering their rights so blatantly violated, the majority (the "Webb group") reacted as might be expected, and already documented in the record. They scheduled the appropriate meetings in September 2003 pursuant to and as contemplated by, the Bylaws, and long- and well-established parliamentary law and case precedents.

The undersigned Secretary duly notified the Bank of new contact information (Bank Exhibit P.002 with the Interpleader).

Eventually the "Dodge group" (we now learn) contacted the Plaintiff Bank to complain. The Bank treated the matter in a frivolous way as trifling. It eventually informally notified the "Webb group," but no particular formal correspondence (email). The "Webb group" reacted seriously, informed it of pertinent case law in its support (Bank Exhibit C with the original litigation, the undersigned's emails), and sought details. Again treating the matter in a frivolous and trifling manner, the Bank refused to provide details (now first seen in its Exhibit B).

The lawsuit ensued. The "Webb group" alone has filed motions with sworn affidavits and documents in support. No response has come to any of same. Its Interrogatories have gone unanswered. It cites relevant case law precedents to show the accuracy of its position. No sworn statements or motions have been filed to support the Bank - "Dodge group" collusive position. The Bank's Robert L. Altimore cites no personal knowledge of the controlling events.

ARGUMENT

Standard of Review

The standard of review for motions for summary judgment is set forth in Pa.R.C.P. 1035.2, and case law. Summary judgment may be entered only in those cases where the record clearly demonstrates that there are no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law. The record must be viewed in the light most favorable to the opposing party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. Pennsylvania State University v. County of Centre, 532 Pa. 142, 143-145, 615 A.2d 303, 304 (1992); P.J.S. v. Pennsylvania State Ethics Commission, 555 Pa. 149, 153, 723 A.2d 174 (1999); Washington v. Baxter, 553 Pa. 434, 719 A.2d 733, 737 (1998); Dean v Commonwealth, Dept. of Transp., 561 Pa. 503, 751 A.2d 1130, 1132 (2000).

Summary judgment will be granted only in cases free and clear from doubt. Marks v. Tasman, 527 Pa. 132, 589 A.2d 205, 206 (1991). If an appeal ensues, Pennsylvania appellate court review is plenary. Phillips v. A-Best Products Co., 542 Pa. 124, 129-131, 665 A.2d 1167, 1170 (1995).

To withstand a motion for summary judgment, a non-moving party must adduce sufficient evidence on an issue essential to his case and on which he bears the burden of proof such that a jury could return a verdict in his favor. Failure to adduce this evidence establishes that there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. Ertrel v. Patriot-News Co., 544 Pa. 93, 101-102, 674 A.2d 1038, 1042 (1996).

Federally, re Fed.R.Civ.P 56, a "complete failure of proof concerning an essential element of the nonmoving party's case necessarily renders all other facts immaterial," thus "necessarily renders all of the other facts immaterial." Celotex Corp v Catrett, 477 U.S. 317, 323, 106 S.Ct. 2548, 2552, 91 L.Ed.2d 265, 273 (1986). The point is to "isolate and dispose of factually unsupported claims," 477 U.S., 323-324, 106 S.Ct., 2553, 91 L.Ed.2d 274.

F.R.C.P 56(a) "contemplates the filing of motions for summary judgment at a very early stage in the proceedings" Same cannot be defeated by relying "solely on unsworn statements and allegations." Mitnik v. Cannon, 789 F. Supp. 175, 1992 U.S. Dist. LEXIS 5171 (ED Pa., 1992), aff'd mem. 989 F.2d 488 (CA 3, 1993).

1. Frivolousness is Clear As Nothing Was Filed in Response to Our Motions.

A "frivolous suit" is defined as "a lawsuit having no legal basis, often filed to harass or extort money from the defendant." Black's Law Dictionary, 7th ed (1999), p 678.

Our prior motions to dismiss or for summary judgment focused on three matters:

a. on merits, 25 Nov 2006 (with evidence that the "Webb group" met pursuant to the Bylaws and long established parliamentary law which everyone is presumed as a matter of law to know; and ignorance of which is negligence or worse)

b. on "Dodge group" default and failure to proceed, 28 November 2006

c. on merits again, 16 Dec 2005 (with evidence that the "Dodge group" met contrary to the Bylaws and parliamentary law).

Said Motions cited the "overwhelming authority against" the Bank / "Dodge group" position. None responded by citing anything, either in fact or in law. Wherefore, the foregoing precedents and relevant principles from same should be applied by this Court.

A judgment in this Court upholding the pro-parliamentary law position of Defendant Prohibition National Committee will not appealable except itself frivolous. A long line of precedents reject an appeal of a decision "so plainly correct and the legal authority so contrary to appellant's position so clear that there really is no appealable issue," says the Federal Circuit in Finch v Hughes Aircraft Co., 926 F.2d 1574, 1578-1580 (Fed. Cir., 1991). Pertinent principles include "the importance of conserving scarce judicial resources" as frivolous litigation "imposes costs not only upon the party forced to defend it, but also upon the public whose taxes supporting this court and its staff are wasted on frivolous [cases]." Court resources should be "better spent on meritorious claims of [one's] fellow citizens to whom those resources belong" so as to "preserve the [court] calendar for cases truly worthy of consideration," p 1578.

Ways of determining frivolousness include when litigants "not only ignore [controlling precedent] but fail to cite any authority whatsoever in support of the notion that the issue presented is a proper or reasonable basis for [the pleadings]," when a case "lacked any support in law or the record" or pleaded "contrary to established law and unsupported by a reasoned, colorable argument for change in the law," or was "brought without the slightest chance of success," p 1579. It includes "submitting rambling briefs that make no attempt to address the elements requisite to obtaining [favorable consideration], p 1579.

Frivolousness includes making "no attempt to address the overwhelming authority against his position, much less rebut that authority," or an "utter failure to oppose [a party's] motion to dismiss," failing to "even attempt to provide any explanation for his failure to oppose [the] dismissal motion," p 1580. This is the situation here, as the record shows.

2. The "Webb group" Meets the Pennsylvania Test for Ascertaining Which of Two Competing Groups Is The Legitimate One.

Our prior Motions in November - December 2005 cited precedents from other states and the U.S. Supreme Court. This Motion covers pertinent Pennsylvania precedents.

This is not the first case where two separate groups of individuals claim to constitute an organization. The City of Philadelphia had such a case—its City Council. Luzerne County had a divided School Board. Likewise, this case concerns "the division of a body which ought to be a unit." "[T]he test for ascertaining which of them represents the legitimate social succession is, which has maintained the regular forms of organization, according to the laws and usages of the body." Kerr v. Trego, 47 Pa. (11 Wright) 292, 5 Phila. 224, 229, 20 Leg. Int. 36, 52, 1864 WL 4680, 1864 Pa. LEXIS 97 (1864), and Bouton v. Royce, 10 Phila. 559, 566-567, 31 Leg. Int. 21, 252, 2 Luz. L. R. 241, 3 Luz. L. R. 122 (Comm.Pl., 1874), both cited in Pennsylvania Digest, Vol. 30, "Parliamentary Law," § 4 (1963).

Indeed, Pennsylvania had an even earlier similar situation—"the House of Representatives in 1838, and that produced a dangerous schism there that lasted several weeks . . . hardly needs an opinion from us to condemn it." 47 Pa. 298, 5 Phila. 225, 5 Phila. 227-228.

The record shows that it is the "Webb group" that "maintained the regular forms of organization, according to the laws and usages of the body," i.e., followed the Bylaws, and thus "represents the legitimate social succession." The "Dodge group" is silent! a year later!

"May the wrongful body be restrained from acting by means of the equity remedy of injunction? We think it may." 47 Pa. 295, 5 Phila. 225. This halts "the confusion that would be caused by two opposite parties pretending to act as the society." 5 Phila. 225, 47 Pa. 296. There is indeed "confusion" impacting us due to the "Dodge group" misconduct. Same should be stopped, restrained, enjoined.

3. The Court Lacks Jurisdiction In This Internal Matter As the "Webb group" Followed the Bylaws.

This is not the first Pennsylvania case involving a misbehaving Chairman. A prior case occurred in 1972. That case involved effort to oust a Party Chairman behaving like a "maliciously mischievous and irresponsible boy," Carrier v. Shearer, 57 D. & C. 2d 631, 642, 94 Dauphin 447, 455, 1972 Pa. Dist. & Cnty. Dec. LEXIS 495, 1972 WL 15998 (Comm.Pl., 1972). The organization Board of Directors wanted his ouster. The court declined jurisdiction.

That Chairman had "acted improperly in the issuance of certain checks . . . converted funds . . . to his own use . . . failed to submit proper itemization . . . acted improperly in the calling of meetings . . . . manipulated votes, and otherwise improperly conducted himself as Chairman contrary to the . . . Bylaws."57 D. & C. 447-448, 94 Dauph. 632. Rather than solving the problem within the organization as we did, this Party group sought the Court to take jurisdiction to do the ouster for them. The Court declined.

At 57 D. & C. 454-455, 94 Dauph. 640-642, the Court described its lack of jurisdiction over matters such as this, in both equitable and statutory terms. It cited Pennsylvania Supreme Court guidance on point, citing conditions precedent necessary under Pennsylvania law for a court to have jurisdiction in this type situation. The pertinent Pennsylvania law cited (a) the requirement for a proper lawsuit to be brought, by a filing by "five or more members," and (b) the specific necessary reasons. 57 D. & C. 2d 640-641, 94 Dauphin 454. None applied there.

The court further analyzed the Bylaws to determine whether an adequate means existed pursuant to them for the group to oust its own Chairman. 57 D. & C. 2d 631, 644-645, 94 Dauphin 447, 457-458. One did. And that Court cited prior precedent noting benefits of "having disputes resolved within the association." 57 D. & C. 2d 647, 94 Dauphin 459.

The Court detailed methods to deal with a recalcitrant Chairman. For example, if he ignores member rights to present motions, or protest of such disregard (via point of order), an affected member can himself force the issue and "put it to a vote." 57 D. & C. 2d 645, 94 Dauphin 457-458. *

The situation at bar is that Defendant Dodge, as Chairman, ignored member rights, including to notice of meetings. He in essence sought to extend his (and his accessories') term another four years, via fraudulent meeting without quorum. An affected member, Don Webb, took action in combination with others similarly affected (the majority!), pursuant to the Bylaws. This did "put it to a vote." Dodge and accessories lost! This is the type situation where a Court lacks jurisdiction. The process "within the organization" is quite sufficient.

---

* This concept applies also concerning the undersigned Leroy Pletten, the Secretary, whose letter to the Bank saying to whom to disburse the semi-annual payments is the issue. Our Bylaws provide a complete procedure for removing a Secretary. (Bank Petition Exhibit B, Pp.052 - 054, "Officers and Committees," "Section 6 Removal from Office," P.053). The procedure includes (a) at least "six members" must sign a "bill of particulars," (b) must give "notice . . . . and a bill of particulars . . . six weeks prior," (c) "seven days" "rebuttal" time, (d) "three weeks" consideration period . . ." Nobody has proposed this against Pletten! The members are clearly well satisfied with my record as Secretary. This case thus involves a purely internal matter for which adequate internal redress exists if desired. (The "Dodge group" simply ignores this Bylaw like so many others.) In view of the adequate internal procedure, this Court lacks jurisdiction. Carrier v. Shearer, *supra*, 57 D. & C. 2d 631, 644-645, 94 Dauphin 447, 457-458. And, Defendant Bank should follow Secretary Pletten's instructions on disbursement, forthwith.

The Carrier v. Shearer Court also called attention to three possible definitions of term length which may be provided for in an organization's Bylaws:

A. "for [a number of] years or until their successors are elected," or

B. "for a [fixed] term (which is not a recommended wording)," or

C. to "serve *only* a fixed term, such as 'for [a number of] years *and* until their successors are elected." 57 D. & C. 2d 645-646, 94 Dauphin 458.

If formula A. is used in the Bylaws, said the Court, "the election of the officer in question can be rescinded . . . The vote required . . . in such a case is the same as for any other motion to *Rescind*."

Alternatively, said the Court, if formula C. is used in the Bylaws, this is harder to deal with: "an officer can be deposed . . only by following the [discipline] procedures . . ."

In our case, our Bylaws use the formula A. wording style in both pertinent clauses:

"Membership and Service" "Section 3 Period of Service" "Membership on the National Committee is for a period of four years, *or* until the next ensuing nominating convention" (Bank Petition Exhibit B, P.052) (emphasis added)

"Officers and Committees" "Section 5 Period of Service" "The Chairman . . . shall serve for a period of four years *or* until the next ensuing nominating convention" (Bank Petition Exhibit B, P.053) (emphasis added).

With out wording, the "Dodge group" terms automatically ended at the "next ensuing nominating convention" in 2003. They were not ousted! Their terms ended! by automatic operation of the Bylaws. Thus the Court lacks jurisdiction in this clearly internal matter "within the organization" which we have handled.

4. The Bank / "Dodge group" Theory Derives From Violation of the Twin Parliamentary Law Rights to Deliberate and Convince.

"The opportunity to deliberate, and, if possible, to convince their fellows, is the right of a minority [certainly the majority], of which they cannot be deprived by the arbitrary will of the majority [minority]. That the ["Dodge group" actions shown herein] were in contempt of this right, is manifest. The attempt [to violate member rights] consequently defeats itself." Commonwealth ex rel. Claghorn v. Cullen, 13 Pa. (1 Harris) 133, 144, 53 Am. Dec. 450, 459; 1 Pitts. L. J. 76, 1 O. L. J. 76, 1850 WL 5703 (Pa., March 1850).

"Our own determination in *Shorts* v *Unangst*, 3 Watts & S. 45, following earlier decisions, settles that to make a vote of acceptance valid, as the act of a corporation, it should be passed at a meeting duly convened, after notice to all the members. In such cases [as serious issues], congregated deliberation is deemed essential . . . The private procurement of a written assent, [even if] signed by a majority of the members, will not supply the want [lack] of a meeting. Such an expedient deprives those interested of the benefit of mutual discussion, and subjects them to the hazard of fraudulent misrepresentation and undue influence." 13 Pa. 143, 53 Am Dec, 458.

When members object to actions, even if there were an assumption of a meeting's validity, "how can such a presumption be entertained, in the face of a remonstrance against the proposed election [of officers]? . . . This is obviously out of the question." 13 Pa. 144, 53 Am Dec, 459.

Here, in violation of this 1850 guidance relying on even older precedents, the "Dodge group" minority sought to, and did, obstruct and prevent the majority "Webb group" from having "the opportunity to deliberate, and, if possible, to convince their fellows" in what was not merely a routine meeting, but the single most significant meeting of the organization, the quadrennial nominating convention for choosing officers for the next four year term, and presidential and vice-presidential candidates.

In the face of the "remonstrance," the signature drive to obtain the ten (10) signatures, and the actual convening of the genuine requisite meetings, there can be no "presumption" of validity of the "Dodge group" meeting process. They claim no validity to it. The Bank cites none.

What the Pennsylvania Supreme Court in 1850 wisely feared and lamented, "the hazard of fraudulent misrepresentation and undue influence," from improper meeting notice and attendance, is the exact result here of the "Dodge group" misconduct, orchestrated by Defendant Dodge. Dodge feared, and accurately so, that his bad reputation was catching up with him, and that he and his little band of accessories would not be re-elected.

As the affidavit by Dr. Dale E. Wagner shows, Dodge is willing to steal. No doubt stealing from the members their rights was an easy next step for him. He rightly expected and feared that the "Webb group" would exercise "the opportunity to deliberate, and, if possible, to convince their fellows." So he resorted to the fraud herein shown, hoping by bluff or fraud to get himself and his accessories another four year term.

But this was the end of the line for him. 2003 was the end of the Dodge era, the era of the "Architect of Oblivion," as cited in the January 2005 issue of the *National Prohibitionist*, online at http://www.prohibitionists.org/History/Bios/dodge/body_dodge.html,

5. The Bank / "Dodge group" Theory of the Case Violates Basic American Principles.

Majority rule is a basic American principle, in both governmental and organizational functions. "That a majority of the corporators must control the management . . . is a principle of law too well settled, now to be controverted. One of the fundamental principles of the organization of civil society is that each [person] will be governed by the will of a majority. It applies in all civil associations, and is equally applicable to political. It is the sound doctrine of a republican government. It has always been the vital principle of corporate existence." Carpenter v. Burden, 2 Parsons 24, 29 (Comm.Pl., 1843). In that case, an injunction had been entered based on certain representations, but was withdrawn once the Court was presented evidence of what was the majority will. Here, the majority will is that of the "Webb group."

"Since the Declaration of Independence in 1776, it has been an axiom of the American people, that all just government is founded in the consent of the people. Wells v. Bain, 75 Pa. (25 P. F. Smith) 39, 46, 5 Leg. Gaz. 400, 21 Pitts. L. J. 65, 15 Am. Rep. 563, 570, 1873 Pa. LEXIS 162, 1874 WL 13096 (Pa., 1874).

The "Dodge group" behavior within the organization is thus contrary to the basic premise of America. The organization cannot in good conscience promote "consent of the people" in public, while in its own dealings, it does the opposite. The "Dodge group" behavior is the extreme opposite of "promoting" the Party as intended by George Pennock. More counter-productive activity can scarcely be imagined, except, perhaps, if the "Dodge group" were to start sponsoring liquor stores!

6. The "Dodge group" Secession Was For Personal Interest, Not the Organization's, And the Defects of Their June 2003 Meeting Process Were/Are Incurable.

The "Dodge group" from a wide variety of states did not all show up in Dodge's house in June 2003 to conduct a fraudulent and pretended quadrennial meeting, by sheer coincidence or happenstance. It was planned. Defendant Dodge himself in May 2003 told the undersigned Leroy Pletten of his intent to exclude "troublemakers"! contrary to the organization Bylaws and past practice. In the past, for preceding biennial and quadrennial meetings, all members could always attend, regardless of which candidate(s) they might be expected to support.

This unauthorized, improper, member-rights-violating and fraudulent behavior on the part of the "Dodge group" falls within the language of Commonwealth ex rel. Langdon v. Patterson, 158 Pa. 476, 27 A. 998, 34 W.N.C. 45, 1893 Pa. LEXIS 1620 (Pa., 1893). There, too, a minority acted "to carry out a preconceived scheme to organize and run the meeting in their own interest." "The [notice] was not to all stockholders, or even to all desiring an orderly and legal election, but to the party of the relator [the "Dodge group"], and was so understood both by themselves and the others. It was without any justification in law . . . "

And, "there were cast for the relator [the Dodge] a number of votes [here, by his two daughters] that were clearly not admissible." "Throwing out these illegal votes, the appellee [the Dodge] would have had no claim to a majority, even if the vote for him had been cast at the regular meeting." The facts show worse here. Even counting the votes Dodge claims, same are far short of a majority. Indeed, the "Dodge group" makes no claim of having had a majority, a quorum, in attendance.

In that Langdon case, at least the "Dodge group" type secessionists later purported to invite the others to participate. Here, the "Dodge group" did not. Indeed, the literal words of the statements they mailed to the Bank say, against interest: the "Webb group" "organized a new group using our name. They have no connection with us . . . ." (Bank Exhibit B, P.045 - 0.51).

But even if the "Dodge group" had made a "subsequent invitation to the others to come over and vote in a meeting thus illegally convened and in possession of the seceders was ineffectual to cure the radical defects of organization. All its acts were illegal, and mere nullities as against the other stockholders [members]." 158 Pa. 493, 27 A. 999.

7. <u>This Case Arises From Fraud, A Circumstance Pennsylvania Courts Will Not Aid</u>.

The record shows that this case originated in fraud including the theft of members' property right to meeting notice and legitimacy of meetings, and further fraudulent by the mail fraud of the "Dodge group" writings written to deceive Plaintiff Bank and defraud the organization of funds to which entitled. The Bank then colluded with the "Dodge group" and took the position of the fraud perpetrators to bring this frivolous litigation to effectuate the goal of the fraud, the diversion of organization funds.

The Pennsylvania Supreme Court has "consistently" held that "it will not aid a man who grounds his cause on an immoral or illegal act." Pepper v. Direnzo, 46 D. & C. 118, 119, 9 Sch. Rep. 149, 56 York 139, 140, 1942 Pa. Dist. & Cnty. Dec. LEXIS 5323 (Comm.Pl., 1943).

And "no one will be permitted to benefit by the wrongdoing of another, if the result will be to make effective the injury to the person wronged and it is equitably possible to prevent such a result." In re Media-69th St. Trust Co., 29 Del.Co. 28, 31-32 (Pa.Com.Pl., 1940), citing already long established principle to this effect, e.g., Stirk's Estate, 232 Pa 98, 110, 81 A.2d 187, 192 1911 Pa. LEXIS 682 (1911), and O'Connor v. O'Connor, 291 Pa.175, 139 A. 734, 737, 1927 Pa. LEXIS 367 (1927). And, "to rule in [the Bank's] favor would be to make the ["Dodge group"] fraud successful, whereas to refuse to do so could not possibly result in legal harm to anyone."

Per "common law principle," one is not "permitted to profit by his own wrong, particularly by his own crime." In re Greifer's Estate, 333 Pa. 278, 279, 5 A.2d 118, 1939 Pa. LEXIS 713 (1939).

If a plaintiff "cannot prove his case without showing that he has broken the law or participated in a fraudulent transaction, the court will not assist him." Slater v. Slater, 372 Pa. 519, 522, 94 A.2d 750, 752, 1953 Pa. LEXIS 536 (1953).

It is the consistent public policy of the courts of Pennsylvania to refuse to aid a plaintiff who grounds his cause on an immoral act. The test is whether the plaintiff requires the aid of the illegal transaction to establish his case. Ovecks v. Villingham, 10 Lebanon 8 (Comm.Pl., 1964).

"'A cause which offends against public policy is not a good cause." Barclay White Co. v. Unemploy. Comp. Bd. of Rev., 356 Pa. 43, 51, 50 A.2d 336, 341 (Pa., 1947) cert denied 332 U.S. 761, 68 S.Ct. 63, 92 L.Ed. 347 (1948).

The U.S. Supreme Court holds likewise. A plaintiff cannot rely on its own wrongdoing at the starting point of a process. Glus v. Eastern District Terminal, 359 US 231, 232, 79 S Ct 760, 762, 3 L Ed 2d 770, 772 (1959).

Here, wrongdoing at the start of the process is the entirety of the case.

A. not "the entire membership" (see Appendix B, P.053, "Meetings," "Section 1, Biennial Meeting")

B. lack of notice to all members,

C. absence of evidence of a quorum (Appendix B, P.057),

D. confirm lack of quorum by showing in the first two paragraphs of the purported 'minutes' (Appendix B, P.057) only "executive" and "platform" committees (inherently not "the entire membership"), and when juxtaposing the 25 names listed in paragraph 5 with the few names (7) listed anywhere in the entirety of the minutes as having attended (top paragraph of Appendix B, P.059)

E. counting of and participation by non-disinterested Directors, Karen J. Thiessen and Faith D. Nelson, daughters of Defendant Earl F. Dodge

F. lack of signature on the purported 'minutes' (Appendix B, P.057 and P.059)

G. no approval of said 'minutes by the therein stated Secretary Pletten.

Thereafter, this wrongdoing was compounded by the "Dodge group." They presented to Plaintiff Bank knowingly false and misleading statements accusing the "Webb group" of having "organized a new group using our name. They have no connection with us . . . ." Exhibit B, P.045 - P.051. Such falsehoods violate 18 USC §§ 1001, 1341, and 1961, and/or pertinent Pennsylvania anti-falsification law(s).

Bottom line: The case derives solely from wrongdoing! In such a situation, Pennsylvania courts "will not aid" the wrongdoer, and certainly not as the Bank sought in the initial litigation.

8. Plaintiff Bank Has Treated This Case as a Trifling One, Thus Bringing the Matter Within The Policy of the Law To Not Take Notice.

The Plaintiff Bank has all along treated this case as trifling. It did not even deal with this matter by formal correspondence! It obviously did not read the Exhibits it presented. Exhibit B reveals lack of quorum, unsigned minutes, minutes not by the Secretary, etc. The Bank clearly did not read the case precedent material the undersigned provided by email (Exhibit C).

Saying the word "disdainful" (Interpleader para. 54) reveals a lot about the Bank attitude, 'this is a trifling case.' It prefers a trivializing adjective style over the performing of competent analysis and legal research, and competent legal terminology style. It did not even list as Defendants ALL members of the Dodge group in the Interpleader (contrary to what was said 8 Dec 2005), thus evidencing collusion with the "Dodge group." To the Bank, this is too trifling a case to bother getting it right!

"{I]t is the growing policy of the law not to take notice of trifling matters. *'De minimis non curat lex*' is a maxim which has greater force to-day than ever." F. A. D. Andrea, Inc. v Dodge, 15 F.2d 1003, 1005 (CA 3, 1926), cited in the Pennsylvania Digest (1968), Vol. 2, p 294, Actions, #8, "Frivolous or collusive actions."

It can hardly be doubted that Plaintiff did no on-point legal research prior to the filing of this litigation, no due diligence whatsoever. What was provided by us, the fraud victim, was ignored. To the Bank, this case is trifling.

In the federal administrative law system with which the undersigned is familiar, perhaps the worst criticism of a colleague mishandling a case is, he didn't even bother to check the facts or rules before he proceeded! This is clearly such a case. The Bank treats the matter as trifling, too minor to bother to do the pertinent legal research. At the very least, as alluded to at the conference 8 December 2005, it could have asked some grade school child to do the counting for it—to count whether a quorum was shown by the "Minutes" (Exhibit B, P.057). The issue of lack of a quorum is an "essential element" that must be proved to validate the "Dodge group" meetings. Since it has not, and cannot be, the Celotex, *supra*, p 12, principle is invoked.

Let us not forget that the pretext of this case is that the Bank supposedly needs someone to tell it who the genuine organization is! The Bank needs advice! But "proceedings to secure advisory judgments are not favorites of the law in Pennsylvania." Breinig v Smith, 267 Pa. 207, 209, 110 A. 285 (Pa., 1920). And "courts concern themselves merely with facts and actual controversies . . . not . . . Deciding . . . fictitious . . . principles of law. Sgariat v. Board of Adj. of Kingston Borough, 407 Pa. 324, 328-329, 180 A.2d 769, 771 (1962) (citations omitted). Wise words it has: "This part of the litigation should never have arisen. There was no need . . . ."

See Black's Law Dictionary (5th ed., 1979), p 562, "fictitious," meaning ". . . . imaginary, not real, false, not genuine, nonexistent. . . ." Absent the "essential element" of a quorum or lack of signature, something a child would notice, the Bank has come to this Court with an "imaginary" problem, one that is "not real," "not genuine," it is "nonexistent." The "Minutes" (Exhibit B, P.057) purportedly justifying the "Dodge group" meeting process reveal lack of "essential elements," e.g., quorum, signature, etc. As parliamentary law is so well established, taking a position contrary to it cannot be deemed other than "fictitious principles of law."

9. Plaintiff Bank Should Be Deemed Bound by the Erroneous Theory Upon Which It Filed This Case.

When the Bank initially filed this litigation as a Petition, its unreasoning "theory," if it can be called that, is that it had had always paid "the Dodge group," therefore it "requests that the Court enter an Order" against the "Webb group."

The Bank provided nothing then in support of that "fictitious principle of law" (that a bank deposit mailing address is controlling as to members and meeting validity). It still has not, notwithstanding the multiple motions and affidavits filed by and for the "Webb group" pursuant to actual parliamentary law and Bylaws. By disregarding the "Webb group" motions to dismiss, please deem it as having in essence defaulted in terms of submitting and trying its case.

It may be that the Bank realizes this case is a loser. See Interpleader Paragraph 56 (the frivolous address issue!). But it has not said so directly. The best it can come up with is to trivialize the matter, to say "highly disdainful of each others's motives" (paragraph 54), to try to divert attention off its lack of research or effort to apply the pertinent case law to the facts, rather than the "fictitious principle of law" that a bank deposit mailing address is somehow controlling.

That pathetic explanation is a "confession against interest" that it had, and has, no genuine "principles of law" to support its frivolous position.

The Bank has to date made no offer of redress or settlement, nor offered to comply with the overwhelming case law in favor of the "Webb group" as applied to the facts of the case. It indeed continued its collusion with the "Dodge group" by not naming any members (except Dodge) of the "Dodge group," in the March 2006 Interpleader rewrite.

This case was defective, frivolous, *ab initio*, and continues to be so. The Bank had refused to provide further information or even the paperwork upon which it was relying so that we could defend prior to litigation. It simply took the "Dodge group" side.

"A plaintiff is bound by the theory upon which he submits and tries his case. See: Kramer v. Pittsburgh Coal Co., 341 Pa. 379, 382, 19 A.2d 362, 364 (1941); In re King's Estate, 183 Pa.Super. 190, 198, 130 A.2d 245, 249 (1957)." Solomon v. Presbyterian Univ. Hosp., 32 Pa.Commonwealth Ct. 57, 530 A.2d 95, 97 (1987) lv app den 517 Pa. 618, 538 A.2d 500 (1988).

"It is axiomatic that Claimant [Plaintiff] is bound by the theory upon which she presents her claim. . . . See Solomon; Manzulich v. Unemployment Compensation Board of Review, 32 Pa.Commonwealth Ct. 56, 377 A.2d 1066 (1977)." Quinn, Gent v Unemp. Comp. Bd. of Rev., 147 Pa.Cmnwlth. 141; 606 A2d 1300, 1303; 7.3 TPLR 2.89; 431 CD 1990 (1992).

As a matter of equity, the Court is requested to apply these concepts in this situation. The Bank made its bed, now let it lie in it.

CONCLUSION

For all the foregoing reasons, it is evident that this is a frivolous case and has been *ab initio*.

Defendant Prohibition National Committee, having previously in the interests of judicial economy, suggested that this frivolous litigation (targeting the victim not the perpetrator of the 'identity theft' at issue) be summarily decided pursuant to case law such as, e.g., Melancon v. Brown & Williamson Tobacco Corp, 621 F Supp 567 (WD Ky, Louisville Div, 1985) (dismissal for failure to show a cause of action, without even awaiting an answer), upon the record, without the necessity of burdening this Court with telephone calls, conference(s), hearing(s), oral argument(s), additional motions, and/or trial, continues in this line, and suggests that this Court

A. Dismiss this case,

B. grant the relief requested in the accompanying Motion, and/or

C. take or order such as other action as may be warranted under the circumstances.

Respectfully,

25 September 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	:	
Plaintiff,	:	No. 114-1937
v.	:	
Prohibition National Committee, et al.,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that on this date, 25 September 2006, I transmitted the Motion for Summary Judgment and Brief in Support, by at least first class mail, postage prepaid, to

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

Chris Soriano, Esq.
Wolf, Block, Schorr, and Solis-Cohn LLP
1650 Arch Street, 22nd Floor
Philadelphia, PA 19103-2097

Robert A. Carpenter, Esq.
200 North Monroe Street
Media, PA 19063-2908

By: _____
Leroy J. Pletten, Secretary,
Prohibition National Committee

Re: Case No. 114-1937

25 September 2006

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

Dear Clerk of Court:

Enclosed for filing is our Motion for Summary Judgment, and Brief in Support.

Three sets of documents are enclosed:

a. one original for the record

b. one copy for the judge, and

c. one copy (cover pages only) for time-stamping and returning in the enclosed pre-addressed postage pre-paid envelope.

Thank you. Your assistance is appreciated.

Sincerely,

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

Enclosures:
3 sets of documents, a/s
1 return postpaid envelope

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
v.	:	
Prohibition National Committee, et al.,	:	
Defendants.	:	

BRIEF IN SUPPORT OF

MOTION FOR SUMMARY JUDGMENT

25 September 2006

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

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Federal Laws

Court Rules

Miscellaneous