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.	:	27 December 2006

MOTION TO STRIKE 20 DECEMBER 2006
'ENTRANCE OF APPEARANCE,' 'VERIFICATION,' AND 'ANSWER'
OF COUNSEL BILL W. BODAGER

Defendant Leroy J. Pletten, Secretary, Prohibition National Committee, moves to strike the 20 December 2006 'Entrance of Appearance,' 'Verification,' and 'Answer' of Counsel Bill W. Bodager (received 23 Dec 2006) filed purportedly on behalf of the Prohibition National Committee.

1. The underlying litigation involving an internal matter within this political party entity with members in a number of different States was filed over a year ago by Plaintiff PNC Bank.

2. Plaintiff's Interpleader Complaint concerns an internal political organization affair, i.e., which of two competing groups, the minority or majority (See Exhibit 1, Membership Chart), in terms of meetings they held in June and September 2003, respectively, is entitled to certain funds currently held by the said Bank as Trustee for the estate of George Pennock.

3. The undersigned Secretary, Leroy Pletten, is a member of both groups.

4. The majority ("Webb group") provided timely responsive pleadings including motions with data, supported by personal knowledge under oath, in support of its position that the June 2003 minority ("Dodge group") meetings in Earl Dodge's living room, failed to follow organization

Bylaws, Convention Rules, past practice, and parliamentary law in terms of, e.g., notice, non-exclusion of members with a right to attend, quorum, and 'disinterested' directors. In short, the majority, to regain control of the organization vs. the minority secession, doubly authorized the "Webb group" September 2003 meetings at issue, by following said provisos for meetings that year.

5. In contrast with "Webb group" responsiveness, the "Dodge group" remained silent, and at no time has filed any evidence under oath establishing the validity of their in-living-room June 2003 meetings at issue.

6. The unsworn initial "Dodge group" claims filed ex parte to the Bank in 2004 (Bank Petition Exhibit B, P.045-P.051), denouncing the majority for having allegedly "organized a new group" in September 2003, were not made upon personal knowledge, and are fabrications.

7. The majority "Webb group," pursuant to the Bylaws, past practice and Convention Rules, had in fact convened the requisite "quadrennial" Convention in September 2003, after it became clear that the "Dodge group" minority had refused to convene the required proper Convention that year, but instead had convened a secessionist private meeting it falsely claimed to be the required 2003 meetings without regard to majority member rights of participation.

A. For example, then Chairman Mr. Dodge did not notify and/or excluded disfavored members aka "troublemakers."

B. Attendees Schickley and Scott commented on the non-appearance of a convention.

C. Mr. Dodge wanted the low attendance kept secret, corroborating guilty knowledge.

D. The tape of proceedings can verify, and, the "Dodge group" despite the tape being raised as a crucial item ab initio in this case, has refused to come forward with said tape, even despite Interrogatories seeking it (among other items).

8. In 2005, i.e., two years after the 2003 meetings, and as required by the Bylaws, the "Webb

group" held the requisite biennial meeting in 2005.

9. In contrast, the minority "Dodge group," of which Secretary Pletten is a member, ignored the Bylaws and held no such meeting, at least none notified of, showing a continuing "Dodge group" pattern of disregard of organization Bylaws and past practice.

10. In view of the pleadings by Counsel, 'Answer,' paragraph 66, the "Dodge group" has now changed position. Reversing its claim that the majority "organized a new group," it now claims differently, that the majority convened the 2003 Convention "in obvious violation" of "Convention Rules," and "removed" "several members" "without using the [mandatory internal] procedures."

11. All "Dodge group" members presumably continue to hold the view that their June 2003 private, in-living-room meetings were valid. See Answer Paragraph 66.b.

12. At the said June 2003 "Dodge group" secessionist meeting, as already shown in the record, the undersigned Leroy Pletten was made organization Secretary, for a four year term, 2003-2007. The "Dodge group" so announced in its newsletter, *The National Statesman* (June 2006, p.1, http://www.prohibition.org/statesman-200306.pdf; and Bank Petition Exhibit B, P021-022, 24-25).

13. At the subsequent September 2003 "Webb group" meeting, as already shown in the record, the same Mr. Pletten was made organization Secretary, likewise for the 2003-2007 term.

14. In that capacity, as Secretary of both "groups," and pursuant to standard American majority rule, Mr. Pletten issued the letter to the Bank now at issue (See 'Answer,' para 48).

15. With respect to said letter, the "Dodge group" now has a belated story change, no longer the story the majority "organized a new group," but instead a different story, an organization internal affairs story, i.e., that the letter at issue in this litigation which Mr. Pletten wrote in his Secretary capacity to the Bank was somehow "an unauthorized letter." See Answer Paragraphs 44 and 66.

16. "The duties and functions of the officers shall be those normally performed by the respective officers of similar organizations." Bylaws, "Officers and Committees," Section 3, "Duties of Officers." The functions of the Secretary thus include (a) correspondence, (b) maintaining cognizance of decisions and votes by the organization, and (c) maintaining cognizance of member status including terms and removals.

17. Secretary Pletten has not authorized Mr. Bill Bodager, Esq., to file any correspondence in this litigation, and opposes his doing so.

18. No known member vote has been conducted to retain the services of Mr. Bodager, nor authorizing him to file any correspondence on behalf of the organization in this litigation; and his gratuitous appearance purporting to represent the organization is thus doubly unauthorized.

19. With respect to the issue of the "Dodge group" being supposedly removed, we emphatically deny this. Instead, their 1999-2003 terms automatically expired pursuant to the convening of the real "quadrennial" meetings and Convention.

A. This fact is confirmed by the majority (then and now) via the many (about 25 thus far) signatures on file in this case supporting the "Webb group" position as presented by Secretary Pletten.

B. Such signatures include individuals which the "Dodge group" alleges as their members.

20. As the act of Mr. Pletten in issuing the said letter is in essence the act of his appointing authority, the "Dodge group" (as well as the "Webb group"), the "Dodge group" which first chose Pletten as Secretary is estopped from challenging said letter, having never made any internal-to-the-organization challenge.

21. With respect to said letter, no allegation is made that at any time has any either the

"Dodge" or "Webb group" in any way objected internally within the organization to said letter by Mr. Pletten, much less instructed him to do differently, much less, issued any correction, warning, or discipline process, much less, the "involved procedure" (Bodager's words, Answer para 66.c.) for removing Mr. Pletten.

22. It follows that the majority is satisfied with Mr. Pletten's performance of duty including the issuance of said letter.

23. The record shows many signatures, including individuals the "Dodge group" had exaggerated and claimed to be their members, for 'Answers' and/or 'Appearances,' in support of Secretary Pletten and his pleadings in this case defending the majority actions which gave rise to the underpinnings for the said letter.

24. The "Dodge group" minority apparently suspects that as they are indeed the minority, that an effort by them to invoke the internal "involved procedure" against Mr. Pletten would likely fail.

25. It follows that the reason the "Dodge group" did this end-run around the internal "involved [removal] procedure" was to circumvent it, by fraudulently approaching via interstate mail, the Plaintiff Bank directly.

26. It is "Dodge group" effort to circumvent organization internal procedures which triggered this frivolous lawsuit over a matter of organization internal affairs, re which Pennsylvania case law is that Pennsylvania courts lack jurisdiction (though the underlying fraud is a most serious matter).

27. With respect to the "Webb group" September 2003 meetings supposedly convened "in obvious violation" of "Convention Rules," said meetings were convened in adherence to same, and to the Bylaws and Pennsylvania case law which wisely provides for remedial actions by a majority when a Party Chairman behaves like a "maliciously mischievous and irresponsible boy" (apt wording

from Carrier v. Shearer). See details in the pending 25 September 2005 Motion for Summary Disposition.

28. The "Dodge group" despite being notified of their right to attend, boycotted the majority "Webb group" September 2003 meetings; the then Chairman Dodge's boycott occurred despite his right and duty to attend and preside.

29. Absent attendance, none of the "Dodge group" have personal knowledge of the business transacted there; none have personal knowledge to back up either their previous story (the majority "organized a new group") or their new story (the alleged improper "removal").

30. Despite this absence of personal knowledge by "Dodge group" members of the business transacted at the September 2003 majority meeting, the 20 Dec 2006 'Answer,' para 66.a. and 66.b., nonetheless alleges that the "Dodge group" was:

> "removed from the National Committee without using the procedures provided for in the . . . by-laws . . . Section 6 . . . an involved procedure requiring giving notice to the persons involved, giving them an opportunity for rebuttal and then only after approval of the majority of the . . . Committee."

31. The "Webb group" did no removal of any of them; "Dodge group" terms for 1999-2003 were scheduled to expire automatically, and did so expire when they were not re-elected, no "removal" needed. And see the Membership Chart, Exhibit 1.

32. The "Webb group" clearly did no such removal with respect to persons who have signed documentation on behalf of the "Webb group," e.g., Ms. Hansen and Messrs. Whitney and Williams.

33. On the contrary, the "Webb group"

> A. Restored persons whom Mr. Dodge by fiat/decree had disfavored, summarily excluded, in essence removed apart from the "involved procedure" (Bodager's words), e.g., Vearl Bacon, Frank Clark, Lee F. McKenzie, Gary R. Van Horn, and Donald W. Webb). (See Exhibit 1, Membership Chart.)

B. Recognized individuals from states, e.g., Florida, Tennessee (e.g, Wm. Bledsoe, Edra Whidden, and Connie Gammon), whose organizing activities Mr. Dodge had refused to acknowledge (likely from fear new members might not support him, a self-fulfilling prophecy when he rejected their efforts to promote the Party, efforts of the type Mr. Pennock would surely have welcomed.) See Exhibit 1, Membership Chart.

34. Until this new "removal" story came along, the "Dodge group" position was that the "Webb group" had "organized a new group." A "different group" cannot have "removed" members of another group, a "different" group.

35. With respect to the alleged "removal" action which supposedly failed to follow organization rules over which the "Dodge group" purports to shed such tears, it is interesting and undisputed that none of the "Dodge group" has ever claimed to have followed the said removal procedure with respect to the undersigned Secretary Leroy Pletten.

36. Secretary Pletten denies that the said "involved procedure" has been invoked against him; and avers same so consistently and notoriously throughout this proceeding, that at the 5 October 2006 Conference, Mr. Dodge's former attorney Robert A. Carpenter, Jr., alluded to the said consistent position of Pletten.

37. Thus it follows that Mr. Pletten remains Secretary, entitled to all the respect of office, including for this hereby expressed demand that Mr. Bodager immediately withdraw his correspondence to this Court forthwith upon receipt of this pleading, as unauthorized by him.

38. The 20 Dec 2006 'Answer,' paragraph 48, alleges that Secretary Pletten's letter to the Bank was "unauthorized."

39. In fact, the majority did, and do, authorize it, in both form and substance.

40. In view of Mr. Dodge's reported bad reputation (refusal of complete funds accountability, unexplained sale of the office building, Ulmer estate issues, reports of improper conduct (see, e.g.,

the Dale Wagner Affidavit, especially paragraph 10, etc.), it was both the right and the duty of the majority, in their fiduciary capacity to safeguard donor funds and promote the organization as Mr. Pennock intended, to have Pennock funds sent outside Dodge's unaccountable personal fiat control.

41. Too much had already been unaccounted for, for the majority to allow said situation of unaccountability to continue another four years.

42. With respect to the supposedly valid private June 2003 "Dodge group" meetings, nobody with personal knowledge of events at the said living room meetings has ever come forward under oath to allege essential elements (e.g., notice, quorum, 'disinterested' attendees, and/or non-exclusion of persons with a right to attend, etc.) during the entire pendency of this case.

43. In contrast, Secretary Pletten, who did attend, rebuts the "Dodge group" on these points.

44. He has come forward with denial pleadings including the filing of affidavits by disfavored members not allowed to participate (with more affidavits anticipated in process).

45. The purported "Dodge group" meeting "Minutes" (Bank Petition Exhibit B, P.057 and P.059) at issue support Pletten's position, not that of Mr. Dodge or the "Dodge group," as exhaustively shown in prior pleadings.

46. Re validity of Mr. Bodager's 'Appearance,' absent a valid meeting to retain his services for it as such, Mr. Bodager cannot be representing the Prohibition National Committee.

47. In view of the record of the "Dodge group" in terms of conducting sham meetings, it cannot be denied at this point that the "Dodge group" may indeed have conducted a fraudulent, no-notice, meeting to retain Mr. Bodager, which fact if verified will be added to the record for securing appropriate remedy pursuant to law including but not limited to 18 USC § 1961 et seq.

48. Pursuant to Penn. Bar Rule of Professional Conduct 1.2(d),

"A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent."

49. In view of Dodge's long lack of complete accountability for organization funds, the issue arises as to the source of payment / retainer, if any, for Mr. Bodager, not just for representing "Dodge group" members but also with respect to the purported representation of the Committee as such. No vote authorizing funding for this purpose has occurred.

WHEREFORE, for the foregoing reasons, the following relief is sought:

A. the pleadings of counsel, Bill W. Bodager, should be (1) stricken or, (2) alternatively, disregarded, or (3) alternatively, treated as "Dodge group" admission against interest of fraud by having made for over two years the "organized a new group" claim (Bank Petition Exhibit B, P.045-P.051), not "removal;"

B. if the latter alternative (3) is chosen by the Court, to refer the "Dodge group" claims for criminal investigation as heretofore requested;

C. alternatively, if the Court deems Mr. Bodager counsel for the "Prohibition National Committee," to direct him to defend its act via its Secretary Pletten of issuance of the letter at issue;

D. alternatively, dismiss the case as the matter has now been admitted by the "Dodge group" as involving an internal organization matter, a matter (pursuant to applicable case law), outside Court jurisdiction, thus leaving the Pletten letter at issue in force for Plaintiff Bank to now abide by with Court approval;

E. and/or grant all appropriate relief to the "Webb group" as previously requested in prior pleadings.

Respectfully,

27 December 2006

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

Exhibit 1
Membership Chart

BRIEF IN SUPPORT

1. THE PLEADINGS FILED BY COUNSEL MR. BODAGER MUST BE STRICKEN AS UNAUTHORIZED BY EITHER THE SECRETARY OR PROHIBITION NATIONAL COMMITTEE.

Mr. Bodager has not been retained by the Secretary to do correspondence in this litigation. The Prohibition National Committee is not known to have voted to retain his services, nor to have authorized funding for same. Mr. Bodager cites no evidence that the Committee has retained his services by any process whatsoever. Assuming arguendo that Mr. Dodge, re whom the record shows his reported bad reputation including re organization funds, etc., has perpetrated a fraud upon Mr. Bodager, same may be another fact to be added to the record for securing appropriate remedy pursuant to law including but not limited to 18 USC § 1961 et seq.

Assuming arguendo the foregoing, this is a repeat of the 2003 type fraud, denying members the right to participate, deliberate, and decide upon a matter of organization business.

> "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 [or one person, e.g., Mr. Dodge]. That the [suspect Dodge actions apparent 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 [1841 WL 4235 (1841)], 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.

2. THE PLEADINGS FILED BY COUNSEL MR. BODAGER MUST BE STRICKEN AS NOT IN COMPLIANCE WITH PENNSYLVANIA RULES OF CIVIL PROCEDURE.

According to Penn. R. Civ. P., Rules 76, 1002 and 1024, internet accessible online at http://www.courts.state.pa.us/Index/supctcmtes/civilrulescmte/310civ.pdf, verification of a pleading must be by person(s) with personal knowledge, not by his/her counsel. The "Verification" by Mr. Bodager in support of the 20 Dec 2006 "Answer" does not comply.

The Pennsylvania rules seem comparable to Fed. R. Civ. P. 56(e) (pertinent due to the interstate aspects of this case) which prescribes the form for affidavits supporting a motion for summary judgment.

> "Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in affidavit shall be attached thereto or served therewith."

At the time of the 20 Dec 2006 'Answer,' Mr. Bodager cited only one possible testimony-capable person (Mr. Dodge) as client (the organization per se cannot 'testify,' 'swear,' or 'affirm'). Mr. Dodge is unable to testify as to the pertinent majority ("Webb group") meeting of September 2003, as he chose to boycott same, vs to attend and preside, his then right and duty. Anything he (or any of the "Dodge group") might say about events there (whether the "organized a different group" story, or the new "removal" story, or whatever they may fabricate next), must be deemed fabrication, speculation, or hearsay at best. Mr. Bodager's "Verification" does not rise to even that level; at best, it might be called hearsay upon hearsay. He fails to show any approval or vote by either the undersigned Secretary, or the organization as such, of his having been retained as counsel. (Retaining counsel is indeed an important matter in which members' issues as to his proposed representation,

qualifications, fee arrangements, etc. would foreseeably have arisen, as well as providing him background on the facts of the case). Mr. Bodager fails to show that he has personal knowledge of the matters supposedly 'verified.' Accordingly, his pleadings may be subject to a motion to strike. McSpadden v. Mullins, 456 F.2d 428, 430 (CA 8, 1972).

Even if not stricken, the 'Appearance' and 'Verification' upon which the 'Answer' rest, are incompetent and cannot be considered as supporting the claims the 'Answer' references. Assuming arguendo the 'Verification' as tantamount to an 'affidavit,' affidavits by attorneys should be tested like all others; and if they do not meet personal knowledge and other requirements, they must be disregarded. Taylor v. Collins, 574 F. Supp. 1554 (E. D. Mich., 1983).

Moreover, the "facts" alluded to by Mr. Bodager's 'Verification' are simply conclusions that are not probative on the issues in the case. Zenith Vinyl Fabrics Corp. v. Ford Motor Co., 357 F. Supp. 133, 138-139 (E. D. Mich., 1973).

3. THE PLEADINGS FILED BY COUNSEL MR. BODAGER ESTABLISH ADDITIONAL FRAUD BY THE "DODGE GROUP"

Alternatively, the "Verification" should be treated as "Dodge group" admission against interest of having committed fraud by having made for over two years (see Bank Petition Exhibit B, P.045-P.051), the earlier "organized a new group" claim, not "removal." The former allegation was made throughout the pendency of this case, and the run-up to it in terms of the said Exhibit B. writings by the "Dodge group" to Plaintiff Bank. Prima facie, a "different group" cannot have "removed" members of a "different" group. Chrysler does not remove Ford members, for example.

Now, in a startling reversal and change of story, some two years later, seeing that the prior story lacks credibility as so obviously false and fraudulent as to have triggered requests for criminal

charges against the makers of the said claims, the "Dodge group" now chooses to fabricate a different story, to try to lie their way out the hole they dug themselves into. This latest story appears to be, grudgingly and by innuendo, that well, yeah, the majority "Webb group" is indeed the organization, the Prohibition National Committee, but in that capacity, it

> "removed ["Dodge group" members] from the National Committee without using the procedures provided for in the . . . by-laws . . . Section 6 . . . an involved procedure requiring giving notice to the persons involved, giving them an opportunity for rebuttal and then only after approval of the majority of the . . . Committee."

Whichever "Dodge group" story is true (neither is), the other is clearly prima facie false, thus subject to potential criminal charges and/or constituting fraud on the court.

4. PENNSYLVANIA ATTORNEYS LACK LEGAL AUTHORITY TO AID CLIENTS IN CRIMINAL OR FRAUDULENT CONDUCT.

Pursuant to Penn. Bar Rule of Professional Conduct 1.2(d), "A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent." This Rule establishes Pennsylvania public policy on point. It follows that, if/when this concept is applicable, Pennsylvania attorneys lack authority to do what "shall" not be done.

5. ASSUMING ARGUENDO "REMOVAL" AS NOW BELATEDLY ALLEGED, THIS IS AN UNTIMELY INTERNAL MATTER OF WHICH THE COURT LACKS JURISDICTION.

For Court jurisdiction, allegations must be timely. This belated new "removal" story is over three years after the events at issue, over two years after the "Dodge group" writings to the Bank (Bank Exhibit B). This raises issues of laches and appropriate statute of limitations defenses (see Supplement to Affirmative Defenses), including re witness deaths (See Exhibit 1).

But even assuming arguendo timeliness, the underlying issue as now presented is clearly an internal matter of which the Court lacks jurisdiction. 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). (See details in the pending 25 September 2005 Motion for Summary Disposition, especially pp 4-6).

The issue of "Dodge group" complaint about Secretary Pletten's performance of duty (re the letter at issue) is also an internal matter to be first handled within the organization.

Whether the issue is deemed (a) an improper removal of the "Dodge group" or (b) their failure to seek against Secretary Pletten any internal remedial or disciplinary action including but not limited to the Bylaws "involved procedure," or both, each matter is an internal one. If ever issues first needed "[t]he opportunity to deliberate, and, if possible, to convince their fellows . . . ." (wise Commonwealth ex rel. Claghorn v. Cullen, wording), these are prime examples. The "Dodge group" is the refuser of such, is the boycotter, not the "Webb group."

At 57 D. & C. 454-455, 94 Dauph. 640-642, the Court described its lack of jurisdiction over internal 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. None apply here, e.g., ex-members-for-three-years (whether "removed" or terms expired) lack standing.

WHEREFORE, for the foregoing reasons, the aforesaid relief is sought:

Respectfully,

27 December 2006

Exhibit 1
Membership Chart

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
Prohibition National Committee, et al.,	:	
Defendants.	:	27 December 2006

SUPPLEMENT TO AFFIRMATIVE DEFENSES

NINETEENTH AFFIRMATIVE DEFENSE
(Statute of Limitations with Respect to "Removal" Claim)

The belated claim made accusing the majority of having "removed" "several members" "without using the [mandatory internal] procedures," may be beyond applicable federal and/or state statute(s) of limitations for the making of such claim.

TWENTIETH AFFIRMATIVE DEFENSE
(Laches with Respect to "Removal" Claim)

The belated claim accusing the majority having "removed" "several members" "without using the [mandatory internal] procedures," is untimely as laches begins to run from the time that a complainant has knowledge that one of his or her rights has been violated.

TWENTY-FIRST AFFIRMATIVE DEFENSE
(Failure to Exhaust Internal Procedures with Respect to Alleged Removal)

Assuming arguendo the "Dodge group" allegation that the majority "removed" "several members" "without using the [mandatory internal] procedures," no redress within the organization was ever sought; the first notice (if it is) of said claim was 23 Dec 2006 (an unverified 20 Dec 2006 attorney "Answer"), thus precluding jurisdiction by this Court on this belated, untimely issue.

TWENTY-SECOND AFFIRMATIVE DEFENSE
(Failure to Exhaust Internal Procedures with Respect to Secretary Pletten and His Letter at Issue)

None of the "Dodge group" have sought at any time any internal-to-organization redress nor to even attempt to invoke the "involved procedure" for removal of Secretary Pletten with respect to his performance of duty, and specifically, with respect to his letter at issue, thus precluding jurisdiction by this Court on this issue.

TWENTY-THIRD AFFIRMATIVE DEFENSE
(Consent, Waiver, Estoppel and Excuse with Respect to Secretary Pletten and His Letter at Issue)

By its acts and omissions, including as aforesaid, the "Dodge group" has consented to and has waived, and is estopped from complaining about, any alleged act or omission with respect to the said person and letter, and he is excused from any liability to them for any alleged act or omission with respect to same.

RESERVATION OF RIGHT

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

WHEREFORE, the undersigned Defendant moves for the relief specified in the record, including but not limited to the pending 25 September 2006 Motion for Summary Disposition..

Respectfully,

27 December 2006

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

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.	:	27 December 2006

COUNTERCLAIM

In view of the record and "predicate acts" of the "Dodge group" under 18 USC § 1961 et seq., shown in the record, related events continuing as shown by the pleadings of 21 Dec 2006 re the "Dodge group" anticipated June 2007 "Convention," and now by the story change from accusing the "Webb group" of having "organized a new group" to one of improper "removal," a story change against interest by the "Dodge group" via their December 2006 pleadings, this requests all appropriate relief vis-avis the "Dodge group" pursuant to said record of wrongful acts.

RESERVATION OF RIGHT

Defendant reserves the right to, upon completion of investigation and discovery, and/or new incidents during case pendency, file such amended Counterclaim as may be appropriate.

WHEREFORE, the undersigned Defendant moves for relief as heretofore sought.

Respectfully,

27 December 2006

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

8401 18 Mile Road #29
Sterling Heights MI 48313-3042
(586) 739-8343

Re: Case No. 114-1937

27 December 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

a. Supplement to Affirmative Defenses

b. Motion to Strike 'Entrance of Appearance,' 'Verification,' and 'Answer' of Counsel Bill W. Bodager

c. Counterclaim.

Three sets of documents are enclosed:

a. one original for the record

b. one copy for the judge, and

c. one copy (cover page 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
and SASE

CERTIFICATE OF SERVICE

I hereby certify that on this date, 27 December 2006, I transmitted the enclosed

a. Motion to Strike 'Entrance of Appearance,' 'Verification,' and 'Answer' of Counsel Bill W. Bodager,

b. Supplement to Affirmative Defenses, and

c. Counterclaim, and

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

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

Bill W. Bodager, Esq.
Black, Stranick and Waterman, LLP
327 W. Front Street
Media, PA 19063-2340

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