APPENDIX 3

The following are violations of statutory code by the defendants:

Tennessee Code Annotated

§ 36-3-605 *Ex Parte* Protection Order — Hearing — Extension
- No hearing, one-year duration exceeded

§ 36-3-608 Duration of Protection Order — Modification
- Order of protection exceeded one year

§ 36-4-101 Grounds for divorce from bonds of matrimony
- 60-day waiting period before first hearing contravened

§ 39-14-114 Forgery
- Alteration of the listing agreement for the marital home after being signed by Plaintiff

§ 39-15-510 Offense of Abuse of Elderly or Vulnerable Adult
- knowingly abusing an adult with mental disabilities

§ 39-16-504 Destruction of and tampering with governmental records
- false entries in affidavit, other records

§ 39-16-702 Perjury
- false statements under oath while in Chancery Court and in documentation

§ 66-27-123 Notice to Tenant of Intent to Convert Rental Units to Units for Sale
- less than two months of actual notice given to Plaintiff's tenants

United States Code

11 U.S. Code § 341 Meetings of creditors and equity security holders
- Plaintiff, having an interest in the bankruptcy estate, never notified of meetings

11 U.S. Code § 725 Disposition of certain property
- If home to be sold, trustee's duty after notice and hearing to Plaintiff, not Chancery Court's

18 U.S. Code § 4 Misprision of felony
- Reporting of felonies by certain defendants to other defendants who took steps to conceal

18 U.S. Code § 1341 Frauds and swindles
- Using U.S. mail to send fraudulent protective order to MI, obtaining home by fraud

18 U.S. Code § 1503 Influencing or injuring officer or juror generally
- Corruptly influencing the divorce proceedings and usurped jurisdiction from bankruptcy court

18 U.S. Code § 1951 Interference with commerce by threats or violence
- Extortion of Plaintiff to sign listing agreement, interstate commerce affected

18 U.S. Code § 1962 Prohibited activities
- Racketeering violations of predicates §§ 1341, 1503, 1951, 1957, and fraud under title 11

42 U.S. Code § 1983 Civil action for deprivation of rights
- Violation of Fourteenth Amendment (equal protection – disability, due process – multiple)

42 U.S. Code § 1985 Conspiracy to interfere with civil rights
- Defendants collectively interfering with Plaintiff's civil rights, state/federal cases

42 U.S. Code § 12101 *et seq*. Findings and purpose
- Plaintiff denied services and programs, discrimination by State Defendants

The following are violations of the TN Code of Judicial Conduct by state judge defendants:[203]

CANON 1—A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

1.1 Compliance with the Law (when defendant Binkley asserted jurisdiction over the bankruptcy estate despite the bankruptcy court having original and exclusive jurisdiction per 11 U.S. Code § 541, when he violated the ADA and other law, when he violated the Constitution)

1.2 Promoting Confidence in the Judiciary ("The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge," when defendant Binkley openly ignored due process, showed annoyance with people who have disabilities, and exhibited bias when deciding Plaintiff's matters in the Chancery Court)

CANON 2—A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

2.2 Impartiality and Fairness (when defendant Binkley violated law, when he prevented Plaintiff from explaining his disability, when he declined to act on Plaintiff's answer/counterclaim, when he issued orders of protection without due process, when he predetermined the case's outcome.)

2.3 Bias, Prejudice, and Harassment (when defendant Binkley commented during the August 1 and 29, 2019, hearings: "Fair is something you do in the fall" and said Plaintiff's disability "bothers" him and said, "But we all have burdens," making light of Plaintiff's disability.)

2.5 Competence, Diligence, and Cooperation (defendant Binkley clearly lacked competence when he asked during the August 1, 2019, hearing—not even knowing where he was—"Are we Chancery or Circuit?" and "Any possibility she could be an innocent spouse? I don't know how that works anymore.")

2.6 Ensuring the Right to be Heard (when defendant Binkley blocked Plaintiff from explaining his disability, declined to rule on his answer/counterclaim, and essentially blocked any participation by Plaintiff after he was forced to become *pro se*)

2.9 *Ex Parte* Communications (when defendant Binkley spoke with defendant Story regarding Plaintiff's handwritten note he left at the residence of Ms. Fenton and then apparently told defendant Story to compose the fraudulent affidavit of October 21, 2019)

2.12 Supervisory Duties (when judges superior to defendant Binkley failed to act based on Plaintiff's input of Binkley's wrongdoing)

2.15 Responding to Judicial and Lawyer Misconduct (when judges failed to act to correct the misconduct of judges below them)

CANON 3—A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

3.10 Practice of Law (states "A judge shall not practice law." After saying earlier in the August 29, 2019, hearing, "We can't sit here and be your lawyer for you," defendant Binkley said to Plaintiff, "You're going to sign this contract now." In a best-case scenario the contract should be void/voidable because Plaintiff was forced to sign; worst-case: defendant Binkley was acting as Plaintiff's attorney as he just stated he was not going to do by giving him "advice" to sign, in violation of this rule)

While not an official violation, defendant Binkley said at the "hearing" on August 29, 2019, "Now, you're choosing to represent yourself. There's not a thing that I can do about that." Well, yes, there was. According to a guide produced by the TN Supreme Court Access to Justice Commission, "for a judge to do nothing to address the needs or problems faced by self-represented litigants actually advances injustice and contributes to the loss of respect for the judicial system by a substantial portion of the public."[204]

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[203] https://www.tncourts.gov/rules/supreme-court/10

[204] *A Bench Book for General Sessions Judges of the State of Tennessee*, (2013)

The following are violations of the rules of professional conduct by defendant Story, a publicly censured attorney:

3.3 CANDOR TOWARD THE TRIBUNAL

- (a) A lawyer shall not knowingly:
  (1) make a false statement of fact or law to a tribunal;

3.5 IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror, or other official by means prohibited by law;

4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

- (a) In the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person.

5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

- (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

8.3 REPORTING PROFESSIONAL MISCONDUCT

- (b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the Disciplinary Counsel of the Board of Judicial Conduct.

8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;