UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

JEFFREY RYAN FENTON, PLAINTIFF v. VIRGINIA LEE STORY ET AL., DEFENDANTS	CASE NO. 1:23-CV-01097

FILED - LN
October 21, 2024 4:17 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: pjw / SCANNED BY 10/22

OBJECTION TO ""THE TENNESSEE DEFENDANTS'" MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(2) AND 12(B)(3) FILED IN LIEU OF A FIRST RESPONSIVE PLEADING"[1]

I don't have time to address this properly or to obtain legal help from a friend today, but this is due. I'm still trying to serve some of the defendants who are dodging service to no end. Almost every defendant in this case dodged service to some degree, now they want to claim they weren't properly served. I was given no such consideration in their courts, "reasonable efforts" were claimed almost instantly.

My formal *response* and *objection* to the claims that this lawsuit should be dismissed pursuant to FED. R. CIV. P. 12(b)(2) AND 12(b)(3), can be found in my "OBJECTION TO "DEFENDANTS' VIRGINIA LEE STORY AND STORY AND ABERNATHY, PLLP'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(1)(2)(3)(4) & (5)" filed concurrently[2] with this objection.

[1] Citations to the court record in this lawsuit will be notated without the case name or number, using the starting ECF Number, followed by both the beginning and ending Page ID, which is abbreviated as "PID."

[2] https://rico.jefffenton.eom/evidence/2024-10-20_objection-to-storys-motion-to-dismiss.pdf

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I don't have the time to respond to this properly or to rewrite everything I just finished writing, with the help of a friend, because he is not available for the next couple of days.

If the court requires a more formal point by point response, I will gladly submit one, but I need *time* to finish service and to handle one motion to dismiss *at a time*, because it is me against a mighty horde. This is categorically *unfair* by every standard. I've been awake working non-stop for about 30 hours now, and I still need to finish this and drive over an hour to Lansing (each way) to file this in person within the next few hours (since I've been denied ECF), it is currently 1:30 PM on 10/21/2024.

ARGUMENT

This is pitiful and exhausting. I've spent over 10,000 hours writing a highly detailed complaint with over five-thousand pages of evidence and sworn testimony, yet the defendants and their counsel don't even act as if they have read it, let alone considered answering a single claim made, or supporting their contentions with any evidence whatsoever.

I remind the court that this is a **verified complaint**, sworn to under the penalty of perjury. There is absolutely zero lawful honest reason for discounting one word of my testimony from the testimony of the affluent members of the court so protesting. Except of course, they aren't even willing to testify, let alone swear their testimony is *actually true*, under the penalty of perjury.

Their protest is merely that they need not answer to the State of Michigan or any court herein, forgetting they are still responsible for any (and all) injuries they cause beyond their state lines, and that the Federal Courts supersede the State Courts, as does the United States Constitution supersede State laws, policies, practices, rules, etc…

So far not one defendant has answered one claim in my complaint, instead they seek to out

leverage and *exhaust* me with their counsel and their lofty positions of influence and power, forgetting that with great *power* comes great *responsibility*, and no one is beyond reproach.

No matter which political party anyone favors, everyone should take note that for the past few years the former President of the United States of America has constantly been held accountable (and many would say been harassed) by the courts. Whether you believe that is justice or an abuse of power, my point is this, if the President of the United States of America is not beyond being held accountable by our courts, then there certainly is no two-term trial court judge, who graduated from being an attorney, with a scandalous background of boisterous misconduct, who is beyond being held accountable by our courts, for ruling in favor of one of his most intimate friends, without lawful jurisdiction, yet did not have the sense or the decency to simply recuse himself from the proceedings, less even lend an *appearance* of impropriety when that was entirely avoidable by simply obeying the canons, doing the right thing, and stepping aside.

The troubling question which I have repeatedly faced is, who is going to physically *force* a trial court judge in Middle Tennessee to *obey* the *canons* and recuse himself from hearing cases by his close personal *friends*?

The answer to date in my experience is that unfortunately **nobody will**. That is why we are all here today, because that is not acceptable or lawful, while society is not yet willing to ignore the obvious conflicts of interest. We expect for our elected officials to exercise (at least) grade-school level common-sense for the proactive protection of the public, while the defendants in this case have miserably and grotesquely failed… many of them repeatedly.

That is exactly why there are so many supervisory members of the court, and government entities who are defendants in this lawsuit, because they all *chose to cover for each other*, rather than

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obey their oaths of office and the rules of conduct. Some of the defendants are literally trusted to oversee the *"practice of law"* throughout the entire State of Tennessee, yet they have repeatedly refused to discipline their friends and require them to obey the court's rules and the laws of the land.

That's unacceptable, no matter their names, rank, family lineage, connections, the courts act in the interests of *law*, not *politics*, and it is time that some of them start acting like it.

This motion to dismiss, very much like Story's, is a blatant insult of injustice seeking to twist the facts while sowing fraud into the court record, without any interest in finding the truth or justice whatsoever. Seeking instead the polar opposite.

These motions to dismiss insult me and the tireless work I have done, and they insult this court, while trying to seduce the court into an even greater injustice, by dismissing this case without ever allowing the shocking merits to come to light.

These are games that any first-year attorney might play for a small retainer without even reading my complaint. That is professional misconduct, all day long, no matter how they want to spin it.

In ECF 78, PID5082, paragraph 4, counsel accuses, "Plaintiff wildly, and without merit, accuses all of the Defendants of numerous counts of fraud, coercion, vulnerable adult abuse, IIED, NIED, abuse of process, conspiracy, RICO, and violations of the U.S. Constitution as well as numerous statutes, the bankruptcy act and the ADA."

This is a **verified complaint**, substantiated by roughly 5,000 pages of **sworn testimony** and **evidence**, including court transcripts which prove beyond any shadow of a doubt that obscene and horrific misconduct took place, including many (if not all of those) "wild" claims which

Initials: JRF

counsel fraudulently claims are *"without merit"*.

This is gas lighting; it is improper to respond to a verified complaint without specificity. If it is not worth counsel's time to write exactly what they claim is "without merit" and have an affidavit sworn to under the penalty of perjury by the defendant to substantiate their claim, then it's not worth my time to respond or the court's time to read it. They have no right to claim anything is without merit, without specificity and sworn testimony. That is plain abusive harassment. Which is no more an appropriate lawful response or substitute for a "responsive pleading" than standing in the doorway flexing your muscles, while chanting that the deep pockets of the state stand behind them.

Moreover, in ECF 78, PID.5083, paragraph 8, the counsel for the "THE TENNESSEE DEFENDANTS'" claims "the Tennessee Defendants reserve their rights to further and future relief in this case", as if they are allowed to bring multiple motions to dismiss, making only one argument at a time, while burdening me to respond to multiple (redundant) motions to dismiss without them ever needing to answer my complaint based upon the merits of the case.

I likewise *reserve my rights* to file a proper objection later. I would now, but I don't physically have enough time.

They speak of concerns about wasting the court's time, but with these substantive frivolous filings, while waiting for me to scurry and respond, they are the ones wasting the court's time.

There are 34 defendants against me, they have 34x more time and resources to answer the complaint based upon the merits, then I do, to argue each frivolous contention they have about why they shouldn't be required to. That is wasting all of our time, without bringing any of us a step closer to justice, the truth, a remedy, or a lawful conclusion.

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If they want to argue with the facts, then they need to be specific, put it in writing, and swear to it under the penalty of perjury. Then a jury must decide whether to believe the truth or their wild and meritless claims, while my evidence, **already on court record**, clearly proves the merits of my complaint.

That is inappropriate, harassing, and clear professional misconduct.

Instead, they want to pretend they are above reproach and needing to answer to this court for their crimes against a resident of the State of Michigan.

They are no better than I am. They certainly have no history more credible or trustworthy than I have, while the only people to say otherwise is them.

CONCLUSION

Dismissing a case with significant merit such as this one would not serve the interests of true justice at this point. Some defendants are responsible for deliberate wrongdoing—and even deliberate criminal acts. Others are either accessories to nefarious conduct or active participants in it. Allowing these culpable parties to escape justice because of political ties or improper influence or because of minor technicalities—some of which are at least partly the fault of the defendants—is not serving justice; it is serving *in*justice. Plaintiff's constitutional rights require that he have his day in court, which has yet to happen and thus necessitated this very action. For all of the preceding reasons, this matter cannot be dismissed against the defendants *if justice is to be really served.* Finally, should this court seriously entertain any motion to dismiss at this juncture, Plaintiff demands an evidentiary hearing prior to any related decision, and he is filing a separate motion accordingly.

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CERTIFICATION & DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

All rights reserved.

Executed on October 21, 2024 @ 2:00 PM

JEFFREY RYAN FENTON, PRO SE

17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
(P) 615.837.1300

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2024, I am filing the foregoing papers in person, in the United States District Court in the Western District of Michigan, located in Lansing Michigan. I further certify that on October 22, 2024, I am serving these same documents to the defendants or their counsel, by first class mail, at the addresses below. If for any reason beyond my control, I am unable to complete either, I will do so on the very next business day.

U.S.D.C. WESTERN DISTRICT OF MICHIGAN
113 FEDERAL BLDG
315 W ALLEGAN ST RM 113
LANSING, MI 48933-1514

VALERIE HENNING MOCK
WILSON ELSER MOSKOWITZ EDELMAN & DICKER
17197 N LAUREL PARK DR STE 201
LIVONIA, MI 48152-7901

BRIAN JOSEPH GALLAGHER
LENNON MILLER PLC
151 S ROSE ST STE 900
KALAMAZOO, MI 49007-4719

SANDRA J. DENSHAM
PLUNKETT COONEY
333 BRIDGE ST NW STE 530
GRAND RAPIDS, MI 49504-5365

MICHAEL L. GUTIERREZ
BUTZEL LONG PC
300 OTTAWA AVE NW STE 620
GRAND RAPIDS, MI 49503-2308

BRET CHANESS
RUBIN LUBLIN, LLC
3145 AVALON RIDGE PL STE 100
PEACHTREE CORNERS, GA 30071-1570

ALAN RHENEY
SPRAGINS, BARNETT & COBB, PLC
312 E LAFAYETTE ST
JACKSON, TN 38301-6220

https://rico.jefffenton.com/evidence/2024-10-21_objection-to-tenn-defendants-motion-to-dismiss.pdf Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)

LAURA C. BAUCUS
DYKEMA GOSSETT PLLC
39577 WOODWARD AVE STE 300
BLOOMFIELD HILLS, MI 48304-5086

MARY BETH AUSBROOKS
ROTHSCHILD & AUSBROOKS, PLLC
110 GLANCY ST STE 109
GOODLETTSVILLE, TN 37072-2314

R L MOORE
BANKERS TITLE & ESCROW CORPORATION
3310 WEST END AVE STE 540
NASHVILLE, TN 37203-6802

CARL A NEUHOFF, JR.
HOSTETTLER, NEUHOFF & DAVIS, LLC
421 E IRIS DR STE 300
NASHVILLE, TN 37204-3140

KATHRYN LYNN YARBROUGH
408 PREAKNESS DR
THOMPSONS STATION, TN 37179-5238

ALEXANDER SERGEY KOVAL
281 PARAGON MILLS RD
NASHVILLE, TN 37211-4034

HENRY EDWARD HILDEBRAND III
217 LAUDERDALE RD
NASHVILLE, TN 37205-1821

CHARLES M. WALKER
1925B WARFIELD DR
NASHVILLE, TN 37215-3422

THOMAS E. ANDERSON
215 GLENSTONE CIR
BRENTWOOD, TN 37027-3916

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ELECTRONIC SERVICE OPTIONS

This document will also be available on the Internet, on my list[1] of documents filed by myself in this lawsuit, since the release of my lawsuit service package[2].

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Executed on October 21, 2024

JEFFREY RYAN FENTON, PRO SE
17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
(P) 615.837.1300

[1] https://jefffenton.com/digital-service-package-for-lawsuit/fenton-filings-since-service/

[2] https://jefffenton.com/digital-service-package-for-lawsuit/
ECF 69, PID.5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

https://rico.jefffenton.com/evidence/2024-10-21_objection-to-tenn-defendants-motion-to-dismiss.pdf Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)