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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
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BY: _____

Attorney for Jeffrey D. Moffatt, Pro-Per

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

<p>Jeffrey D. Moffatt,</p> <p style="text-align: center;">Plaintiff</p> <p>v.</p> <p>State of Arizona, State Supreme Court of Arizona, State Bar of Arizona, and</p> <p>Scott Bales, Chief Justice in his Official Capacity,</p> <p style="text-align: center;">Defendants</p>	<p>DOCKET NO.: CV 17-06029-VBF (DFM)</p> <p>MOTION FOR STAY</p> <p>Date: Time: Courtroom:</p> <p>Honorable Judge Valerie Baker Fairbank</p>
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COMES Now, Plaintiff Jeffrey D. Moffatt, who submits and moves the Court with this Motion for Stay pursuant to Federal Rules of Civil Procedure - Rule 60(B)(1), because there is a pending United States Supreme Court case

related to unconstitutional structures of an organization and unconstitutional appointments of Administrative Law Judges, similar to the use of State Supreme Court of Arizona Presiding Disciplinary Judge William J. O'Neil, State Bar of Arizona and other Defendants in Plaintiffs case.

The United States Department of Justice (DOJ) has significantly changed its position, since (DOJ) recently filed a reply brief in the case siding against the Security Exchange Commission (SEC) and with Lucia, who is challenging the constitutionality of how the SEC's Administrative Law Judges ("ALJs") are appointed. The U.S. (DOJ) is asking for the improperly appointed judges' decision to be deemed unconstitutional and void.

Presently before the court is Plaintiff's 60(b)(1-6) Motion, which allows for review based on Fraud, recent changes in the law and conflicts in the law. The operative case is Raymond J. Lucia, et al., Petitioners v. Securities and Exchange Commission U.S. Supreme Court Docket #17-130 and a separation-of-powers challenge to ALJ removal protections along-side an Appointments Clause challenge, See 8/8/17 Order, Timbervestv. SEC, No. 15-1416.

In Lucia, the Department of Justice has adopted the PHH Judge Kavanaugh Decision U.S. Supreme Court Docket #15-177 839 F.3 d1, finding the CFPB was unconstitutionally structured.

The United States Department of Justice (DOJ) new position in Lucia follows the Kavanaugh decision such that SEC bureaucratically appointed ALJ's will have their decisions deemed void, and the appointments unconstitutional. Similarly in Plaintiff's case due to the bureaucratically appointment of the State Supreme Court of Arizona Presiding Disciplinary Judge William J. O'Neil, the Decision and Final Judgment Disbarment must be deemed void (illegal) because O'Neil's appointment was unconstitutional and therefore his Disbarment against Plaintiff is "void abinitio."

An Article by National Law Review titled: (DOJ) sides with Lucia against the SEC in dispute over whether ALJs were improperly seated, and thus the rulings by the improperly seated ALJ's are unconstitutional. See in Tuesday, December 12, 2017 <https://www.natlawreview.com/article/doj-sides-lucia-against-sec-dispute-over-whether-aljs-are-inferior-officers>

“Significantly, the DOJ recently filed a brief in the case siding against the SEC and with Lucia, who is challenging the constitutionality of how the SEC’s Administrative Law Judges (“ALJs”) are appointed.

Under the Appointments Clause of Article II of the U.S. Constitution, an “inferior officer” must be appointed by the President, a court, or the head of a “department.” Lucia argues that because the SEC’s ALJs are hired by the SEC’s Office of Administrative Law Judges and not appointed by an SEC commissioner, their appointments would be unconstitutional if they are “inferior officers.”

Additionally, United States Department of Justice adopting the Kavanaugh position is relevant, especially in cases such as the present matter where separation of powers, improper delegation of duties, violation of Article II, and improper appointments are being argued. The question presented in the November 2017 reply brief by DOJ stated :

([https://www.justice.gov/sites/default/files/briefs/2017/11/29/17-](https://www.justice.gov/sites/default/files/briefs/2017/11/29/17-130_lucia_resp_br.pdf)

130_lucia_resp_br.pdf:

Whether the Securities and Exchange Commission’s use of administrative law judges as hearing officers in administrative proceedings violates constitutional limitations on “Officers of the United States.” U.S. Const. Art. II, § 2, Cl. 2.

The change in position took place at Page 9 and 10

Upon further consideration, and in light of the implications for the exercise of executive 10 power under Article II, the government is now of the view that such ALJs are officers because they exercise “significant authority pursuant to the laws of the United States.” Buckley v. Valeo, 424 U.S. 1, 126 (1976)(per curiam)

** Page 20 and 21

..[w]hether the Commission’s ALJs are impermissibly insulated from presidential oversight is informed by the conclusion that such ALJs are constitutional officers who exercise significant authority. See *Free Enter Prize Fund*, 561 U.S. at 507 n.10 (reserving the question, in part, because “[w]hether administrative law judges are necessarily ‘Officers of the United States’ is disputed”) (citing *Landry*, supra). And even if **petitioners are successful in obtaining invalidation of the proceedings** against them in this case, and further proceedings occur in front of a properly appointed ALJ, **the removal question would continue to cloud the ALJ’s authority. Indeed, another litigant has already raised a separation-of-powers challenge to ALJ removal protections along-side an Appointments Clause challenge;** that case has been briefed in the D.C. Circuit and is being held pending the disposition of this petition. See 8/8/17 Order, *Timbervestv. SEC*, No. 15-1416.

In the present matter, Plaintiff’s 60(b) Motion has forty-one arguments, and the operative Complaint case has 25 separate claims. If the Supreme Court rules in *Lucia*, along the lines of the Kavanaugh position in *PHH*, that the ALJ is an impermissible officer in violation of the separation of powers clause, and decisions

made are unconstitutional, then this court should hold similarly in the present 60(b) motion will be satisfied in Moffatt's favor by addressing that same position, without needing to address the full 41 arguments in the operative 60(b) motion. Additionally, the operative case will also be won and streamlined to damages, thus saving the court valuable time.

In *Lucia v. Securities Exchange Commission (SEC)* will be "Distributed for Conference of January 5, 2018," and the United States Supreme Court should decide *Lucia* before their Session ends in June of 2018.

Noting that Plaintiff was ordered to file a Reply to Defendants Answers on or before January 12, 2018, however, based on the importance of the U.S. Supreme Court case, *Lucia v. Securities Exchange Commission*, a Stay pending the outcome is now warranted on Plaintiff's case before this court, related to unconstitutional structures of the private corporation, the State Bar of Arizona and the illegal appointment of the State Supreme Court of Arizona Presiding Disciplinary Judge William J. O'Neil, who issued a disbarment against Plaintiff, among other issues.

The Stay will be effective regarding the responses to the corporation known as the State Bar, and the non-responses regarding the other Defendants.

CONCLUSION

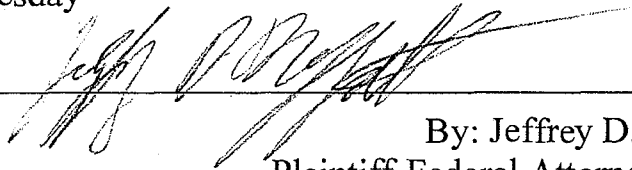
For the reason that the Lucia case satisfies an element of new law, under Rule 60(b)(1), and this recent change in law may help to streamline the case, and also prove the point of Moffatt, Moffatt requests that grant this Stay until Lucia v. SEC, Supreme Court Case is fully adjudicated, **Docket #17-130. The companion case Timbervestv. SEC, No. 15-1416, is presently stayed, but may even give other grounds favorable to Moffatt in the present matter.**

Similar to Lucia v. SEC, in this present case there are unconstitutional structures, compounded by the illegal appointments State Supreme Court of Arizona Presiding Disciplinary Judge (PDJ), thus making all PDJ orders unconstitutional, including the disbarment against Plaintiff due to (PDJ's) illegal appointment. If the Supreme Court adopts Lucia, the same flaw in the Moffatt case allows for the easy disposition of the matter in favor of Moffatt.

For all the reasons stated above, Plaintiff request the court grant Plaintiff's Motion for Stay, since United States Department of Justice (DOJ) has adopted the same position in Lucia, a Supreme Court Case, as Moffatt has in the operative

document and this position may be made the rule of law by the U.S. Supreme Court in the coming months.

Dated: December 26, 2017, Tuesday

A handwritten signature in black ink, appearing to read "Jeff D. Moffatt", is written over a horizontal line. The signature is stylized and cursive.

By: Jeffrey D. Moffatt,
Plaintiff-Federal Attorney Pro-Se