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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

<p>11 Social Security Administration, 12 13 Complainant</p>	<p>DISTRICT COURT DOCKET NO.: 2-18-cv-07752-VBF (DFM)</p>
<p>14 v.</p>	<p>SSA DOCKET NO.: RS-17-03</p>
<p>15 Jeffrey D. Moffatt, 16 17 Respondent.</p>	<p>REPLY AND NOTICE OF MOTION AND MOTION TO ORDER SSA TO CORRECT ADDRESS, ISSUE CORRECTED 1099, REMIT EARNED INCOME AND MOTION TO STRIKE SSA’S (“DOCUMENT# 66”) UNDER Fed. R. Civ. P. 12(F) AND SUBPART 12(F)(2), Fed. R. Civ. P. 65</p>
	<p>Honorable Judge Valerie Baker Fairbank, United States District Court Judge</p>

22 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

23 **NOTICE IS HEREBY GIVEN** that Respondent Jeffrey D. Moffatt
24 (“Moffatt”) files this Reply and Notice of Motion and Motion to Enjoin Social
25 Security Administration’s (“SSA”), to Correct Address, Issue Corrected 1099,
26

1 Remit Earned Income and Motion to Strike SSA's ("Document# 66") Under Fed.
2 R. Civ. P. 12(f) and Subpart 12(f)(2) in response to Social Security
3 Administration's ("SSA") alleged ("Document# 66") as well as Other Pertinent
4 Facts.
5

6 Multiple **alarming** deliberate acts by SSA to harm Moffatt and deny
7 Moffatt's constitutional rights executed outside the purview of the Court,
8 compelled Moffatt to take this extraordinary step to alert the Court by filing this
9 Reply and Notice of Motion and Motion to, Order SSA to Correct Address, Issue
10 Corrected 1099, Remit Earned Income and Motion to Strike SSA's ("Document#
11 66") Under Fed. R. Civ. P. 12(f) and Subpart 12(f)(2).
12
13

14 As a foreshadowing of a movie, part comedy part irony part criminal set up,
15 Moffatt has made six (6) attempts to ensure that an SSA Form-1699 is filed to
16 correct Moffatt's mailing address. Moffatt has even enlisted certified delivery, as
17 well as management from California offices in this endeavor; proof of these
18 submissions is available, however the statement enough is enough to refute
19 Counsel's statement. The SSA Baltimore Maryland office has been unwilling to
20 change Moffatt's address.
21
22

23 It is highly likely that opposing counsel has had a hand in unwilling to
24 change Moffatt's address, which has a combinations of denying an actual second
25 hearing with notice, financially squeezing Moffatt, and also setting Moffatt up for
26

1 criminal charges, for under-withholding tax, based on errored 1099's submitted by
2 SSA. These combinations of actions in themselves also assist in showing that the
3 underlying case should be removed to Federal Court, thus the comedy and irony
4 stage of this movie.
5

6
7 SSA has assigned a new administrative law judge ("ALJ"), out of its
8 Baltimore, Maryland Office, David S. Pang ("Pang"), to conduct SSA's
9 Disciplinary Proceedings against Moffatt, Docket No.: RS-17-03.
10

11 Pang, out of its Baltimore, Maryland Office, has likely mailed notices of
12 events in SSA's Disciplinary Proceedings against Moffatt, Docket No.: RS-17-03,
13 to the incorrect mailing address for Moffatt.
14

15 Moffatt has not received a single call, fax, letter, telegram, smoke signal, or
16 Morris Code reflective mirror message from Pang. It was only through SSA's
17 challenge to the Stay action in December that Moffatt was notified that SSA had
18 assigned an ALJ to the matter.
19

20 Moffatt has filed an address change to ALJ Pang, as well as motion for
21 recusal, with absolutely no response from Maryland, but an argument from SSA's
22 counsel regarding the address change was received last week.
23

24 It's kind of hard to have a second administrative hearing when the ALJ from
25 Maryland refuses to change the address, thus establishing the irony component to a
26

1 neutral hearing. The comedy component comes in, if in fact SSA Counsel advised
2 Maryland's SSA not to change Moffatt's office, and then strings this court a line,
3 saying that Moffatt only needs to file a simple form to have it changed, when 6
4 times it has been done, and counsel likely has a hand in preventing the change
5 from happening.
6

7 Additionally adding to the movie scene, an element of cruelty, SSA's
8 Baltimore, Maryland Office, is tasked with mailing out checks to those attorneys
9 representing claimants before SSA and is mailing checks to Moffatt at his former
10 mailing address and those checks are being returned. Moffatt is owed 18 checks,
11 that range from \$1.00 to \$6,000.00 each.
12
13

14 Adding to the movie scene a criminal set up. Say Moffatt completes his
15 mandated tax returns with the money received, compared to the money listed in
16 SSA's 1099, which is reported to the IRS, and they have Moffatt's correct
17 Address. Under the tax code, if there is a 25% or more discrepancy between what
18 is filed as income, and what is reported then a charge of Fraud Baumgardner v.
19 Comm'r, 251 F.2d 311 (9th Cir. 1957) from the Federal Government can be issued.
20
21 The burden is on the taxpayer to show that what was received is different than
22 what is reported.
23

24 As a result, SSA issued an inaccurate 1099 form for Moffatt with the
25 Internal Revenue Service ("IRS") and has deprived Moffatt of earned income
26

1 while exposing Moffatt to potential criminal charges if he reports only the income
2 he received.

3 The gamesmanship involved in the denial of changing the Maryland SSA
4 offices address for Moffatt compounded by the irony, comedy and criminal set up
5 make for a good movie. This court can address Moffatt's request under Fed. R.
6 Civ. P. 65 motion to enjoin.
7

8 Additionally, Attorney Geralyn Ann Gulseth ("Gulseth"), the attorney filing
9 SSA's ("Document #66"), is not an attorney of record to represent SSA in this
10 matter.
11

12 Therefore, this motion is based on this Reply and Notice of Motion and
13 Motion to Enjoin Social Security Administration's ("SSA") Order SSA to Correct
14 Address, Issue Corrected 1099, Remit Earned Income and Motion to Strike SSA's
15 ("Document# 66") Under Fed. R. Civ. P. 12(f) and Subpart 12(f)(2), with
16 Memorandum of Points and Authorities in Support, and true and correct copies of
17 attachments incorporated herein.
18

19 **Dated:** January 7, 2020, Tuesday
20

21
22 _____/s/ Jeffrey D. Moffatt
23 By: Jeffrey D. Moffatt
24 Federal SSA Attorney / Pro Se
25
26

1 Index

2 TABLE OF AUTHORITIES7

3 **MEMORANDUM OF POINTS AND AUTHORITIES.....8**

4

5 **INTRODUCTION.....8**

6 **ARGUMENTS.....8**

7 **I.FORM SSA-1699..... 8**

8

9 **II.THE IRONY OF ASSIGNING A JUDGE FROM AN OFFICE THAT**

10 **RUFUSES TO CHANGE MOFFATT’S ADDRESS PROVES MOFFATT’S**

11 **POINT IN REQUESTING A TRANSFER TO FEDERAL DISTRICT**

12 **COURT10**

13 **III.MOFFATT IS BEING DEPRIVED OF EARNED INCOME BY SSA 12**

14

15 **IV.SSA OVERSTATED MOFFATT’S IRS FORM 1099.....13**

16

17 **V. GUSSETH IS NOT THE ATTORNEY OF RECORD FOR SSA..15**

18

19 **VI.USDC FORM G-123 BY GERALYN ANN GULSETH INDICATES**

20 **COUNSEL ONLY FOR NANCY BERRYHILL16**

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22

23

24

25

26 **CONCLUSION..... 17**

1 Table of Authorities

Page(s)

2
3
4 Cases

5 Baumgardner v. Comm'r,

6 251 F.2d 311 (9th Cir. 1957) 4

7 Blackburn v. Astrue,

8 No. C07-5387-KLS, 2008 WL 2063698 (W.D. Wash. May 13, 2008) 11

9 Cook v. United States,

10 46 Fed. Cl. 110 (2000) 14

11 Dunn & Black, P.S. v. United States,

12 492 F.3d 1084 (9th Cir. 2007) 16

13 Kobus v. United States,

14 103 Fed. Cl. 575 (2012) 14

15 Lovelace v. United States,

16 951 F.2d 360 (9th Cir. 1991) 14

17 United States v. Boulware,

18 558 F.3d 971 (9th Cir. 2009) 14

19 United States v. Kirk,

20 No. C11-1075 MJP, 2012 WL 1099772 (W.D. Wash. Apr. 2, 2012) 14

21 Rules

22 Fed. R. Civ. P. 12(F) passim

23 Fed. R. Civ. P. 60(b) 12, 19

24 Fed. R. Civ. P. 65 1, 5, 8, 17

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

As outlined above, multiple recent **alarming** deliberate acts by SSA executed outside the purview of the Court justify Respondent Jeffrey D. Moffatt’s (“Moffatt”) extraordinary step in filing this Reply and Notice of Motion and Motion to Enjoin Social Security Administration’s (“SSA”) Order SSA to Correct Address, Issue Corrected 1099, Remit Earned Income and Motion to Strike SSA’s (“Document# 66”) Under Fed. R. Civ. P. 12(f) and Subpart 12(f)(2), and Fed. R. Civ. P. 65.

ARGUMENTS

I. FORM SSA-1699

In her alleged Document# 66, Gulseth stated at Page 2, Line 12, in pertinent part: “...SSA provides a mechanism by which Social Security claimant representatives can update their information with the agency.”

Given the extreme simplicity, conveyed one would think that Moffatt submitting this form six (6) times is a charm with submitting numerous Form SSA-1699 forms and Direct Payment information, even personally visiting the SSA Office and enlisting the assistance of supervisors to update Respondent Moffatt’s mailing address information at SSA. No change was ever made by SSA.