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5

6 **UNITED STATES DISTRICT COURT**
7 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
8

9 Social Security Administration,
10
Complainant

11 v.
12

13 Jeffrey D. Moffatt,
14
Respondent.
15
16
17
18
19

DISTRICT COURT DOCKET NO.:
2-18-cv-07752-VBF (DFM)

SSA DOCKET NO.: RS-17-03

**NOTICE OF MOTION AND MOTION
TO STRIKE AND OBJECTION TO
PHANTOM "STATUS REPORT RE:
PUBLIC INTEREST CONCERNS"
UNDER Fed. R. Civ. P. 12(f)(2), 18
U.S.C.A. § 1028(a)(4) and (f) (West)...**

ORAL ARGUMENT REQUESTED

Honorable Judge Valerie Baker Fairbank,
United States District Court Judge

20 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**
21

22 **NOTICE IS HEREBY GIVEN** that Respondent Jeffrey D. Moffatt
23 (Moffatt) is filing a Motion to Strike and Objection to Complainant Social Security
24 Administration's (SSA) Phantom "Status Report Re: Public Interest Concerns"
25
26

1 Under Fed. R. Civ. P. 12(f)(2) and 18 U.S.C.A. § 1028(a)(4) and (f) and Challenge
2 to SSA's De Facto Debarment.

3 This motion is based on this Notice, the attached Motion to Strike and
4 Objection to Phantom "Status Report Re: Public Interest Concerns," Under Fed.
5 R. Civ. P. 12(f)(2) and United States Code ("U.S.C.") Title 18, § (a)(4) and (f) and
6 Challenge to SSA's De Facto Debarment, Memorandum of Points and Authorities
7 in Support, exhibits filed concurrently, the records and pleading on file herein; and
8 on such other evidence as may be presented before the Court at the time of the
9 hearing on the motion.
10
11

12 **Dated:** August 1, 2019
13
14

15 /s/ Jeffrey D. Moffatt
16 By: Jeffrey D. Moffatt
17 Federal SSA Attorney / Pro Se
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **JUDGE FAIRBANK MADE A DECISION TO STAY DOCKET NO.: 2-18-**
3 **cv-07752-VBF (DFM) THROUGH 01//02/10 MINUTE ORDER**

4 The Honorable Valerie Baker Fairbank is presiding over related case Jeffrey
5 D. Moffatt vs. The State Bar of Arizona, et. al. in Docket No.: CV-17-06029-VBF
6 (DFM) purported ("Arizona Disciplinary Matter").
7

8 The Honorable Valerie Baker Fairbank also presiding in Jeffrey D. Moffatt
9 vs. the Social Security Administration ("SSA"), Docket No.: 2-18-cv-07752-VBF
10 (DFM) ordered the parties not to notice hearings unless it schedules an oral
11 argument and not to file any additional motions until and unless this Court has
12 issued an Order denying the Respondent's pending remand motion.
13

14 According to Civil Minutes – General dated January 2, 2019, the Honorable
15 Valerie Baker Fairbank ordered, "The parties **shall not notice** hearings. The Court
16 will schedule oral argument on a motion if it deems it necessary after reviewing all
17 briefs supporting and opposing the motion. The parties **shall not file** any
18 additional motions in this case until and unless this Court has issued an Order
19 denying the Defendant's pending remand motion."
20
21

22 It appears Complainant SSA filed the Phantom "Status Report Re: Public
23 Interest Concerns" with this Court on July 24, 2019, in defiance of Court order of
24 Jan 2, 2019, in an attempt to exert pressure to influence the Court to take action
25 against the Respondent on its own motion based on the false claim that the
26

1 Respondent “misleadingly asserted” that “he is an attorney” and “has never been
2 disbarred or suspended from a state bar” and poses “growing public interest
3 concerns” to the public.

4
5 Complainant SSA presents what it describes as “Research performed by
6 Plaintiff in July 2019 confirms that the Arizona State Bar disbarred Defendant on
7 March 7, 2016¹, and that Defendant is not a member of any state bar in the United
8 States (See Declaration of Brenda Saefong).”

9
10 It is clear Complainant SSA filed its Phantom “Status Report Re: Public
11 Interest Concerns,” as a back door way to file a motion, despite the Court January
12 2, 2019, Minute Order prohibiting all parties from filing any motions.

13
14 Complainant SSA urges, “In order to protect additional members of the
15 public with SSA claims from the adverse effects of Defendant’s troubling
16 behavior, Plaintiff respectfully reiterates its request and urges this Court to
17 Remand this case to the Social Security Administration for the resumption of
18 proceedings.”

19
20 Respondent Moffatt has substantial constitutional protected rights at risk, his
21 right to practice law is at issue in the related cases both being presided over by the
22 Honorable Valerie Baker Fairbank, Jeffrey D. Moffatt vs. The State Bar of
23

24
25 ¹ The Arizona State Bar website, accessible to the public, reflects that on December 13, 2016, the Arizona Supreme
26 Court affirmed the hearing panel’s decision to Defendant’s disbarment. The website lists multiple actions and
behaviors of highly unprofessional behavior as reasons for Defendant’s disbarment on the website. Indeed,
Defendant admitted, amidst state bar charges, that he asked a potential client for a nude photo in exchange for a
consultation fee (Defendant’s Memorandum, Docket Doc. #12, Pg. 12, Line 6)

1 Arizona, et. al. in Docket No.: CV-17-06029-VBF (DFM) and Jeffrey D. Moffatt
2 vs. Social Security Administration in Docket No.: 2-18-cv-07752-VBF (DFM).

3 Respondent Moffatt has submitted verifiable material and relevant evidence
4 in support of his arguments in his complaint, which includes 22 causes of action,
5 and allegations that his constitutional rights were violated through his illegal
6 disbarment by The State Bar of Arizona, et. al. in Docket No.: CV-17-06029-VBF
7 (DFM).
8

9
10 Complainant SSA has withheld payment of legal fees to Moffatt in thirteen
11 (13) cases heard before the SSA Office of hearings Operations and the Office of
12 Analytics, Review, and Oversight, where there were favorable outcomes, thus
13 creating a de facto debarment against Moffatt, without the requisite due process
14 necessary for such a de facto debarment.
15

16 The Honorable Judge Fairbank, presiding over both cases filed by Moffatt,
17 considered the facts, evidence and pleadings filed in both cases and made a
18 reasoned decision to essentially stay the case.
19

20 **MOFFATT OBJECTS TO SSA'S STATEMENTS, BECAUSE THERE IS**
21 **NO GROWING PUBLIC INTEREST CONCERN AND THERE IS NO**
22 **INCREASING SUBSTANTIAL CONCERN AS TO MOFFATT**

23 Respondent Moffatt contends that the disbarment from the State Bar of
24 Arizona was done through a fraudulent illegal process, is "null and void" and
25 without force and effect therefore, Moffatt has been truthful when completing SSA
26

1 Form 1696-U4. "If a law is unjust, a man is not only right to disobey it, he is
2 obligated to do so." ~ Thomas Jefferson

3
4 Moffatt poses no danger to the public as demonstrated by 17 years of
5 practicing law as an attorney with one complaint. Respondent Moffatt has
6 continued practicing law in social security cases, his area of legal expertise, as he
7 views his disbarment by State Bar of Arizona as null and void, without force and
8 effect, and has followed the obligation statement of Thomas Jefferson.

9
10 Respondent Moffatt's constitutional rights to due processes in the United
11 States District Court supersedes Complainant SSA's repeated demands to regain
12 jurisdiction and remove Moffatt's right to practice law in an administrative
13 proceeding before the SSA.
14

15
16 **STATE BAR OF ARIZONA PURPORTED DISBARMENT OF MOFFATT**
17 **IS NULL AND VOID, AND AT ISSUE CURRENTLY**
18 **BEFORE THE COURT**

19 *"An unconstitutional act is not a law; it confers no rights; it imposes no duties; it*
20 *affords no protection; it creates no office; it is in legal contemplation as*
21 *inoperative as though it had never been passed."* U. S. Supreme Court, Norton v.
Shelby Cty., 118 U.S. 425, 6 S. Ct. 1121, 30 L. Ed. 178 (1886)

22 The issue of whether the disbarment of Respondent Moffatt by the State Bar
23 of Arizona was a legal act is currently being adjudicated in a related case before
24 the United States District Court in related case Jeffrey D. Moffatt vs. The State of
25 Arizona, The State Supreme Court of Arizona, The State Bar of Arizona, and Scott
26

1 Bales, Chief Justice in his Official Capacity Docket No.: CV-17-06029-VBF
2 (DFM).

3 In his complaint filed in the related case, Respondent Moffatt contends
4
5 disbarment by the State Bar of Arizona was a fraudulent illegal act, conducted by
6 an unconstitutional private corporation, by a judicial imposter, without jurisdiction
7 where Moffatt was denied notice of hearings, where Moffatt's reply brief was
8 removed as a sanction for not attending a hearing that was not adequately-properly
9 noticed, where Moffatt was given a default judgment based on the removal of
10
11 Moffatt's reply brief, the State Bar of Arizona violated its own rules, failed to use
12 the New Mexico State Bar vindication document showing no attorney-client
13 conduct, used unauthenticated evidence, violated Brady vs. Maryland when
14 Carlsbad Police Tapes prove the claimant was attempting to extort Moffatt were
15 not included, prosecuted a criminal charge without constitutional protections,
16 prosecuted across state lines without jurisdiction, criminalized speech in violation
17 of Miller v. California, 413 U.S. 15, 93 S. Ct. 2607, 37 L. Ed. 2d 419 (1973),
18 criminalized speech in violation of Iancu v. Brunetti, 139 S. Ct. 782, 202 L. Ed. 2d 510
19 (2019) all motions for redress, and concocted a contempt charge, all violations of
20 the Sixth Amendment, subjected Moffatt to unequal treatment as compared to
21 other attorneys similarly situated, a violation of the Fourteenth Amendment, issued
22 a Final Order and Order of Disbarment, a Fifth Amendment Taking.

1 The sequence of events shows Moffatt was targeted from the start, with
2 Attorney J. Scott Rhodes whom regularly handles attorney discipline cases and has
3 experience in the matter declining the case; subpoenas if granted will show the
4 political targeting of Republican Moffatt as (2016) U.S. Congressional Candidate
5 and his wife (Star Moffatt) Republican (2016) California State Senate Candidate.
6

7 Moffatt in his filing on April 12, 2019, Docket No.: 203, showed eight (8)
8 other cases which included pedophilia, where no disbarment took place, and
9 amazingly purported Arizona Supreme Court Presiding Disciplinary Judge
10 William J. O'Neil, "unconstitutionally seated" even sealed records. This is
11 compounded by Phoenix Attorney Mark I. Harrison, whom was caught, via a DOJ
12 wire-tap, setting up a high-end brothel. **See a true and correct copy of Exhibit**
13 **A, The Arizona Project, Pgs 27-30, attached hereto and incorporated herein**
14 **by reference.** The net result for Mark I. Harrison, was not disbarment but in fact
15 the elevation to State Bar of Arizona President for years 1975-1976, a position as
16 judge pro tem, among other honors. **See a true and correct copy of Exhibit B,**
17 **State Bar of Arizona, Past Presidents, Pgs 32-33, Exhibit C, and Professional**
18 **Resume of Mark I. Harrison, Pgs 35-39, attached hereto and incorporated**
19 **herein by reference.**
20
21
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25 Respondent Moffatt contends the purported disbarment also constituted
26 excessive fines, a violation of the Eighth Amendment, and gives Federal Court

1 Jurisdiction for review at the state level. See United States Supreme Court
 2 decision in Timbs v. Indiana, 138 S. Ct. 2650, 201 L. Ed. 2d 1049 (2018), United
 3 States v. Bajakajian, 524 U.S. 321, 334, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998)

4
 5 The State Bar of Arizona is unconstitutional after U. S. Supreme Court,
 6 Fleck v. Wetch, 139 S. Ct. 590, 202 L. Ed. 2d 423 (2018), case remanded to follow
 7 Janus v. American Federation of State, County, and Municipal Employees,
 8 Council, 31, et. al., Docket No. 16-1466, Private State Bar entities, such as AZ
 9 Bar's 501(c)(6), unconstitutional. The Janus ruling, overruled the rational basis test
 10 that had previously existed, and replaced it with exacting scrutiny, such that
 11 membership to labor organizations mandated membership must have exacting
 12 scrutiny to be deemed constitutional.
 13
 14

15 The private corporate entity "Trade Association" State Bar of Arizona
 16 conducted a fraudulent illegal proceeding lacking any minimal constitutional
 17 protections. The Honorable Judge Fairbank made a reasoned decision to
 18 essentially stay the case in her 01/02/19 Minute Order. The case is still pending.
 19
 20

21 **MOFFATT OBJECTS TO SSA IMPLYING MOFFATT COMMITTED**
 22 **CRIMINAL PERJURY AND THEREBY IS COMMITTING FRAUD UPON**
 23 **THE COURT**

24 "Of increasingly substantial concern is that, since the date of this Court's
 25 last order issued in January 2019, Defendant has misrepresented his attorney status,
 26 and entered into numerous formal SSA appointment agreements with members of

1 the public who have SSA claims (See Declaration of Sheri Horsburgh). These
2 agreements, (also known as SSA-1696 Representative Appointment forms) are
3 signed under penalty of perjury. These documents show that, while obtaining
4 authorization to represent individuals and receive payment. Defendant has
5 misleadingly asserted that a) he is an attorney, and b) he has never been disbarred
6 or suspended from a state bar.”

8 Without providing any statutory authorities or supporting case law or
9 holding of a criminal tribunal, Complainant SSA through the foregoing
10 representations is implying Moffatt committed criminal perjury by misrepresenting
11 his attorney status and/or by misleadingly asserting that “he is an attorney” and
12 “has never been disbarred or suspended by the bar.”

15 In order to establish criminal perjury charged under 18 U.S.C.A. § 1621 §
16 1623 (West), it requires four (4) elements to be proven:

- 18 1. The first element is that Defendant must be under oath during his
19 testimony, declaration or certification and the oath must be sufficiently
20 clear that the declarant is aware that he or she is under oath and required
21 to speak the truth in accordance with 28 U.S.C.A. § 1745 (West).
22 See, United States v. Debrow, 346 U.S. 374, 377, 74 S. Ct. 113, 98 L. Ed.
23 92 (1953)

- 1 2. The second element is that Defendant must have made a false statement
2 in accordance with 28 U.S.C.A. § 1746 (West). See United States v.
3 Reilly, 33 F.3d 1396, 1417 (3d Cir. 1994) The statement should be
4 examined in context. See Bronston v. United States, 409 U.S. 352, 355,
5 93 S. Ct. 595, 34 L. Ed. 2d 568 (1973).
- 7 3. The third element of a perjury offense is proof of specific intent, that is,
8 that the Defendant made the false statement with knowledge of its falsity,
9 rather than as a result of confusion, mistake or faulty memory in
10 accordance with U.S.C. Title 28, § 1747. See United States v. Dunnigan,
11 507 U.S. 87, 94, 113 S. Ct. 1111, 122 L. Ed. 2d 445 (1993) The
12 government must demonstrate the Defendant voluntarily made the false
13 statement with knowledge of its falsity.
- 16 4. The fourth element of a perjury offense is the false statement must be
17 material to the proceedings in accordance with U.S.C. Title 28, § 1748.
18 See Kungys v. United States, 485 U.S. 759, 770, 108 S. Ct. 1537, 99 L.
19 Ed. 2d 839 (1988) In United States v. Gaudin, 515 U.S. 506, 115 S. Ct.
20 2310, 2320, 132 L. Ed. 2d 444 (1995), a unanimous United States
21 Supreme Court held that in a prosecution under 18 U.S.C.A. § 1001
22 (West) the jury must determine "beyond a reasonable doubt [the
23 Defendant's] guilt of every element of the crime with which he is
24 25 26

1 charged." Previously, courts had interpreted dicta in Sinclair v. United
2 States, 279 U.S. 263, 299, 49 S. Ct. 268, 73 L. Ed. 692 (1929), overruled
3 by United States v. Gaudin, 515 U.S. 506, 115 S. Ct. 2310, 132 L. Ed. 2d
4 444 (1995), to classify materiality as a question of law decided by the
5 court.
6

7 When Moffatt applies: "*An unconstitutional act is not a law; it confers no*
8 *rights; it imposes no duties; it affords no protection; it creates no office; it is in*
9 *legal contemplation as inoperative as though it had never been passed.*" Norton,
10 118 U.S. 425

11 The Arizona case is riddled with violations against Moffatt that utterly trample the
12 constitution. Moffatt is not creating a perjured statement, when he was in fact the
13 victim of a targeted fraudulent illegal smear campaign.
14

15 Complainant SSA is attempting to create a false sense of urgency implying
16 Respondent Moffatt committed perjury without providing any statutory authority
17 or supporting case law and claiming that alleged perjury as well as unsubstantiated
18 allegations of past conduct is posing a risk to the public despite having no
19 complaints made about Moffatt or his representation or his conduct.
20

21 **SSA HAS UNCLEAN HANDS AS DECLARATIONS SUBMITTED IN**
22 **SUPPORT OF ITS PHANTOM "STATUS REPORT RE: PUBLIC**
23 **INTEREST CONCERNS WERE NOT AUTHENTICATED"**
24

25 The Declarations of Brenda Saefong ("Saefong") Document #44-1 and
26 Sherri Horsburgh ("Horsburgh") Document # 44-2 submitted in support of SSA's

1 Phantom "Status Report Re: Public Interest Concerns" were not authenticated
2 within their "official capacity" of a governmental agency or company as
3 declarants. Both Saefong and Horsburgh only signed their Declarations within
4 their "individual capacity."
5

6 Neither Saefong nor Horsburgh, did not insert their "official capacities"
7 job title and agency in connection with and duties performed on behalf of SSA
8 onto their own Declarations after their signature lines.
9

10 The declarations of Saefong and Horsburgh filed with the United States
11 District Court, Central District is in violation of 18 U.S.C.A. § 1028(a)(4), in that
12 the authentication feature on the document was used "with the intent such
13 document or feature be used to defraud the United States."
14

15 As the declarations of Saefong and Horsburgh were filed in support and in
16 conjunction with SSA's PHANTOM "STATUS REPORT RE: PUBLIC
17 INTEREST CONCERNS," it represents a violation of 18 U.S.C.A. § 1028(f)
18 attempt and conspiracy.
19

20 **THE GREATER GROWING RISK TO THE PUBLIC POSED BY**
21 **ONGOING ILLEGAL ACTIONS OF THE STATE OF ARIZONA, THE**
22 **SUPREME COURT OF ARIZONA AND THE STATE BAR OF ARIZONA**
23 **WITH SSA'S COMPLICITY**

24 Respondent Moffatt contends a greater growing risk to the public is that the
25 Judicial System in the State of Arizona has been compromised subjecting all
26

1 attorneys in the State of Arizona to risk of losing their right to practice law via a
2 corrupt process before an unconstitutional private corporation.

3 In Respondent Moffatt's Notice of Removal filed on September 6, 2018,
4
5 Moffatt put SSA on notice of the illegal fraudulent conduct of the State Bar of
6 Arizona in issuing his disbarment, which underlies SSA's administrative
7 proceeding against Moffatt seeking to revoke Moffatt's right to practice law before
8 SSA's Office of hearings Operations and the Office of Analytics, Review, and
9 Oversight.
10

11 Despite putting SSA on notice of this fraudulent conduct, SSA issued a de
12 facto debarment of Moffatt and is withholding legal fees for thirteen (13)
13 successful cases heard before SSA Office of hearings Operations and the Office of
14 Analytics, Review, and Oversight, without Moffatt being reciprocally disbarred in
15 its forum, despite that such actions have been essentially stayed pending the
16 Arizona matter.
17
18

19 Yet, Complainant SSA is anxious to put undue pressure upon the Court
20 falsely claiming Respondent Moffatt poses a growing danger so SSA can urgently
21 remove Moffatt's right to practice law before SSA's Office of hearings Operations
22 and the Office of Analytics, Review, and Oversight and compounding the illegal
23 actions taken by the State Bar of Arizona.
24
25
26

1 While over in the State of Arizona, the unconstitutionally seated Supreme
2 Court of Arizona Presiding Disciplinary Judge William J. O'Neil ("O'Neil")
3 continues unabated in meting out punishment on Arizona attorneys with impunity.
4

5 Respondent Moffatt submitted evidence that O'Neil has conflicts of interest
6 with Supreme Court of Arizona Chief Justice Robert M. Brutinel ("Brutinel") who
7 signed orders denying Moffatt's Request for Stay of Disbarment Proceedings,
8 Petitioner's Motion for Stay and Injunction, and participated in the decision to
9 deny Moffatt's two (2) Requests for Judicial Notice and a Motion to Dismiss.
10

11 Respondent Moffatt submitted evidence that O'Neil is an employee of
12 Arizona Supreme Court, was appointed in noncompliance with the Arizona
13 Constitution, lacks an official oath of office, conspired with others to concoct a
14 contempt charge against Moffatt, used his office for personal gain and bribed a
15 member of the Commission on Judicial Conduct to gain a favorable decision in a
16 complaint filed against O'Neil.
17
18

19 Respondent Moffatt submitted evidence that O'Neil employs Member
20 Assistance Program Director Hal Nevitt ("Nevitt"), Nevitt twice disciplined by the
21 State Board of Behavioral Health Examiners for violating Health Insurance
22 Privacy and Protection Act ("HIPPA") and Americans with Disability Act
23 ("ADA") rights of Arizona Attorneys undergoing the disciplinary process.
24
25
26

Respondent Moffatt only presents a few instances of wrong-doing and criminal conduct being conducted against Arizona attorneys within the State of Arizona by the State Bar of Arizona, an unconstitutional private corporation, and unconstitutionally seated Arizona Supreme Court PDJ O'Neil.

THE HONORABLE JUDGE FAIRBANK MADE A REASONED DECISION THAT SHOULD STAND UNTIL THE UNDERLYING MOFFATT CASE IS RESOLVED

We normally do not require plaintiffs to "bet the farm ... by taking the violative action" before "testing the validity of the law," MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118, 129, 127 S. Ct. 764, 166 L. Ed. 2d 604 (2007); accord, Ex parte Young, 209 U.S. 123, 28 S. Ct. 441, 52 L. Ed. 714 (1908), and we do not consider this a *491 "meaningful" avenue of relief. Thunder Basin Coal Co. v. Reich, 510 U.S. 200, 212, 114 S. Ct. 771, 127 L. Ed. 2d 29 (1994).

Petitioners' constitutional claims are also outside the Commission's competence and expertise. Thunder Basin Coal Co., 510 U.S. 200... [S]tatutory questions involved do not require "technical considerations of [agency] policy." Johnson v. Robison, 415 U.S. 361, 373, 94 S. Ct. 1160, 39 L. Ed. 2d 389 (1974). They are instead standard questions of administrative law, which the courts are at no disadvantage in answering. We therefore conclude that § 78y did not strip the District Court of jurisdiction over these claims, which are properly presented for our review.² Free enterprise, *infra*.

1 The issue is rather more appropriate for the Federal District Court, following
2 Justice Roberts' argument in *Free Enterprise* infra, one must not be forced to
3 litigate in an unconstitutional forum, face appeals on the Unconstitutionality, only
4 to then be given Federal District Court Jurisdiction.
5

6 The underlying United States District Court case covers the contradiction,
7 illegality, as well as lack of immunity of the actions taken by the State Bar of
8 Arizona.
9

10 If the Honorable Judge Fairbank were to succumb to pressure by the SSA to
11 remand Respondent Moffatt's case to Complainant SSA for the resumption of
12 proceedings prior to the adjudication of the issues posed in Docket No.: CV-17-
13 06029-VBF (DFM), *Moffatt vs. The State Bar of Arizona, et. al.* and prior to
14 Complainant SSA having a constitutionally compliant structure for administrative
15 proceedings, the United States District Court would compound the constitutional
16 violations already imposed on Moffatt.
17
18

19 Federal Courts have an unflagging obligation to exercise the jurisdiction
20 given to them pursuant to Article III, §2, cl. 1 of the Constitution for the United
21 States. Colorado River Water Conservation Dist. v. United States, 424 U.S. 800,
22 817, 96 S. Ct. 1236, 1246, 47 L. Ed. 2d 483 (1976). The Supreme Court observed
23 that "the presence of federal-law issues must always be a major consideration
24 weighing against surrender of federal jurisdiction. When applicable substantive
25
26

1 law is federal, abstention is disfavored.” Vill. of Westfield v. Welch's, 170 F.3d
2 116, 124 (2d Cir. 1999).

3
4 Here, the United States District Court has jurisdiction, and federal law
5 issues, as well as Constitutional issues exist such that an unflagging obligation to
6 exercise jurisdiction exists.

7
8 **CONCLUSION**

9
10 The United States District Court should exercise discretion in maintaining its
11 01/02/19 Minute Order ordering the parties not to notice hearings unless it
12 schedules oral argument and not to file any additional motions until it has issued an
13 Order denying the Respondent’s pending remand motion based on the following
14 reasons:
15

16
17 1. At issue in the United States District Court, Central District, Court Docket
18 No.: CV-17-06029-VBF (DFM), Jeffrey D. Moffatt vs. The State Bar of Arizona,
19 et. al. is the fraudulent disbarment of Moffatt by corporate entity “Trade
20 Association” State Bar of Arizona. Along with, the unconstitutionally seated
21 Arizona Supreme Court Presiding Disciplinary Judge William J. O’Neil,...is the
22 nexus for SSA’s administrative disciplinary proceedings.”
23

24
25 2. Respondent Moffatt has asserted 22 claims in his civil law suit complaint
26 in Court Docket No.: CV-17-06029-VBF (DFM), Jeffrey D. Moffatt vs. The State

1 Bar of Arizona, et. al.

2
3 3. Respondent Moffatt has submitted verifiable, material and relevant
4 evidence in support of his Complaint to the United States District Court in Court
5 Docket No.: CV-17-06029-VBF (DFM), Jeffrey D. Moffatt vs. The State Bar of
6 Arizona, et. al.

7
8 4. Respondent Moffatt has substantial constitutional rights abridged,
9 intended deprivation of both his federal and state constitutional protections and
10 rights; and along with his right to practice law.

11
12 5. Respondent Moffatt asserts that the disbarment by private corporate
13 entity "Trade Association" State Bar of Arizona, is null and void, without force
14 and effect and therefore did not commit perjury on any SSA form 1696-U4.

15
16 6. Subpoenas, if issued in the underlying matter, will connect the takedown
17 of Moffatt by purported State Supreme Court Presiding Disciplinary Judge
18 William J. O'Neil, to a scheme of land fraud, kickbacks to government officials,
19 bribes to avoid scrutiny in a Commission on Judicial Conduct complaint pending
20 against him, drug running, child trafficking, and interfering with State and
21 Congressional elections.

22
23 7. The de facto debarment of Respondent Moffatt should be reversed, and
24 legal fees for ten (10) cases handled by Moffatt should be released immediately.

1 8. Respondent Moffatt poses no threat to the public.

2 **WHEREFORE RESPONDENT MOFFATT** prays and requests the Court:

3
4 (1) Grant Respondent Moffatt's Motion to Strike and Objection being
5 moved before this Court under Fed. R. Civ. P. 12(f)(2) and 18 U.S.C.A. §
6 1028(a)(4) and 1028(f);

7
8 (2) The Court maintain its 01/02/19 Minute Order, until such time as the
9 issues are adjudicated; and

10
11 (3) The Court issue sanctions against SSA for defying Court's Minute Order
12 of January 2, 2019 and whatever the Court deems appropriate.

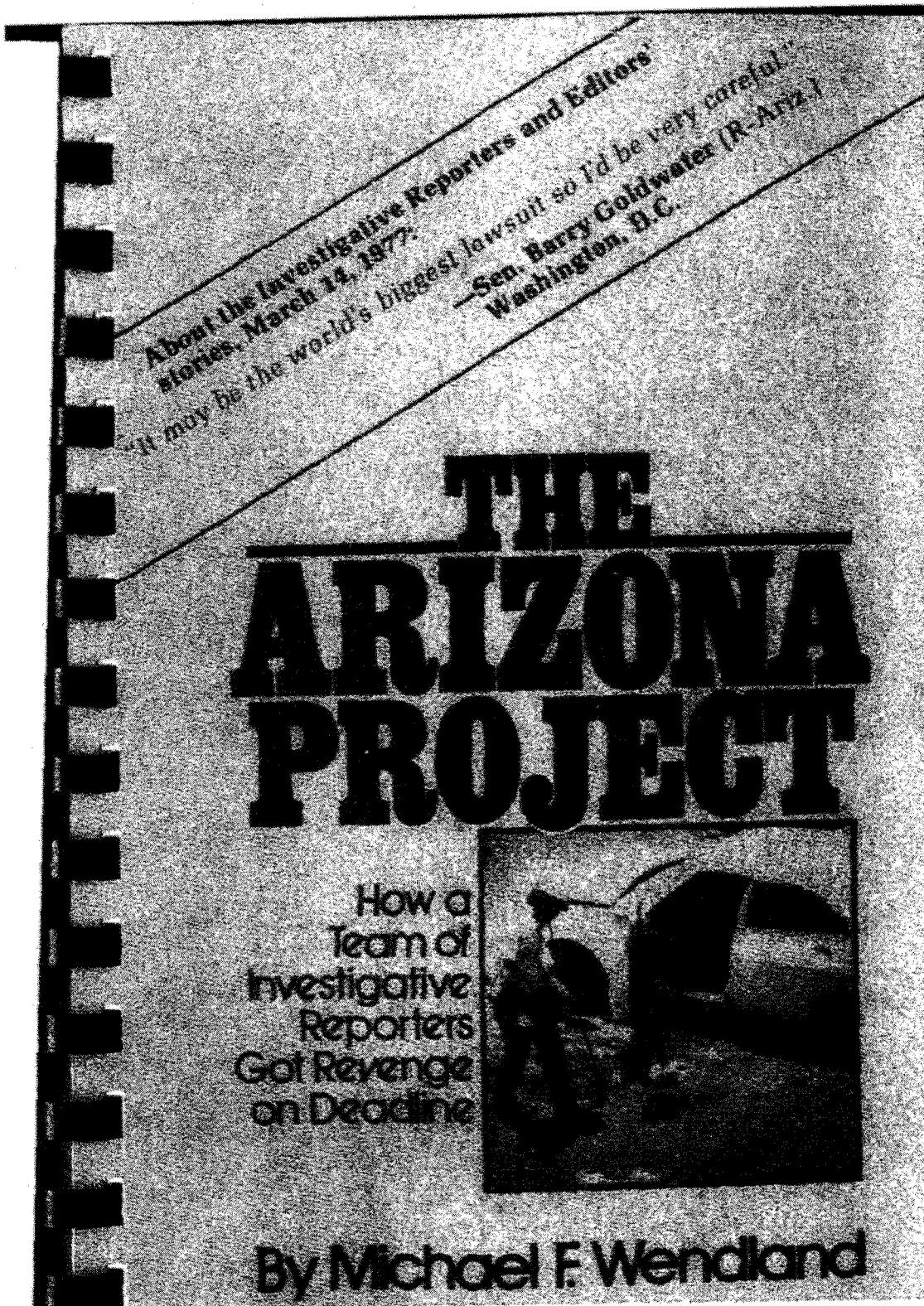
13
14 (4) The Court award Respondent's attorneys' fees and other litigation costs
15 reasonably incurred in this action pursuant to 5 U.S.C. § 504.

16
17 **Dated:** August 1, 2019

18
19
20 /s/ Jeffrey D. Moffatt
21 By: Jeffrey D. Moffatt
22 Federal SSA Attorney / Pro Se
23
24
25
26

EXHIBIT "A"
THE ARIZONA PROJECT

EXHIBIT TO MOTION TO STRIKE AND OBJECTION TO STATUS REPORT



8/8/201 ¹⁴ Mark Harrison

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woman, Mandia wanted a "class operation," with the women screened and categorized as to appearance and sexual specialties. Their photographs would be shown discreetly to prospective clients in a sort of directory. The various prostitutes working for the service would be paid a percentage of the money they generated in tricks. After outlining the proposition, Mandia wanted to know if the woman would manage the operation.

She was interested. Fine, said Mandia, who then suggested that she contact his partner the following Monday to discuss the entire operation in detail. As the meeting ended, the woman said, Mandia told her not to worry; from that moment on she would have full legal protection. For his partner was a very powerful and influential man. He gave her the partner's name and telephone number. It was Mark Harrison.

About 8:00 P.M. on July 10, the woman arrived at Harrison's office. She told police that after introducing himself, Harrison stressed that he had to be extremely careful with whom he dealt because he had an excellent professional reputation. The woman then got down to business. She asked what Harrison expected of the girls she would recruit for the ring.

"He said he expected every girl to take as many tricks as she could," said the call girl. "I asked him if the girls would keep the money they got from the tricks."

"Hell, no," she said Harrison replied. "How can we make any money that way?" Harrison, said the prostitute, then went on to say how lucrative the business would be. He bragged that he could keep fifteen girls so busy at the annual bar association convention that they couldn't handle it all. There was no need for her to worry, the woman said she was told, because "I'm a big man in this town." In exchange for managing the operation, the woman said, she was promised twenty percent of the action, a leased car, a furnished apartment, and an expense account for gas and clothing.

A number of subsequent contacts between Harrison and the call girl were noted by police. IRE reporters were told by their sources that Harrison went into elaborate detail with the woman, discussing possible locations for the operation and an auxiliary business which, through some of Kaiser's associates, would have the more talented prostitutes pose for pornographic movies and photographs, which could then be sold to the customers and generate still more money.

Police documented most of the meetings and compiled a lurid and

Arizona Justice 201

who knew full well it was going on after spending several days observing the man's various outlets from her compact car, specially outfitted with extended controls to accommodate her stature.

"Pardon?"

"I said, 'Are you saying there is no prostitution going on there?'"

"Did I say that?"

"That's what I'm asking, did you say that?"

"I didn't say that."

"Then it does go on?"

"I didn't say that."

"Well, does it or doesn't it?"

"I'm not saying."

There was still another case involving prostitution that illustrated the Arizona power structure's penchant for easy money and easy women. It involved Mark Harrison, a young, good-looking Phoenix attorney who, as an influential wheel-dealer in Democratic politics and the president of the Arizona State Bar Association, should have been the paragon of virtue. The Harrison case began in 1972. The IRE team learned of it through several confidential law enforcement sources who were involved in the investigation into Harrison's activities. During the course of that probe, authorities had secretly tape-recorded attempts by Harrison to set up a prostitution ring catering to high-class businessmen and professionals. One of the team's sources was the electronics expert who supervised the recording.

Harrison had become the subject of police interest purely by chance, during an intensive investigation into the activities of a notorious local hoodlum named William Kaiser. In the course of their investigation, the police came across relationships between Kaiser, a number of other mobsters, a couple of public officials, and several prominent people. One of these was Mark Harrison, who had become closely associated with one of Kaiser's sidekicks, a minor hood and convicted pimp named Jerry Mandia.

On July 8, 1972, a well-known call girl and occasional police informer told police she had been called by Mandia and invited out for lunch to discuss a business proposition. Mandia told the woman that he and a friend were interested in starting a prostitution ring that would front as an escort service and cater to the well-heeled businessmen who gather in the plush suburban Phoenix resorts each winter during the booming convention season. According to the

Arizona Justice 203

detailed series of tape recordings, which were reported back to the Arizona Crime Prevention Council, a jointly staffed state agency made up of several police departments, which had first targeted Kaiser, an associate of a top Illinois Mafia leader and the operator of an interstate stolen goods ring, as the subject of an investigation.

Shortly after the report had been sent in, one of the IRE police sources said he was called before Gary Nelson, then the Arizona state attorney general and a member of the council. Nelson was deeply concerned. He said he knew Harrison personally and simply could not believe the information police had uncovered. Nelson was convinced that the investigators were wrong. The IRE source then played some of the Harrison tape recordings. Nelson just buried his face in his hands.

Shortly after the session with Nelson, however, police noted a change in Harrison. With no warning, he suddenly stopped contacting the prostitute who had been their snitch. So did Kaiser and Mandia. They went cold, almost as if they had been tipped to the investigation.

The investigation was abruptly stopped. Two years later, in November 1974, the tape recordings were ordered destroyed by the brass at the Arizona Department of Public Safety. The police sources who worked the case smelled a whitewash.

IRE reporters were certain of their sources, who vowed that if push came to shove and Harrison filed a libel suit against the team, they would publicly testify as to the veracity of the information they had turned over to the team.

But there was a complication for the IRE reporters. Mark Harrison happened to be the personal attorney of Rosalie Bolles, the widow of the slain reporter who had brought them to Arizona in the first place. Greene had conducted several meetings with Mrs. Bolles. His heart ached for her. She and her three children had suffered enough. How would the Harrison revelations affect her?

Yet the team had come to Arizona to shed light on the state's ills, not to leave the doors closed. As reporters, they had to go ahead and follow the story where it led. On January 24, Myrta Pulliam and Dave Overton went to Harrison's law office. After small talk about Mrs. Bolles and Harrison's legal and political background, they got down to the questions.

Overton began, noting that Harrison, as bar association president, had often spoken about ethics in the legal profession. "We are also

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interested in that," he said, "and we want to ask you why it was that you attempted to set up a prostitution ring in 1972."

Harrison's face visibly paled. He was silent for a long ten seconds. Then, carefully measuring his words in a low voice, he shook his head.

"That is categorically untrue in the first place." But then, his face pained, he seemed to contradict himself. "That is something that has been on my mind, the whole ridiculous episode. I'd like to talk to Bob Greene about it."

The reporters explained that Greene knew they were there and why they had requested the interview. And they were talking to Harrison on behalf of the team leader.

Again, Harrison was silent. He got up and walked to his office window.

"Please," he said at last. "Give me two minutes to think about it. I won't run away. I'm not going anywhere." With that, he walked out of the office.

Ten minutes went by. Just as the reporters figured Harrison had fled the building, he reappeared.

"I'd like to have my partner in here," he said.

The reporters had no objection. The partner was Bob Myers. "Is he here as your legal representative?" Overton asked.

"No, not really. But he does know all about this." Harrison sat back down. He was clearly shaken. For almost another ten minutes he was silent, occasionally getting up and walking over to the window. He sighed a lot.

He broke the silence by clearing his throat. "Do you use tape recorders?"

Overton shook his head. "Do you?"

"No, I'm not much on tape recorders." Again he was silent. Finally, the partner came into the room.

Myers wanted to know if the interview was on the record. It most assuredly was, the reporters said.

"Look, I think the best way for us to proceed is for Mark to tell the whole story. Then, I think the thing will make sense to you," said Myers.

Harrison began. "As a preface to this, I'm not terribly clear when everything happened. I've tried to subliminate this as much as possible. But you must understand, this all happened during a difficult period in my life and marriage."

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Pulliam and Overton began taking notes.

"I knew a fellow who told me he knew a high-class prostitute who he thought I could have relations with." Again he paused, looking at his law partner for a moment before continuing. "I said something like, 'Well, I've strayed a few times in my marriage, but I've never said any money,' and he said I should tell her I was interested in starting a call-girl service for winter visitors and I could score with her. I didn't have my head on straight and I acted on impulse. I called her up. I guess, I have no specific recollection. I talked to her on the phone three or four times and visited her probably two or three more times. Sure, I gave her some relatively meaningless types of things like to start a thing like this in the county and not the city, things like that. But I never had any intention of doing anything illegal. It was a pure and simple con job on a pro to get some action. I saw her three times maximum. I haven't seen her since, never talked to her since. And I've never been involved in any illegal activity of any type in my life. If you are doing a thorough investigation of my life, as I'm sure you are, you won't find anything at all. If you want me to say it was idiotic and stupid, I will. I plead guilty. Look, has your investigation shown anything else?"

"We understand that you were making points with her, that you scored with her," said Overton.

"As I already told you, I probably scored with her three times. I was using some pretext, some line of baloney about setting her up in business. There was nothing of substance after the second or third time we met. It is my understanding that there was a tape."

"Didn't you, in fact, offer a woman twenty percent of the deal, of what she made from working the Johns at the big suburban hotels?" asked Pulliam.

"It was a con job, fun and games. I don't recall the specific things I said to her, but it was all baloney. Look at it realistically. I had a decent practice, I represent responsible clients, I was an officer in the bar association with a family and children. I wouldn't ever dream of committing a criminal activity."

"Do you know Bill Kaiser?" Pulliam wanted to know. There again was a pause. "I met him at a coffee shop. Maybe I met him there on two or three occasions."

"Why?"

"That gets back to how this all started. I had never heard of him before that. When I was at another law firm, before we started this

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firm, I had a client who was sort of a Damon Runyon-type character. He was always talking about deals, and he came in and I represented him. He'd come in and out."

"What's the name of this client?"

"That could be privileged. I don't know if I should give you that."

"It most certainly is not," said Pulliam. Myers interjected; his voice was sarcastic. "I'm glad you are that sure, Miss, but I've been an attorney for twenty years and I'm not as sure as you are. Nevertheless, we can ask that person's permission to give you the name."

Harrison continued. "Anyway, it was this Damon Runyon character who introduced me to Mr. Kaiser."

"Could this Damon Runyon character have been a man named Mandia?" asked Pulliam.

At the same time Myers said no. Harrison said yes.

"Mandia told me about this woman, that I could give her a line of baloney. And he was the man who introduced me to Kaiser. But I'm unclear about a lot of this. It's a chapter in my life that I'm trying to forget. I suspect that I used this Kaiser's name in a phone call to the girl. I don't recall exactly how he fit in. I suspect I saw him thereafter, at the time the affair was going on. Subsequently, after I'd seen her a couple of times, I must have asked Mandia about Kaiser and he told me some things that made me think Kaiser was a pretty bad guy and I got frightened. Kaiser subsequently called me here, maybe after this, to represent him, and I said no. It was a criminal charge. The whole thing began as a harmless thing. Then it got way out of my league."

"In the meantime, you met with Kaiser two or three times; is this correct?" asked Overton.

"Yes."

"And you never asked about him?"

"I may have. Mandia may have been saying that I should call the girl and maybe Kaiser was involved in setting up this thing. Then I found out Kaiser was charged with something to do with stolen vehicles."

"Do you know why you were tape-recorded?"

"No, and the person who told me didn't know either."

"Was it Gary Nelson who told you, the attorney general?" asked Pulliam.

"No."

"Do you know Gary Nelson?"

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the state Court of Appeals. Overton asked Nelson about the conversation Harrison had told them about.

"Assuming he was under investigation, it would be strictly confidential information, and I could not talk to you about that in any way, shape, or form," said Nelson.

Overton kept pressing. "But did you talk to Mr. Harrison about this matter?"

"If, in fact, there was an investigation, I certainly did not talk to Mr. Harrison until after it was concluded, if, in fact, there was one. I never would have talked to him during the investigation. Look, that's the best I can do. And that's probably too much. All my counselors say I tend to talk too much. But I always figure the truth is important."

So did the IRE reporters, Overton assured him. "Did you ever talk to someone regarding destruction of the tapes?"

"I don't remember, but if I did, it would be in terms of a general policy about destruction of non-useful wiretap evidence. That's a standard procedure in cases that are not going to be prosecuted."

Nelson refused to talk further about Mark Harrison. When Overton continued asking questions, Nelson turned churlish.

"What you reporters are doing is going out to kill someone as dead as Don Bolles," he snapped. "The only difference is he died by a bomb and you're using the pen. That's very dangerous and there's nothing that can be done to prevent those kinds of assassinations because the people who do that never get prosecuted. Hopefully, they go to hell."

Nelson hung up. He said he would have nothing more to say.

He had already said it all, thought Overton as he replaced the telephone receiver.

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"Sure, I know him. We were once partners in the same law firm."

"When did you find out about the investigation?" asked Overton.

"I don't know. Two years later. Maybe it was a year. It could have been a few months after the affair. It was closed in my mind."

"Did you ever talk to anyone about destroying the tapes?"

"Not specifically, certainly."

"You said 'not specifically,' then you did do something. What was it?" pressed Overton.

There was a long silence. Harrison turned to gaze out the window again.

"I'm trying to recall what, if anything, I did. I am sure that, it logically follows that whoever was attorney general at the time knows about it. And it could have been Nelson. I never asked him or anyone else about it."

"Could someone else have asked about destroying the tape on your behalf?"

"Absolutely not."

"But earlier you said 'not specifically.'"

"I'm trying to be as specific as I can. I may have had a conversation with Nelson. But I never suggested or hinted or asked that the tapes be destroyed."

"What prompted the conversation with Nelson?" asked Pulliam.

"My concern was about a tape that was devastating to me, personally. It was innocent but it looks sordid."

"What did you learn about the tapes?"

"I honestly don't recall."

"Did Nelson give you any indication of what he might do?"

"No. It was just my seeking to see if it did exist. I believe—I'm sure—that he did confirm it."

That was enough for the reporters. Gary Nelson, the state attorney general, had apparently tipped his old friend off to the investigation. And Harrison, who had served as special counsel to the attorney general, had admitted that he had plotted to set up a call-girl ring with the prostitute, a plan taken very seriously by the woman and the police. It made no difference that Harrison said he was just kidding. The facts were that police had cause to believe they had uncovered a conspiracy and that their investigation into it was suddenly dropped after Nelson had reviewed the evidence.

That night, Overton called Nelson at home. In 1974 Nelson had left the attorney general's office and, in 1977, was serving as a judge on

EXHIBIT “B”
STATE BAR OF ARIZONA
PAST PRESIDENTS

EXHIBIT TO MOTION TO STRIKE AND OBJECTION TO STATUS REPORT



Past Presidents

1933-35 - Charles A. Carson, Jr.*	1977-78 - William E. Platt, Jr.*
1935-36 - W. G. Gilmore*	1978-79 - David H. Palmer, Sr.*
1936-37 - William H. Westover*	1979-80 - Tom Slutes
1937-38 - Henry H. Miller*	1980-81 - Daniel J. Stoops*
1938-39 - Francis M. Hartman*	1981-82 - Jack I. Redhair
1939-40 - C. B. Wilson*	1982-83 - William F. Haug
1940-41 - Lawrence L. Howe*	1983-84 - John J. Bourma
1941-42 - John C. Haynes*	1984-85 - Larry W. Suci
1942-43 - Alfred B. Carr*	1985-86 - Kenneth J. Sherk
1943-44 - Matt S. Walton*	1986-87 - Gordon Alley*
1944-45 - T. J. Byrne*	1987-88 - Selmer D. Lutey
1945-46 - B. G. Thompson*	1988-89 - Thomas A. Zlaket
1946-47 - Orinn C. Compton*	1989-90 - Tom Karas*
1947-48 - Stanley A. Jerman*	1990-91 - Frederick M. Aspey
1948-49 - Ralph W. Bilby*	1991-92 - Roxana C. Bacon
1949-50 - Anthony T. Deddens*	1992-93 - Robert E. Schmitt
1950-51 - Charles L. Strouss*	1993-94 - Sarah R. Simmons
1951-52 - Walter E. Craig*	1994-95 - Michael R. Murphy
1952-53 - E. C. Locklear*	1995-96 - Michael D. Kimerer
1953-54 - Clifford R. McFall*	1996-97 - Michael L. Piccarreta
1954-55 - Arthur M. Davis*	1997-98 - Robert B. Van Wyck
1955-56 - James B. Rolle, Jr.*	1998-99 - Don Bivens
1956-57 - Keith F. Quail*	1999-00 - Dee-Dee Samet
1957-58 - James M. Murphy*	2000-01 - Kirk v Karman
1958-59 - C.A. Carson, III*	2001-02 - Nicholas J. Wallwork
1959-60 - Devens Gust*	2002-03 - Ernest Calderón
1960-61 - Jerry H. Glenn*	2003-04 - Pamela A. Treadwell-Rubin
1961-62 - Joseph P. Ralston*	2004-05 - Charles W. Wirken
1962-63 - John C. Haynes, Jr.*	2005-06 - Helen Perry Grimwood
1963-64 - Joseph S. Jenckes, Jr.*	2006-07 - Jimmie Dee Smith
1964-65 - John M. Favour*	2007-08 - Daniel J. McAuliffe*
1965-66 - Norval W. Jasper*	2008-09 - Edward F. Novak
1966-67 - Willib E. Case, Jr.*	2009-10 - Raymond A. Hanna
1967-68 - H. Karl Mangum*	2010-11 - Alan P. Bayham, Jr.
1968-69 - Philip E. von Ammon*	2011-12 - Joseph A. Kanefield
1969-70 - H. J. Wolfinger*	2012-13 - Amelia Craig Cramer

7/29/2019

State Bar of Arizona :: State Bar of Arizona Past Presidents

1970-71 - Robert W. Browder

2013-14 - Whitney Cunningham

1971-72 - Howard H. Karman*

2014-15 - Richard T. Platt

1972-73 - William D. Browning*

2015-16 - Bryan B. Chambers

1973-74 - Richard A. Segal*

2015-16 - Geoffrey M. Trachtenberg

1974-75 - Stanley G. Feldman

2016-17 - Lisa S. Loo

1975-76 - Mark I. Harrison

2017-18 - Alex Vakula

1976-77 - Tom Choules*

1977-78 - Thomas Tang*

* Deceased

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EXHIBIT “C”
PROFESSIONAL RESUME OF
MARK I. HARRISON

EXHIBIT TO MOTION TO STRIKE AND OBJECTION TO STATUS REPORT



Résumé of
MARK I. HARRISON

Osborn Maledon PA
2929 North Central Avenue, Suite 2100
Phoenix, AZ 85012
Telephone: 602-640-9324
mharrison@omlaw.com

Admitted to practice before all courts in Arizona since May, 1961; United States District Court-- District of Arizona, the United States Court of Appeals for the Ninth and Federal Circuits, and the United States Supreme Court; admitted to practice in Colorado in 1991

PROFESSIONAL EXPERIENCE:

- 2004— **OSBORN MALEDON, P.A. (Partner)** Specializing in Legal and Judicial Ethics & Professional Liability; Alternative Dispute Resolution; Appellate; Commercial Litigation
- 1993-2004 **BRYAN CAVE LLP (Partner)** 2 N. Central Ave, Suite 2200, Phoenix, Arizona
- 1966-1993 **HARRISON, HARPER, CHRISTIAN & DICHTER, P.C. (& predecessor firms)**
- 1960-61 **Law Clerk** to Justice Lorna E. Lockwood, Supreme Court of Arizona
- 1968-74 **Special Counsel** to the Attorney General of Arizona for Antitrust Matters
- 1992-2012 **Judge Pro Tem** - Maricopa County Superior Court; Arizona Court of Appeals

EDUCATION

- Harvard Law School, Cambridge, Massachusetts (LL.B. - 1960)
- Antioch College, Yellow Springs, Ohio (B.A. - 1957)

AWARDS

- **Burnham "Hod" Greeley Award, ABA Judicial Lawyers, 2013**
[Award presented to individuals and organizations for making a significant, positive impact on public understanding of the role of the judiciary.]
- **NCBP Fellows Award, National Conference of Bar Presidents, 2010**
[Award recognizes the accomplishments of a past bar president who has demonstrated a continuing commitment to leadership, service, the work of the organized bar and the purposes of the NCBP.]
- **Hall of Fame Award, Maricopa County Bar Association, 2009**
[Award presented to individuals who have built the legal profession in Maricopa County, made extraordinary contributions to the law and justice, and who have distinguished themselves at the highest levels of public service]
- **Presidential Commendation Award, Arizona Attorneys for Criminal Justice, 2008**
[Award presented for pro bono representation of contract defense counsel and public defenders in connection with capital representation and indigent defense caseload issues]
- **University of Arizona Alumni Association Honorary Alumnus Award, 2007**
[Award conferred by UofA Alumni Association for exceptional loyalty and service to the University of Arizona]

- **Judge Learned Hand Award, 2005**
[Award given annually by the American Jewish Committee to outstanding leaders of the legal profession who exemplify the high principles for which Judge Learned Hand was renowned]
- **Arizona Women's Political Caucus, Good Guys Award, 2004**
[Award conferred annually to men in the community who have championed the efforts to advance women's rights and causes]
- **University of Arizona Law College Association Appreciation Award, 2003**
[Award given annually to the President of the Law College Association]
- **University of Arizona Distinguished Honorary Alumnus Convocation Award, 2003**
[Award conferred by law faculty in recognition of professional accomplishments]
- **Peggy Goldwater Award, presented by Planned Parenthood-AZ, 2003**
[Award given annually to an individual who demonstrates a commitment to promoting family planning services for all persons regardless of their economic circumstances]
- **State Bar of Arizona, Walter E. Craig Award, 2002**
[Lifetime achievement award to honor an attorney who has adhered to the highest principles and traditions of the legal profession and served the public in the community in which he or she lives]
- **American Bar Association Mike Franck Award for Professional Responsibility, 1996**
[Award given annually to an individual dedicated to the constant improvement of lawyer regulation in the public interest who has also made major contributions in the field of professional responsibility]
- **State Bar of Arizona Award of Special Merit, 1993**
[Award given annually to that member(s) of the State Bar of Arizona who has made significant contributions to the furtherance of public understanding of the legal system, the administration of justice and confidence in the legal profession.]

NATIONAL RECOGNITION

- ❖ Who's Who in America/American Law/Arizona
- ❖ Best Lawyers in America: Appellate Law, Commercial Litigation, Ethics and Professional Responsibility Law, Legal Malpractice Law, editions 1993-2013 (20 years)
- ❖ Best Lawyers in America/2011 Phoenix Ethics & Prof. Responsibility Lawyer of the Year
- ❖ Chambers USA
- ❖ Southwest Super Lawyers, Top 50 Arizona Attorneys (2007-2010)
- ❖ Southwest Super Lawyers, Professional Liability: Defense, General Litigation, Appellate [(2007-2012)]

PROFESSIONAL RESPONSIBILITY ACTIVITIES

State Bar of Arizona

- Ethics Committee (1968-74)
- Supreme Court Special Committee on Lawyer Discipline and Professional Conduct (1983-84)
- State Bar Committee on Model Rules of Professional Conduct (1981-83)
- Member, State Bar Committee on Professionalism (1988-2011); Chair, State Bar Professionalism Course Committee (1988-93)
- Supreme Court Advisory Committee on the Rules of Judicial Conduct (2000)
- Ethical Rules Review Group, State Bar of Arizona (2001-2003)
- Supreme Court Taskforce on Rules Relating to Lawyer Discipline (2002-2003)

American Bar Association

- Member, Standing Committee on Professional Discipline (1975-84) and Chairman (1982-84)
- Member, Editorial Board, ABA/BNA Lawyer's Manual on Professional Conduct (1984-87)
- Chairman, ABA Committee on Professionalism (1987-89)
- Member, Standing Committee on Lawyers Professional Liability (1992-94)
- Member, Advisory Council, ABA Commission on Evaluation of the Rules of Professional Conduct (1997-1999)
- Member, Standing Committee on Ethics and Professional Responsibility (1999-2002)
- Chair, ABA Joint Commission to Evaluate and Revise the Code of Judicial Conduct (2003-2007)

Association of Professional Responsibility Lawyers, President (1992)

Adjunct Professor, College of Law, University of Arizona (1995-97) - Legal Ethics

Adjunct Professor, College of Law, Arizona State University (2001-10) - Legal Ethics

PROFESSIONAL ACTIVITIES

Maricopa County Bar Association

- Board of Directors (1966-71)
- President (1970) (Association won ABA Award of Merit)

State Bar of Arizona

- Board of Governors (1971-77)
- President (1975-76) (Association won ABA Award of Merit)

Arizona Bar Foundation

- Founding Fellow; Member, Board of Directors (1984-92); President (1991)

Western States Bar Conference

- President (1978-79)

National Conference of Bar Presidents

- Executive Council (1971-73, 1975-78); President (1977-78)

American Bar Association

- State Delegate, House of Delegates (1981-84)
- State Bar Delegate, House of Delegates (1978-81) (1997-2000)
- Assembly Delegate, House of Delegates (1987-1996)
- Antitrust Section; Litigation Section; Section of Individual Rights and Responsibilities [Council Member (1983-89)] Section of Torts and Insurance Practice [Council Member (1989-92)]
- Commission on Women in the Profession (1994-97)
- Chairman and Member, ABA Commission on Public Understanding About the Law (1984-87)
- *Brown v. Board of Education* Commission (Member, 2003-04)

Life Fellow, American Bar Foundation

Fellow, American Academy of Appellate Lawyers; President, (1993-94)

The Order of Barristers (Appellate Advocacy Honorary Society)

American Judicature Society: Board of Directors (1981-87); Executive Committee (1983-86)

American Board of Trial Advocates

Arizona Center for Law in the Public Interest: Founding Member and Board of Directors (1974-1983)

Master, Sandra Day O'Connor Inn of Court (President, 1993-94)

Life Member, American Law Institute (Members Consultative Group, Restatement of the Law, The Law Governing Lawyers) (Members Consultative Group, Ethics in Government Project, 2010--)

ALI-ABA Professional Responsibility Advisory Panel (2006--10)

Member, National Council, Human Rights First (1997--2010)

Member, Board of Directors, Lawyers' Committee for Civil Rights Under Law (2002--2010)

Justice For All: Founding Member and President (2005--)(Arizona organization dedicated to the preservation of an independent judiciary)

Justice At Stake: Board of Directors (2008--); Vice-Chair (2010-2011); Chair (2011--) (National organization dedicated to the preservation of an independent judiciary)

ACTIVITIES (Non-Professional)

Careers for Youth: Board of Directors (1963-67) and President (1966-67)

Democratic Party of Arizona: Executive Committee (1964-74); Vice-Chairman (1968-70); Legal Counsel (1970-72)

Phoenix Citizens Bond Advisory Commission, Chairman (1975-79)

Phoenix Environmental Quality Commission, Member (1972-75)

Valley Commerce Association, President (1978)

Camelback Mental Health Foundation: Member, Board of Trustees (1979-87) and Vice President (1982-84)

Harvard Law School Association: Member, National Executive Council (1980-84)

Planned Parenthood of Northern Arizona: Member, Board of Directors (1993-96); President (1995); Board of Trustees, Vice-Chairman (1997--)

Teach for America: Member, Advisory Committee (Arizona) (1995-98)

University of Arizona College of Law Board of Visitors: Member (1995--); University of Arizona Law College Association Board of Directors: Member (1995--), President (2002-03)

Arizona State University Law Society; (Board of Directors 1999--)

Arizona Friends of Talking Books: President (2000-01); Board Member (2000-03)

Jazz in Arizona, Inc., Board of Directors (2000-2002)

PUBLICATIONS

- Co-author (Kenneth Sherk), Arizona Appellate Practice (1966)
- Co-author (Samuel Langerman), Actions Against Insurer for Bad Faith Failure to Settle Claim, 21 Am. Jur. Trials 229 (1974)
- "Standards for Lawyer Discipline and Disability Proceedings," 11 Capital U.L.R. 529 (1982)
- "An Overview: The New Arizona Rules of Professional Conduct," 20 Arizona Bar Journal 4 (1985)

- “LLPs Are Just Another Star Wars!” 39 S. Tex. L.R., 633 (1998)
- Co-author (Mary Gray Davidson), *Ethical Implications of Partnerships and Other Associations Involving American and Foreign Lawyers*, 22 Penn St. Int'l L. Rev. 4 (2004)
- Co-author (Sara Greene, Keith Swisher, Meghan Grabel), *On the Validity and Vitality of Arizona's Judicial Merit Selection System: Past, Present and Future*, XXXIV, No. 1 Fordham Urb. L.J. 239 (2007)
- *The 2007 ABA Model Code of Judicial Conduct: Blueprint for a Generation of Judges*, Vol. 28 The Justice Journal, No. 3 (2007)
- *Extrajudicial Comments Concerning Pending Cases: The New Code's Controversial Self-Defense Exception*, 64 N.Y.U. ANN. SURV. AM. L. (2009) (with Keith Swisher)
- *Can We Allow Justice To Become a Saleable Commodity?*, 30 Yale L. & Pol'y Rev. Inter Alia 29 (2012)

PERSONAL INTERESTS AND HOBBIES

Music (piano), physical fitness (swimming), reading

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Attorney for Jeffrey D. Moffatt, Pro-Per

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

Social Security Administration,

Complainant

v.

Jeffrey Moffatt

Respondent

**DISTRICT COURT DOCKET NO.: 2-
18-cv-07752-VBF (DFM)**

SSA DOCKET NO.: RS-17-03

**[PROPOSED] ORDER TO GRANT
RESPONDENT MOFFATT'S
MOTION TO STRIKE AND
OBJECTION TO PHANTOM STATUS
REPORT RE: PUBLIC INTEREST
CONCERNS UNDER FED. R. CIV. P.
RULE 12(f)(2), U.S.C. TITLE 18, §
1028(a)(4) AND (f), AND
CHALLENGE TO SSA DEBARMENT**

Date:

Time:

Courtroom:

Honorable Judge Valerie Baker Fairbank

ORDER granting Respondent Moffatt's Motion to Strike and Objection to
Complainant Social Security Administration's ("SSA") Phantom Status Report Re:

1 Public Interest Concerns Under Fed. R. Civ. P. Rule 12(f)(2) and United States Code
2 Title 18, § 1028(a)(4) and (f) and Challenge to SSA Debarment.

3 The Court having this matter before the Court on Respondent Moffatt's
4 Motion to Strike and Objection to Complainant Social Security Administration's
5 ("SSA") Phantom Status Report Re: Public Interest Concerns Under Fed. R. Civ. P.
6 Rule 12(f)(2) and United States Code Title 18, § 1028(a)(4) and (f) and Challenge
7 to SSA Debarment and having reviewed Complainant SSA's Status Report Re:
8 Public Interest Concerns.
9
10

11 The Court finds that Respondent Moffatt's Motion to Strike and Objection
12 to Complainant Social Security Administration's Phantom Status Report Re: Public
13 Interest Concerns Under Fed. R. Civ. P. Rule 12(f)(2) and United States Code Title
14 18, § 1028(a)(4) and (f) and Challenge to SSA Debarment, should be granted.
15

16 **IT IS HEREBY ORDERED that:**

17
18 1. Respondent Moffatt's Motion to Strike and Objection to Complainant
19 Social Security Administration's Phantom Status Report Re: Public Interest
20 Concerns Under Fed. R. Civ. P. Rule 12(f)(2) and United States Code Title 18, §
21 1028(a)(4) and (f) and Challenge to SSA Debarment, is granted.
22

23 2. The Court's 01/02/19 Minute Order remains in place, until such time as
24 the issues are adjudicated.
25
26

3. Complainant SSA pay sanctions in the amount of \$_____ for defying the Court's 01/02/19 Minute Order.

4. Complainant SSA pay for Respondent's attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 504.

Dated: _____, 2019

Senior Judge Valerie Fairbank

CERTIFICATE OF SERVICE

I hereby certify that I submitted the following documents to the U.S. District Court, they will be deemed electronically filed by the foregoing Clerk of the Court for the United States District Court CM/ECF system on, Tuesday. 8/2/19

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

RESPECTFULLY SUBMITTED,

/S_____

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

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