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SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

Martin Shoemaker, a.k.a "United States of America"
Plaintiff/Substitute Defendant

v.

Christopher M. Hansen,
(Sui Juris, a natural person,
Alleged Defendant and Fiduciary for Substitute
Defendants under Limited Power of Attorney)

Case No: 05CV00921L

JOINT DISCOVERY PLAN

Case Mgt. Conf.: Sept. 16, 2005, 9:00 a.m.
Mag. Judge Stormes

1. Alleged defendant believes proper caption for this case is that below:

Martin Shoemaker (A.K.A. United States of America), Plaintiff and Substitute Defendant

v.

*Martin Shoemaker, Substitute Defendant; Christopher M. Hansen, Involuntary Counsel for Substitute Defendant and
fiduciary for God*

...under the terms of the User/Copyright License Agreement found at:

<http://famguardian.org/disclaimer.htm>

And

<http://www.sedm.org/MemberAgreement/MemberAgreement.htm>

2. The parties conferred on August 10, 2005, regarding discovery and disclosures, in accordance with Magistrates Judge Stormes' request Setting Rule 26 Compliance and Notice of Telephonic Case Management Conference. Alleged Defendant specifies that such an order is moot and unenforceable because under 28 U.S.C. §636, parties must consent and he has already specified that he does not consent to involvement of a magistrate judge in this case. Nevertheless, the order is being implemented as evidence of good faith and not out of legal obligation. The parties discussed the nature and basis of their claims and defenses and the possibility of a prompt settlement or resolution of the case. During that discussion, Alleged Defendant specifically requested the Plaintiff and Substitute Defendant, Martin Shoemaker:

A. Describe exactly what aspect of materials allegedly authored by the Alleged Defendant are injurious or illegal. By "exactly" is meant the specific document, version number, page number, line number, and statement which contains incorrect false statements in all of the Alleged Defendant's writings. Alleged Defendant indicated that he has always

1 been able and willing to correct any inaccuracies and invites others to do so on the website, and has never been
2 approached informally or administratively by anyone in government who had that purpose. Consequently, he
3 indicated to Plaintiff, Martin Shoemaker, that he is proceeding maliciously and in bad faith and pursuing a political,
4 rather than legal end. Mr. Shoemaker had nothing to say in his defense on this subject and at no time offered to
5 review the materials of the Alleged Defendant to help him correct them and thereby avoid litigation.

6 B. Specify specifically where within the materials at issue any kind of promise or guarantee is made relating to their
7 effectiveness that might cause others to rely upon them and use them.

8 C. Identify who was hurt by the materials and the nature of the harm resulting from trust in any alleged assurances or
9 guarantees.

10 D. Why the Disclaimer posted in the materials and on the following weblinks are insufficient to meet the requirement to
11 prevent injury and/or the appearance of illegal activity relating to any of the Alleged Defendant's materials:

12 <http://famguardian.org/disclaimer.htm> (see Section 12)

13 <http://www.sedm.org/MemberAgreement/MemberAgreement.htm>

14 Instead, all the Plaintiff could do was argue about definitions and say that his definitions of the term "taxpayer" was
15 beyond the clear language found in the Internal Revenue Code 26 U.S.C. §7701(a)(14), as though he had some kind of
16 legislative power. He was asked for his credentials as a legislator, which he refused to produce.

17 Therefore, the Alleged Defendant is unable to establish facts necessary to comply in good faith with the wishes and desires
18 of the Dept of Justice or the IRS. Alleged defendant is fully aware of the state of judicial emergency existing in the
19 Southern District of California and would like to avoid the need to burden the court further, but the Plaintiff/Substitute
20 Defendant has made this end impossible to reasonably satisfy. He believes that the requirements of the government in this
21 case cannot be fully communicated without violating positive law, undermining the government's bogus case, exposing a
22 purely political agenda or making a mockery out of their real intentions and their twisted interpretation of a "code" that
23 they refuse to prove is even positive law, and therefore is nothing but a state-sponsored "religion" and false "presumption"
24 in violation of the First Amendment.

25 *"The power to create presumptions is not a means of escape from constitutional*
26 *restrictions," [New York Times v. Sullivan, 376 U.S. 254 (1964)]*

27 Consequently, settlement appears unlikely at this stage, even though Alleged Defendant has gone to extraordinary lengths
28 to cooperate and discover what and how he must proceed to satisfy not the requirements of the Plaintiff, but the
29 requirements of enacted, positive law. See sections Exhibit (2) of original answer, sections 5.4.1 through 5.4.3.6, which
30 Mr. Shoemaker was also made aware of during our conversation.

31 3. The parties agreed to the following discovery plan:

1 A. Required disclosures under Fed. R. Civ. P. 26(a)(1)(A-D) will be made, in accordance with Judge Stormes' order, no
2 later than September 9, 2005.

3 B. The parties submit the following proposed discovery plan:

- 4 i. Plaintiff: (a) defendant's alleged promotion of abusive tax programs; (b) defendant's alleged assistance in the
5 preparation of other persons' tax returns; and (c) defendant's alleged interference with the administration and
6 enforcement of the internal revenue laws.
- 7 ii. Alleged Defendant: believes discovery will be needed on the following issues. Plaintiff disagrees that discovery
8 will be needed on most of these areas. Alleged Defendant specifies that if he is not granted the discovery he
9 wishes, then he will not cooperate by asserting constitutional rights in response to all of the Plaintiff's discovery.
- 10 a Evidence relating to Probable Cause for undertaking this malicious proceeding and violation of due process.
11 No injured parties, no place of injury, and no domicile within the jurisdiction of this court were established.
- 12 b Evidence supporting the fact that Plaintiff has used or will use in this proceeding materials and evidence that
13 is licensed and therefore is subject to the terms of the prevailing Copyright/Software/User License
14 Agreement at: <http://famguardian.org/disclaimer.htm>
- 15 c Evidence supporting all contested facts identified in original Answer, Affidavit of Material Facts.
- 16 d Answers to IRS Deposition Questions included as Exhibit 11 to original Answer collected during deposition.
17 Plaintiff, under the terms of a Copyright/User license has a personal contractual obligation to answer these
18 questions and stipulate them into evidence in this case if any of the writings or statements of the Alleged
19 Defendant are used in this proceeding. To wit:

20 *"7.4 Users and readers of our materials stipulate that their duty and allegiance to*
21 *abide by this agreement is superior to their employment duties and any other agency*
22 *they may claim to be exercising. Judicial, sovereign, or official immunity are therefore*
23 *subordinate to the terms of this agreement. Readers and users of our materials agree*
24 *that any and all lawsuits in which they are participants acting by or for or as witnesses*
25 *for the Plaintiff shall be deemed to be filed by them personally, regardless of the party*
26 *which they claim to be representing or which is named on the Complaint. For instance*
27 *if a government attorney named "John Doe" quotes or uses our licensed materials in any*
28 *legal proceeding in which he or she is the Plaintiff or an agent for the Plaintiff, and files*
29 *the lawsuit in the name of the "United States", this agreement stipulates that the*
30 *definition of "United States" or "United States of America" shall instead mean "John*
31 *Doe" and John Doe stipulates that he is acting by and on his own behalf and not on the*
32 *behalf of the government of the states united by and under the Constitution of the United*
33 *States of America. This will ensure that the plaintiff or prosecuting attorney does not try*
34 *to claim that he had no authority to bind the U.S. government to abide by this*
35 *agreement. An important implication of this provision is that if John Doe prosecutes*
36 *this case on paid time for the U.S. Government, then he can and will be fired and*
37 *disciplined for conducting private business on company time."*
38

- e Evidence supporting a definition of the word “abusive” under 26 U.S.C. §6700 and the nature of parties to which such a charge applies. No positive law defines this term, which makes this proceeding a violation of due process.

"Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standards, what is prohibited and what is not in each particular case."
[Giaccio v. State of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966)]

"In the interpretation of statutes levying taxes, it is THE ESTABLISHED RULE NOT TO EXTEND their provisions, by implication, BEYOND THE CLEAR IMPORT OF THE LANGUAGE USED, OR TO ENLARGE their operations SO AS TO EMBRACE MATTERS NOT SPECIFICALLY POINTED OUT".
[Gould v. Gould, 245 U.S. 151 (1917)]

"The dividing line between what is lawful and unlawful cannot be left to conjecture. The citizen cannot be held to answer charges based upon penal statutes whose mandates are so uncertain that they will reasonably admit of different constructions. A criminal statute cannot rest upon an uncertain foundation. The crime, and the elements constituting it, must be so clearly expressed that the ordinary person can intelligently choose, in advance, what course it is lawful for him to pursue. Penal statutes prohibiting the doing of certain things, and providing a punishment for their violation, should not admit of such a double meaning that the citizen may act upon the one conception of its requirements and the courts upon another."

[Connally vs. General Construction Co., 269 U.S. 385 (1926)]

- f Evidence supporting the requirement for territorial jurisdiction outside of exclusive federal jurisdiction in the District of Columbia and the territories and possessions of the United States.
- g Identity and nature of any alleged injured parties.
- h Evidence establishing why Plaintiff believes that Alleged Defendant has forfeited sovereign immunity and thereby become subject to the exceptions to the Foreign Sovereign Immunities Act found in 28 U.S.C. §1605 and if not, why he is bringing this unnecessary suit.
- i Copies of jury lists following jury selection and prior to trial, to facilitate jury screening as required by *Test v. United States*, 420 U.S. 28 (1975) and the Sixth Amendment. All jurists MAY NOT:
- (a) Maintain a physical residence on federal territory, as required by 28 U.S.C. §1865(b)(1), because Alleged Defendant does not.
 - (b) Be “citizens of the United States” under 8 U.S.C. §1401 and NOT under the Fourteenth Amendment, as required by 28 U.S.C. §1865(b)(1), because Alleged Defendant is not.
 - (c) Be “taxpayers”, federal “employees”, or in receipt of any financial government benefit, to ensure that jury is completely impartial and a “peer” of the Alleged defendant.

4. The parties have agreed that the following specific discovery may be necessary to evaluate the case:

1 A. Written discovery propounded to the Alleged Defendant as contractual agent for the Plaintiff. See Limited Power of
2 Attorney applying to this case: <http://famguardian.org/LPOA.pdf>

3 B. Written discovery propounded to the United States by the Alleged Defendant;

4 C. Plaintiff's deposition of the Alleged defendant.

5 D. Alleged Defendant deposition of following personnel:

6 i. Martin Shoemaker (Plaintiff expects to contest the taking of this deposition).

7 ii. IRS and other government personnel (unspecified)

8 5. The parties do not anticipate the need for expert witness testimony at this time.

9 6. The parties reserve their right to conduct additional discovery within the scope and limits set forth in Fed. R. Civ. P. 26(b)
10 and to revise this plan as needs of the case dictate.

11 7. The Plaintiff and the Alleged Defendant tentatively (but not contractually) agree to commence discovery in time to be
12 completed by January 20, 2006. The maximum number of depositions taken by each party shall be 15. The maximum
13 number of interrogatories and requests for admission, and other discovery matters, shall be governed by the Federal Rules
14 of Civil Procedure and the Court's local rules. All potentially dispositive motions shall be filed within 30 days of the close
15 of discovery.

16 8. Plaintiff/Substitute Defendant attempted to censor the content of this pleading and then asked if Alleged Defendant would
17 sign the censored document. He wanted to remove evidence of the bad faith with which he as been operating to be
18 removed from this pleading, which the Alleged Defendant would not agree to. Because Alleged Defendant disagreed, this
19 pleading is filed separate from that of the Plaintiff/Substitute Defendant. Alleged Defendant apologizes for any
20 inconvenience this creates for the court.

21 9. Alleged Defendant will be filing a Cross-Complaint after the following are completed:

22 A. His deposition of the Plaintiff

23 B. His written discovery response is received

24 C. Evidence to be used in the trial is determined.

25 This may prolong discovery beyond the January 20 deadline identified above. The sooner that the Plaintiff/Substitute
26 Defendant reveals the foundation for his evidence, the more likely it will be that such a delay can be prevented.

27 10. Alleged Defendant states that he is signing this informal correspondence under illegal duress and compulsion, and that the
28 only way to remove the compulsion is to:

1 A. Compensate him justly for his time in responding to this unnecessary lawsuit, and serving as involuntary assistant to
2 the Plaintiff in prosecuting himself as an individual under the terms of the User License Agreement he has admitted he
3 is subject to based on the evidence he quoted.

4 B. Remove the forms of duress indicated.

5 11. Duress and compulsion directed against Alleged Defendant includes, but is not limited to:

6 A. Victim of violation of due process. 1 U.S.C. §204 legislative notes say the Internal Revenue Code is not positive law
7 and yet the court is “presuming” that it is without meeting the demands of the Alleged Defendant to prove that it is.

8 All presumption is a violation of due process and no proceeding may serve the interests of justice where presumption
9 is used as a substitute for real hard evidence that is not “prima facie” or “presumed” evidence:

10 *(1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive*
11 *presumption may be defeated where its application would impair a party's constitutionally-*
12 *protected liberty or property interests. In such cases, conclusive presumptions have been*
13 *held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973)*
14 *412 U.S. 441, 449, 93 S.Ct 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 US 632,*
15 *639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are*
16 *unfit violates process]*
17 *[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page*
18 *8K-34]*

19
20 *“The presumption of innocence, although not articulated in the Constitution, is a basic*
21 *component of a fair trial under our system of criminal justice. Long ago this Court stated:*
22 *The principle that there is a presumption of innocence in favor of the accused is the*
23 *undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the*
24 *administration of our criminal law.” [Delo v. Lashely, 507 U.S. 272 (1993)]*

25 B. Court is apparently presuming that I am a federal “employee” or contractor and refusing to acknowledge this
26 prejudicial presumption. 44 U.S.C. §1505(a)(1) says implementing regulations are required for all laws “having
27 general applicability and affect”, and excepts federal employees and contracts only from that requirement. Yet, there
28 are no implementing regulations under 26 U.S.C. §6700 or 7408 relating to any alleged offense, which are cited as the
29 authority for pursuing this action. Therefore, this proceeding is without jurisdiction until it proves that I am a federal
30 “employee” or contractor. See Exhibit 2, Great IRS Hoax, sections 5.4.13 for details. Under the provisions of 5 USC
31 §552(a)(1), 5 USC §553(a)(2), 26 CFR §601.702(a)(1), 31 CFR §1.3(a)(4), 44 USC §1505(a) and 26 CFR
32 §601.702(a)(2)(ii), the Plaintiff can only demonstrate jurisdiction by one of the following, none of which this court
33 has yet required him to do and which therefore is evidence of prejudice:

34 i. Producing evidence that the Alleged Defendant is either a federal contractor or “employee” and therefore an
35 “officer of a corporation” called the United States Government identified under 26 USC 6671(b) and 6700 as a
36 “person”.

ii. Producing evidence that implementing regulations exist for 26 U.S.C. §§6700 and 7408, which are the main authority cited by the Plaintiff, and which apply the provisions to other than “officers of a corporation” defined in I.R.C. 6671(b) to people who are domiciled within states of the Union and outside the “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10).

C. Subject of “involuntary servitude” towards this court, in violation of the Thirteenth Amendment, 18 U.S.C. §1581, 18 U.S.C. §1583, and 42 U.S.C. 1994.

D. Victim of breach of contract on the part of the Plaintiff as a private individual, under the terms of the Copyright/Software/User License Agreement named above to which he has consented to be a party.

E. Victim of political abuse and compelled association by the court. The Alleged Defendant identified in the Answer that his domicile is Heaven, and no place on earth, and that being compelled to answer to or associate with the laws or the “state” outside of his chosen domicile that are not criminal in nature is a disrespect of his choice of political affiliation and First Amendment rights. Alleged Defendant does not seek or wish to pay for “protection” afforded by the federal government, and resents being compelled to support or pay for or be subject to any laws that might further such alleged “protection”. His definition of “protection” is being left completely alone to support himself and completely and exclusively govern his own life. Domicile is a political choice, not a legal one, and the U.S. Supreme Court has said that no court may involve itself in strictly political matters. See:

i. <http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm>

ii. Original Answer, Exhibit 9: Article about Domicile.

iii. Original Answer, Exhibit 6: Affidavit of Citizenship, Domicile, and Tax Status.

iv. *Luther v. Borden*, 48 U.S. 1 (1849):

But, fortunately for our freedom from political excitements in judicial duties, this court [the U.S. Supreme Court] can never with propriety be called on officially to be the umpire in questions merely political. The adjustment of these questions belongs to the people and their political representatives, either in the State or general government. These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by inclination, or prejudice or compromise, often.

[. . .]

Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament of judges would be that, in such an event, all political privileges and rights would, in a dispute among the people, depend on our decision finally. We would possess the power to decide against, as well as for, them, and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence their functions and may decide on the rights which conflicting parties can legally set up under them, rather than about their formation itself. Our power begins after theirs [the Sovereign People] ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them, rather than

1 disputed points in making them. We speak what is the law, jus dicere, we speak or construe
2 what is the constitution, after both are made, but we make, or revise, or control neither.
3 The disputed rights beneath constitutions already made are to be governed by precedents,
4 by sound legal principles, by positive legislation [e.g. "positive law"], clear contracts,
5 moral duties, and fixed rules; they are per se questions of law, and are well suited to the
6 education and habits of the bench. But the other disputed points in making constitutions,
7 depending often, as before shown, on policy, inclination, popular resolves and popular will
8 and arising not in respect to private rights, not what is meum and tuum, but in relation to
9 politics, they belong to politics, and they are settled by political tribunals, and are too dear
10 to a people bred in the school of Sydney and Russel for them ever to intrust their final
11 decision, when disputed, to a class of men who are so far removed from them as the
12 judiciary, a class also who might decide them erroneously, as well as right, and if in the
13 former way, the consequences might not be able to be averted except by a revolution, while
14 a wrong decision by a political forum can often be peacefully corrected by new elections or
15 instructions in a single month; and if the people, in the distribution of powers under the
16 constitution, should ever think of making judges supreme arbiters in political
17 controversies when not selected by nor, frequently, amenable to them nor at liberty to
18 follow such various considerations in their judgments as [48 U.S. 53] belong to mere
19 political questions, they will dethrone themselves and lose one of their own invaluable
20 birthrights; building up in this way -- slowly, but surely -- a new sovereign power in the
21 republic, in most respects irresponsible and unchangeable for life, and one more
22 dangerous, in theory at least, than the worst elective oligarchy in the worst of times. Again,
23 instead of controlling the people in political affairs, the judiciary in our system was
24 designed rather to control individuals, on the one hand, when encroaching, or to defend
25 them, on the other, under the Constitution and the laws, when they are encroached upon.
26 And if the judiciary at times seems to fill the important station of a check in the government,
27 it is rather a check on the legislature, who may attempt to pass laws contrary to the
28 Constitution, or on the executive, who may violate both the laws and Constitution, than on
29 the people themselves in their primary capacity as makers and amenders of constitutions."
30 [Luther v. Borden, 48 U.S. 1 (1849)]

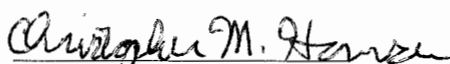
31
32 Under such circumstances, he is incapable of voluntarily consenting to anything, which renders any signatures in the
33 presence of such duress inadmissible as evidence because compelled. Until the court removes such duress and compels
34 the Plaintiff/Substitute Defendant to honor the terms of the User License he admitted being subject to, no voluntary
35 consent shall be possible under any aspect of this proceeding.

36 I declare and affirm under penalty of perjury from without the "United States" under 28 U.S.C. §1746(1), under the laws of a
37 state with a jury trial where a jury my nontaxpayer, non-citizen peers who do not collect any government benefits rules on the
38 facts and the law and all pleadings and evidence submitted by the Alleged Defendant are admitted into evidence that the
39 following facts are true and correct:

- 40 1. A sovereign natural person
- 41 2. A national but not citizen of the United States under 8 U.S.C. 1101(a)(21)
- 42 3. Not exercising agency or contractual relationship with the United States government at any time.
- 43 4. A foreign Ambassador and citizen of a foreign state called Heaven.
- 44 5. A foreign sovereign, and internationally protected person under 18 U.S.C. §112.

45 Failure to rebut the above facts with evidence to the contrary within 30 days shall constitute equitable estoppel in pais.

46
47 Dated: 9-30-05


Christopher M. Hansen
Sui Juris
Alleged Defendant
Power of attorney for Plaintiff

CERTIFICATE OF SERVICE

Republic of California)

Subscribed and Affirmed)

County of San Diego)

I, Mary Stachewicz, the undersigned mailer/server, being of sound mind and under no duress, do hereby certify, attest and affirm that the following facts are true and correct, to wit:

1. That, at the city of San Diego, County of San Diego and the Republic of Calif (statename), on the Aug 30, 2008, that, on behalf of (name) Chris Hansen, a natural person, the undersigned personally deposited the following documents (listed below) inside the envelope, sealed them and transmitted them via the carrier indicated in item 2 below, to wit:

Item #	Document Description	Number of pages
1	<u>Solo Discovery Plan</u>	<u>3</u>
2	<u>Certificate of Service</u>	<u>3</u>
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

Total of 2 () documents with combined total of 11 () pages.

2. That I personally mailed said document(s) via (initial those which apply):

☒ United States Postal Office, by regular mail, postage prepaid

☐ United States Postal Office, by **Certified Mail** # _____, Return Receipt Requested

☐ United Parcel Service (UPS), tracking number # _____

☐ Federal Express, tracking number # _____

☐ Other (specify): _____

at said City and State, one (1) complete set of **ORIGINAL/COPIED (circle one)** documents, as described in item 1 above, properly enveloped and addressed to (addressee and address):

Martin Shoemaker
Dept. of Justice
PO Box 7238
Washington, D.C. 20044

CERTIFICATE OF SERVICE

3. That I am at least 18 years of age;
4. That I am not related to Chris Hansen by blood, marriage, adoption, or employment, but serve as a "disinterested third party" (herein "Server"); and further,
5. That I am in no way connected to, or involved in or with, the person and/or matter at issue in this instant action.

I now affix my signature to these affirmations.

(Signature): Mary Stachewicz, Mailer/Server
(Printed name): MARY Stachewicz

NOTARY PUBLIC'S JURAT

BEFORE ME, the undersigned authority, a Notary Public, of the County of

_____, Republic of _____ (statename), this _____ day of _____, 20____,

_____ mailer/server did appear and was identified by
driver's license and who, upon first being duly sworn and/or affirmed, deposes and says that
the foregoing asseveration is true to the best of his/her knowledge and belief.

WITNESS my hand and official seal.

/s/ _____ SEAL

Notary Public

My Commission Expires On:

CERTIFICATE OF SERVICE