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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

XCENTRIC VENTURES, LLC, an
Arizona Limited Liability Corporation
And JABURG & WILK, P.C., a
Professional Corporation
(Plaintiffs)

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CASE NO: CIV' 10-1931 PHX NVW

v.

Shawn Richeson
(Defendant, Pro. Se.)

**MOTION FOR
FOR RULE 11(C) SANCTIONS - AGAINST
MARIA CRIMI SPETH & JABURG AND WILK P.C.**

On Tuesday, 21 September 2010 at or around 1:49PM Arizona Time, With Maria Crimi Speth, Adam Kunz and Shawn Richeson present, this Court identified and challenged the Plaintiff's pleadings and causes of action sua sponte and specifically identified the following:

- 1) All of the causes of action plead by Maria Speth were pointed out by the honorable Judge Neil Wake as having no merit and no factual basis to support them.

Original

2) Adam Kunz testified that neither Plaintiff would ever be able to meet its Burdon of proof of this Court's minimal jurisdiction of \$75,000.00.

If this Court were to allow parties and Attorneys to file frivolous damage claims and causes of action without a balancing mechanism like Rule 11(C) sanctions, the Court system would be inundated with fake claims and opportunistic Attorneys and would subsequently grind to a halt.

The fake intentional torts claimed by Maria Speth in her pleadings were never actionable and she knew this fact before filing her suit.

Richeson posted the criminal records of Jaburg and Wilk - Attorney - David Gingras on a blog.

Richeson threatened to post the criminal records of other Jaburg and Wilk Attorneys, paralegals and clients on a blog.

Maria Speth, David Gingras and Edward Magedson all post inflammatory things on a blog, attempt to extort money and cloak it all under section 230 of the CDA.

Under no plausible legal theory could Maria Crimi Speth build or prove a cause of action for slander, libel or assault.

David S. Gingras was in fact charged by the State of Arizona with multiple counts of a sexual offence. *PICTURE #1 EXHIBIT ATTACHED*

The court has available a variety of possible sanctions to impose for violations, such as striking the offending paper; issuing an admonition, reprimand, or censure; requiring participation in seminars or other educational programs; ordering a fine payable to the court; referring the matter to disciplinary authorities (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head), etc. See Manual for Complex Litigation, Second, § 42.3.

The amended Rule 11(c) now authorizes sanctions to be imposed on law firms, as well as the particular attorney who signs the offending pleading.

More specifically, Rule 11(c)(1)(A) goes on to provide that "Absent exceptional circumstances, a law firm shall

be held jointly responsible for violations committed by its partners, associates, and employees."

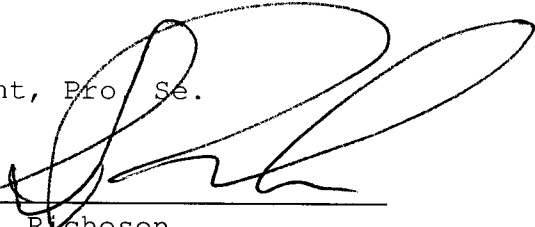
Rule 11 sanctions are properly assessed "(1) when a party files a pleading that has no reasonable factual basis; (2) when the party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; or (3) when the party files a pleading in bad faith for an improper purpose." *Worldwide Primates, Inc. v. McGreal*, 87 F.3d 1252, 1254 (11th Cir. 1996). "[T]he selection of the type of sanction to be imposed lies within the district court's sound exercise of discretion." *Donaldson v. Clark*, 819 F.2d 1551, 1557 (11th Cir. 1987) (en banc).

In this instance a fine payable to this Court and striking the Plaintiff's Pleadings "with prejudice" is both just and appropriate.

Wherefore the Defendant respectfully prays that this Court sanction Maria Crimi Speth and the law firm of Jaburg and Wilk P.C. with a monetary fine and strike the Plaintiff's pleadings with prejudice.

Respectfully submitted to this honorable Court this Sunday
the 26th day of September 2010.

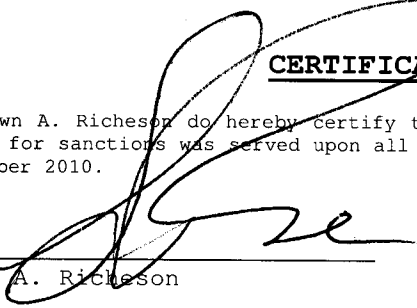
Defendant, Pro Se.



Shawn A. Richeson
1906 Twilight Drive
Killeen, Texas 76543
Shawn@ClickaNerd.com

CERTIFICATE OF SERVICE

I, Shawn A. Richeson do hereby certify that a true and correct copy of this Defendant's motion for sanctions was served upon all parties and attorneys this Sunday the 26th day of September 2010.



Shawn A. Richeson

TO: United States District Clerk
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street
Phoenix, AZ 85003

Please file this in cause of action **10-1931 PHX NVW**

13-1405. Sexual conduct with a minor; classification; definition

A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral **sexual contact with any person who is under eighteen years of age.**

B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is the minor's parent, stepparent, adoptive parent, legal guardian, foster parent or the minor's teacher or clergyman or priest and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed has been served or commuted.

C. For the purposes of this section, "teacher" means a certificated teacher as defined in section 15-501 or any other person who directly provides academic instruction to pupils in any school district, charter school, accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.



> **David Gingras**

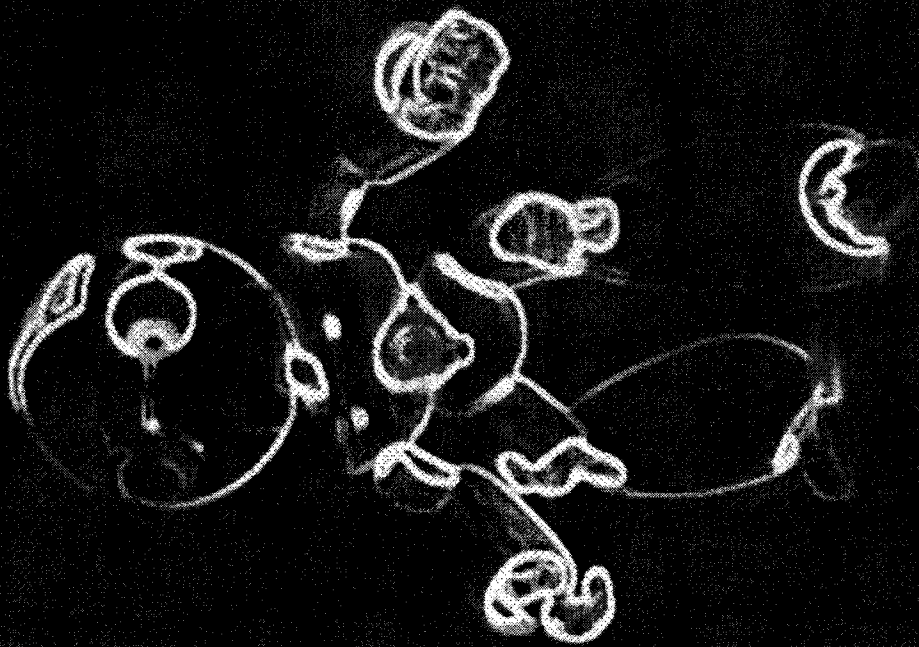
Maricopa County

charged with 12 counts
of sexual indecency
with a minor in Arizona

Jaburg and Wilk P. C.
Hired this Attorney

The person he molested
was a child.

EXHIBIT 1



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