# IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA Pensacola Division

STATE OF FLORIDA, by and through	)	
BILL McCOLLUM, et al.,	)	CASE No. 3: 10-cv-91
Plaintiffs,	)	
Vs.	)	
UNITED STATES DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES, et al.,	)	
Defendants,	)	

ENTRY OF APPEARANCE FOR THE PEOPLE OF THE STATE OF OKLAHOMA BY PRIVATE ATTORNEY GENERAL, STEPHEN P. WALLACE

Comes now PRIVATE ATTORNEY GENERAL, for the PEOPLE OF THE STATE OF OKLAHOMA, ex rel., Stephen P. Wallace, who Re-alleges and Readopts ALL CAUSES OF ACTION filed heretofore stating:

- 1) Provisions under the PRIVATE ATTORNEY GENERAL entrust STANDING to enter the instant Case, including precedent established by the U.S. Supreme Court in "U.S. vs. Bivens", where the Defendants can be named as Individuals, as well as Officials; [Exhibit A]
- 2) The Attorney General of the State of Oklahoma is in alleged BREACH of TRUST & DUTY to the People of the State of Oklahoma; [Exhibit B]
- 3) The Supreme Court of the United States has previously recognized PRIVATE ATTORNEY GENERAL; [Exhibit C]

WHEREFORE, PRIVATE ATTORNEY GENERAL, et al., further allege that this CASE centers around matters of "NATIONAL FINANCIAL SECURITY" warranting expedited judicial/legislative Determinations of "Findings of Fact" & "Conclusions of Law". Respectfully submitted,

Private Attorney General, ex rel.,

Stephen P. Wallace 6412 E. 96<sup>th</sup> Street Tulsa, Ok. 74137 (918) 694-1870

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#### **AFFIDAVIT**

I swear/affirm that the foregoing is true and correct.

	Stephen P. Wallace
State of M. 55000'	
County of <u>5flbus</u>	<del></del>
Stephen P. Wallace appeared before me that this Document.	his 14 day of April, 2010 and signed

LINDA HERKENHOFF Notary Public - Notary Seal State of Missouri Commissioned for St. Louis County
My Commission Expires: May 16, 2010
06482278

### Private attorney general

From Wikipedia, the free encyclopedia

A private attorney general is a private party in the United States who brings a lawsuit that is considered to be in the public interest, i.e. benefiting the general public and not just the plaintiff. The private attorney general is entitled to recover attorney's fees if he or she prevails. The purpose of this principle is to provide extra incentive to private citizens to pursue suits that may be of benefit to society at large.

### **Examples of application**

Most civil rights statutes rely on private attorneys general for their enforcement. In Newman v. Piggie Park Enterprises, 390 U.S. 400 (http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=390&page=400) (1968) - one of the earliest cases construing the Civil Rights Act of 1964, the United States Supreme Court ruled that "A public accommodations suit is thus private in form only. When a plaintiff brings an action . . . he cannot recover damages. If he obtains an injunction, he does so not for himself alone but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest priority." The United States Congress has also passed laws with "private attorney general" provisions that provide for the enforcement of laws prohibiting employment discrimination, police brutality, and water pollution. Under the Clean Water Act, for example, "any citizen" may bring suit against an individual or a company that is a source of water pollution.

Another excellent example of the "private attorney general" provisions is the Racketeer Influenced and Corrupt Organizations (RICO) Act. RICO allows average citizens (private attroney generals) to sue those organizations that commit mail and wire fraud [[1] (http://www.barbclark.org/)] as part of their criminal enterprise.

#### Civil Rights Attorney's Fees Award Act

he U.S. Congress codified the private attorney general principle into law with the enactment of Civil Rights attorney's Fees Award Act of 1976, 42 U.S.C. § 1988 (http://www.law.cornell.edu/uscode/42/1988.html). The Senate eport on this statute stated that The Senate Committee on the Judiciary wanted to level the playing field so that rivate citizens, who might have little or no money, could still serve as "private attorneys general" and afford to bring zions, even against state or local bodies, to enforce the civil rights laws. The Committee acknowledged that, "[i]f rivate citizens are to be able to assert their civil rights, and if those who violate the Nation's fundamental laws are not proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights court." Where a plaintiff wins his or her lawsuit and is considered the "prevailing party," § 1988 acts to shift fees, cluding expert witness fees [at least in certain types of civil rights actions, under the Civil Rights Act of 1991, even if it in § 1983 actions], and to make those who acted as private attorneys general whole again, thus encouraging the forcement of the civil rights laws. The Senate reported that it intended fee awards to be "adequate to attract mpetent counsel" to represent client with civil rights grievances. S. Rep. No. 94-1011, p. 6 (1976). The U.S. Supreme ourt has interpreted the act to provide for the payment of a "reasonable attorney's fee" based on the fair market value the legal services. [[2] (http://www.barbclark.org/)] Private Attorney General Barbara Clark

trieved from "http://en.wikipedia.org/wiki/Private\_attorney\_general"

tegory: Civil procedure

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## Office of Attorney General State of Oklahoma

February 18, 2009

Mr. Stephen P. Wallace 6528 E. 101<sup>st</sup>, D-1 #304 Tulsa, Oklahoma 74133

Dear Mr. Wallace:

Thank you for your letter and enclosures. I have forwarded the information you sent to Assistant Attorney General Joel-lyn McCormick, Director of the Multi-County Grand Jury Unit. She will make the initial determination as to whether there has been criminal activity within the jurisdiction of this office.

To the extent these matters are civil, you should continue to consult with your own attorney.

Sincerely,

W.A. DREW EDMONDSON ATTORNEY GENERAL

MA Edward

WAE:seh

cc: Joel-lyn McCormick

Assistant Attorney General

Robert Mitchell



# SUPREME COURT OF THE UNITED STATES OFFICE OF THE CLERK WASHINGTON, DC 20543-0001

February 19, 2010

Stephen P. Wallace Private Attorney General 6412 E. 96th Street Tulsa, OK 74137

RE: Stephen P. Wallace

D.C. Dist Ct 09-cv-01234

Dear Mr. Wallace:

In reply to your submission, received February 19, 2010, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.

This Court has no authority to institute or conduct investigations.

Your papers are herewith returned.

Sincerely,

William K. Suter, Clerk

Danny Bickell (202) 479-3024

Enclosures

