

FILED

FEB 17 2010

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

ANDY MARTIN,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 3:09-3295-JES-CHE
)	
WASHINGTON POST COMPANY,)	
et al.,)	
Defendants.)	

MOTION TO VACATE ORDER OF DISMISSAL
AND TO EXTEND TIME FOR RESPONSES

Plaintiff moves the Court pursuant to F.R.Civ.P. 59 to vacate the order of dismissal in this case and to extend Plaintiff's time to respond up to and including March 3, 2010.

The Court has plenary power to set aside an improvident dismissal within ten days of entry. The apparent facts which are documented in attached Exhibits A-E raise serious questions of notice, etc.

1. Plaintiff has never received any orders from the Court at the address that he designated for primary notice. Plaintiff designated on his original complaint a primary notice address at his National Litigation Center (see attached excerpts filed as Exhibit A) in New York. The Clerk of this Court may have sent notices only to Chicago, where mail service is notoriously

difficult and delayed (Exhibit E). In Chicago, Plaintiff is still receiving January-related mail in February. There is no explanation why the Clerk of this Court did not enter New York as the primary mailing address (Exhibit D). Plaintiff received no notice of any orders or actions by this Court.

2. Plaintiff's sole source of notification was one of the creeps who is a defendant in this action, who has set up bogus e-mail addresses and blogs to harass plaintiff, all as part of Barry Obama's smear operations against Plaintiff, see attached Exhibits B and C which are an e-mail and blog entry announcing this Court's action. Other than these notifications, Plaintiff has received nothing.

3. This lawsuit raises important questions concerning theft of property by supporters of Barry Obama, against the Plaintiff, seeking to disrupt, inter alia, Plaintiff's writing, inquiries and political activity concerning Obama's academic and familial history.

4. The docket sheet in this case also appears to have been doctored or left incomplete. Plaintiff checked on PACER (see attached pages filed as Exhibit D) where there is no record on PACER of any activity by this Court since December. The fact that PACER shows no action since December is persuasive evidence that Plaintiff has been the victim of some sort of stealth litigation by this Court or someone within the Court. Although Plaintiff requested notification by e-mail and fax (see attached

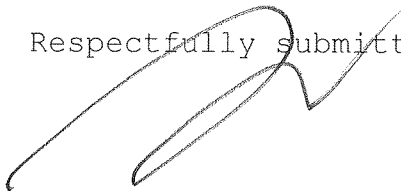
Exhibit A), he has ever received any such communication from the Court. With PACER being blank, there is no way any reasonable person could be aware that the Court was taking action.

CONCLUSION

Plaintiff asks the Court to vacate any orders of dismissal in this lawsuit and to extend Plaintiff's time to respond to March 3, 2010. By separate motion, Plaintiff asks the Court to resolve the problems of notice.

DATED: February 16, 2010

Respectfully submitted,



ANDY MARTIN

NATIONAL LITIGATION CENTER
P. O. Box 1851
New York, NY 10150-1851
Toll-free tel. (866) 706-2639
Toll-free fax (866) 707-2639
E-mail: AndyMart20@aol.com (text only)

Additional courtesy copy requested to:

ANDY MARTIN
REGIONAL LITIGATION SUPPORT
30 E. Huron Street, Suite 4406
Chicago, IL 60611-4723

**SERVICE OF NOTICES IS RESPECTFULLY
REQUESTED BY FAX OR E-MAIL**

Additional e-mail address available
upon request

CERTIFICATE OF SERVICE

I certify I have served the defendants and their attorneys as follows:

By fax:

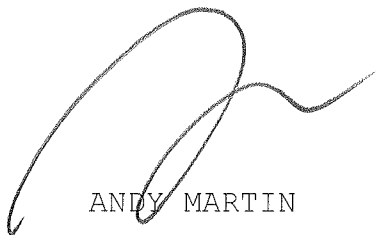
Donald Craven, Esq. (217) 544-0713

Thomas Kelty, Esq. (217) 726-8300

By mail:

John Gilchrest,
Scott Shirley,

on February 16, 2010.



ANDY MARTIN

IN THE CIRCUIT COURT
FOR THE SEVENTH JUDICIAL CIRCUIT OF ILLINOIS
SPRINGFIELD, ILLINOIS

ANDY MARTIN,)
)
Plaintiff,)
)
vs.)
)
) IN CHANCERY
WASHINGTON POST COMPANY,)
DANIEL MORSE, SCOTT SHIRLEY)
D/B/A/ ADR PRODUCTIONS,)
GOOGLE, INC.,)
JOHN GILCHRIST,)
A/K/A JOHN BORLAZA,)
JIM BROSEMER,)
MONTGOMERY COUNTY,)
MARYLAND,)
JOHN J. MCCARTHY,)
JOHN DOE AGENT OF MARK and/or)
KIRK BARACK HUSSEIN OBAMA)
WILLIAM G. SIMMONS,)
EUGENE WOLFE, CHERYL MCCALLY)
)
Defendants.)

CASE NO. _____

COMPLAINT

Introduction

The 1972 Watergate Conspiracy began as a "third-rate burglary," and culminated in a national scandal exposed by the Washington Post. This lawsuit arises out of a mini-Watergate scandal, in which a small-time huckster and extortionist, Scott Shirley, has combined with Plaintiff's political opposition to harass Plaintiff's professional and political activity using

Exhibit A- 3 pages

4. Legal claim

a. Throughout the controversy which Shirley has manufactured, Shirley has claimed he only had a "contract" with Gilchrist/Borlaza.

b. In point of fact, District of Columbia law follows traditional third-party beneficiary contract law, Western Union v. Massman Construction, 402 A.2d 1275, 1277 (Dc App. 1979).

c. Although Gilchrest/Borlaza was paying for the work, he did not claim any interest in either the intellectual property or the evidence of the intellectual property (the tapes) that was being created by the Plaintiff.

d. Shirley has constantly cooked up imaginary defenses having no basis in law to frustrate Plaintiff's contractual ownership rights in the original tapes, all in violation of the three-party contract agreed to between the parties.

e. Plaintiff has a right as a beneficiary to seek possession of his tapes.

5. Demand for Judgment

a. Plaintiff seeks the same relief as sought in Count One.

DATED: August 27, 2009

Respectfully submitted,

ANDY MARTIN

NATIONAL LITIGATION CENTER
P. O. Box 1851
New York, NY 10150-1851
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30 E. Huron Street, Suite 4406
Chicago, IL 60611-4723

**SERVICE OF NOTICES IS RESPECTFULLY
REQUESTED BY FAX OR E-MAIL**

Additional e-mail address available
upon request

Subj: **Your Current Lawsuit**
Date: 2/9/2010 3:40:18 P.M. Eastern Standard Time
From: andyforussenate2010@yahoo.com
To: AndyforUSSenator@aol.com
Anthony Robert Martin-Trigona's Lawsuit

God Bless America

Bogus address

Exhibit B

Share Report Abuse Next Blog»

Create Blog Sign In

Andy Martin, The Ass Behind The Mask

We hope to offer information at one site on all the antics of the political wanna-be Andy Martin formally known as Anthony Robert Martin-Trigona. Almost all post are stories taken from other sites with credit given to the original author.

Sunday, February 14, 2010

Andy Martin's (aka Anthony Robert Martin-Trigona) Lawsuit Against Washington Post is Dismissed by Judge.

Judge Jeanne E. Scott on 2/10/2010 dismissed a \$225,000 lawsuit filed by Andy Martin against the Washington Post and several other defendants for Martin's failure to abide with a previous injunction requiring Martin to list all his previous history of litigation when filing any lawsuits. The order reads:

TEXT ORDER: The following Motions are ALLOWED: Combined Motion and Supporting Memorandum of Defendant Daniel Morse to Dismiss this Action for Plaintiff's Violation of Injunction Order Requiring Plaintiff to Disclose His Pro Se Litigation History (d/e 3); Defendant Daniel Morse's Rule 12 Motion to Dismiss or, in the Alternative, Motion to Transfer Under 28 U.S.C. Â§ 1404 and to Defer Briefing on this Motion (d/e 4); Motion to Quash Service of Summons and to Dismiss Complaint for Lack of Personal Jurisdiction (d/e 7); Combined Motion and Supporting Memorandum of Defendant Montgomery County to Dismiss this Action for Plaintiff's Violation of Injunction Order Requiring Plaintiff to Disclose His Pro Se Litigation History (d/e 9); Defendant Montgomery County's Rule 12 Motion to Dismiss or, In the Alternative, Motion to Transfer Under 28 U.S.C. Â§ 1404 and to Defer Briefing on this Motion (d/e 10); Defendant Scott Shirley's Motion to Dismiss for Lack of Personal Jurisdiction (d/e 12); and Defendant John Gilchrist's Motion to Dismiss for Lack of Personal Jurisdiction (d/e 13). This Court ordered Plaintiff to respond to these Motions; however, he has not done so, and so, he is deemed to have no opposition to the Motions. Text Order entered January 8, 2010; Text Order entered January 21, 2010; Local Rule 7.1(B)(2). All claims against Defendants Daniel Morse and Montgomery County, Maryland, are dismissed with prejudice. All claims against Defendants Scott Shirley and John Gilchrist are dismissed for lack of personal jurisdiction. Defendants Morse, Montgomery County, Maryland, Shirley, and Gilchrist are dismissed from this action. The Motion of Defendant Daniel Morse for Order Granting Leave to David P. Sanders and Wade R. Thomson to Appear Pro Hac Vice (d/e 5) is denied as moot. Entered by Judge Jeanne E. Scott on 2/10/2010. (CC, lld) (Entered: February 10, 2010).

The lawsuit may be seen in it's entirety in our September 22, 2009 posting at [Another Frivolous Lawsuit Filed by Andy Martin.](#)

All orders pertaining to Martin's lawsuit may be seen at [Justia](#).

Video Bar



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Exhibit C

REFER, REMOVAL

**U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Springfield)
CIVIL DOCKET FOR CASE #: 3:09-cv-03295-JES-CHE**

Martin v. Washington Post Company et al
Assigned to: Judge Jeanne E. Scott
Referred to: Magistrate Judge Charles H. Evans
Case in other court: Sangamon County, IL, 09-CH-737
Cause: 28:1441 Notice of Removal- Civil Rights Act

Date Filed: 11/10/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Andy Martin

represented by **Andy Martin**
Suite 4406
30 E Huron St
Chicago, IL 60611
866-706-2639
PRO SE

V.

Defendant

Washington Post Company

Defendant

Daniel Morse
TERMINATED: 02/10/2010

represented by **Donald M Craven**
CRAVEN LAW OFFICE
1005 N Seventh St
Springfield, IL 62702
217-544-1777
Fax: 217-544-0713
Email: dmcraven@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Scott Shirley
TERMINATED: 02/10/2010
doing business as
ADR Productions
TERMINATED: 02/10/2010

represented by **Scott Shirley**
4703 Kemper Street
Rockville, MD 20853
PRO SE

Defendant

Google Inc

Defendant

Exhibit D - 3 pages

John Gilchrist
 TERMINATED: 02/10/2010
 also known as
 John Borlaza
 TERMINATED: 02/10/2010

represented by **John Gilchrist**
 3305 Peoria Ave
 Beggs, OK 74421
 PRO SE

Defendant

Jim Brosemer

Defendant

Montgomery County Maryland
 TERMINATED: 02/10/2010

represented by **Thomas W Kelty**
 ARMSTRONG TEASDALE LLP
 One Metropolitan Square
 Suite 2600
 St Louis, MO 63102-2740
 217-726-8200
 Fax: 217-726-8300
 Email: twk@keltylaw.net
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

John J McCarthy

Defendant

John .. Doe
 Agent of Mark Kirk and/or Barack
 Hussein Obama

Defendant

William G Simmons

Defendant

Eugene Wolfe

Defendant

Cheryl McCally

Date Filed	#	Docket Text
11/10/2009	<u>1</u>	NOTICE OF REMOVAL from Sangamon County, IL, case number 09-CH-737 (Filing fee \$350.00, Receipt 34626001958), filed by Defendant Daniel Morse. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet)(CC, ilcd) (Entered: 11/10/2009)
11/10/2009	<u>2</u>	NOTICE OF FILING re <u>1</u> Notice of Removal, (Craven, Donald) (Entered: 11/10/2009)
12/18/2009	<u>3</u>	MOTION to Dismiss <i>This Action For Plaintiff's Violation of Injunction Order</i>

		<i>Requiring Plaintiff to Disclose His Pro Se Litigation History</i> by Defendant Daniel Morse. Responses due by 1/4/2010 (Attachments: # <u>1</u> Exhibit Exhibit A - 6/25/07 Order, # <u>2</u> Exhibit Exhibit B - 10/21/08 Order, # <u>3</u> Exhibit Exhibit C - Order & Transcript, # <u>4</u> Exhibit Exhibit D - Maratin-Trijona v. Chicago Tribune, # <u>5</u> Exhibit Exhibit E - Sanction Order, # <u>6</u> Exhibit Exhibit F - 1/7/08 Order, # <u>7</u> Exhibit Exhibit G - Martin v. Suarez)(Craven, Donald) (Entered: 12/18/2009)
12/18/2009	<u>4</u>	Quarterly MOTION to Dismiss (<i>Rule 12</i>) or, in the Altrnative, Motion to Transfer Under 28 U.S.C. Section 1404 and to Defer Briefing on this Motion by Defendant Daniel Morse. Responses due by 1/4/2010 (Craven, Donald) (Entered: 12/18/2009)
12/18/2009	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice for <i>David P. Sanders and Wade R. Thomson</i> by Defendant Daniel Morse. Responses due by 1/4/2010 (Craven, Donald) (Entered: 12/18/2009)
12/21/2009	<u>6</u>	NOTICE of Appearance of Attorney by Thomas W Kelty on behalf of Montgomery County Maryland (Kelty, Thomas) (Entered: 12/21/2009)
12/21/2009	<u>7</u>	MOTION to Dismiss for Lack of Jurisdiction, MOTION to Quash <i>Service of Summons</i> by Defendant Montgomery County Maryland. Responses due by 1/7/2010 (Kelty, Thomas) (Entered: 12/21/2009)
12/21/2009	<u>8</u>	MEMORANDUM <i>in support</i> re <u>7</u> MOTION to Dismiss for Lack of Jurisdiction MOTION to Quash <i>Service of Summons</i> by Montgomery County Maryland. (Kelty, Thomas) (Entered: 12/21/2009)
12/21/2009	<u>9</u>	MOTION to Dismiss by Defendant Montgomery County Maryland. Responses due by 1/7/2010 (Kelty, Thomas) (Entered: 12/21/2009)
12/21/2009	<u>10</u>	MOTION to Dismiss <i>Rule 12 Motion to Dismiss</i> , MOTION to Transfer Case and Defer Briefing by Defendant Montgomery County Maryland. Responses due by 1/7/2010 (Kelty, Thomas) (Entered: 12/21/2009)
12/21/2009	<u>11</u>	DOCUMENT STRICKEN PER 1/21/10 TEXT ORDER. ANSWER to Complaint (Notice of Removal) by Defendant John Gilchrist(CC, ilcd) Modified on 1/21/2010 (CC, ilcd). (Entered: 12/22/2009)
12/21/2009	<u>12</u>	MOTION to Dismiss for Lack of Personal Jurisdiction by Defendant Scott Shirley. Responses due by 1/7/2010 (Attachments: # <u>1</u> Exhibits)(CC, ilcd) (Entered: 12/22/2009)
12/21/2009	<u>13</u>	MOTION to Dismiss for Lack of Personal Jurisdiction by Defendant John Gilchrist. Responses due by 2/8/2010 (CC, ilcd) (Entered: 01/21/2010)

PACER Service Center		
Transaction Receipt		
02/15/2010 17:43:08		
PACER Login:	am0669	Client Code:

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Report: Postmaster says Chicago mail delivery 'worst'

April 11, 2007

(AP) — U.S. Postmaster General John E. Potter has outlined a plan to add mail carriers and technicians to Chicago's postal service, calling the city's mail delivery "the worst" nationwide, according to a published report.

Potter said the postal service will hire 200 more letter carriers, 25 technicians and an outside firm to monitor how quickly letters arrive, the Chicago Tribune reported in its Wednesday editions.

The plan also includes adding new technology to detect problems with machinery and improving employee training.

"Chicago is my No. 1 priority because it has the worst mail delivery service in the country," Potter said. He was in Chicago Tuesday to prep for congressional hearings next week.

Chicago residents should see a difference in mail delivery within six months, Potter said. Sixty-five of the new letter carriers have been hired since February.

The problems with Chicago's mail delivery were first reported by the Chicago Sun-Times last month.

Postal officials said 91% of letters mailed to address in the city are delivered within one day; the national average is 95%.

Chicago's delivery rate will be "better than average for the country two years from now, which is really where the focus has to be," Potter said.

He said that the city's mail problems were caused by failed policies of former Chicago Postmaster Kelvin Mack. Mack still works with the Postal Service, but is no longer in Chicago. Officials declined to say where he works.

The changes will cost more than \$11 million, but taxpayer money won't be used, according to U.S. Postal Service spokesman Mark Reynolds.

Exhibit E-2 pages

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Neighborhoods

With Mark Konkol

Chicago mail is still the WORST IN THE NATION!

By Mark Konkol November 20, 2007 10:18 AM | Permalink | Comments (9) | TrackBacks (0)

Maybe mail service in Chicago ain't ready for reform.

It's been more than a year since mail delivery service here reached the seventh circle of hell — when our mail from across town would show up weeks late, bills and sale fliers arrived after after our payments were due and sales were over — and our overnight delivery remains the worst in the country.

Worse than New York City.

But the spin coming from the mail service is that "improving scores in Chicago show that several changes to the city's delivery system in recent months are working. Among the moves made in 2007 by Postmaster Gloria Tyson was to hire 337 new mail carriers.

"We seen a consistent trend pointing upward," spokesman Mark Reynolds told AP. "We think we still can continue to make progress."

The improvement Reynolds is talking about isn't much given all the "improvements" being made after public officials raised a stink in March following I reported about the mail delivery problems folks were complaining about all over the city.

Especially since U.S. Postmaster General John Potter came to town a few days later and promised improvements fast.

Overnight mail between Chicago Zip codes made it to the correct address the next day 94 percent of the time. Up from a dismal. 91 percent between June and September 2006.

But are they setting the bar high enough?

U.S. Mail spokesman Mark Reynolds says an overhaul of the sorting equipment at the main downtown office is finished, and efforts to correct errors in the city's database of addresses also should end soon.

He predicted that Chicago no longer will be known for the country's worst mail service by the end of next year.

How about shooting for something better than that. After putting up with horrible mail service — for decades, really — Chicago deserves better.

Has your mail delivery improved? Is it worse? Has the mail service been responsive to your complaints? Tell your stories here.

Categories: Where's my mail?

0 TrackBacks

Listed below are links to blogs that reference this entry: Chicago mail is still the WORST IN THE NATION!

TrackBack URL for this entry: <http://blogs.suntimes.com/cgi-bin/mt-tb.cgi/4949>

9 Comments

By PortageParkResident on November 25, 2007 11:27 AM

Worst in the nation maybe doesn't cut it.

While on vacation in September, in a different state, I sent 2 postcards. One went to India (you know a different country!) and one was sent back to 60707 (Chicago not Elmwood Park!)

The postcard to India was delivered to its destination in 6 days. The postcard to Chicago took 3 weeks!!!! I was already home by the time it arrived.

Postal service is worse than in a "developing country".

By SouthSide Girl on December 12, 2007 5:11 AM

It's worst in the world.Old Time delivery by horse was probably faster than mail delivery here. I'm gotten postcards advertising sales weeks later after the sale has ended. Weekly magazines arrive weeks later and sometimes not at all. Mail arrives damaged. I get magazines ripped and torn to bits. On top of that, the carriers can't deliver right. I get mail that isn't