

FILED

MAY 20 2009 EA

United States District Court

Northern District of Illinois

Eastern Division

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.David E. Smith
v.
Publishers Clearing House LLCCase Number - 08-C-2413
Honorable Judge, Dow, JR.

Motion for Recovery, Judgment

Some of us believe in the Trinity of God ' God The Father and the Son and the Holy Spirit . And some folks think three is a good number . Plaintiff David E. Smith has 3 Rights to Sue and 3 Causes of Action against Publishers Clearing House and three contracts sign by Plaintiff and return to PCH . Smith signed and return papers to office of PCH two or three different times for each Exhibit it's possible more papers will be sign before the complaint is all over and the dust settle, when the battle is all over we will shout for joy.

When I look at Exhibit (1) \$3-5 million dollars I think of the many needs I have for money.
Smith fort hard foir no(2) \$5,376.600.00 I have seen in the papers & TV people win big.
Wife and I can dance (3) \$13,5- million dollars or more can have a good time with family , love ones.

The most important thing to know about a lawsuit is whether the person bringing it has the right to do so, the right to sue is call a cause of action. if party doesn't have at least one legitimate cause of action i.e. at least one legal right to file his lawsuit. The plaintiff wins. Causes of action arise from breaches of duty for example a contract creates a duty, if the other side breaches the contract, the cause of action is for breach of contract. Everyone has a duty to be careful around others , breach of the duty to be careful is called negligence.

(of)

Exhibit number four is in support three listed above . For the three exhibits here-in listed I received three Bullentins and with each Bulletin carry many papers all in the same envelop, from Publishers Clearing House's Address 101 Winners Circle, Port Washington New York, 11050. To , David E, Smith 6546 South Stewart Avenue Chicago, Illinois 60621 .

The Bulletin contain much information about the contract and papers for me to sign and return to P.C.H. and orders was for me fill out papers, answer questions, not make, on copies, and time limit set when these documents had to be back in their office. The contract said what the Odds of winning were.

The only way I knew that I had been Selected from many entries I return to Publishers Clearing House LLC
101 Winners Circle Port Washington
New, York
11050

Over a year and after I for-got I sent the Three Exhibits above . I notices in the mail, and I sign papers, Having my name & address, and I began to see as Exhibit (4) my name on each stamp. contract give ECH the right to use my name in their business, but I am yet waiting for breached contract pay.

David E, Smith
5/15/09

OVER

=====

UNITED STATES DISTRICT COURT
Northern District of Ill.
Eastern Division

David E,Smith

JUDGMENT IN A CIVIL CASE

v.

Case Number 08 C 2413

Publishers Clearing House,LLC

- 11 Jury Verdict.This action came before the Court for a trial by Jury.The issues have been tried and the jury rendered it's verdict.
- 11 Decision by Court.This action came to trial or hearing before the Court grants Defendant Publishers Clearing House,LLC's motion for summary judgment. but before that grant,The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that the Court grants Defendant Publishers Clearing House LLC's motion for summary judgment (6) Plaintiff's motion (23) is denied as moot,and the Court enters judgment in favor of Defendant PCH and against David E,Smith on all claims.

§ 101.91 Purposes of Mootness Doctrine

The Supreme Court has long held that "federal courts are without power to decide question that can't affect the rights of litigants in the case before them. if a case is found to be moot,it is assumed that the rights of the litigants can no longer be affected by a judicial decision.

To a extent,the theoretical foundation of the concept of mootness stems from constitutional precepts .

UNITED STATES V.Chevron USA .,Inc., 186 F3d 644.646 (5th Cir.1999 (production of documents in response to subpoenas and civil investigation demands did not moot appeal from order compelling compliance ,given continuing disputes regarding governing protective order and differences between sets of documents and protections offered by subpoenas and civil investigation demands).

Randolph v. Rodgers , 170 F.3d 850,856-857 (8th Cir.,1999) (hearing-impaired inmate's suit for injunctive relief based on failure to provide sign language interpreter was not mooted by inmate's transfer because suit asserted claims directly against state department of correction which controlled both prisons and requisite funding).

3.1 Case not moot if plaintiff retains some personal stake.

Plaintiff retains Causes of Action for breach of contracts. The most important thing to know about a lawsuit is whether the person bringing it has a right to do so. The right to sue is called a cause of action. If a party doesn't have at least one breach of duty / legal right to file his lawsuit Plaintiff win / or defendant win.

David E. Smith holds over three signed agreements breached contracts by The Publishers Clearing House LLC ,. this is legitimate cause of action .i.e. \$ 101.92 Issue Can Be Raised at Any Time.

Any party may raise the issue of mootness at any time .! Further it is the court's duty to raise and decide the issue on its own motion if facts come to its attention suggesting mootness , even if both parties are silent on the subject 2.

The Plaintiff believe that defendants have no cause of action against him, they are only trying to use whatever laws that they can get away with to block Smith from receiving his rightful pay.

Defendants said ,D. Smith didn't say this ,Smith didn't say that he was signing with Vollmer case for 411.72, this is lie, if they can't prove what they said to be true ,Plaintiff win, they have the burden.

Exhibit (A) is what Smith filed for., in Southern Illinois amount \$5,376,600.00.

Also the court can see the copy of front of the envelope with \$10-Million Dollar Agreement by Smith about 2/19/07 and signed by Daniel, Daniel treasurer of Publishers Clearing House LLC. And copy of \$3-5 Million Dollars Won by Smith.

(the agreement were signed by Daniel and Smith and others) Feb.-19-2007 and both cases now hung in moot.

Submitted By David E, Smith
May 4, 2009

WHEREFORE, for all of the foregoing reasons, Publisher Clearing House LLC respectfully request that this Honorable Court:

A.. Grant the plaintiff Motion and award judgement as a matter of law and all lawsuits that was files between 1997 to 2001 that P.H. award plaintiff the winners should collect his winning in the amount of \$ 13,565,000 for P.H. did mislead and Fraud the plaintiff (David Smith) was denied him of his right to all his prizes winner that was sent to him from Publisher Clearing House 1997 Thu 2000.

David Smith giveaway number our # 375 ,525, 450 which P.H. declaration him David Smith the winner for those sweepstakes

B. Plaintiff is ask the court to award DAVID E. SMITH to paid all fee court cost, and an expense include legal fee plus all interest that plaintiff would have earned from his winners that plaintiff would have earned from the period of 1997 to 2008. An that the court rule to expedite the plaintiff judgement Ten Years is long enough to wait for your winner prizes .

Dated: May 28, 2008

Respectfully Submitted,

David E Smith

By: _____

(1)

CAST6WA



PUBLISHERS CLEARING HOUSE

COMPUTER AUDIT FORM

Giveaway No.: Prize to be awarded:
 525 \$3,500,000.00
 CASH AT ONCE

FOR JULY
1997 ENTRY

Contender Status:
 1ST PLACE CONTENDER RIGHTS EXTENDED

Contender's Name & Address:

Prize No.:
 79 3028 2140

Verified By:

D.A.

***** 5-DIGIT 60621
1993 19

Award Date:
 OCTOBER 15, 1998

DAVID E SMITH
 6546 S STEWART AV
 CHICAGO IL 60621-3140

Award Time:
 7:00 PM

**ALERT!
PRIZE CLEARANCE
VERIFIED.**

FOR INFORMATION SERVICES USE ONLY

Do not write in this space

REPORT COPY - KEEP FOR YOUR RECORDS.

DOROTHY S. SMITH
CLERK OF CIRCUIT COURT
LAW DIVISION

08 FEB -3 PM 4:35

FILED-5

(2)



GUARANTEED CASH WINNER

(Exhibit (A))

Farmers State Bank

Account: Generating Funds:

Transferring Account:

Publishers Clearing House

PCH Giveaways No. 525 & No. 599

Amount of Funds Being Transferred:

Name & Address of Individual Eligible to Receive Funds:

\$5,376,600.00
(See information below)

**** ECRLOT ** C045
546 4

Contest Status:

DAVID E SMITH
6546 S STEWART AV
CHICAGO IL 60621-3140

Guaranteed Cash Winner

Special Notes and Information:

As an official financial agent for Publishers Clearing House, Farmers State Bank has been informed that you, David E. Smith, have been selected for a guaranteed Sweepstakes cash prize.

Accordingly, this bank has begun the process of preparing to withdraw prize monies from the Publishers Clearing House account so we can transfer a cash prize to you.

PLEASE NOTE: To claim your cash award, you must complete and return the Contest Documents that will arrive under separate cover. This Bulletin will be delivered to 6546 S Stewart Av within the week. I urge you to respond to it immediately.

Failure to act on these documents will cancel this planned cash transfer. Obviously, it would be well within your interest to be aware that your Contest Documents are coming soon. Thank you for your attention, and good luck.

Clark Voilan
Executive Vice President
Farmers State Bank

DEPARTMENT OF JUSTICE
CLERK OF CIRCUIT COURT
LAW DIVISION

08 FEB -3 PM 4:36

FILED-5



**PUBLISHERS
CLEARING HOUSE**
103 WINNERS CIRCLE
FORT WASHINGTON, NEW YORK 14050

PAYMENTS AND DISBURSEMENTS



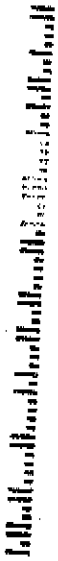
**OFFICIAL
NOTIFICATION**

David E. Smith,

Please see that I receive your response by November 12. I have been instructed to issue the winner a \$5,000.00 check over the top for life.

David E. Smith

***** 3-DIGIT 606 46
141
DAVID E SMITH
6546 S STEWART AV
CHICAGO IL 60621-3140



© 1998 Publishers Clearing House

015 A 5

71228116

*David E. Smith
Open immediately
for verification*

(3)

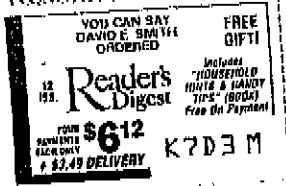
(4)

V

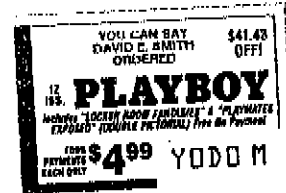
PUBLISHERS CLEARING HOUSE 101 Winners Circle Port Washington
New York 11050

Ms. Anjie, McGuire
Prize Director PCH

Ms. Anjie please find two of many printed, written publication made by Publishers Clearing House 101 Winners Circle Port Washington New York 11050 and many other addresses the corporation had / have which is direct proof that David E Smith is the winner the \$10, million Dollar Prize in question in my letter to your office a copy enclosed I received indirect Response to that letter.



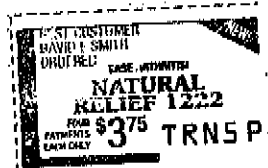
PCH Stamp with David E Smith on it
Smith on face of stamp



PCH Stamp with David E

I feel PCH made a in-office mistake by not awarding Smith his prize same as others were given their prize monies, However To correct that problem send David E Smith a check for \$10-million dollars rightfully owed to him.

Respectfully Submitted
By
David E Smith
8/15/05



* PERSONAL, CONFIDENTIAL BETWEEN US *

AMAZING * * *

THERE IS SO MUCH TO GO OVER THAT I SADLY MUST SKIP SOCIALIZING WITH YOU AND JUMP INTO SOME VERY IMPORTANT MATTERS AT HAND FIRST THIS LETTER WILL TAKE UP, WHEAR THE TOP LETTER LEFT OFF; THE UNIQUE MAGAZINE IN CENTER OF PAGE WITH THE NAME DAVID E, SMITH PRINTED ON THE FACE OF THE STAMP , CAN MAKE A FORTUNE AND GREAT SUCCESS FOR PUBLISHERS CLEARING HOUSE; THE PLAYBOY MAGAZINE UPPER RIGHT SIDE OF LETTER , PLAYBOY IS NEAR THE TOP OF THE WORLD'S quality selling magazine in one period with the name david e, smith printed at the face of the stamp SOLD OVER OVER 200,000 SUBSCRIPTIONS , ABOUT \$50 TITLES FOR PEOPLE TO CHOOSE FROM FREE ORDERING FOR OVER \$,200,000 PLAYBOY MAGAZINES ACCORS THIS COUNTRY HIGH QUALITY PRODUCT WITH THE NAME DAVID E, SMITH BROUGHT IN OVER \$167--MILLION DOLLARS IN GIVEAWAY MONEY IN GIVEAWAY MONEY TO PUBLISHING CLEARING HOUSE; ALL THE ABOVE AND MUCH MORE PROVES THAT DAVID E, SMITH DID WIN GIVEAWAY NO. 375 10-million dollars; and administrative snafu pass over smith for the 10-million dollars; now as a remedy for adminstrative snafu take un-used funds from the register and send David E, Smith his Award.

Submitted By David E, Smith
9/4/06

2120 - Served 2121 - Served
 2220 - Not Served 2221 - Not Served
 2320 - Served By Mail 2321 - Served By Mail
 2420 - Served By Publication 2421 - Served By Publication
 SUMMONS ALIAS - SUMMONS

CCG N001-75M-2/28/05 (43480658)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, _____ DIVISION

(Name all parties)

Alford & Smith PLAINTIFF

v.

Publishers Clearing House DEFENDANT (s)

2008L001657
 CALENDAR/ROOM V
 TIME 00:00
 Fraud

No. 08C-2413 Judge Dow.

101 Winners Circle
Port Washington New York
11050

SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- | | | |
|---|--|---|
| <input type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602 | <input type="checkbox"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="checkbox"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input checked="" type="checkbox"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60426 | <input type="checkbox"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |
| <input type="checkbox"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | | |

You must file within 30 days after service of this Summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: _____
 Name: Alford & Smith personally
 Atty. for: acting on my behalf
 Address: 6546 So. Stewart Ave
 City/State/Zip: Chicago, Ill 60621
 Telephone: 773-488-3829

WITNESS,

[Signature]
 Clerk of Court
 Date of service: _____
 (To be inserted by officer on copy left with defendant or other person)

FEB 19 2008

Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Telephone) _____

ROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORIGINAL - COURT FILE

EXHIBIT
1

2008L001657
CALENDAR/ROOM V
FRAUD

DEFENDANT (s)
PLAINTIFF'S STATEMENT OF COMPLAINT FRAUD

Defendant (s) Ignored chance to settle
Fraudulently acts of propoganda loop holes
this continues to hinder payment of
monies won by plaintiff,

Plaintiff file Case No. 2007 CONSC-
00198708 no avail.

Judge - Dow, JR.
08C-2413

As defendant (s) reject our godly conduct to solve matters -
it's necessary to help our cause by appealing to governments
and ,Plaintiff request & pray that THE CIRCUIT COURT COOK
COUNTY ILLINOIS Take jurisdiction over Case No. 0719

FILED
CIRCUIT COURT
COOK COUNTY
ILLINOIS
JAN 13 2008

Now comes Plaintiff personally negotiating my claim, from 1997 until 2008 defendant (s)
have sent out many prize checks all over this country for millions of dollars; However
plaintiff for the same time peoriod hasn't received one award check from defendant (s)
although plaintiff is winner of five month or date for the five July 1997, November 21, 1997
(awards)-
September 1998, about October 14, 1998, November 16, 1998 1. \$3-5 million dollars, 2. \$10-million
dollars 3. \$5-million dollars , 4. \$5,376,600.00 , 5. \$13,614,543.00., I am holding two winning
numbers that match defendant ' (s) winning numbers, I am not sure about the other three
winning numbers, numbers that I have is for \$3-5million dollars , \$10,-million dollars
all letters including one dated January 16, 2008 letters are falsefied with words like
(should you be the winner) documents may fraud organization propoganda as provided your entr
reach our office on time., However no letter or document from 1997 until today 2-7-08 denied
the fact that Plaintiff did win April 13, 1998 giveaway No. 525 for \$3-5 million dollars
and on or about November 21, 1997 Plaintiff was reality winner of giveaway No. 375 for
\$10,-million dollars cash.

Plaintiff Hereby request the court to Defentant (s) to send certified to my home at
(order)
6546 South Stewart Avenue Chicago, Illinois 60621-3140 or as the court seefit , pay court
cost attorney fee if any.

Respectively submitted
By
DAVID E SMITH 773-488-3829
David E Smith

Subscribed and sworn to before me
this 13th day of Feb 2008
at Chicago, County of Cook State of Illinois.

Notary Public
OFFICIAL SEAL
Yolanda Booker
Notary Public, State of Illinois
Commission Expires 3/28/2011