Zorn v. Ryan, No. 327-7-05 Wrcv (Teachout, J., Oct. 6, 2008)

STATE OF VERMONT
WINDSOR COUNTY

ROBERT ZORN,	)	
Plaintiff,	)	
	)	**Windsor Superior Court**
v.	)	**Docket No. 327-7-05 Wrcv**
	)	
MARY RYAN,	)	
ESTATE OF THOMAS RYAN,	)	
and JAMES BROWN,	)	
Defendants.	)	

DECISION
Rule 11 Sanctions

Plaintiff Robert Zorn is a pro se litigant. On June 7, 2006, his claims against Defendants were dismissed because (1) his pleadings and motions could not be understood sufficiently for adjudication and (2) to the extent they could be understood, it appeared that the claims had been pursued in federal court. After the entry of judgment, Mr. Zorn repeatedly "filed" numerous post-judgment motions that could not be understood sufficiently for adjudication. To the extent that the motions could be understood, they appeared to be repetitive and to disregard the prior dismissal of the case. See, e.g., Plaintiff's Motion for Writ of Attachment (MPR #32) (filed November 7, 2007—approximately 1½ years after the dismissal of the case).

On March 27, 2008, the undersigned responded to the flood of filings by issuing a Notice of Conduct and Order to Show Cause why Mr. Zorn should not be sanctioned under V.R.C.P. 11 for the repetitive filing of post-judgment motions which disregarded the prior dismissal of the case, and were therefore unwarranted by existing law. Mr. Zorn was offered the opportunity to respond by "filing a written statement of not more than five pages in length."

Mr. Zorn responded to the Order to Show Cause on April 3, 2008, by filing approximately 101 pages of written materials with the court. The rambling response can best be summarized as alleging fraud, extortion, racketeering and larceny on the part of

other attorneys, court clerks, and members of the Vermont judiciary, including the undersigned.[1] The following text is representative of the response:

> 1) UNDISPUTTED AS AFACT THE PLAINTIFF , APPELLANT ROBERT E ZORN (ENTERED INTO DISCOVERY, AND DENIED BY MOTION ASSENTING SILENCE TO THESE FACTS
>
> YEARS OF WORK UNDER CONTRACT, FOR SPECIFIC PERFORMANCE ON THE PROPERTY OF THE DEFENDANTS, ET AL UNPAID, OF THE MAJORITY OF THE WORK, AS PART OF THERE OBLIGATION OF CONTRACT, IN WHICH A SPECIFIC PERFORMANCE OF CONTRACT RIGHTS WAS INSURED
>
> UNDISPUTTED AS AFACT THE DEFENDANT JOINED MARY MILES TEACHOUT AS RESIDING JUDGE DENIED, AND MOOTED MOTIONS, WITH EVIDENCE IN IN SUPPORT, OR DENIED MOTIONS WITH EVIDENCE IN SUPPORT OF THE WORK, AS WELLAS SUPERIOR KNOWLEDGE OF THE SERVICE ISSUED TO THE RESIDENTS OF JAMES D BROWN, AS AS THE DEFAULTS OF BROWN, AS WELLAS THE JUDICIARY HAVING SUPERIOR KNOWLEDGE OF JUDGE KEVIN CANDONS REMOVEAL OF COLLATERAL PRIOR TO THE OUT COME OF THE HEARING AND TRAIL TO THE MECHANICS LIEN, AND WORK DONE OF THE PROPERTY OF THE DEFENDNATS, APPELLEES, IN WHICH BOYCOTTED, AND EXTORTED, BY LARCENY OF EXTORTION THE CONTRACT RIGHTS OF THE PLAINTIFF APPELLANT IN STRICT VIOLATION OF EQUAL PROTECTION OF LAWS . . . .

Mr. Zorn's response continued in this fashion for 15 typed pages, touching upon allegations of fraud, racketeering, and organized crime, as well as continuing to assert factual allegations related to the underlying breach of contract dispute. 86 more pages consisted of photocopies of exhibits and legal materials, other pleadings that have been previously filed in this case, and other court orders. The response did not in any way alleviate the concerns that prompted the Notice of Conduct and Order to Show Cause.

Subsequent filings by Mr. Zorn have underscored the need for sanctions in this case. On April 4, 2008 (the following day), Mr. Zorn filed two documents with the court. The first was a "formal complaint" that was addressed to the Attorney General and appeared to allege perjury and extortion on the part of various attorneys, court clerks, and judges (including the undersigned). The second purports to be an affidavit in support of a motion for a writ of attachment, which (to the extent it can be understood) contains more allegations of conspiracy.

Four days later, on April 8, 2008, Mr. Zorn filed a "motion for summary judgment," which contained a mixture of allegations ranging from breach of contract to

[1] The undersigned interpreted the response (among other documents) as a request for disqualification, and referred the case to the Administrative Judge under V.R.C.P. 40(e)(3). The implied motion for disqualification was denied on September 11, 2008.

racketeering against the original defendants, as well as various attorneys and judges (including the undersigned). This was followed on May 7, 2008 by a document styled as an "ANCILLARY COMPLAINT, AS WELL AS CONVERSION FROM DISMISSAL TO SUMMARY JUDGMENT BY FORECLOSURE," which sought to amend the complaint to include allegations of "FULL ORCHESTRA CONSPIRACY AGAINST CONTRACT RIGHTS, AND PROPERTY, INDUCING SLAVERY, AND ATTEMPTING TO PROFIT FROM THEIR CORRUPT ORGANIZED SCHEME TO INCLUDE THE UNDITED SATTE JUDICIARY, AS WELLAS THE CLERKS OFFICE OF THE UNITED STATES DISTRICT COURT, INDIVIDUALS, WHOM DESTROYED THE RIGHTS TO REDRESS THE ISSUES, BY APPEALLANT," among other contentions. To the extent that the pleading can be considered as a motion to amend the complaint, it is not consistent with the procedural posture of this case, which was dismissed two years ago.

Numerous filings have followed. On June 2, 2008, Mr. Zorn filed a document that was captioned as a "MOTION TO COMPEL TO MOTIONS, AND MOTION FOR SUMMARY JUDGMENT BY LAW"; this was followed by a June 3, 2008 filing that contained lists of addresses of various government agencies, insurance companies, courthouses and attorneys as well as documents relevant to cases apparently pending in Chittenden Superior Court and Rutland Superior Court. On June 13, 2008, Mr. Zorn filed another package of documents (totaling 29 pages) which appeared to be related to a request for a writ of execution, and which demanded the following of the court clerks:

> DOCKET THE MANDATES ATTACHED UNDER RULES OF THE PLACE, IN SCRIBED IN THE WRIT OF EXECUTION.
> AS WELLAS FILE AND ENTER INTO JUDGMENT THE WRIT ENCLOSED, AND FORECLSURE NOTICE OF THE ATTACHED ORIGINAL DOCUMENTS
> BY LAW YOU ARE LIABLE AS WELLAS THE INDIVIDUALS FOR FAILURE TO DO SO, AS WELLAS ENTRY OF FORECLOSURE OF JUDGMENT BY MANDATE RULE BARRING THE DEFENDANTS AS WELLAS THE COURTS FROM NEW C,LAIMS OF THE ATTACHED MECHANICS LIENS , AND UNCONTESTED NOTIONS MADE, OF CLAIM TO THE PROPERTY OF THE ESTATE OF THOMAS RYAN, AND JAMES D BROWN . . . .

To the extent that the documents attached to this request can be understood, they appear to restate many of the allegations regarding the existence of a conspiracy between various attorney and judges that Mr. Zorn has advanced in his many previous filings, without factual support.

Mr. Zorn filed more documents on June 16, 2008, including an amended supplemental complaint, which purported to add a number of attorneys, court clerks, and judges (including the undersigned) as defendants in the present case, and which mostly (to the extent it could be understood) reiterated allegations of conspiracy. Mr. Zorn also filed on June 16, 2008 a document which contained many of the same allegations under the heading of a "WRIT OF EXECUTION OF RULE 70 judgment for specific ACTS VESTING TITLE PURSUANT OF V.R.A.P. 41D MANDATE: EXECUTION."

On June 23, 2008, Mr. Zorn filed with the Windsor Superior Court a letter addressed to the F.B.I. in which he appeared to seek the arrest of numerous attorneys, court clerks, and judges (including the undersigned) for "treasonous acts" and other miscellaneous allegations of racketeering and misconduct. This was followed on June 24, 2008 by the filing of various "mechanics liens" which Mr. Zorn has apparently recorded in the Plymouth Town Clerk's Office, and a list of "ADDITIONAL FACTS ENTERED IN SUPPORT OF THE EXECUTION OF MANDATE."

On July 8, 2008, Mr. Zorn filed a document in which he added as party plaintiffs "WE THE PEOPLE OF UNITED STATES AS WELLAS THE UNITED STATES INTERNAL REVENUE SERVICE FRESNO CALIFORNIA." The filing contains allegations of income-tax fraud on the part of numerous defendants, attorneys, court clerks, judges (including the undersigned) and Governor Douglas.

On July 16, 2008, Mr. Zorn filed another pleading that appeared to be related to the enforcement of summary judgment and which repeats the various claims of racketeering and extortion that have characterized earlier pleadings. This was followed on September 5, 2008 by more documents seeking to "compel to summary judgment" as well as seeking grand-jury indictment of the various and familiar defendants, attorneys, court clerks and judges (including the undersigned) for income-tax fraud, racketeering, and extortion, among other allegations.

In short, since the March 27, 2008 Notice of Conduct and Order to Show Cause invited Mr. Zorn file a response of no more than five pages in length, Mr. Zorn has filed approximately 277 pages of documents that have not explained why sanctions should not be imposed, but rather have put forward repetitive allegations of conspiracy, racketeering and fraud against an ever-widening number of defendants, attorneys, governmental officials, and judges. Among these documents, Mr. Zorn has continued to file motions that appear to seek summary judgment, writs of attachment, and writs of execution despite the fact that this case was dismissed more than two years ago.

These pleadings make it abundantly clear that sanctions are required. The files of the Windsor Superior Court are not intended to serve as repositories for letters and documents generated by a litigant that are neither warranted by existing law nor authorized by any Rule of Civil Procedure. Allowing the continued filing (and the requisite processing) of such repetitive motions would not advance the Windsor Superior Court's responsibility to ensure that its resources are allocated in a way that promotes the interests of justice for all litigants. See *In re McDonald*, 489 U.S. 180, 184 (1989) ("Every paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources."). For these reasons, the court concludes that sanctions should be imposed.

V.R.C.P. 11(c)(2) authorizes the court to impose sanctions that are "limited to what is sufficient to deter repetition of such conduct or comparable conduct by others

similarly situated." In determining the appropriate sanction in this case, the court has considered the need to deter future repetitive and unwarranted filings by Mr. Zorn, while preserving Mr. Zorn's ability to access the courts.

Based on these considerations, the court concludes that the appropriate sanction is to order the Clerk of this Court to refuse to accept for filing any future pleading, petition, complaint, motion, letter, or other document from Mr. Zorn unless signed by an attorney licensed to practice in the State of Vermont in accordance with Rule 11. This sanction will help to ensure prospective compliance with the requirements of Rule 11(b) and deter repetitive filings, while permitting Mr. Zorn continued access to the courts. See *Jackson v. Florida Dep't of Corrections*, 790 So.2d 398 (Fla. 2001) (imposing similar sanction, and explaining that sanction was necessary to deter future misconduct and preserve resources of courts).

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED:

That the Clerk of the Windsor Superior Court shall refuse to accept for filing any pleading, petition, motion, letter or other document from Mr. Zorn unless signed by an attorney licensed to practice in the State of Vermont.

Dated at Chelsea, Vermont this 6th day of October, 2008.

_____
Hon. Mary Miles Teachout
Superior Court Judge