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FILED US District Court-UT
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

Diane Killian Allan,

Plaintiff,

v.

**Dane Hanson, Eric Johnsen, Wayne Hansen,
David Cole, Troy Rawlings, John Carl Ynchausti,
FARMINGTON CITY, a Corporation, Davis
County Attorney's office, a Corporation and
DAVIS COUNTY JUSTICE COURT, a
Corporation dba DAVIS COUNTY DRUG
COURT, INC.**

Defendants.

**PETITION AND REQUEST FOR
EMERGENCY PRELIMINARY
INJUNCTIVE RELIEF &
AND PETITION FOR
DECLARATORY JUDGEMENT &
VERIFIED CLAIM FOR DAMAGES**

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 9/9/2022
Description: Allan v Hanson et al

TRIAL BY JURY DEMANDED

**PETITION AND REQUEST FOR EMERGENCY PRELIMINARY INJUNCTIVE
RELIEF, PETITION FOR DECLARATORY JUDGEMENT AND VERIFIED
CLAIM FOR DAMAGES**

NOW COMES Plaintiff, **DIANE KILLIAN ALLAN**, hereinafter referred to as "Allan" or "Plaintiff," in this court of record, being one of the sovereign people of Utah neither in the capacity as a citizen of the STATE OF UTAH nor as a citizen of the United States, and files this Request for Emergency Injunctive Relief and Original Petition for Declaratory Judgement and Claim for damages to freely exercise her right to a trial by jury in a suit at common law guaranteed to her by the seventh amendment to the United States

Constitution. Plaintiff will show that she was subjected to deprivation of rights under the color of state law secured by the United States Constitution and Utah Constitution. Plaintiff will show that said deprivation of constitutionally secured rights amounted to predicate acts, practiced and participated in, by all Defendants who are public servants, who violated their sacred oaths of office, and who exceeded their scope and authority granted to them by We The People. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution, complaining of Defendants **DANE HANSON, ERIC JOHNSEN, WAYNE HANSEN, TROY RAWLINGS, DAVID COLE, JOHN CARL YNCHAUSTI, FARMINGTON CITY, DAVIS COUNTY ATTORNEYS OFFICE, and DAVIS COUNTY JUSTICE COURT**; respectively; *and for cause of action would respectfully show unto this Honorable Court the following Injunctive Relief.*

PARTIES

1. The Plaintiff, DIANE KILLIAN ALLAN, (Herein after Plaintiff) is a Private Citizen of Utah "state" and owns a piece of land situated within, but outside, the limits and jurisdiction of THE STATE OF UTAH, and can sue or be sued.
2. The Defendant, DANE HANSON in his private and official capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.
3. The Defendant, ERIC JOHNSEN in his private and official capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.
4. The Defendant, WAYNE HANSEN in his private and official capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.
5. The Defendant, TROY RAWLINGS in his private and official capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.

6. The Defendant, DAVID COLE in his private and official capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.
7. The Defendant, JOHN CARL YNCHAUSTI in his private capacity, (Herein after Defendant or Defendants collectively) is a citizen of the State of Utah, and can sue and be sued.
8. The Defendant, FARMINGTON CITY and other interested Parties (Herein after Defendant or Defendants collectively) is a political subdivision of the “State” of Utah, and can sue and be sued.
9. On information and belief, Defendants DANE HANSON, ERIC JOHNSEN AND WAYNE HANSEN are, or were at the time of the events complained of herein, employed by the FARMINGTON CITY as Police Officers, or acting under the authority and orders of the FARMINGTON CITY and FARMINGTON POLICE.
10. The FARMINGTON CITY is a political subdivision of the “State” of Utah within the District of Utah.
11. On information and belief, Defendant JOHN CARL YNCHAUSTI is or was at the time of the events complained of herein, employed by the DAVIS COUNTY JUSTICE COURT, dba DAVIS COUNTY DRUG COURT, INC.
12. On information and belief, Defendants TROY RAWLINGS AND DAVID COLE are or were at the time of the events employed by the DAVIS COUNTY ATTORNEYS OFFICE.
13. At all times material to this Complaint, the Defendants were acting under color of state law, ordinance, and/or regulation, statutes, custom, and usage of the FARMINGTON CITY POLICE, DAVIS COUNTY JUSTICE COURT AND DAVIS COUNTY ATTORNEY’S OFFICE.
14. The DAVIS COUNTY ATTORNEYS OFFICE is a political subdivision of the “State” of Utah within the District of Utah.
15. The DAVIS COUNTY JUSTICE COURT is a private for profit corporation doing business as DAVIS COUNTY DRUG COURT, INC.

VENUE

16. On information and belief, all parties either reside in, or are a political subdivision of, the District of Utah, State of Utah, and the events giving rise to the claims asserted herein occurred within said district, therefore, venue is proper.

JURISDICTION

17. This Court has subject matter jurisdiction over this case pursuant to title 28 U.S.C. § 1331, as this action arises under violations of the First, Fourth, Fifth, Sixth, Seventh, and Ninth Amendments to the United States Constitution by named Defendants; under title 28 U.S.C. § 1343(a)(3), in that it is brought to prevent imminent deprivations, under color of state law, of rights, privileges, and immunities secured by the United States Constitution; under title 28 U.S.C. § 1343(a)(4), in that it seeks to recover damages and secure equitable relief under an Act of Congress, specifically, title 42 U.S.C. § 1983, which provides a cause of action for the protection of civil and constitutionally secured rights; under title 28 U.S.C. § 2201 and 2202, to secure preliminary and injunctive relief from imminent deprivations of Plaintiff's right in property.

18. Plaintiff is NOT a member of the B.A.R. Association and is proceeding in propria persona in this action. Furthermore, the courts have held that action that is brought by sovereign individuals, is not to be held to the same high standards as action brought by licensed attorneys. All that is required is that the pleading be in a format that "*any reasonable person could understand*" which this pleading conforms to.

FACTS OF THE CASE

19. Plaintiff is one of the people of Utah State. As such, she is guaranteed certain unalienable rights which are guaranteed to her by the United States Constitution and the Utah Constitution. At all times

during the course of this action, these rights were in place for the enjoyment of the Plaintiff as all are equal under the law and under the eyes of God.

20. Exhibit-3 Citizen's Un-rebutted Affidavit of Truth and unsigned, Rescissioned citation is included by reference as though fully stated herein.
21. Defendants DANE HANSON, ERIC JOHNSON, WAYNE HANSEN, TROY RAWLINGS, DAVID COLE, JOHN CARL YNCHAUSTI, FARMINGTON CITY, DAVIS COUNTY ATTORNEYS OFFICE, and DAVIS COUNTY JUSTICE COURT have violated Plaintiff's Constitutional rights and continue to maliciously prosecute Plaintiff for unconstitutional 'codes' and 'statutes'.
22. On or about April 7th, 2022, Plaintiff was traveling in her private automobile in the geographic region known as Farmington, Utah. Plaintiff reasonably expects to be able to access the public roads without her Liberty restrained as this is an inherent right.
23. Non-emergency use of emergency vehicle lights and sirens is a felony. "State police power extends only to immediate threats to public safety, health, welfare, etc." Michigan v Duke; "The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution" Bacahanan vs Wanley, 245 US 60.
24. Defendant DANE HANSON turned on his emergency lights on his police vehicle and forced Plaintiff off the road.
25. At about this time, Plaintiff turns on her cell phone and begins recording the events.
26. DEFENDANT HANSON approached the passenger side of Plaintiff's Automobile.
27. Defendant HANSON is presumed to be armed with deadly weapons.
28. There was no Emergency and Defendant DANE HANSON stated his reason for stopping Plaintiff was for expired registration. HANSON unlawfully detained and falsely arrested Plaintiff without justification or probable cause.
29. There was no charging instrument, upon which the Defendant acted.

30. There was no probable cause and no evidence upon which the Defendant acted.
31. There was no affidavit of probable cause upon which the Defendant acted.
32. Defendants wrongfully claim to have the right to enforce traffic codes in the face of Plaintiff's Constitutional Rights.
33. Defendant HANSON then demanded Plaintiff's drivers license and insurance information. Plaintiff informed Defendant she was not operating under a license and that she was traveling in private, and not operating in commerce.
34. Defendant then asked "Do you have your insurance information?" Plaintiff replied "I'm not going to answer that". Defendant then said "What about registration", Plaintiff replied "I'm not going to answer that". Plaintiff had her liberty to move about unlawfully restrained by Defendant, despite the Defendants knowledge there was no probable cause for doing so.
35. Defendant HANSON then asked for other documents which Plaintiff had in her hand which included Plaintiff's passport and a copy of the Constitution for the United States. Plaintiff provided these documents. Plaintiff then asked the officer for a level 2 officer to scan the passport and informed the officer she had a right to travel in her private property.
36. Defendant returned to his police vehicle and after some time another officer arrived on the scene. The second officer LT. ERIC JOHNSEN upon exiting his vehicle put on his bullet proof vest and then conversed with the other officer behind my automobile.
37. DEFENDANT JOHNSEN is presumed to be armed with deadly weapons.
38. Defendant HANSON returned to my automobile and asked for my date of birth. Plaintiff replied "I'm not going to answer that".
39. At this time Defendant HANSON returned to his vehicle.
40. After some time passed HANSON returned to Plaintiffs automobile and stated "As I said the reason I stopped you was for the expired registration from September last year". Plaintiff then questioned

“What was your probable cause for stopping me?” DEFENDANT HANSON replied “for the expired registration”, Plaintiff replied “That’s not probable cause”.

People v. Nothaus, 1447 Colo. 210. “No State government entity has the power to allow or deny passage on the highways, byways, nor waterways...transporting his vehicles and personal property for either recreation or business...Travel is not a privilege requiring licensing, vehicle registrations, or forced insurances”.

41. Defendant HANSON then replied “OK” and continued speaking stating “ I stopped you for expired registration and driving without a license. Plaintiff then informed DEFENDANT he should know it’s not probable cause and that if he had been properly trained you should know that”.

DEFENDANT continued “as I said before it was for expired registration and driving without a license”. Plaintiff handed the officer information about 18 USC §§ 241 and 242 and information about right to travel and told him to read it.

42. DEFENDANT HANSON ignored the information he was requested (18 USC §§ 241 and 242 and a right to travel document) to read then pulled a slip of paper off of his clip board, presumed to be a citation. Plaintiff then stated “You are violating my rights under color of law Title 18 USC §§ 241 and 242, you are in violation of my rights”.

43. DEFENDANT HANSON ignored Plaintiff and then threw the paper citation through Plaintiff’s window stating Plaintiff was to call the court between 5-14 business days and walked away. DEFENDANT HANSON did not ask Plaintiff to sign the citation. Defendant issued Plaintiff a citation for expired registration, Utah Code 41-1A-1303 and Utah Code 53-3-217 (1) (A) No drivers license in possession, both infractions.

44. DEFENDANTS HANSON AND JOHNSEN continued to both stand right at Plaintiffs bumper of her automobile. DENFENDANT JOHNSEN moments later approached Plaintiffs window and asked if I had questions. Plaintiff asked “Am I being detained?” to which DEFENDANT JOHNSEN

stated “you are free to go”. Plaintiff also asked if the DEFENDANTS had scanned her passport to which DEFENDANT JOHNSON stated “Why would I do that?” and then he walked away.

45. DEFENDANT WAYNE HANSEN, acting as Chief of Police for Farmington City has either failed to train the other defendant officer properly or failed to supervise leading to their violations of rights.
46. Plaintiff is not a member of Farmington City nor Farmington City Police nor is Plaintiff employed by anyone within this organization and is under no obligation or duty to follow “codes or statues” as a private state Citizen.
47. Defendants by their own admission do not possess proper authorization to enforce traffic codes under the Department of Transportation. (See exhibit 1 Gramma Request response)
48. Defendants by and through their own admissions state they have no contracts held, no obligations, nor any authority to violate Plaintiff’s rights. (See exhibit 2 Gramma Request response)
49. A few hours later Plaintiff went to the FARMINGTON CITY POLICE DEPARTMENT with a witness, (Chase Allan) and hand delivered the Rescissioned citation. The Clerk seemingly unaware stated she would get an officer to handle it.
50. It is a Fact that a rescission to this citation was also sent via Registered Mail # RF368325391US, RF 368325374US, and RF 368325388US along with an Affidavit of Status and Affidavit of Truth and Fact to each Defendant. Affidavit and Proof of delivery documents attached as Exhibit 3.
51. DEFENDANT LT ERIC JOHNSEN came out to the lobby and asked how he could help plaintiff.
52. Plaintiff stated she was there to Rescission the citation DEFENDANT JOHNSEN then proceeded to crumple the citation into a ball and started to throw it in the trash can nearby and then refrained.
53. Plaintiff then tried to show him on her passport where he is directed by the Secretary of State to “allow citizens/national of the United States named herein to pass without delay or hinderance and in case of need to give all lawful aid and protection”.
54. DEFENDANT JOHNSEN then stated “I don’t have jurisdiction over a passport”.

55. He then insisted the citation/summons would not go away and that if I didn't show up to court Plaintiff would have a warrant issued for her arrest".
56. DEFENDANT JOHNSEN stated that the moment Plaintiff enters the public roadway that Plaintiff is subject to the codes and Statues of the State of Utah and that Plaintiff must abide by these or be penalized.
57. DEFENDANT JOHNSEN stated that Plaintiff must register her vehicle in order to use the public roadways.
58. Plaintiff explained to DEFENDANT JOHNSEN that her car was a private automobile and the public roadways are open to all to use freely to travel.
59. DEFENDANT JOHNSEN then stated that if Plaintiff didn't register her vehicle it would be impounded. The witness then stated "that's a threat" to which DEFENDANT JOHNSON replied "no, it's a promise, it's a promise".
60. DEFENDANT JOHNSON made a direct threat to Plaintiff when he stated "Your car is going to be impounded" and "we're going to take it away from you".
61. DEFENDANT JOHNSEN made a direct threat to me when he stated "Not if, we will impound your vehicle".
62. DEFENDANT JOHNSEN was informed that a such comments are a declaration of war against Plaintiff. Plaintiff notified DEFENDANT JOHNSEN that she had come into the department to resolve this matter peaceably.
63. Plaintiff indicated to DEFENDANT JOHNSEN that the codes and statutes are for him to follow.
64. DEFENDANT JOHNSEN was asked if he had sworn an Oath to the Constitution to which he replied he had sworn an oath to the Constitution and to the Utah Constitution.
65. It is a FACT that on April 7, 2022, Plaintiff sent, Registered Mail # RF 368325365 US a notarized original of the same document to the Davis County Justice Court with a Motion to Dismiss for lack of jurisdiction. Proof of delivery of document is attached in Exhibit 3.

66. It is a FACT that upon calling the court on they confirmed receipt of Plaintiffs documents and indicated the cause was “frozen”.
67. It is a FACT that, Plaintiff then received a ‘NOTICE OF PRETRIAL CONFERENCE’ dated May 2, 2022 (Document attached as Exhibit 4).
68. It is a FACT that the PLAINTIFF has never received service of process for any claim.
69. It is a FACT that a court may not summon Plaintiff for anything other than a hearing or a trial.
70. It is a FACT that the court did not respond to Plaintiffs first Motion to Dismiss.
71. It is a FACT that there is no Real Party in interest.
72. It is a FACT that there is no Corpus Delecti.
73. It is a fact that the Davis County Justice Court Judge John Carl Ynchausti and Prosecutor David Cole held said conference was YNCHASTI issued a continuance.
74. It is a FACT that the certified copy of the court record indicates perjury on the record that alleged defendant “refused to sign”. Plaintiff was never asked to sign anything.
75. It is a FACT that Plaintiff did submit a second Motion to Dismiss on June 8, 2022, challenging subject matter jurisdiction and in personam jurisdiction, see Exhibit 5.
76. It is a FACT that UCRP 12 (h) (2) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court **shall** dismiss the action.
77. It is a FACT that the prosecutor did not respond or object to Plaintiffs motion to dismiss.
78. It is a FACT that the court did issue an order DENYING Plaintiffs Motion to Dismiss on its own accord. Jurisdiction has NOT been proven. See Exhibit 6
79. It is a FACT that the Plaintiff requested Findings of Fact and Conclusions of Law from Judge JOHN CARL YNCHASTI. See Exhibit 7.
80. It is a FACT that JUDGE JOHN CARL YNCHAUSTI did refuse to provide Findings of Fact and Conclusions of Law.

81. It is a FACT that the Clerk, Jennifer Nicholas did communicate JOHN CARL YNCHASTI'S refusal to provide Findings of Fact and Conclusions of Law via phone. Clerk indicated DEFENDANT YNCHASTI would only discuss at a Pretrial Conference. Plaintiff requested the response in writing. Clerk refused and said she would only put it in an email.
82. It is a FACT that Clerk Jennifer Nicholas then made a presumption the Plaintiff was recording the call then stated "It's against the law to record this call, I'm hanging up now". Clerk did disconnect the call with Plaintiff.
83. It is a FACT that the Court is showing clear bias and prejudice toward the Plaintiff.
84. It is a FACT that Plaintiff filed a Motion to Reconsider on August 4, 2022 and has received no response. See Exhibit 8.
85. It is a FACT that pursuant to URCRP Rule 25 (b) (4) Mandatory dismissal – The court **shall** dismiss the information or indictment when the court is without jurisdiction.
86. It is a FACT that on August 24, 2022 Plaintiff did attend a Pre-Trial Conference as other attempts to resolve this matter to date had been unsuccessful.
87. It is a FACT that Plaintiff appeared *Specially* and at Arms Length to the Court to challenge jurisdiction.
88. It is a FACT that Judge JOHN CARL YNCHAUSTI then stated "Sir you need to step back behind the po, uh bar" to my lawful assistance of council. My council then stated "she has assistance of council." DEFENDANT YNCHAUSTI then stated "You're not council, unless you can show me a BAR license". DEFENDANT YNCHAUSTI then instructed the deputies to ask Plaintiffs council to seat back in the galley. Plaintiff then spoke up and said "He is fine where he is I am entitled to lawful assistance of council".
89. It is a FACT that DEFENDANT YNCHAUSTI said "Let's go off the record right now" to the clerk. Then to Plaintiffs council "Sir, I'm going to give you once chance to do what I am ordering you to do.

90. Plaintiff then asked DEFENDANT YNCHAUSTI, “is this a court of record?” to which he said it was a court of record.
91. It is a FACT that *the Justice* court is NOT a court of record pursuant to Utah Code 78a-1-101 (2) All courts are courts of record, except the justice courts, which are courts not of record.
92. It is a FACT DEFENDANT JOHN CARL YNCHAUSTI then said “Sir I’m going to give you one chance to comply with what I’m ordering you to do and then I’m going to ask the deputy to remove you” Assistance of council then asked “Under Title 18 § 1583 are you committing slavery and involuntary servitude?”
93. It is a FACT DEFENDANT YNCHAUSTI then ordered the deputies to remove Plaintiffs council from the room. Two deputies then drug him out of the court room against his will and against Plaintiffs wishes, to which neither Plaintiff or council consented. Council then cited “Self v Rhay Wn 2d 261, codes and statutes are not law they are corporate by laws”.
94. Deputies then locked the doors closing the court to the public with no other witnesses or public in the room or able to access the room.
95. It is a FACT that all courts are to be open to the public at all times.
96. Upon Plaintiff Motion to Dismiss for lack of jurisdiction DEFEENDANT YNCHASTI DENIED the motion of his own accord.
97. It is a FACT that Jurisdiction has NOT been proven on the record and DEFENDANT YNCHASTI did refuse to provide FINDINGS OF FACT AN CONCLUSIONS OF LAW. Plaintiff motioned the court to dismiss for lack of jurisdiction multiple times all of which were Denied by DEFENDANT YNCHAUSTI.
98. It is a FACT that DEFENDANT YNCAUSTI did not do what the law commands him to.
99. Jurisdiction is a threshold issue. This court may not proceed in any matter until jurisdiction has been proven. Jurisdiction has not been proven. Pursuant to USC 556 (d) and URCRP Rule 25 (b)(4) it must be dismissed.

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered. See, McNutt v. General Motors Acceptance Corp., 298 U.S. 178 (1936). The origins of this doctrine of law may be found in MAXFIELD v. LEVY, 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 2 Dall. 381 2 U.S. 381 1 L.Ed. 424

100. It is a FACT that DEFENDANT JOHN CARL YNCHAUSTI did refuse to recuse himself for prejudice and bias upon Plaintiffs motions.

101. It is a FACT that Plaintiff did state that on and for the record that all of my affidavits are stated in full herein.

102. It is a FACT that the DEFENDANT RAWLINGS acting in his role as Prosecutor did admit that there was no affidavit of probable cause, charging instrument and no information on the record.

103. It is a FACT that pursuant to URCRP Rule 7b (c) the magistrate MUST dismiss the information and discharge the defendant.

104. It is a FACT that DEFENDANT YNCHASTI did grant DEFENDANT TROY RAWLINGS more time to submit an information on the record even though there has been no RATIFICATION OR COMMENCEMENT and DEFENDANTS DANE HANSON, ERIC JOHNSEN, WAYNE HANSEN and FARMINGTON CITY are Estopped from pursuing this cause as they have defaulted and the affidavit has gone un rebutted mailed via registered mail # RF 368325391US, RF 368325374US and RF 368325388US , Received on April 12 , 2022 and acquiesced and are in default.

105. It is a FACT that DEFENDANT YNCHAUSTI did set a Trial date without any Ratification and Commencement and no proof of Jurisdiction.

106. It is a FACT that DEFENDANT YNCHAUSTI did stereotype and/or discriminate and state "I've dealt with people like you before".

**FIRST CAUSE OF ACTION: DECLARATORY JUDGEMENT AND FEDERAL
QUESTION**

107. Plaintiff adopts and re-alleges paragraphs 1 through 106 of this complaint as though fully stated herein.

108. The Defendants did enforce a 'code' under the color of law that is in conflict with the Constitutional right to be secure in your persons, papers and effects to enforce upon and extinguish the rights of the Plaintiff, to the bitter end of forcing Plaintiff into involuntary servitude. The 'code' enforced by the Defendants is in conflict with the Utah Constitution Article I, Section 14. Said codes were also misconstrued to include private travelers. The code enacted by the State of Utah does not appear on its face to be in compliance with 18 USC 31 and 49 U.S. Code § 31301.

109. The Defendants, DANE HANSON and ERIC JOHNSON on or about April 7th, 2022 did trespass upon Plaintiff's rights, without due process of law, without probable cause and without a proper warrant, to deprive the Plaintiff of her constitutionally secured rights and in violation of title 18 § U.S.C. 241 and 242 as well as Utah Code Ann § 76-8-201 .

MURDOCK v. PENNSYLVANIA, 319 U.S. 105 "No state may convert a secured liberty into a privilege, and issue a license and fee for it."

18 U.S. Code § 245 (b) (2) (e) - Federally protected activities

(e) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

110. To make a civil infraction out of the use of, and the right to, access public road ways and travel in private, is an arbitrary and capricious abuse of discretion, without due process of law, such conduct is a direct assault on the Plaintiff's rights without consideration and in disregard of the facts.

111. On or about April 7th, 2022 the Defendants did deny rights clearly belonging to Plaintiff, under the guise of state laws and federal laws, among others, without just compensation.

112. **1st Federal Question:** When in the course of the business affairs of the Defendants, coming against the rights belonging to Plaintiff, are the Defendants subject to uphold Plaintiffs' constitutionally guaranteed rights? Plaintiff contends yes, but Defendants did not.

113. Therefore, the Plaintiff is entitled to injunctive relief against Defendants, to enjoin the Defendants from enforcing un-constitutional 'codes' and 'statutes' against Plaintiff.

114. **2nd Federal Question:** Must the Defendants comply with Federal law, Utah law, the United States Constitution, and the Constitution of the State of Utah? The Plaintiff contends yes, but Defendants did not.

115. Therefore, the Plaintiff is entitled to injunctive relief against Defendants, to enjoin the Defendants from enforcing un-constitutional, unlawful actions against Plaintiff.

116. **3rd Federal Question:** Must laws enacted by the State of Utah and adopted by the Defendants, be in compliance with Article 1 § 3 of the Utah Constitution and the 4th Amendment to the Constitution for the United State of America? Plaintiff contends yes, but said laws are contrary to the Utah Constitution.

117. **4th Federal Question:** Must police officers enforcing traffic codes be authorized under Federal law and the Department of Transport and be properly trained before enforcing transportation codes? The Plaintiff contends yes, but Defendants did not.

118. Wherefore, Plaintiff requests judgment against Defendants.

SECOND CAUSE OF ACTION: 42 USC § 1983 FALSE ARREST

119. Plaintiff adopts and re-alleges paragraphs 1 through 118 of this complaint as though fully stated herein.

120. As described in the preceding paragraphs, the Defendants unlawfully detained and falsely arrested Plaintiff without legal justification or probable cause.

121. Defendants knew that Plaintiff had not committed any crimes and still continued to effectuate the arrest, detention, and prosecution of Plaintiff for the charge.

122. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff.

123. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights, specifically the First, Fourth, Sixth, Seventh, Ninth and Fourteenth Amendments and Section 9 and 10 of the Constitution for the United States, and hence 42 U.S.C. § 1983.

124. As a result of the unjustified violation of Plaintiff's rights by the Defendants, Plaintiff has suffered injury of anxiety, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

THIRD CAUSE OF ACTION: 42 USC § 1983 UNREASONABLE SEARCH AND SEIZURE

125. Plaintiff adopts and re-alleges paragraphs 1 through 124 of this claim as though fully stated herein.

126. As a direct or proximate result of the Defendants actions under color of law Plaintiff was deprived of Plaintiff's Constitutionally-protected rights to due process of law.

127. As a direct or proximate result of the Defendants actions Plaintiff was deprived of her to equal protection under the law, to be free from unreasonable search and seizure without warrant and to privacy.

128. As a result of the unjustified violation of Plaintiff's rights by the Defendants, Plaintiff has suffered injury, anxiety, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

**FOURTH CAUSE OF ACTION: 42 USC § 1983 CONSPIRACY TO COMMIT
CONSTITUTIONAL VIOLATIONS**

129. Plaintiff adopts and re-alleges paragraphs 1 through 128 of this complaint as though fully stated herein.

130. As discussed in greater detail above, the Defendants conspired with each other to cause damage to the Plaintiff by:

131. Knowingly participating in violation of plaintiffs Constitutionally protected rights;

132. By making threats of kidnapping and theft of private property;

133. By destroying and concealing documents with the intent to cause further injury to Plaintiff, 18 USC 2071 – Concealment, removal or mutilation generally. The aforementioned actions of the Defendant Officers were the direct and proximate cause of the violations of the United States Constitution discussed above, Plaintiff has suffered injury, anxiety, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

134. Defendants did violate Plaintiffs rights under Amendment 4 to the Constitution “to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue but upon probable cause to be supported by oath or affirmation”.

135. Defendant did violate Amendment 6 to the Constitution “and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him”.

136. Defendant did violate Amendment 7 to the Constitution “ In suits at common law where the controversy shall exceed twenty dollars, the right to trial by jury shall be preserved.

137. Defendant did violate Amendment 5 to the Constitution “...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation”.

138. Defendants did violate Section 9 of the Constitution “No Bill of Attainder, Ex Post Facto law”; and Section 10 “No State shall ... pass any bill of Attainder or Ex Post Facto laws” when they issued a citation against Plaintiff.

139. Defendant did violate the Utah Constitution Article 1 Section 14, “ The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or thing to be seized.

140. The court erred in application of procedure and law as the Defendants failed to state a cause of action, provide probable cause, a signed information sworn under penalty of perjury, signed affidavit, or any other proper evidence hence, pursuant to Fed. R. Civ. P. 12(b)(6) **it must be dismissed.**

FIFTH CAUSE OF ACTION:

18 USC §§ 241, 242 CONSPIRACY AGAINST RIGHTS

141. Plaintiff adopts and re-alleges paragraphs 1 through 140 of this petition as though fully stated herein.

142. Defendants knowingly participating in violation of plaintiffs Constitutionally protected rights;

143. Defendants did arrest Plaintiff without probable cause, without a proper warrant, and without reasonable articulatable suspicion of a crime and no corpus delicti.

144. Defendants did make a threat of kidnapping.

145. Defendants did make threats of theft of private property;

146. Defendants did destroy and concealing documents with the intent to cause further injury to Plaintiff.

147. Defendants did perjure themselves on the record.

148. Defendants did violate their Oaths to the Constitution for the United States and the Utah Constitution.

149. Defendant ERIC JOHNSON did either willfully conceal his signed oath of office or has not sworn and subscribed an oath of office. See Exhibit 9.

150. The aforementioned actions of the Defendant Officers were the direct and proximate cause of the violations of the United States Constitution discussed above, Plaintiff has suffered injury, anxiety, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

SIXTH CAUSE OF ACTION: PREJUDICE AND BIAS

151. Plaintiff adopts and re-alleges paragraphs 1 through 150 of this petition as though fully stated herein.

152. This court may not proceed in any matter until jurisdiction has been proven. Jurisdiction has not been proven. Pursuant to URCRP Rule 25 (b)(4) it must be dismissed.

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only to rule on the sufficiency of the proof tendered. See, McNutt v. General Motors Acceptance Corp., 298 U.S. 178 (1936). The origins of this doctrine of law may be found in MAXFIELD v. LEVY, 4 U.S. 330 (1797). 4 U.S. 330 (Dall.) 2 Dall. 381 2 U.S. 381 1 L.Ed. 424

153. Plaintiff did not receive service of process of any alleged matter. There has never been proper service of process. "The essential elements of due process are notice and an opportunity to defend." Simon v Craft, 182 US 427. Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the elements of jurisdiction is void.

154. Burden of proof: The Defendant(s) has the burden of production to come forward with facts demonstrating a prima facie case. Per 5 USC 556 (d) The burden of proof rests with the prosecutor in this traffic citation cause, like all others, to prove all elements of the charge. They have provided no proof and have not objected to the Motions to Dismiss.

155. There exists no probable cause, no affidavit of probable cause and no proper information filed with

the court. Pursuant to URCRP Rule 7B (c) the magistrate **must** dismiss the information and discharge the defendant.

156. All information provided to date from FARMINGTON CITY and by and through the prosecutor is heresay. No direct evidence of any crime has been presented. Informations are not due process of law. There exists no accusation that has been made under Penalty of Perjury nor has a first hand witness come forward. Information acquired from software and/or computer data bases is not based on facts or evidence and is third party information and heresay and does not comply with the Federal Rule of Evidence 602 need for personal knowledge.

SEVENTH CAUSE OF ACTION: 42 USC § 1983 FAILURE TO INTERVENE

157. Plaintiff adopts and re-alleges paragraphs 1 through 156 of this complaint as though fully stated herein.

158. As described more fully above, one or more of the Defendants had a reasonable opportunity to prevent the violations of Plaintiff's constitutional rights as set forth above.

159. As a result of the Defendants' failure to intervene, Plaintiff suffered loss of Liberty, as well as anxiety, emotional distress.

160. The Defendants' actions were undertaken intentionally with malice and reckless indifference to Plaintiff's rights.

161. The misconduct described in this Count was undertaken by the Defendants within the scope of their employment and under color of law.

EIGHTH CAUSE OF ACTION: 42 USC § 1983 MALICIOUS PROSECUTION

162. Plaintiff adopts and re-alleges paragraphs 1 through 161 of this complaint as though fully stated herein.

163. As described more fully above, the Defendants commenced, caused to be commenced, and/or continued a criminal proceeding against Plaintiff for which Defendants knew there was no probable cause, and no charging instrument, and no crime.

164. Traffic infractions are not crimes. *“Traffic Infractions Are NOT CRIME” (emphasis added) “Being subject to only local regulation, ie. safety, caution, traffic lights, speed limits, etc, travel is not a privilege requiring licensing, vehicle registration or forced insurances.” Chicago Coach Co. v. City of Chicago.*

165. The Defendants’ actions were undertaken intentionally, with malice and reckless indifference to the rights of others—specifically, the Plaintiff’s.

166. As a result of the Defendants’ malicious prosecution, Plaintiff has suffered injury, anxiety, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

167. Said Defendants continue to prosecute Plaintiff on false evidence or heresay.

168. Said Defendants continue to prosecute Plaintiff with no real party in interest.

169. Said Defendants continue to prosecute Plaintiff with no Corpus Delecti.

170. There is no injured party (Corpus Delecti). For a crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional Protected Right." Sherer v. Cullen 481 F. 945:

171. Said Defendants continue to administrate Plaintiff and her property without right.

172. It is a FACT that there is no contract that would obligate Plaintiff to perform. Clearfield Trust Co. vs United States 318 US 363-371 (1942) “Governments descend to the Level of a mere private corporations and take on characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned...For purposes of suit, such corporations and individuals are regarded as entities separate from government”.

NINTH CAUSE OF ACTION:

STATE LAW CLAIM: ARMED ASSAULT

173. Plaintiff adopts and re-alleges paragraphs 1 through 172 of this complaint as though fully stated herein.

174. At that time, Plaintiff had a reasonable apprehension that she was in considerable danger and would be subjected to great bodily harm. Additionally, Defendants were presumed to be armed with deadly weapons. Plaintiff had a reasonable belief that those deadly weapons would be used against her if she did not comply.

175. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others—specifically, the Plaintiff.

176. As described in the preceding paragraphs, the conduct of the Defendants, acting under color of law and within the scope of their employment, was undertaken willfully and wantonly, proximately causing Plaintiff's injuries.

TENTH CAUSE OF ACTION: SIMULATION OF LEGAL PROCESS

177. Plaintiff adopts and re-alleges paragraphs 1 through 176 of this complaint as though fully stated herein.

178. The DEFENDANTS issuing securities against Plaintiff when no contract exists and no crime or affidavit of probable cause is a simulation of legal process and abuse of process.

179. Locking court doors during business hours and locking Plaintiff inside is simulation of legal process intended to harass, injure, threaten and defraud Plaintiff. Per the Constitution for the United States and the Utah State Constitution, all courts are to be open to the public.

180. DEFENDANTS moving a fraudulent case against Plaintiff for unjust enrichment of DEFEDANTS without any appearance of Due Process or the Rule of Law is a simulation of legal process.

181. DEFENDANTS proceeding in this fraudulent action with no jurisdiction is a simulation of a legal process and violation of Plaintiffs rights to due process and protections under the Constitution for the United States.

ELEVENTH CAUSE OF ACTION: STATE LAW CLAIM: *RESPONDEAT*

SUPERIOR

182. Plaintiff adopts and re-alleges paragraphs 1 through 181 of this complaint as though fully stated herein.

183. In committing the acts alleged in the preceding paragraphs, the Defendants were acting as members and agents of FARMINGTON CITY POLICE acting at all relevant times within the scope of their employment.

184. Defendants FARMINGTON CITY is liable as principal for all torts committed by its agents when acting as its agent.

TWELTH CAUSE OF ACTION: STATE LAW CLAIM: *INDEMNIFICATION*

185. Plaintiff adopts and re-alleges paragraphs 1 through 184 of this complaint as though fully stated herein.

186. Utah law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

187. The Defendants are employees of the FARMINGTON CITY POLICE, DAVIS COUNTY ATTORNEYS OFFICE AND DAVIS COUNTY JUSTICE COURT respectively and who acted within the scope of their employment in committing the misconduct described herein.

DAMAGES

188. Plaintiff adopts and re-alleges paragraphs 1 through 187 of this petition as though fully stated herein.

189. Plaintiff suffered actual, compensatory, special, punitive, and treble damages.

190. As a result of the nature and consequences of her damages, Plaintiff suffered mental anguish, emotional distress, loss of enjoyment of life, time lost to address this matter and economic damages.

191. Plaintiff seeks such recovery together with all damages to which Plaintiff may show to be justly entitled, which amounts are in excess of the minimum jurisdictional limits of this Court.

192. Defendants may be liable for additional damages that may come to light during the discovery process or at trial.

INTEREST

193. Plaintiff adopts and re-alleges paragraphs 1 through 192 of this petition as though fully stated herein.

194. Plaintiff pleads entitlement to pre-judgment interest at the rate allowed by law, and no more than is allowed by law, on any damages awarded by this Court to them.

195. Plaintiff further pleads that if Plaintiff is not allowed such pre-judgment interest he will not be fully compensated.

196. In addition, Plaintiff pleads entitlement to post-judgment interest in the maximum amounts allowed by law, and no more than is allowed by law, until the judgment is paid.

REQUEST FOR EMERGENCY INJUNCTIVE RELIEF

197. Plaintiff adopts and re-alleges paragraphs 1 through 196 of this petition as though fully stated herein.

198. Plaintiff seeks to enjoin the Defendants from the following:

- a) Conducting or participate in conference, hearings or trial or in issuing any orders related to or involving Plaintiff;
- b) Taking any action to kidnap Plaintiff.
- c) Taking any action to take property in use by Plaintiff.

THREAT IS IMMINENT

199. Accordingly, Plaintiff respectfully requests that the Emergency Temporary Restraining Order issue without notice.

IRREPARABLE HARM

200. In addition, Plaintiff has and will suffer continued defamation of character.

201. Plaintiff is likely to prevail on the merits of this petition and claim.

WHEREFORE PREMISES CONSIDERED Plaintiff Diane Killian Allan requests:

202. A temporary restraining order be issued without notice to the Defendants, restraining Defendants, their attorneys, trustees, agents, servants, representatives, assignees, substitutes, and employees and the Davis County Justice Court and their attorneys, trustees, agents, servants, representatives, assignees, substitutes, and employees from:

- a) Conducting or participate in conference, hearings or trial or in issuing any orders related to or involving Plaintiff;
- b) Taking any action to kidnap Plaintiff.
- c) Taking any action to take property owned or in use by Plaintiff.

203. Defendants be cited to appear and show cause and that on such hearing, a preliminary injunction be issued, enjoining Defendants, their attorneys, trustees, substitute trustees, agents, servants, representatives, assignees, substitutes, and employees from:

- a) Conducting or participate in conference, hearings or trial or in issuing any orders related to or involving Plaintiff;
- b) Taking any action to kidnap Plaintiff.

c) Taking any action to take property owned or in use by Plaintiff.

204. A permanent injunction be ordered on final trial of this cause, enjoining Defendants, their attorneys, trustees, substitute trustees, agents, servants, representatives, assignees, substitutes, and employees from:

205. Conducting or participate in conference, hearings or trial or in issuing any orders related to or involving Plaintiff;

206. Taking any action to kidnap Plaintiff.

207. Taking any action to take property owned or in use by Plaintiff.

208. Actual, compensatory, special, and exemplary damages;

209. Statutory penalties, if any;

210. Costs of court and bringing of this suit;

211. All further relief, general or specific, at law or equity, together with such other and further relief as the Court may deem reasonable and just under the circumstances.

WHEREFORE, Plaintiff, **DIANE KILLIAN ALLAN**, respectfully requests that this Court enter judgment in her favor against Defendants, **DANE HANSON, ERIC JOHNSEN, WAYNE HANSEN, FARMINGTON CITY, TROY RAWLINGS, DAVID COLE, DAVIS COUNTY ATTORNEYS OFFICE, JOHN CARL YNCHAUSTI** and **DAVIS COUNTY DRUG COURT, INC.** awarding compensatory damages and fees, along with punitive damages against the **DEFENDANTS** in their individual capacity, as well as any other relief this Court deems just and appropriate.

TRIAL BY JURY DEMAND

Plaintiff, **DIANE KILLIAN ALLAN**, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) as well as pursuant to the seventh amendment to the United State Constitution on all issues so triable.

RESPECTFULLY SUBMITTED THIS 9 *Day of September, 2022*

By: Diane Killian Allan

Diane Killian Allan

Diane Killian Allan
1152 W 475 S
Farmington, Utah
Email: diane@movinutah.com

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

SEP 09 2022

GARY P. SERDAR
CLERK OF COURT

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

Diane Killian Allan,

Plaintiff,

v.

Dane Hanson, Eric Johnsen, Wayne Hansen, David
Cole, Troy Rawlings, John Carl Ynchausti,
FARMINGTON CITY, a Corporation, Davis County
Attorney's office, a Corporation and DAVIS COUNTY
JUSTICE COURT, a Corporation dba DAVIS
COUNTY DRUG COURT, INC.

**AFFIDAVIT IN SUPPORT
OF PETITION AND
REQUEST FOR
EMERGENCY INJUNCTIVE
RELIEF**

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

I, Diane Killian Allan, am the named Plaintiff above and state and swear before God, under penalty of perjury, under the laws of the United States, that the following is true and correct to the best of my knowledge:

1. I am over the age of 18 and am competent to testify before this court.
2. I am the Plaintiff in the above-entitled action and I am familiar with the files, records and pleadings in this matter.
3. The facts set forth in this petition are true and correct to the best of my knowledge.

RESPECTFULLY SUBMITTED THIS 9 day of September, 2022.

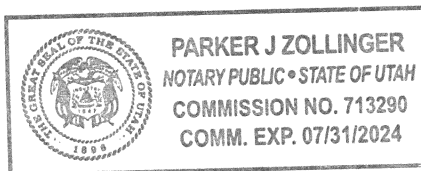
By: Diane Killian-Allan

Diane Killian Allan

Sworn to and subscribed before me this 9 day of SEPTEMBER, 2022.

[Signature]

Notary Public



My Commission Expires: 07/31/2024



FARMINGTON CITY

BRETT ANDERSON
MAYOR

ROGER CHILD
SCOTT ISAACSON
MELISSA LAYTON
ALEX LEEMAN
AMY SHUMWAY
CITY COUNCIL

SHANE PACE
CITY MANAGER

July 6, 2022

Diane Allen
11525 W 475 S
Farmington, UT 84025

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

Re: GRAMA Request re: Validation of Citations

Dear Ms. Allan:

I write in response to your June 7, 2022 GRAMA request, which Farmington City received on June 7th 2022, for:

1. records relating to identifying you as a person;
2. records identifying you as a dead entity or slave;
3. records identifying you as an employee;
4. records identifying you as a resident;
5. records identifying you as required to register an automobile;
6. records requiring that a 2014 BMW is required to be registered;
7. records that you were operating the vehicle for hire, etc;
8. records related to Farmington having jurisdiction over you;
9. records that you are the owner of the 2014 BMW;
10. records that your 2014 BMW is a vehicle;
11. records relating to enforcement actions involving you or your BMW;
12. records relied on that show the failure to register the vehicle was applicable to you or your BMW;
13. records regarding any contracts, obligations by you to Farmington City;
14. records relating to Officers Hansen and Johnsen and their legal standing to file a citation in the Davis County Justice Court;
15. records that show legal authority to issue "Summary Offenses" against you;
16. records that show you are a resident of the City of Farmington, etc.;
17. records evidencing ownership interests in your 2014 BMW;
18. records regarding the compensation of Officers Hansen and Johnsen;
19. records of job descriptions for Officers Hansen & Johnsen; and
20. records related to bonds secured by Farmington City to cover damages in their official roles.

After conducting a thorough search, Farmington City has identified documents responsive to your request, those documents are provided. Any of your requests that did not have any responsive documents are noted below.

160 S MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov



FARMINGTON CITY

BRETT ANDERSON
MAYOR

ROGER CHILD
SCOTT ISAACSON
MELISSA LAYTON
ALEX LEEMAN
AMY SHUMWAY
CITY COUNCIL

SHANE PACE
CITY MANAGER

August 15, 2022

Diane Allen
1152 W 475 S
Farmington, UT 84025
801-390-0970
Diane.allen.ut@gmail.com

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

Re: GRAMA Request for Authorization from DOT Documents

Dear Ms. Allen:

I write in response to your August 13, 2022 GRAMA request, which Farmington City received on August 15, 2022, for "the authorization that Farmington City Police and Officers, Eric Johnsen and Dane Hansen have authorization from the Department of Transportation to enforce the safety code. Please provide the memoranda of understanding signed by the Farmington City Police that Eric Johnsen and Dane Hansen have authority to enforce transportation codes for 1/1/2017 – 8/10/2022."

After conducting a thorough search, Farmington City has not identified any documents meeting your description of records in your request.

Sincerely,

DeAnn Carlile
Farmington City Recorder

Diane: Killian-Allan
c/o RR 1152 W 475 S
Farmington, Utah State Republic, w/o the United states

Affidavit Of Status

I, Diane: Killian-Allan, a woman, am over the age of consent, am a creation of God-Almighty and a follower of God's laws first and foremost, and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by Federal Public Law 97-280, 96 Stat. 1211 - "Where as the Bible, the Word of God, has made a unique contribution in shaping the United States as a distinctive and blessed nation and people" and "Whereas Biblical teachings inspired concepts of civil government that are contained in our Declaration of Independence and the Constitution of the United States" and "Whereas the Bible is "the rock on which our Republic rests".

I have personal knowledge of the matters stated herein and hereby asseverate, understanding both the spiritual and legal liabilities of, "Thou shalt not bear false witness against thy neighbor"

Being a woman of God, a living soul, of flesh and blood, of sound mind, intelligent and of competent nature, the creditor, beneficiary and holder in due course of the trust. I am, a member and proud descendant of "We the People" as creator and arbitrator of government. I am NOT one artificially created by government such as "Citizen", "Person", "Resident" or "Taxpayer", et.al.

That Affiant, is not a corporation created under the laws of the United States or any state, the District of Columbia, or any territory, commonwealth, or possession of the United States or a foreign state or country public or private.

That affiants status is supported in the Declaration of the united States of America July 4, 1776. WHEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Banks which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

WE hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness - - That to secure these Rights, Governments are instituted among Men deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive to these Ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying it's Foundation on such Principles, and organizing it's Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.

That affiants status is support in Title 8 USC § 1101 a 21& 23.

(21) The term "national" means a person owing permanent allegiance to a state.

(23) The term "naturalization" means the conferring of nationality of a state upon a person after birth, by any means whatsoever.

Exhibit 3

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

That Affiant, is not an officer, agent, shareholder, franchisee, or fiduciary agent, resident inhabitant, or domiciled in any corporation.

That Affiant, is not: A vessel documented under Chapter 121 of Title 46 USC or a vessel numbered as provided in Chapter 123 of that Title.

That Affiant, Is not an enemy of the United States or any corporation created under the laws of the United States or any state, the District of Columbia, or any territory, commonwealth, or possession of the United States, or a foreign state or country public or private.

Any presumption that Affiant is any of the above or documentation implying any of the above, is not the act or intention of this Affiant and any such presumption or documentation is fraudulent, illusionary, false representation of a matter of fact or a kind of artifice employed by one person to deceive another for self-serving purposes.

That Affiant, is neither affiliated with or an enemy of any public or private corporation domestic or foreign, but is a neutral body.

That Affiant's, name and the location of, are particularly unique to this Affiant, although not affiliated with the corporate body politic near the same location and it suffices as complete, necessary and sufficient identification and evidencing Affiants neutral standing (15 USC 1681h).

In these United States of America, the authority of any and all governments resides in the People of the land, for government is a fiction of the mind and can only be created by the People, affected by the People, overseen by the People, for the benefit of the People, and to secure the individual God-given rights of the People.

I reserve, claim all, and waive none of my God-given, secured and guaranteed Rights, pursuant to the Declaration of Independence and the Constitution for the United States of America as ratified in 1791 with the Articles of the Amendments.

Pursuant to the Constitution for the United States of America as ratified in 1791 with the Articles of the Amendments, Article VI paragraph 2, "This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, under the authority of the United State, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding".

As a matter of their lawful compliance to the referenced Constitution, any of the People, while functioning in any Public capacity, in return for the trust of the People, are granted limited delegated authority by the People, with specific duties delineated in accordance thereof, shall only do so pursuant to a lawfully designated, sworn and subscribed Oath of Office and any and all bonds required thereof.

7. The only court authorized by the referenced Constitution to hear matters of the People is a court that conforms to and functions in accordance with Article III Section 2 of the referenced Constitution in which all Officers of the court abide by their sworn and subscribed oaths of office and support and defend the Rights of the People, and are heard only in "Trial by jury", in accordance with all aspects of due process of law.

8. Pursuant to the supreme Law of the Land and the God-given Rights secured and guaranteed therein, this Constitution is established to ensure the dominion granted by God to all People, on this land, shall endure, and ensure forever that the People on this land be free from any and all slavery, indenturement, tyranny, and oppression under the color of any law, statute, code, policy, procedure, rule, regulation or of any other type.

Pursuant to this Constitution, I cannot be compelled, manipulated, extorted, tricked, threatened, placed under duress, or coerced or so affected, under the color of law by any Natural Person, who individually, or in any capacity as, or under, any Artificial Person, agency, entity, officer, or party, into waiving of any of my Rights or to act in contradiction thereof, or to act in opposite of the moral conscience and dominion granted to me by God, nor can I be deprived of any of these Rights, privileges, and immunities except by lawful process in accordance with the Law, without that Natural and/or Artificial Person, in whatever capacity. Anyone using any process, not in accordance with the Constitution, causing injury to me, thereby commits numerous crimes, requiring lawful punishment therefrom.

"I set out on this ground which I suppose to be self evident, 'that the earth belongs in usufruct to the living,' that the dead have neither powers nor rights over it." Thomas Jefferson in letter to James Madison; criticizing the new constitution September 6th 1789 -

At some point in time, one recognizes the fraud. As I the woman, have awakened to the fact that it is I, the living woman, who's blood, sweat and tears, of her labor, that has been fraudulently held as the surety and as the debtor, when in reality it is I, that is truly the holder in due course and the actual creditor.

But Alas! The government corporation deems that the man is "LOST AT SEA" by his very (E)state, while her employees (the Government, Corporations) steal the fruits of his labor.

I know right from wrong. If there is any wo/man damaged by any statements herein, if s/he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendments to this document as necessary, in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within ten [10] days from receipt hereof, providing me with your counter-affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of his son, be done on Earth as it is in Heaven.

Reserving ALL my Natural God-Given Unalienable Rights, Waiving None, Ever.

Further, that I do solemnly attest that the foregoing facts contained herein are true, correct and complete to the best of my knowledge and belief, under the penalty of perjury in accordance with the laws of the United States and the law of nations.

FOR CAUSE, STATUS

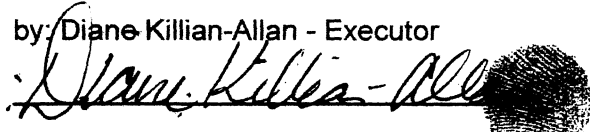
PER; 28 U.S. Code § 1746 - Unsworn declarations under penalty of perjury

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 9 day of the April month, in the year of our lord two thousand and twenty two.

Without prejudice, and without recourse, I, hereby place my Autograph below

by: Diane Killian-Allan - Executor



Notice to agents is notice to principal, Notice to principal is notice to agents. This is The End of this Affidavit

Creator: Diane; . Killian-Allan
% Rural Route 1152 W 475 S
Farmington, Utah zip Exempt
without the United States

Michael D. DiReda
COUNTY OF DAVIS
DBA: DAVIS COUNTY JUSTICE COURT
KEY PRINCIPAL: Bret Milburn
DUNS #: 072979032
800 WEST STATE STREET
FARMINGTON, UT 84025
Registered # RF368325365US

D Hanson, Registered # RF368325374US
Eric Johnsen, Registered # RF368325388US
Wayne Hansen, Registered # RF368325391US
CITY OF FARMINGTON
DBA:FARMINGTON POLICE DEPARTMENT
DUNS #: 051537033
KEY PRINCIPAL: Wayne Hanson
286 S 200 E
160 S MAIN ST
FARMINGTON, UT 84025

Office of the Attorney General
Utah State Capitol Complex
350 North State Street Suite 230
SLC UT 84114-2320
Certified # 70200640000194065651

Notice to principal is notice to Agent, Notice to Agent is Notice to Principal.

Affidavit of Truth and Fact

Before me, the undersigned authority, personally appeared Diane; .Killian-Allan, who being by me duly sworn, deposed as follows: "Diane; . Killian-Allan, a woman and a creation of God-Almighty, am over the age of consent, am of sound mind, and have personal knowledge of the matters stated herein. I have created this Affidavit to establish the true facts of this matter,

because this matter lacks the standard of regularity. I declare under the penalty of perjury by the laws of the Republic of the United States of America, that I testify here, and will testify in open court, that the facts stated herein are the truth, the whole truth, and nothing but the truth, so help me God.”

1. I, Diane; . Killian-Allan, am before this Court by “Special Appearance”, without waiving any rights, remedies, or defenses. I am not waiving defects of service, nor am I submitting to jurisdiction of the Court or the alleged Plaintiff/Claimant/Litigant, hereinafter moving party, in this Color of Law action; as there is no evidence of the Court or the alleged moving party, having personal or subject matter jurisdiction in this matter.

A. COLOR OF LAW. “The appearance or semblance, without the substance, of legal right.”
Black’s Law Dictionary 4th edition

2. I reserve all of my God-given rights, waive no rights, which are secured by the Constitution of Utah and the Constitution for the United States of America 1791, that binds both the Court and the alleged moving party.

Article 6 clause 2 “ This constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the land; and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

3. I am a woman, a living soul - not a legal person, corporation, citizen, subject, resident, vessel, et al. I am at peace. I disclaim being, or having ever been, a fiduciary or a surety for any commercial entity without full, complete, and timely disclosure of all relevant facts. “We the People”, as secured parties, are now under hardship by the B.A.R. Associations as to legal disabilities due to discrimination and violation under their color of law. This action under color of law violates United States Codes:

Title 18 U.S. Code § 241 - Conspiracy against rights,

Title 18 U.S. Code § 242 - Deprivation of rights under color of law

Title 18 U.S. Code. § 245 - Federally Protected Activities

Title 42 U.S. Code § 1983 - Civil action for deprivation of rights

18 U.S. Code § 912 Officer or employee of the United States

18 U.S. Code § 913 Impersonator making arrest or search

18 U.S. Code § 1962 Prohibited Activities

18 U.S. Code § 1348 Securities and commodities fraud

18 U.S. Code § 1001 Statements or Entries Generally

18 U.S. Code § 1341 Frauds and swindles

18 U.S. Code § 872 Extortion by officers or employees of the United States

18 U.S. Code § 878 Threats and extortion against foreign officials, official guests, or internationally protected persons

18 U.S. Code § 112 Protection of foreign officials, official guests, and internationally protected persons

18 U.S. Code § 2261A Stalking

4. On the same day my husband was also stopped and issued a Citation by defacto officers operating under color of law. It appears these officers are intentionally targeting certain People. These actions meet all of the elements of the Racketeer Influenced and Corrupt Organizations Act.

5. Additionally, the violations preformed are defined as abuses, injuries, usurpations and tyranny as found in the Declaration of Independence, an unrebutted Affidavit which stands as law. Specifically the Declaration mentions:

“ He has erected a Multitude of new offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.”

“He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended legislation:”

6. PERSON. “In law, man and person are not exactly-synonymous terms. Any human being is a man, whether he be a member of society or not, whatever may be the rank he holds, or whatever may be his age, sex, &c. A person is a man considered according to the rank he holds in society, with all the rights to which the place he holds entitles him, and the duties which it imposes. 2. It is also used to denote a corporation which is an artificial person...6. Persons are also divided into citizens and aliens, when viewed with regard to their political rights. When they are considered in relation to their civil rights, they are living or civilly dead; vide Civil Death; outlaws; and infamous persons. ” Bouvier Law Dictionary 1856

7. Ejusdem Generis: of the same kind. 2. In the construction of laws, wills and other instruments, when certain things are enumerated, and then a phrase is used which might be construed to include other things, it is generally confined to things ejusdem generas; as, where an act (9 Ann. C. 20) provided that a writ of quo warrant might issue against persons who should usurp “then

offices of mayors, bailiffs, port reeves, and other offices, within the cities, towns, corporate boroughs, and places, within Great Britain,” &c.; it was held that “other offices” meant offices ejusdem generis; and that the word “places” signified places of the same kind; that is, that the offices must be corporate offices, and the places must be corporate Places. 5 T. R. 375, 379; 5B. & C. 640; 8D. & Ry. 393; 1B. & C. 237.

8. United States Code Definitions :

Title 18 § 921 (1) the term “person” and the term “whoever” include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Title 18 chapter 1 § 9 The term “vessel of the United States”, as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

Title 49 U.S. Code § 40102 (a) (15) “citizen of the United States” means— (A) an individual who is a citizen of the United States; (B) a partnership each of whose partners is an individual who is a citizen of the United States; or (C) a corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

9. The Constitutions do not grant me rights and privileges, they only secure my inherent God-given un-a-lien-able rights, which have been enumerated in the Constitutions, and “excepted out of the general powers of government and shall forever remain inviolate”.

Constitution of Utah Article 1 § 2 All political power is inherent in the people.

All political power is inherent in the people, and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require

10. United States Constitution Amendment 1: Congress shall make no law respecting and establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

11. Federal Public Law 97-280 & 96-1211 The King James Bible is law.

12. Ezra Chapter 7 Verse 24 : “Also we certify you , that touching any of the priests and levites, singers, porters, Nethinims, or ministers of this house of God, it shall not be lawful to impose toll, tribute, or customs, upon them.

13. United States Constitution Amendment 9- Other Rights Kept by the People.
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

14. My rights do not come from “written instruments” or municipal corporations, which were created by other men with rights equal to mine - but never greater. My rights come from God - my Creator and are un-a-lien-able and infeasible. Any party claiming otherwise will have to make such a claim in an Affidavit and be prepared to support that Affidavit with testimony under oath and under the penalty of perjury because any such claims that written instruments and municipal corporations grant me rights and privileges, that I already possess upon my creation by the divine spark from God - my Creator.

15. Any claim that any written instrument or municipal corporation grants me rights and privileges, 1) violates my religious freedom protected under the 1st Amendment; 2) constitutes a violation of my privacy and a seizure of my rights which are my property, protected under the 4th Amendment; 3) constitutes deprivation of my life, liberty, and property, without due process of law, protected under the 5th Amendment; 4) violates my right to confront my accuser and a trial by Jury in any criminal matter, protected under the 6th Amendment; 5) violates my right to live by the Common Law, to face my accuser, and a trial by jury in any civil matter, protected under the 7th Amendment; 6) violates my God-give retained right to freely travel, protected under the 9th Amendment; and 7) violates my right to freedom and imposes indenturement and slavery upon me, protected under the 13th Amendment to the united States Constitution for America.

16. Neither the DAVIS COUNTY SHERIFF OFFICE or STATE OF UTAH - Fiction of Law, not a real entities or the Officer who initiated this matter have standing to proceed with the court system's dispute resolution process; therefore depriving the Court of subject matter jurisdiction. Pursuant to the Constitution for the United States of America, Article IV, Section 1 - The Full Faith and Credit Clause: “In general, the question of standing is distinguishable from that of subject matter jurisdiction. However, when a statute creates a cause of action and designates who may sue, the issue of standing becomes interwoven with that of subject matter jurisdiction”, Hill v. Divecchio, 425 Pa.Super. 355, 625 A.2d 642 (1993), alloc, denied, 538 Pa. 613, 645 A.2d 1316 (1994). “Standing then becomes a jurisdictional prerequisite to an action”, Id. at 361, 625 A.2d at 645. “It is well-settled that the question of subject matter jurisdiction may be raised at any time, by any party, or by the court sua sponte”, Id. at 361 n. 3, 625 A.2d at 645 n. 3. “Prior to judicial resolution of a dispute, an individual must as a threshold matter show that he has standing to bring the action”, Bergdoll v. Kane, 557 Pa. 72, 731 A.2d 1261, 1268 (1999). “The traditional concept of standing focuses on the idea that a person who is not adversely impacted by the matter he seeks to challenge does not have standing to proceed with the court system's dispute

resolution process”, See William Penn Parking Garage v. City of Pittsburgh, 464 Pa. 168, 346 A.2d

17. In the matter of CITATION # F10026165, On April 7, 2022, I was traveling on the Frontage Rd and saw flashing lights and I thought there was an emergency. The defacto officer D Hanson, unlawfully stopped my automobile by force of arms to threaten, intimidate and force a fraudulent securities contract upon me.

18. D. Hansen requested my driver license and registration. I informed him I was not operating under a license and that I was traveling in private and not operating in commerce. He asked for other documentation and I provided my passport and the C6onstitution.

19. D Hansen called another officer, Eric Johnsen, who joined him at the stop.

20. D Hanson returned to my car window and stated he stopped me for expired registration. I asked D Hansen what his probable cause was for the stop. His reason provided was an expired license plate. I informed him that was not probable cause for a stop and asked again what his probable cause was. I provided him a letter from the Department of Justice with the US Codes Title 18 § 241 & 242 so he could read and be aware he was violating the law before he proceeded. He refused to read it and I informed him verbally of the violation he was committing.

21. I provided him a letter from the Department of Travel to inform him of the The United States of America Department of Travel has advised in a letter dated November 23, 2015 regarding Education of law enforcement agents in which it states that there are unconstitutional acts being committed by law enforcement against those who’s status is different than the average U.S. Citizen and are considered American Nationals. I asked him to read it right then, he refused. The letter further provides links in which the links provide education and a manual for training on requirements for interactions with American Nationals, See Exhibit A. You shall provide this information to all officers and education them properly on the rights of the people. Article 4 Section 2 of the Constitution for the United States of America- “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States”.

22. He proceeded to state his color of law “infractions” and threw the citation in the window of my car and walked away. The citation/summons issued it was not autographed nor accepted by me.

23. I am not under the jurisdiction of the CITY OF FARMINGTON DUNS # 051537033 or COUNTY OF DAVIS DUNS #072979032 the STATE OF UTAH corporation DUNS #: 009094301 nor am I under the jurisdiction of the UNITED STATES INC DUNS #: 052174196 neither am I under the jurisdiction of any other corporation doing business as a any other entity “of”.

24. At the time of the stop I was forcibly given a document that appears to be a citation/ summons which states I failed to register or expired Registration UTAH code 41-1A-1303 (1) (b). In order for the false statement to be true I would have to be a person and/or employee and a part of the STATE OF UTAH corporation, I would have to be driving in a vehicle, and the vehicle would have to be required to be registered. I am not a person, I am not a part of the STATE OF UTAH corporation, I was not driving, I was not in a vehicle, and my private property is not required to be "registered". Especially because the word registration when taken in its latin form is the act of giving away your property to a king for them to administer. This is evidenced by Utah code 41-1a-118 which states anything issued by the Division of Motor Vehicles may be seized as it is their property upon registration. Because my property is mine and mine alone and I will not be coerced into fraud and theft; therefore, the imposed citation/ summons is fraud.

25. The document that appears to be a citation/summons further states "NO DRIVER LICENSE IN POSSESSION DRIVING A 53-3-217-(1)(A). While traveling I was not operating under a "driver license" and provided a passport. The officer falsely stated I was not in possession of a driver license. Regardless a "driver license" is NOT required to travel in private in my property as I informed D. Hanson. The right to travel is protected under the Constitution for the united States of America (1791) and other Supreme Court rulings.

26. The citation/summons is filed in the name of a Fictitious moving party doing business as the DAVIS COUNTY SHERIFF OFFICE, Dun & Bradstreet Number 072979032, by some unknown party to me, as no one claiming to be the moving party has provided me an Affidavit or testified to anything in this Matter.

27. I'm told that filing an action against I, Diane; . Killian-Allan a woman, in the name of a Fictitious moving party is a sanctionable offense, and I'm certain that it constitutes criminal fraud, as no party can enforce the rights or claims of another party, especially when the other party is a Fiction of Law that exists only on paper.

28. I am not, and cannot, be the Defendant in this matter, as there is no real Adversary opposing me, because the alleged moving party, the CITY OF FARMINGTON DBA FARMINGTON POLICE DEPARTMENT is a Fictitious moving party. No one has authority to arbitrarily change my Status to a Defendant, without a verified complaint, first, being filed against me by a moving party with standing in the matter, and proper Service of Process provided to me; especially when the alleged moving party is a Fiction of Law, existing only on paper.

"As a general principal, standing to invoke the judicial process requires an actual justiciable controversy as to which the complainant has a real interest in the ultimate adjudication because he or she has either suffered or is about to suffer an injury." People v. Superior Court, 126 Cal.Rptr.2d 793

"In every criminal trial, the prosecution must prove the *Corpus Delicti*, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as

as its cause.” People v. Sapp 73 P. 3d 433, 467 (cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal. 4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P. 3d 372]

“For a crime to exist, there must be an injured party (*Corpus Delicti*). There can be no sanction or penalty imposed on one because of this Constitutional Right.”
Sherer v. Cullen 481 F. 945

29. The only reason I carry the “driver’s license” is because of force, threat, and duress, and fear for my safety and my life, and fear for the safety and lives of my family; as not having the driver’s license would subject me to continuous harassment and threats by men posing as Officers, employed by for profit municipal corporations, who will forcibly stop me without a warrant or probable cause for exercising my right to freely travel, and by force of arms, will impose their statutes and codes, upon myself and my family, with the intent to extort money from me for their benefit and their employer's benefit.

“The court makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus when merely traveling without compensation or profit, outside of business or enterprise or adventure with the corporate state, no license is required of the natural Individual traveling for personal business, pleasure, and transportation.” Wingfield v. Felder 20 CA 3d 213 (1972)

“No state shall convert a liberty into a license, and charge a fee therefore.” (Murdock v. Pennsylvania, 319 U.S. 105)

“Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of a right... may ignore the law and engage with impunity of such right.” Shuttlesworth v. Birmingham 394 US 147 (1969)

“If the state does convert your right into a privilege and issue a license and fee for it, you can ignore the license and fee and engage in the right with impunity.” Shuttlesworth v. Birmingham AI. 373 US 262 (1962)

30. Before any actions can be taken against I - Diane; . Killian-Allan, a woman, or my Private Property, I have a right to due process of law and an inviolate right to a trial by jury, in an Article III, judicial court of law; not in an inferior court or an administrative courts that lack a verified complaint stating a valid “cause of action” for which the Court can grant relief, and in Courts possessing no evidence of personal and subject matter jurisdiction, beyond their “say so”, involving any matter regarding myself or my private property.

Constitution of the United States of America (1791)

“In suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of Trial by Jury shall be preserved, and no fact tried by a jury shall be otherwise re-

examined in any Court of the United States, than according to the rules of the common law.

31. The only court authorized by the referenced Constitution to hear matters of the People is a court that conforms to and functions in accordance with Article III Section 2 of the referenced Constitution in which all Officers of the court abide by their sworn and subscribed oaths of office and support and defend the Rights of the People, and are heard only in "Trial by jury", in accordance with all aspects of due process of law.

32. I have a firm, good faith reliance that the man who identified himself as an Officer, responsible for issuing the citation/summons, has executed an oath to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that the officer is educated, trained, paid, and sworn to uphold the law. I have been defrauded by this man, facts set forth in this Affidavit, with specific intent, since he has no excuse such as ignorance of the law.

33. I have not been provided evidence, nor has any been cited on the citation, proving that a private employee of a municipal corporation doing business as the FARMINGTON POLICE DEPARTMENT, who identified himself to me as being an Officer, possesses the authority to force me off of the road, approach my car by force of arms, and impose the extreme tactics of force, threat, and duress, to impose commercial statutes upon me, which willfully and factually violates my Constitutionally secured rights.

34. On April 7th of 2022, I was exercising my God-given, substantive, constitutionally secured right to freely Travel, I was not acting as a Driver engaged in Commerce. My right to Travel is a substantive right, essential to live, work, and to survive. To deprive me of my right to Travel is a deprivation of my life, my liberty, and my pursuit of happiness.

SUBSTANTIVE. "An essential part or constituent or relating to what is essential."
Stewart-Warner Corporation v. Le Vally, D.C.Ill., 15 F.Supp. 571, 576.

Constitution of Utah Article 1 § 27. Fundamental Principles

"Frequent recurrence to fundamental principles is essential to the security of Individual rights and the perpetuity of free government"

"The use of the highway for the purpose of travel and transportation is not a mere privilege but a common fundamentally protected right of which the public and individuals **cannot** rightfully be deprived." Chicago Motor Coach v. Chicago 169 NE 221

"The **right** of the citizen to drive on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a fundamental constitutional right which must be protected by the courts."

Simeone v. Lindsay 65 Atl. 778,779; Hannigan v. Wright 63 Atl. 234,236

“ No state government entity has the power to allow or deny passage on the highways, byways, nor waterways...Transporting his vehicles and personal property for either recreation or business, but by being subject only to local regulation ie., safety, caution, traffic lights, speed limits, etc. Travel is not a privilege requiring licensing, vehicle registration, or forced insurances.” Chicago Coach Co. v. City of Chicago 337 111. 200, 169 N.E. 22.

35. On April 7th of 2022, D Hanson forced me off of the road, endangered my safety, approached my car by force of arms, posed as an Officer, and I believe he acted in violation of 18 U.S. Code § 912 and 18 U.S. Code § 913, and proceeded to impose the tactics of force, threat, and duress, upon me, so that he may impose corporate statutes upon me, in order to benefit himself and to collect revenue for his employer, the municipal corporation of the CITY OF FARMINGTON DBA FARMINGTON POLICE DEPARTMENT ; while intentionally, willfully, and factually violating my Constitutionally secured rights.

18 U.S. Code § 912. Officer or employee of the United States: Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

18 U.S. Code § 913. Impersonator making arrest or search: Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined under this title or imprisoned not more than three years, or both.

36. I have a firm, good faith reliance that Officers of the Court have executed oaths to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that Officers of the court are educated, trained, paid, and sworn to uphold the law. However, as the actions of D Hanson and Eric Johnsen have not followed the law they have in fact committed an emolument violation as they have stepped outside of their bounds and the statutes imposed upon them. Thus by their actions they have abandoned their position as an officer and have in fact become Inland pirates, and by the FARMINGTON POLICE DEPARTMENTS own admission April 7th 2022 when we returned the rescissioned citation/summons, which was never accepted as it thrown in my window and not signed at the time of the stop. When we returned the citation/summons within the 72 hour right or rescission timeline following proper law the office, specifically Eric Johnsen, stated they will declare war upon me. As a warrant is a war declaration in the form of a rant, War-Rant. Officers of the court are required to report criminal activity as promptly as they become aware of it. I am officially notifying this Court and making this Court aware that I have been defrauded in this matter, evidence and facts are set forth in this Affidavit.

37. I'm not a subject or citizen, owing duties and obligations to the persons operating as the municipal corporation doing business as the "CITY OF FARMINGTON DBA FARMINGTON

POLICE DEPARTMENT,” or to any other municipal corporation; nor does my physical location on the geographic region referenced as Utah, make me a subject or citizen, owing duties and obligations, to the municipal corporation known as the COUNTY OF DAVIS OR STATE OF UTAH, or to any other municipal corporation.

38. As an issue of fact, I see no verified evidence on the citation/summons proving that I was physically located inside of the municipal corporation, a Fiction of Law, doing business as the FARMINGTON POLICE DEPARTMENT on April 7th, 2022, nor is there any evidence that my physical location on the geographic region referenced as Utah, makes me a subject with duties and obligations owed to the municipal corporation, a Fiction of Law, doing business as the CITY OF FARMINGTON DBA FARMINGTON POLICE DEPARTMENT or STATE OF UTAH , or to any other municipal corporation.

39. If the man posing as an Officer is a member of the Executive branch, and is claiming to be a witness in the alleged matter, he or she can't act as a Process Server and has no authority to Summons I - a woman, to Court. Process of Service must be served by a party not involved in the matter. That is not only non-compliant with the Utah Rules of Civil Procedure (R.4. (a) & R.4. (d) (1)), it violates due process of law and violates several State and Federal Constitutionally secured rights.

40. Void evidence of testimony to the contrary, made by a real party with personal knowledge, under oath, subject to the penalties of perjury, who I've had the opportunity to cross examine, every document issued to me and every statement made about me in this matter is complete hearsay. I'm the only party that has submitted an Affidavit addressing this matter and has pledged to support my Affidavit in open court, should there ever be a valid cause of action filed against me.

41. Further, the citation/summons Fails to State a Cause of Action. There's no evidence of me owing a duty to anyone, no evidence that I breached this unstated duty, and no evidence that my alleged breach was a direct causation to anyone having a right violated or being damaged by me. There's no real victim in this matter with Standing to make any claim.

“As a general principal, standing to invoke the judicial process requires an actual justiciable controversy as to which the complainant has a real interest in the ultimate adjudication because he or she has either suffered or is about to suffer an injury.” People v. Superior Court, 126 Cal.Rptr.2d 793

“In every criminal trial, the prosecution must prove the *Corpus Delicti*, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as as its cause.” People v. Sapp 73 P. 3d 433, 467 (cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal. 4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P. 3d 372]

“For a crime to exist, there must be an injured party (*Corpus Delicti*). There can be no sanction or penalty imposed on one because of this Constitutional Right.”

Sherer v. Cullen 481 F. 945

42. Absent evidence of possessing a warrant or probable cause to the contrary, the stop by D Hanson and Eric Johnsen, constituted an unreasonable search and seizure against me.

Constitution of Utah Article 1 § 3. Utah inseparable from the Union.

“The State of Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.”

Amendment IV of The United States Constitution

“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

43. A man, posing as an Officer, whose rights can only be equal to mine - never greater (Article 1 sec 2 Constitution of Utah), who is a private employee of a municipal corporation, that has NO authority over me, by force of arms, forced me off of the road, with no warrant and no probable cause, and halted my substantive right to travel; acting in non-compliance of the Constitutions, and violated my peace, safety, and happiness.

Constitution of Utah Article 1 § 2 All political power inherent in the people. All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

44. The persons in this matter, acting on behalf of municipal corporations, attempting to extort and steal money from me in the name of a Fictitious moving party, for financial gain, is not only non-compliant with the Constitutions, it violates my religious right of conscience, and is an abomination to God - my Creator as “Thou shalt not defraud thy neighbour, or neither rob him.” LEVITICUS 19:13

Constitution of Utah Article 1 § 4 Religious Liberty

The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be

appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.

45. 16th Am Juris 2nd, section 97 states that it (Constitution) shall be interpreted in my favor, because I am the clearly intended and expressly designated beneficiary, ...for the protection of my rights and property, see Byars v. United States 273 U.S. 28

The Constitution is the Supreme Law of the Land, Article 6 Section 2 - Supremacy Clause, and is echoed in "Marbury v. Madison, 5 U.S. 137."

"Personal liberty largely consists of the Right of locomotion — to go where and when one pleases — only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the Citizen to travel upon the public highways and to transport his property thereon, by horsedrawn carriage, wagon, or **automobile**, is not a mere privilege which may be permitted or prohibited at will, but the common right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct."

Am Juris 1st. Constitutional law, Sec 329 P.1135

"Highways are for the use of traveling public, and all have the right to use them in a reasonable and proper manner; the use of is an inalienable right of every citizen."
Escobedo v. State 35 C2d 870 I.N. 8 Cal. Jur 3d P.27

46. I only deal with mankind or persons, corporations, and municipal corporations in Affidavit form. If someone can't, or won't, be truthful and provide me their claims and statements in the form of a sworn Affidavit, aren't willing to testify in a court of law to support their affidavit, and won't allow me to cross examine them under the penalty of perjury, then anything that person claims about me or states about me, is hearsay, a lie, and criminal fraud.

47. I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within three (3) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual

declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of his son be done on Earth as it is in Heaven

48. On April 7, 2022 at 2:18 pm I went in to the FARMINGTON POLICE DEPARTMENT and provided them the Rescissioned citation, within 72 hours, per UCC §3-202 Negotiation subject to Rescission, for cause of Fraud, dereliction of duty and operating outside authority.

49. The Clerk went to get an officer and (Lieutenant) Eric Johnsen exited the office to speak to me and a witness I had present.

50. Upon explaining I was rescissioning the citation Eric Johnsen then proceeded to threaten me stating I would be issued a "War-Rant for my arrest".

51. Eric Johnsen made a direct threat to me when he stated "Your car is going to be impounded.

52. Eric Johnsen made a direct threat to me when he stated "we're going to take it away from you".

53. Eric Johnsen made a direct threat to me when he stated "Not if, we will impound your vehicle. A witness at the time stated that's a threat. Eric Johnsen then stated, "it's a promise, it's a promise."

54. He was informed that a such comments are a declaration of war against me a woman, National of the united States of America.

55. Officer Eric Johnson was informed that such actions are violations under the law. Title 18 U.S. Code § 112 - Protection of foreign officials, official guests, and internationally protected persons.

(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.

foreign official

(c) For the purpose of this section "foreign government", "foreign official", "internationally protected person", "international organization", "national of the United States", and "official guest" shall have the same meanings as those provided in section 1116(b) of this title .

18 U.S. Code § 1116

(7) "National of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(22) The term "national of the United States" means (A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

56. The actions and statements of both D Hanson and Eric Johnsen represent a dereliction of duties and a failure to train on behalf of the police chief Wayne Hanson.

57. In SELF v. RHAY | 61 Wn.2d 261 Codes and Statutes are not law, they are corporate by laws

58. A 'Statute' is not a Law," (Flournoy v. First Nat. Bank of Shreveport, 197 La. 1067, 3 Sold 244, 248),

59. US.SUPREME COURT DECISION - "The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy, and statutes are "not the law", [Self v. Rhay, 61 Wn (2d) 261]

60. US. SUPREME COURT DECISION – "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's laws. All codes, rules, and regulations are unconstitutional and lacking due process..." [Rodrigues v. Ray Donovan (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).1

61. All laws, rules and practices which are repugnant to the Constitution are null and void "Marbury v. Madison, 5 U.S. 137."

62. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.". Miranda v. Arizona.

63. Notice of Claim to property - All securities, funds, proceeds, interest, reversionary interest linked or related to this cause of action are my property and I have not abandoned my property.

Maxims of Law

Regarding Justice . . .

— All are equal under the Law.

— A matter must be expressed to be resolved.

— Claims made without accountability are void.

— Might does not make right.

— Force, perjury or subornation of perjury, voids all.

- Fraud vitiates the most solemn promise.
- While the battle continues, he who first leaves the field or refuses to contend loses by default.
- You are free to make any decision you wish, but you are never free to escape the consequences of your decisions.
- A laborer is worthy of his hire.
- Thou shalt not steal.
- Notice to the agent is notice to the principal and notice to the principal is notice to the agent.
- Do unto others as you would have others do unto you. Regarding Truth . . .
- Truth stands supreme.
- Truth affects but cannot be affected.
- Truth is expressed in the form of an affidavit.
- Truth will out.
- An un rebutted affidavit stands as the truth.
- An affidavit must be rebutted point-for-point.
- Thou shall not bear false witness.
- Ignorance is no respecter, it affects all without regard to position or title.

Regarding Sovereignty . . .

- It is self-evident that all men are endowed by their creator (God) with equal and unalienable rights.
- The created cannot be greater than its creator.
- A man can give to another no more than he himself has.
- A man may not with impunity infringe upon another man's rights.
- The People are Sovereign.
- In America the government is the servant of the "sovereign" People.

Regarding Power and Authority . . .

- We cannot give to anyone or anything any power or authority we do not have.

Conclusion

Given the facts provided within this Affidavit, I move that this cause/citation be immediately dismissed with prejudice, the moving party be sanctioned for bringing a frivolous and fraudulent case before this Court, and my Status be restored to whole.

Pursuant to 28 USC § 1746(1)

“...any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same, such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the 11 day, of the 4 month, in the year of our Lord and Savior, two thousand 22.

Diane Killian-Allan

By: Diane; . Killian-Allan, Affiant Notary used without prejudice to my rights:

Notary public as JURAT CERTIFICATE

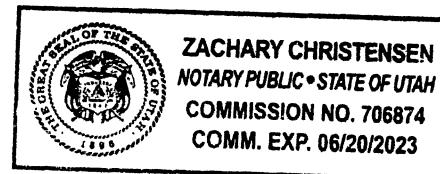
Utah State

Davis County

On 11 April 2022 date before me, a Notary RePublic, personally appeared Diane Killian Allan who proved to me on the basis of satisfactory evidence to be the woman whose Name is subscribed to the within instrument and acknowledged to Me that she executed the same in her authorized capacity, And that by her autograph on the instrument the woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Utah State and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.




Signature of public Notary as Jurat Zachary Christensen
seal


CERTIFIED PROOF OF SERVICE

I, hereby Certify that on this;

the 12 day of April, 2022;

The Bound / Attached Affidavit was signed for Received as attested to by the attached Proof of mailing return receipt.


<p>■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature X Denise E. Gubb <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Denise E. Gubb C. Date of Delivery 4/12/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: Wayne Hanson Farmington Police Dept 286 S. 200 E Farmington UT 84025</p>  <p>9500 9402 7361 2028 4932 96</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input checked="" type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Priority Mail service only) RF 368 325 391 US</p>	<p>PS Form 3811, July 2020 Page 2 of 2-5023 Domestic Return Receipt</p>

<p>■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature X Denise E. Gubb <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Denise E. Gubb C. Date of Delivery 4/12/22</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: D. Hanson Farmington Police Dept 286 S. 200 E. Farmington UT 84025</p>  <p>9500 9402 7361 2028 4933 19</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input checked="" type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input checked="" type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Priority Mail service only) RF 368 325 374 US</p>	<p>PS Form 3811, July 2020 Page 2 of 2-5023 Domestic Return Receipt</p>

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Michael DiRada
Davis County Justice Court
8000 State St
Farmington UT 84025



9590 9402 7361 2028 4932 89

2. Article Number (Transfer from service label)
RF 368 325 365 US

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *FINKEL* C. Date of Delivery *4.12.22*


D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

PS Form 3811, July 2020 PSN 7530-02-000-0053 Domestic Return Receipt

Complete items 1, 2, and 3.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eric Johnson
Farmington Police Dept
200 E
Farmington UT 84025



9590 9402 7361 2028 4933 02

2. Article Number (Transfer from service label)
RF 368 325 388 US

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

A. Signature
X *[Signature]* Agent Addressee

B. Received by (Printed Name) *DENSE E. GIBB* C. Date of Delivery *4/12/22*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

PS Form 3811, July 2020 PSN 7530-02-000-0053 Domestic Return Receipt

Print *Diane Kellan Allan*
Diane Allan

Post Mailed in *Kaysville, Utah* by my hand

Witness _____

Witness _____

NOTICE OF DEFAULT
CERTIFIED "JUDGEMENT" OF
UN-REBUTTED AFFIDAVIT

herein Bound / Attached and so named as
Certified Proof of Service,

I, hereby Certify that on this;
the 8 day of June, 2022; on/or after the 22nd day
following the date of the Bound / Attached "Certified Proof of Service"

that was properly served and dated
the 12 day of April, 2022;

I hereby declare by my Honor and under my Authority as one
of "we the people" and under the laws of the United States of America
in that an affidavit un-rebutted in 21 days becomes the judgement.

X Diane-Killian-Allan
Print Diane Allan

Post Mailed in Kaysville, Utah by my hand

Witness _____

Witness _____

Notary Public as JURAT CERTIFICATE

Utah State

Davis County

The United States of America

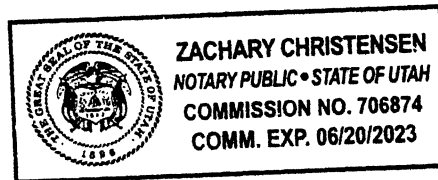
On 8 June 2022 date before me, Zachary Christensen

a Notary Public, personally appeared Diane Allan who proved to me on the basis of satisfactory evidence to be the man/woman whose Name is subscribed to the within attached instrument and acknowledged to Me that he/she executed the same in his authorized capacity, And that by his/her autograph(s) on the instrument the man/woman executed, the instrument known as

I certify under PENALTY OF PERJURY under the lawful laws of Utah State that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Zachary Christensen
of Notary / Jurat seal



Notice to agents is notice to principal, Notice to principal is notice to agent. This is The End of this affidavit.



UNITED STATES OF AMERICA
DEPARTMENT OF TRAVEL
2000 Pennsylvania Avenue NW Suite 194
Washington, D.C. 20006
Telephone: (202) 600-9095
Facsimile: (202) 370-7177

GOVERNOR PAT McCrORY
20301 Mail Service Center
Raleigh, NC 27699-0301
(919) 733-4240

November 23, 2015

RE: VIOLATION OF U.S. SUPREME COURT RULINGS REGARDING THE RIGHT TO TRAVEL

SUBJECT: EDUCATION OF LAW ENFORCEMENTS AND NORTH CAROLINA JUDICIARY

Dear Governor McCrory,

We are sending this correspondence to make you aware of the unconstitutional acts committed by your law enforcement agencies and state courts against the people of North Carolina. These acts may or may not have been committed knowingly or unintentionally but we are writing to your office to ensure that these violations are brought to your attention so that they can be addressed and corrected.

As you may or may not know, there are people in your state whose status is ostensibly different than the average US Citizen and are considered Foreign Nationals or American Nationals with certain safeguards and protection under the law. Our primary concern is that their travel rights in your state are not infringed.

In order to educate your law enforcement regarding Foreign Nationals or American Nationals in your state, you can call the Department of State here in Washington, D.C. to get clarity or you can go to the Department of State's website at http://travel.state.gov/content/dam/travel/CNAtrainingresources/CNAManual_Feb2014.pdf for our website at https://www.usadot.gov.org/CNAManual_Feb2014.pdf and download the manual. The Department of State also offers training for your law enforcement officers free of charge to raise awareness and compliance. Log on to: <http://travel.state.gov/content/travel/en/consularnotification/training-outreach.html>.

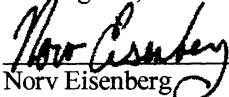
We have enclosed one of our affidavit forms for the exemption of registration and licensing for Foreign Nationals that Foreign Nationals have to file in your state to lawfully claim the exemption. This affidavit also can be used by U.S. Citizens who are not driving or operating a motor vehicle for profit or for hire.

Please forward this information to all of your law enforcement agencies in your state to prevent any unnecessary lawsuits from being filed against these agencies for not following the law and violating the rights of the people to freely travel without interference unless they are a threat to the public safety.

If you have any questions regarding this matter please feel free to respond in writing by mail or fax any questions or concerns you may have and we will be happy to answer and address them.

Thank you in advance for your cooperation and consideration in this matter.

Best regards,


Norv Eisenberg
Foreign National Division

Cc: Dept. of Justice Attorney General Loretta Lynch
Dept. of State Secretary John Kerry

DAVIS COUNTY JUSTICE COURT
DAVIS COUNTY, STATE OF UTAH

FARMINGTON CITY,
Plaintiff,

NOTICE OF
PRETRIAL CONFERENCE

vs.
DIANE KILLIAN ALLEN,
Defendant.

Case No: 225003350 TC
Judge: J C YNCHAUSTI
Date: May 2,2022

PRETRIAL CONFERENCE is scheduled.

Date: 06/01/2022

Time: 08:30 a.m.

Location: DAVIS COUNTY JUSTICE
800 WEST STATE STREET
COURTROOM 2

FARMINGTON, UT 84025

Before Judge: J C YNCHAUSTI

Your appearance is required. Please check in for court at least 15 minutes before your scheduled time.

For up-to-date information on court operations during the COVID-19 pandemic, please visit:
<https://www.utcourts.gov/alerts/>

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

* The court will provide an interpreter upon request. If you need an interpreter, please notify the court at five days before the hearing.

* El tribunal proveerá un intérprete si lo solicita. Si usted necesita un intérprete, por favor notifique al tribunal llamando al número cinco días antes de la audiencia.

Individuals needing special accommodations (including auxiliary communicative aids and services) should call Jennifer at 801-451-4488 three days prior to the hearing. For TTY service call Utah Relay at 800-346-4128.

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225003350 by the method and on the date specified.

MAIL: DIANE KILLIAN ALLEN 1152 W 475 S FARMINGTON, UT 84025

EMAIL: FARMINGTON CITY farmingtonprosecutor@gmail.com

05/02/2022

/s/ ALISSA WARDLE

Date: _____

Signature

Creator: Diane; . Killian-Allan
% Rural Route 1152 W 475 S
Farmington, Utah zip Exempt
without the United States

John Carl Ynchausti
COUNTY OF DAVIS
DBA: DAVIS COUNTY JUSTICE COURT
KEY PRINCIPAL: Bret Milburn
DUNS #: 072979032
800 WEST STATE STREET
FARMINGTON, UT 84025

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

CITY OF FARMINGTON

Alleged Plaintiff,

VS.

DIANE KILLIAN ALLEN,

Alleged Defendant

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

1. The Motion to Dismiss was filed on April 12, 2022 and second Motion to Dismiss filed on May 20, 2022.
2. A memorandum opposing the motion was not filed in either case.
3. I demand/desire that the motion be submitted for decision for the court to review and issue a decision.

Alleged Defendant / Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true. Signed at Davis County, Utah

By: Diane Killian-Allen

Date 6-8-22

Signature Printed Name

CITY OF FARMINGTON)	DAVIS COUNTY JUSTICE COURT,
Alleged Plaintiff,)	IN THE 2nd JUDICIAL DISTRICT COURT
VS.)	COUNTY OF DAVIS
)	
DIANE KILLIAN ALLEN,)	Farmington, Utah
Alleged Defendant)	

MOTION TO DISMISS

Now Comes Diane: Killian-Allan, alleged defendant, by special appearance, not submitting to the Court’s jurisdiction, who hereby moves this Court to dismiss the complaints filed by officer DANE HANSEN AND ERIC JOHNSEN for lack of ratification of commencement, no corpus delicti, no plaintiff, lack of jurisdiction over the person, lack of jurisdiction over the subject matter, insufficiency of service of process. Grounds are set forth below.

1. Objection for Lack of Ratification of Commencement. There is no claim.

FEDERAL AND STATE RULES OF CIVIL PROCEDURE
RULE 17(a) Real Parties in Interest:

“Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in that person’s own name without joining the party for whose benefit the action is brought; and when a statute of the United States so provides, an action for the use or benefit of another shall be brought in the name of the United States. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.”

Rule 17 (a) Plaintiff and Defendant; Real Party in Interest, ---

Every civil action shall be prosecuted in the name of the real party in interest, but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another and a party authorized by statute may sue in their own names in such representative capacity without joining the party for whose benefit the action is brought. When a statute so provides, a civil action for the use or benefit of another shall be brought in the name of the State of Utah.

FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.), RULE 1:
"There is one form of action – the civil action."

URPC Rule 2

There shall be one form of action to be known as "civil action".

There is neither an injured party nor trespass. As all crimes are commercial, (27 CFR 72.11) and every alleged crime has to have "nature and cause", and be prosecuted in the name of the people of the state as a [the] REAL PARTY IN INTEREST -- NOT the "PEOPLE OF THE STATE OF UTAH" or the People of the State of Utah, or CITY OF FARMINGTON, as that is the corporation and is an impossibility.

2. There is no corpus delicti. Crime is a breach of laws or governing authority. While this alleged "offense" or "infraction" was a violation of the "Codes" it was not a crime. As my limited comprehension permits, these matters are criminal. Notwithstanding, proof of the corpus delicti is required in all criminal matters:

"Proof of the *corpus delicti* is required in **all criminal cases**...There are three basic elements in the proof of a crime: (1) the occurrence of loss or injury, (2) criminal causation of that loss or injury and (3) the identity of the defendant as the perpetrator of the crime. However, it is firmly established in this State that the term *corpus delicti* embraces only the first two of these elements-loss or injury and criminal causation." State v. Hill, 221 A.2d 725, 728. (emphasis added)

"It is true that the above are all cases of felonious homicide, but the doctrine [of corpus delicti] is in nowise peculiar to such cases; **it is equally applicable to all criminal cases.**" State v. Gelzeiler, 128 A. 240 (emphasis added)

3. There is no plaintiff. This is an adversarial proceeding, and as it is to the alleged defendant's limited comprehension, adversarial proceedings require *real* adversaries:

"Properly understood the general principle is sound, for courts only adjudicate justiciable controversies... **courts must look behind names that symbolize the parties** to determine whether a justiciable case or controversy is presented." United States v. Interstate Commerce Commission, 337 U.S. 426 (1949). (emphasis added)

FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.), RULE 17:

"An action must be prosecuted in the name of the real party in interest"

"CITY OF FARMINGTON" is the name of a Corporate Fiction. A Corporate Fiction cannot make claims. There is no real party, therefore there is no plaintiff with any claim or standing.

4. Lack of evidence alleged Defendant was operating a "vessel" in "commerce". It has not been established that the alleged Defendant is subject to this private code by way of explicit or implied contract. Alleged Defendant's acceptance of said alleged "offense" in citation form, was under duress for fear of arrest, and was not meant to be a contract with the "CITY". There has been no sworn affidavit of probable cause shown to prove that the alleged Defendant was operating in commerce and no verified complaint from an injured party saying such. If fact, the impeding officer was informed that I was traveling in a private, "NON-COMMERCIAL CAPACITY" which the Officer ignored.

"The right of the citizen to travel upon public highways and to transport his/her property thereon, either by carriage or automobile, is not a mere privilege which a City/State may prohibit at will, but a common right which he/she has under the right to Life, Liberty, and the Pursuit of Happiness." Thompson v. Smith 154 SE 579.

"The use of the highway for the purpose of travel and transportation is not a mere privilege, but a common and fundamental right which the public and individuals cannot be rightfully deprived." Chicago Motor Coach v. Chicago, 337 IIL200,169 NE 22, 66 ALR 834. Ligare v. Chicago 139 III. 46, 28 NE 934. Booney v. dark, 214 SW 607; 25 A M JUR (I'1) Highways, Sec. 163.

"For a crime to exist, there must be an injured party. "There can be no sanction or penalty imposed on one because of this exercise of Constitutional rights." Sheer v. Cullen, 481 F. 945.

"The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." Kent v. Dulles 357 U.S. 116, 125.

"Where rights are secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." Miranda v. Arizona 384 U.S. 436, 125

"The claim and exercise of a Constitutional right cannot be converted into a crime." Miller v. U.S. 230 F 2nd 486, 489.

"Under our system of government upon the individuality and intelligence of the citizen, the state" does not claim to control him/her, except as his/her conduct to others, leaving him/her

the sole judge as to all that affects himself/herself." Mugler v. Kansas 123 U.S. 623, 659-60.

5. Lack of evidence the "Codes" apply to the "alleged Defendant" -

"Farmington City was incorporated as a municipal corporation on November 21, 1892. Farmington City is a political subdivision of the state of Utah and may be referred to as "Farmington City, a municipal corporation"

I am not a subject, person, resident, inhabitant, employee, or citizen, owing duties and obligations to the persons operating as the municipal corporation, doing business as, the "City of Farmington" -Dun & Bradstreet Number 051537033, or to any other municipal corporation; nor does my physical location on the geographic region referenced as Farmington, make me a subject or citizen, owing duties and obligations, to the municipal corporation known as the City of Farmington, or to any other municipal corporation.

6. Lack of jurisdiction over the person. This court has been deprived of Personal Jurisdiction by failing to properly issue Process for DIANE KILLIAN ALLEN or Diane: Killian-Allan (valid verified complaint and Summons) and the alleged plaintiff, a FICTION, has failed to provide alleged Defendant Service of Process, in violation of Federal Rules of Civil Procedure Rules 3 and 4. On the citation, there is a deadline date given for court. That makes the citation and summons. Once given to me by Dane Hanson and Eric Johnsen, Dane Hanson and Eric Johnsen were then in violation of multiple Federal Rules for Civil Procedure.

F.R.C.P Rule 3 - Commencing an Action - 4. "This rule provides that the first step in an action is the filing of the complaint.

F.R.C.P. Rule 4 - Summons - (c) (2) By Whom. Any person who is at least 18 years old and not a party may serve a summons and complaint.

F.R.C.P. Rule 4 - Summons - (a) CONTENTS; AMENDMENTS (1) Contents. A summons must: (F) be signed by the clerk; and (G) bear the court's seal.

URCP Rule 4 Process - Personal Service (d) (1) The summons and complaint may be served by any person 18 years of age or older at the time of service and not a party to the action or a party's attorney.

Since Dane Hanson and Eric Johnsen are disqualified from being witnesses or parties to the action because they served the citation/summons, therefore there is no plaintiff, and the "Prosecuting

Attorney” would be in violation of F.R.C.P Rule F.R.C.P Rule 17 and UCRP 12 (b) (2)if he were to make a claim, it is only myself left in this case with no valid, verified complaint against me and no Probable Cause.

7. Lack of jurisdiction over subject matter. This matter is filed in the name of a Corporate Fiction the CITY OF FARMINGTON and the CITY OF FARMINGTON can't make claims and do things, so the municipal employee that filed this document against the alleged Defendant in the name of a FICTION, not only deprives this Court of SUBJECT MATTER jurisdiction, it's FORGERY, COUNTERFEITING, FRAUD, SECURITIES FRAUD, and BARRATRY!

UCRP 12 (h) (2) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

“Rule UCRP 12 (b) - Defenses and Objection-How Presented-By Pleading or Motion-Motion for Judgement on the Pleadings

I hereby state for the record, I do not consent to give jurisdiction over I, a woman. Therefore, this court lacks subject matter jurisdiction as there is no party with STANDING. No party with STANDING claiming an injury means there is no subject matter jurisdiction and the Court can't hear the matter!

8. Insufficiency of Service of Process. As briefly touched on in point 6, the alleged Defendant was not properly served and CLEARFIELD CITY did violate URCP Rule 4 (a) the police officer issued the summons and it was not signed by the Plaintiff or Plaintiff's Attorney. URCP 4 (c) (1) (a) The summons “MUST” contain the name and address of the court, the names of the parties to the action, and the county in which it is brought; and (c) state the name, address and telephone number of the plaintiff's attorney, if any, and otherwise the plaintiff's address and telephone number. The summons DID NOT contain the addresses and phones numbers of the court, the plaintiff and/or the plaintiff's attorney. All of which together show cause for the insufficiency of service of process.

GENERAL RESERVATION OF RIGHTS
OF Diane: Killian-Allan

Please be advised that My use of the phrase "All Rights Reserved without Prejudice" above My autograph on this document means:

(1) that I explicitly reject any and all benefits of the Uniform Commercial Code, absent a valid commercial agreement which is in force and to which I am a party, and cite its provisions herein only to serve notice upon ALL agencies of government, whether international, national, state or local, that they, and not I, are subject to, and bound by, all of its provisions, whether cited herein or not;

(2). that My explicit reservation of Rights has served notice upon ALL agencies of the government of the "Remedy" which they must provide for Me under Article 1, Section 308 (old 1- 207) of the Uniform Commercial Code, whereby I have explicitly reserved My Common Law Right not to be compelled to perform under any contract or commercial agreement that I have not entered into knowingly, voluntarily, and intentionally;

(3). that My explicit reservation of Rights has served notice upon ALL agencies of government that they are ALL limited to proceedings against Me only in harmony with the Common Law and that I do not, and will not accept the liability associated with the "compelled" benefit of any unrevealed commercial agreements; and

(4). that My valid reservation of Rights has preserved all My Rights and prevented the loss of any such Rights by application of the concepts of waiver or estoppel.

Conclusion

This court's swift response to dismiss the citations WITH PREJUDICE avoids the conclusion that this court is willfully involved with 18 U.S. Code § 241 - Conspiracy against rights; 18 U.S. Code § 242 - Deprivation of rights under color of law; 18 U.S. Code § 1341 - Frauds and swindle; 18 U.S. Code § 1342 - Fictitious name or address; 18 U.S. Code § 2071 - Concealment, removal, or mutilation generally; 18 U.S. Code § 2073 - False entries and reports of moneys or securities, 18 U.S. Code § 513 - Securities of the States and private entities; 18 U.S. Code § 514 - Fictitious obligations; 18 U.S. Code § 876 - Mailing threatening communications; 18 U.S. Code § 1001 - Statements or Entries Generally.

It is reasonable to assume that these judicial decisions are straight and to the point, that there is no lawful method for government to put restrictions or limitations on rights belonging to

the people. There is no question that a citation/ticket issued by a police officer, for no driver's license, current vehicle registration, or failure to provide proof of insurance, etc., which carries a fine or jail time, is a penalty — and is, indeed, "converting a right into a crime."

A corporate entity, whether it be a city, state, or U.S. Government, cannot testify as an injured party, thus cannot be cross-examined. As an individual one can speak for a corporation but cannot be an injured party.

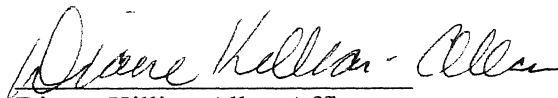
If alleged Defendant is to be subject to the alleged "criminal acts" it is concluded that no act was in fact broken.

Because there is no ratification of commencement, no corpus delecti, no plaintiff, lack of jurisdiction over the person, lack of jurisdiction over the subject matter, and insufficiency of service of process, thus no justiciable controversy or cause of action before the Court, the Court shall dismiss the complaints filed against me with prejudice.

Submitted this 20 day of May 2022

As a woman of record. Sui Juris;

All Rights Reserved without Prejudice




Diane: Killian-Allan Affiant

Certificate of service

This is to certify that a true and correct copy of the foregoing has been delivered this 20 day of May 2022, to the court not of record at the following address:

Davis County Justice Court
Judge John Carl Ynchausti
800 W State St.
Farmington, UT 84025


Signature / Seal

Certificate of Service

I certify that I filed with the court and am serving a copy of this Request to Submit on the following people.

Persons Name

Service Method Service Address

Service Date

6-8-22^{9 CA}

<input type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
---	--	--



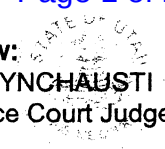
Signature Printed Name

06/09/2022 Date

The Order of the Court is stated below:

Dated: July 08, 2022
03:47:22 PM

/s/ J. C. YNCHAUSTI
Justice Court Judge



DAVIS COUNTY JUSTICE COURT
DAVIS COUNTY, STATE OF UTAH

FARMINGTON CITY, Plaintiff, vs. DIANE KILLIAN ALLEN, Defendant.	RULING ORDER DENYING DEFENDANTS MOTION TO DISMISS Case No: 225003350 Judge: J C YNCHAUSTI Date: July 8, 2022
---	--

The court having reviewed the defendants motion to dismiss along with defendants submitted arguments in additional filings. The court finds defendant has not raised grounds sufficient to justify dismissal of the case and therefore denies it.

It is HEREBY ORDERED, Defendant's Motion to Dismiss, is DENIED.

End Of Order - Signature at the Top of the First Page

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225003350 by the method and on the date specified.

MAIL: DIANE KILLIAN ALLEN 1152 W 475 S FARMINGTON; UTAH 84025

EMAIL: FARMINGTON CITY farmingtonprosecutor@gmail.com

07/08/22

/s/ JENNIFER NICHOLAS

Date: _____

Signature

CERTIFICATE OF NOTIFICATION

I certify that a copy of the attached document was sent to the following people for case 225003350 by the method and on the date specified.

MAIL: DIANE KILLIAN ALLEN 1152 W 475 S FARMINGTON, UT 84025

EMAIL: FARMINGTON CITY farmingtonprosecutor@gmail.com

05/02/2022

/s/ ALISSA WARDLE

Date: _____

Signature

From the desk of Diane Killian-Allan
Diane Killian-Allan- pro per
C/O 1152 W 475 S
Farmington, Utah Republic Zip Exempt

Farmington City	§ § § § §	DAVIS COUNTY JUSTICE COURT COUNTY OF DAVIS Judge John Carl Ynchausti
Alleged Plaintiff		
V.		
Diane Killian Allan		
Alleged Defendant		

Request for findings of fact and conclusions of Law

Comes now Diane Killian Allan, hereinafter “Requester” still at arm’s length to the Court, hereby appearing specially again to request that the judge provide **findings of fact and conclusions of law** in support of Judge John Carl Ynchausti’s denial of the Requesters unopposed Motion to dismiss without the threshold issue raised.

1. Requester believes the facts and the law do not and cannot support the decision rendered on 7/8/2022.
2. Requester believes the Judge’s ruling is erroneous and requester takes exception to the judicial error.
3. Requester believes the Judge’s ruling is arbitrary and unreasonable.
4. Requester believes the Judge is showing bias against the requester.
5. Requester respectfully submits that the decision was an abuse of discretion in taking the facts into consideration and properly apply law to the facts.
6. In the 7/8/2022 decision, no lawful authority was offered in support of the conclusive statement made.
7. In the 7/8/2022 decision, no attention was given to the constitutional guarantee that we the people are protected from the obvious dangers of having an interested judge preside.

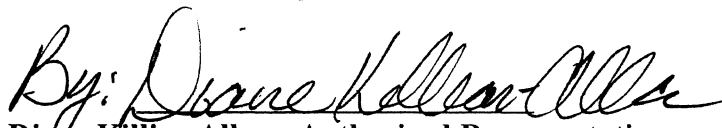
Exhibit 7

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

8. Significant issues and material facts and law were all overlooked and left unaddressed.

Therefore, requester hereby ask the judge, presiding by assignment, in this Honorable Court to promptly provide the above requested **findings of fact and conclusions of law**.

Respectfully,

By: 

Diane Killian Allan - Authorized Representative

All Rights Reserved

CERTIFICATE OF SERVICE

I Chase Allan, hereby certify that a true and correct copy of above and foregoing has been delivered to Farmington City Prosecutor & Davis County Justice Court, on this the 13 day of July 2022, by hand (Receipt # _____), in accordance with the rules governing same.

Chase Allan

**Chase Allan
Rural Route 1152 W 475 S
Farmington, Utah Zip Exempt**

From the Desk of Diane Killian-Allan,
in Propria Persona, Sui Juris

FARMINGTON CITY)	DAVIS COUNTY JUSTICE COURT,
Alleged Plaintiff,)	IN COUNTY OF DAVIS
VS.)	
)	Farmington, Utah
DIANE KILLIAN ALLEN,)	
Alleged Defendant)	

**ALLEGED DEFENDANT’S MOTION TO RECONSIDER
DENIAL OF MOTION TO DISMISS**

Now Comes Diane: Killian-Allan, alleged defendant, by special appearance, not by general appearance, and not submitting to the Court’s jurisdiction, I waive no rights and preserve all rights forevermore, who hereby moves this Court to reconsider the Order dated July 8, 2022 (the Order) denying the Motion to Dismiss the complaints filed by FARMINGTON CITY stating:

1. This court erred in its order. Jurisdiction is a threshold issue. This court may not proceed in any matter until jurisdiction has been proven. Jurisdiction has not been proven. Pursuant to URCRP Rule 25 (b)(4) it must be dismissed.

a. Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with theasserter. The court is only to rule on the sufficiency of the proof tendered. See, McNutt v. General Motors Acceptance Corp., 298 U.S. 178 (1936). The origins of this doctrine of law may be found in MAXFIELD v. LEVY, 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 2 Dall. 381 2 U.S. 381 1 L.Ed. 424

**DAVIS COUNTY
JUSTICE COURT**

AUG 04 2022

RECEIVED
MB

Case: 1:22-cv-00117
Assigned To : Romero, Cecilia M.
Assign. Date : 09/09/2022
Description: Allan v Hanson et al

1
Exhibit 8

the alleged Plaintiff, there is no affidavit of probable cause. I have never received service of process of any alleged matter. There has never been proper service of process. "The essential elements of due process are notice and an opportunity to defend." *Simon v Craft*, 182 US 427. Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the elements of jurisdiction is void. Any presumed contract does not meet the 8 elements of a contract and is thus void.

2. All information provided to date from FARMINGTON CITY and by and through the prosecutor is heresy. No direct evidence of any crime has been presented. Informations are not due process of law. There exists no accusation that has been made under Penalty of Perjury nor has a first hand witness come forward. Information acquired from software and/or computer data bases is not based on facts or evidence and is third party information and heresy and does not comply with the Federal Rule of Evidence 602 need for personal knowledge.

On the lawful issue of UNSIGNED PLEADINGS, the herein alleged defendant cites the case of **REPUBLIC OF THE PHILIPPINES, represented by the Land Registration Authority vs. KENRICK DEVELOPMENT CORPORATION, G.R. No. 149576, August 8, 2006**, the Supreme Court held that *an unsigned pleading is invalid and it produces no legal effect.* Thus, it must be DISMISSED outright via a motion to dismiss. It further held that **"procedural requirements" (which have often been "disparagingly labeled as mere technicalities")** have their own valid *raison d'etre* in the **"orderly administration of justice"**. It furthermore held that to summarily brush such procedural requirements or technicalities may result in **"arbitrariness and injustice."**

5. The court erred in application of procedure and law as the alleged Plaintiff has failed to state a cause of action, provide probable cause, a signed information, signed affidavit, or any other proper evidence hence, pursuant to Fed. R. Civ. P. 12(b)(6) **it must be dismissed.**
6. This court erred in its prior order as the Judge is not applying the law to the facts of the cause. It is not for the court to practice law or legislate from the bench. Fox vs. USA 766 F Supp 569 (1991) “It is founded on the tenderness of the law for the rights of individuals; and on the plain principle, that the power of punishment is vested in the legislative, not in the judicial department. It is the legislature, not the court, which is to define a crime and ordain its punishment”. It is fundamental law in the United States that criminal statutes must be construed strictly in favor of the accused, Chief Justice Marshall articulated this principle in 1820.
7. There is neither an injured party nor trespass. As all crimes are commercial, (27 CFR 72.11) and every alleged crime has to have “nature and cause”, and be prosecuted in the name of the people of the state as a [the] REAL PARTY IN INTEREST
8. The cause is evidence that the officers committed these crimes against me under 18 USC 241 & 242 and others and this is proof of malicious prosecution.
9. The court erred in its decision as the alleged plaintiff is without standing. There is a glaring lack of lawful authority by the alleged Plaintiff **The alleged Plaintiff is without standing as there is no real party in interest. "As a general principal, standing to**

statute may sue in their own names in such representative capacity without joining the party for whose benefit the action is brought. When a statute so provides, a civil action for the use or benefit of another shall be brought in the name of the State of Utah or the United States. If brought by a party authorized they must prove their status as an authorized representative,

FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.), RULE 1:

“There is one form of action – the civil action.”

URPC Rule 2

There shall be one form of action to be known as "civil action".

There is neither an injured party nor trespass. As all crimes are commercial, (27 CFR 72.11) and every alleged crime has to have “nature and cause”, and be prosecuted in the name of the people of the state as a [the] REAL PARTY IN INTEREST -- NOT the "PEOPLE OF THE STATE OF UTAH" or the People of the State of Utah, or FARMINGTON CITY, as that is the corporation and is an impossibility.

There is no injured party (Corpus Delicti). For a crime to exist, there must be an injured party (Corpus Delicti) There can be no sanction or penalty imposed on one because of this Constitutional Protected Right." Sherer v. Cullen 481 F. 945:

Supreme courts ruled "Without Corpus delicti there can be no crime""In every prosecution for crime it is necessary to establish the “corpus delicti”, i.e., the body or elements of the crime.” People v. Lopez, 62 Ca.Rptr. 47, 254 C.A.2d 185.

"In every criminal trial, the prosecution must prove the corpus delicti, or the body of the crime itself-i.e., the fact of injury, loss or harm, and the existence of a criminal agency as

Defendant has submitted to this this court a rescission under UCC 3-202 Negotiations Subject to Rescission and Affidavit of Truth and Fact served via Registered mail # RF3683250374.

14. The issues of “**FAILURE OT STATE A CAUSE OF ACTION**” AND THE “**LACK OF AUTHORITY**” OF FARMINGTON CITY ARE **PROCEDURAL ANTECEDENTS** THAT MUST FIRST BE RESOLVED WITH TOP PRIORITY, PREFERENCE AND UTMOST DISPATCH BEFORE THE PRETRIAL AND TRIAL STAGES OF THIS CASE.

15. “**Failure to state a cause of action**” refers to the “**insufficiency of the pleading**”, and is “**a ground for dismissal** under FRCP Rule 16 of the Rules of Court”.

16. **The United States Constitution Article IV Section 1** “Full Faith and Credit shall be given in each State to the public Acts, Records, and **judicial Proceedings of every other State.**” * January 19, 2011 Judge May’s Conclusion of Law was that the Dallas Police Department and the North Carolina Department of Transportation are both private entities that do **not** fall within the executive branch of State government. This decision was upheld in judicial review by judge Ridgeway. This means that **every** police department in the country is a “private entity,” in other words, they are private contractors and private-for-profit businesses. “Governments descend to the Level of a mere **private corporation**, and take on the characteristics of a mere private citizen...where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned. ... For purposes of suit, such corporations and individuals are **regarded as entities entirely separate from government.**” - Clearfield Trust Co. v. United States 318 U.S. 363-371 (1942) What the Clearfield Doctrine is

Hale vs Henkel Page 201 U.S. 74 and 75, "He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution"

(2). that My explicit reservation of Rights has served notice upon ALL agencies of the government of the "Remedy" which they must provide for Me under Article 1, Section 308 (old 1- 207) of the Uniform Commercial Code, whereby I have explicitly reserved My Common Law Right not to be compelled to perform under any contract or commercial agreement that I have not entered into knowingly, voluntarily, and intentionally;

(3). that My explicit reservation of Rights has served notice upon ALL agencies of government that they are ALL limited to proceedings against Me only in harmony with the Common Law and that I do not, and will not accept the liability associated with the "compelled" benefit of any unrevealed commercial agreements; and

(4). that My valid reservation of Rights has preserved all My Rights and prevented the loss of any such Rights by application of the concepts of waiver or estoppel.

RELIEF

WHEREFORE, it is demanded/desired that the ORDER, dated July 8, 2022, be **reconsidered** AND THAT ON THE BASIS OF THE FOREGOING, cause be **DIMSISED outright with prejudice**.

Certificate of service

This is to certify that a true and correct copy of the foregoing has been delivered this 4 day of August 2022, to the court not of record at the following address:

Davis County Justice Court
Judge John Carl Ynchausti
800 W State St.
Farmington, UT 84025

By Diane Kellum-Allen
Signature / Seal

Received By Maddie Edwards
8:48 pm

Formal Challenge to the Twelve Presumptions of Law

Definition of presumption:

<http://www.oxforddictionaries.com/definition/english/presumption>

1. An idea that is taken to be true on the basis of probability:

As a presumption, is a presumption on which must be agreed by the parties, to be true. THEN and EQUALLY

If one party challenges the presumption to be true on the basis of probability, then all that is required to remove the presumption is a formal challenge to that presumption. The presumption then, has no standing or merit in FACT.

A probability:

http://www.oxforddictionaries.com/definition/american_english/probability

1. The extent to which something is probable; the likelihood of something happening or being the case.

By definition then, this is not substantive as it is only a probability of what may be and therefore has NO substance, in material FACT.

A **State Court** does not operate according to any true rule of law, but by presumptions (colour) of the law. Therefore, if presumptions presented by the private Bar Guild are not rebutted, they become fact and are therefore said to stand true. There are twelve (12) key presumptions asserted by the private Bar Guilds which if unchallenged stand true, being *Public Record, Public Service, Public Oath, Immunity, Summons, Custody, Court of Guardians, Court of Trustees, Government as Executor/Beneficiary, Agent and Agency, Incompetence, and Guilt*:

(i) ***The Presumption of Public Record*** is that any matter brought before a state Court is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter, completely under private Bar Guild rules;

I, Diane Killian Allan, the undersigned formally challenge the *Presumption of Public Record* as it is by definition a presumption and has no standing or merit in presentable or material fact.

(ii) ***The Presumption of Public Service*** is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or “public officials” by making **additional** oaths of public office that openly and

challenged by rejection of summons and/or at court, the presumption stands you are a thing and property and therefore lawfully able to be kept in custody by custodians;

I, Diane Killian Allan, the undersigned formally challenge the *Presumption of Custody* as it is by definition a presumption, by definition and has no standing or merit in presentable or material fact.

(vii) *The Presumption of Court of Guardians* is the presumption that as you may be listed as a "resident" of a ward of a local government area and have listed on your "passport" the letter P, you are a pauper and therefore under the "Guardian" powers of the government and its agents as a "Court of Guardians". Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court);

I, Diane Killian Allan, the undersigned formally challenge the *Presumption of Guardians* as it is by definition a presumption, by definition and has no standing or merit in presentable or material fact.

(viii) *The Presumption of Court of Trustees* is that members of the Private Bar Guild presume you accept the office of trustee as a "public servant" and "government employee" just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is openly challenged to state you are merely visiting by "**invitation**" to clear up the matter and you are not a government employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction - simply because you "appeared";

I, Diane Killian Allan, the undersigned formally challenge the *Presumption of Trustees* as it is by definition a presumption, by definition and has no standing or merit in presentable or material fact.

(ix) *The Presumption of Government acting in two roles as Executor and Beneficiary* is that for the matter at hand, the Private Bar Guild appoints the judge/magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. If the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a "false executor" challenging the "rightful" judge as Executor.

Therefore, the judge/magistrate assumes the role of "true" executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to demonstrate you are both the true general guardian and general executor of the matter (trust) before the court, questioning and challenging whether the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and you are by default the trustee, therefore must obey the rules of the executor (judge/magistrate) or you are an Executor

I formally challenge all presumptions of law and as I have formally challenged all the twelve presumptions of law then the presumption of law formally has no substance in material FACT.

I will recognise the rule of law, when and only when there is the material evidence of, that assumed rule of law has some material evidence of substance in presentable material fact.

Until then, the search for the rule of law, that has some credibility in material fact: continues.

It is done.

Without ill will or vexation

A handwritten signature in black ink, appearing to read "By Diane Killian Allan". The signature is written in a cursive, flowing style.

Diane Killian Allan

For and on behalf of the Legal Entity Diane Killian Allan and the living woman, Diane; .Killian-Allan:

DeAnn Carlile

Farmington City Recorder

160 S Main, Farmington, UT 84025

801-451-2383

dcarlile@farmington.utah.gov



Case: 1:22-cv-00117

Assigned To : Romero, Cecilia M.

Assign. Date : 09/09/2022

Description: Allan v Hanson et al

URMA Joint Protection Program 07 30 2021 (1).pdf
2223K

Diane Allan <diane.allan.ut@gmail.com>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Mon, Apr 18, 2022 at 11:37 AM

Thank you Deann

Best regards,
Diane Allan

Diane Allan <diane.allan.ut@gmail.com>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Wed, Apr 20, 2022 at 3:04 PM

Hi DeAnn,

I spoke with Sandy City and they said they have never had an employee or officer by the name of Eric Johnsen. When you said I would need to send the request there can you please explain why? Perhaps you can double check the records to verify this was accurate.

Thank you,
Diane Allan

On Apr 11, 2022, at 8:40 AM, DeAnn Carlile <dcarlile@farmington.utah.gov> wrote:

<GRAMA.pdf>

DeAnn Carlile <dcarlile@farmington.utah.gov>
To: Diane Allan <diane.allan.ut@gmail.com>

Wed, Apr 20, 2022 at 3:24 PM

Diane:

I double checked with the Police Department. He was a Police Officer for Sandy City as well as Layton City. Hopefully they can provide you with his Oath of Office.

DeAnn

DeAnn Carlile

Farmington City Recorder

160 S Main, Farmington, UT 84025

801-451-2383

dcarlile@farmington.utah.gov





Diane Allan <diane.allan.ut@gmail.com>

GRAMA

DeAnn Carlile <dcarlile@farmington.utah.gov>
To: diane.allan.ut@gmail.com

Mon, Apr 11, 2022 at 8:40 AM

Please see the attached requested GRAMA information.
You will need to request the oath of office from Sandy City for Lt Eric Johnsen.
Respectfully,

DeAnn Carlile

Farmington City Recorder

160 S Main, Farmington, UT 84025

801-451-2383

dcarlile@farmington.utah.gov



GRAMA.pdf
3356K

Diane Allan <diane.allan.ut@gmail.com>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Fri, Apr 15, 2022 at 10:03 AM

Hi DeAnn,

Thank you for your response. I received the Certificate of coverage that you provided. However, I requested the full Bond/Policy information. Please provide a complete copy of the policy.

Best regards,
Diane Allan

<GRAMA.pdf>

DeAnn Carlile <dcarlile@farmington.utah.gov>
To: Diane Allan <diane.allan.ut@gmail.com>

Mon, Apr 18, 2022 at 10:18 AM

Diane

Here is the information that URMA Utah Risk Management Agency sent me regarding your GRAMA request.
DeAnn

From: Research Center historyresearch@utah.gov
Subject: Officer Eric Johnsen Oath of Office
Date: May 3, 2022 at 1:33:11 PM
To: mail4chase.allan@gmail.com

Chase,

The Utah State Archives does not hold an oath of office for Officer Eric Johnsen. The Archives only takes in oaths of office for state officials. Officer Johnsen's oath of office would be filed with the local agency.

Let me know if you have any questions or if I can help further.

Thank you,

Heidi Stringham, MLS

Reference Staff

Research Center of the Utah State Archives & Utah State History

historyresearch@utah.gov

[\(801\) 531-3847](tel:(801)531-3847)

The Research Center is now scheduling research appointments. Contact a staff member for more information.



From: Wendy Downs wdowns@sandy.utah.gov
Subject: RE: [EXTERNAL] Sandy City GRAMA Response
Date: April 20, 2022 at 2:38 PM
To: Diane Allan diane.allan.ut@gmail.com
Cc: Charlie Cressall rcressall@sandy.utah.gov

Hi Diane,

You have requested records from Sandy City, which is in Salt Lake County. We have no connection with the Davis County Recorder, and I am not sure why they would "confirm" that we would have records.

Sandy City has NO employment records for an officer with the name Eric Johnson, or Eric Johnsen. We had an employee, which was a crossing guard in 2018 by the name of Erick Johnson but crossing guards are not police officers and do not swear an oath.

Are you sure you have requested records from the correct entity?



sandy.utah.gov

Wendy Downs, CMC
City Recorder
Certified Records Officer

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7118
wdowns@sandy.utah.gov



From: Diane Allan <diane.allan.ut@gmail.com>
Sent: Tuesday, April 19, 2022 3:23 PM
To: Wendy Downs <wdowns@sandy.utah.gov>
Subject: Re: [EXTERNAL] Sandy City GRAMA Response

Hi Wendy,

The Davis County Recorder confirmed that your department should have the records and directed me to you. They do not have anything on file. Eric Johnsen confirmed to me verbally he has sworn an Oath. So if you are confirming that both name spellings have been checked and you don't have anything can you confirm the reason you don't have anything on file?

Thanks,
Diane Allan

On Apr 19, 2022, at 3:12 PM, Wendy Downs <wdowns@sandy.utah.gov> wrote:

Diane, please excuse the typo, our HR department searched for Johnson. The typo was an error on my part when preparing my response.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Diane Allan <diane.allan.ut@gmail.com>
Sent: Tuesday, April 19, 2022 2:46:23 PM
To: Wendy Downs <wdowns@sandy.utah.gov>
Subject: [EXTERNAL] Re: Sandy City GRAMA Response

Subject: [EXTERNAL] re. Sandy City GRAMA response

Hi Wendy,

it looks like your search has the officer name spelled differently. Please search the name as Eric Johnsen, spelled with an E rather than an O in the last name.

Thank you,

On Apr 19, 2022, at 2:38 PM, Wendy Downs <wdowns@sandy.utah.gov> wrote:

Diane,

Please see the attached response to your recent records request.

Thank you,

<[image001.jpg](#)>

Wendy Downs, CMC
City Recorder
Certified Records Officer

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7118
wdowns@sandy.utah.gov

sandy.utah.gov <[image002.png](#)> <[image003.png](#)> <[image004.png](#)> <[image005.png](#)> <[image006.png](#)>

<Diane Allan - PD Oath and Bond E. Johnson GRAMA 4.12.22.pdf><Diane Allan - no records .pdf>



Community • Prosperity • Choice

Mayor • Joy Petro
City Manager • Alex R. Jensen
Asst. City Manager • Steve Garside

• Council Members •
Zach Bloxham Brown
Clint Morris
Tyson Roberts
Bettina Smith Edmondson
Dave Thomas

April 26, 2022

Diane Allan
1152 West 475 South
Farmington, UT 00000

RE: Records Request received April 25, 2022

Dear Ms. Allan;

In response to your recent records request under the Government Records Access and Management Act (“GRAMA”) wherein you requested the following records: Oath of Office for Police Officer Eric Johnsen for any or all time frames as may be on file.

No records exist. The City was unable to identify an employee with the name of Eric Johnsen.

Respectfully,

Kimberly S Read, MMC
City Recorder



JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>(b) County of Residence of First Listed Plaintiff <u>Davis</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant <u>Davis</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
--	--

FILED US District Court - UT
SEP 09 '22 PM 03:17

<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:10%;"><input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business In This State</td> <td style="width:10%;"><input type="checkbox"/> 4</td> <td style="width:10%;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016
			<p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
42 USC § 1983

Brief description of cause:
Violations of constitutionally secured rights under color of law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 9-9-2022 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____

Case: 1:22-cv-00117
 Assigned To : Romero, Cecilia M.
 Assign. Date : 9/9/2022
 Description: Allan v Hanson et al

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.