

Name & Address:

A. Clifton Hodges, Esq.
HODGES AND ASSOCIATES
4 East Holly Street, Suite 202
Pasadena, CA. 91103-3900

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID ANDERSON, LT. COL.; NELSON L. REYNOLDS, LT. COL.;
SHEILA MORRIS; PATRICK CLUNEY; ROBERT HOLLENEGG;
ALLAN TREFFRY; AND REECE HAMILTON. Individually and
on behalf of all similarly situated,

PLAINTIFF(S)

v.

CHRISTOPHER COX, an individual; MARY L. SCHAPIRO, an individual;
CYNTHIA A. GLASSMAN, an individual; PAUL S. ATKINS, an individual;
ROEL C. CAMPOS, an individual; ANNETTE L. NAZARETH, an
individual; TROY A. PAREDES, an individual; LUIS A. AGUILAR, an
individual; ELISSE B. WALTER, an individual; KATHLEEN L. CASEY, an
individual; and DOES 1 through 10, inclusive

DEFENDANT(S).

CASE NUMBER

CV10-00031 J/S MLGx

SUMMONS

TO: DEFENDANT(S): _____, _____, _____

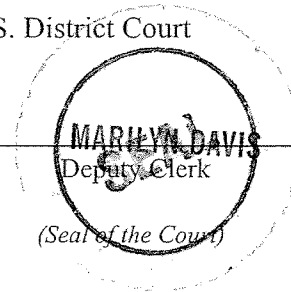
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint _____ amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, A. Clifton Hodges, whose address is _____ . If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 58 JAN 2010

By: _____



(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col.; Sheila Morris; Patrick Cluney; Robert Hollenegg; Allan Treffry; and Reece Hamilton	DEFENDANTS Christopher Cox; Mary L. Schapiro; Cynthia A. Glassman; Paul S. Atkins; Roel C. Campos; Annette L. Nazareth; Troy A. Paredes; Luis A. Aguilar; Elisse B. Walter; Kathleen L. Casey; and DOES 1 through 10 inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) A. Clifton Hodges, Esq. HODGES AND ASSOCIATES 4 East Holly Street, Suite 202, Pasadena, CA. 91103-3900 Tel.: (626) 564-9797	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Citizen of This State</td> <td style="width:10%; border: none;">PTF</td> <td style="width:10%; border: none;">DEF</td> <td style="width:30%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none;">PTF</td> <td style="width:10%; border: none;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> <tr> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> <td style="border: none;"><input type="checkbox"/></td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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IV. 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 Multi-District Litigation
 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ 3.87 trillion

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Bivens claim; 5th Amendment violation

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State 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 Loan (Excl. 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 <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	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. 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-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: CV10-00031

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles; and Orange	Florida; Missouri; North Carolina; and Texas

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

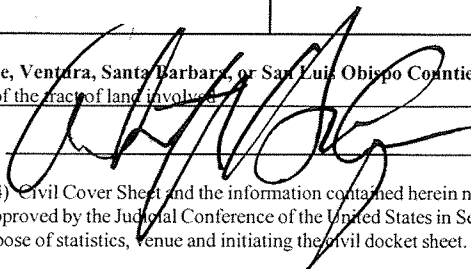
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles; and Orange	Illinois; and Washington D.C.

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles; and Orange et. al.	All U.S. states

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

 Date 1/4/2010

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

A. Clifton Hodges, Esq. (CSBN 046803)
HODGES AND ASSOCIATES
4 East Holly Street, Suite 202
Pasadena, CA 91103-3900
(626) 564-9797

ATTORNEYS FOR: Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col; Sheila Morris;
Patrick Cluney; Robert Hollenegg; Allan Treffry; and Reece Hamilton,
Individually and on behalf of all similarly situated.

Plaintiff(s).

CASE NUMBER

CV 10-00031-JIS (MLG)

Christopher Cox, an individual; Mary L. Schapiro, an individual;
Cynthia A. Glassman, an individual; Paul S. Atkins, an individual;
Roel C. Campos, an individual; Annette L. Nazareth, an individual;
Troy A. Paredes, an individual; Luis A. Aguilar, an individual;
Elisse B. Walter, an individual; Kathleen L. Casey, an individual; and
DOES 1 through 10, inclusive.

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Plaintiffs

(or party appearing in pro per), certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

Plaintiffs: David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col.; Sheila Morris; Patrick Cluney; Robert Hollenegg; Allan Treffry and Reece Hamilton

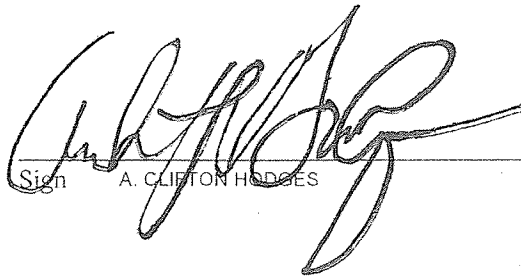
Each plaintiff is a real party in interest

Defendants: Christopher Cox, Mary L. Schapiro, Cynthia A. Glassman, Paul S. Atkins, Roel C. Campos, Annette L. Nazareth, Troy A. Paredes, Luis A. Aguilar, Elisse B. Walter, and Kathleen L. Casey

Each defendant is a real party in interest

1/8/10

Date



Sign A. CLIFTON HODGES

Plaintiffs

Attorney of record for or party appearing in pro per

NOTICE OF INTERESTED PARTIES

FILED
2010 JAN -8 PM 2:41
CENTRAL DISTRICT COURT
LOS ANGELES

1 A. CLIFTON HODGES, State Bar No. 046803
2 **HODGES AND ASSOCIATES**
3 4 East Holly Street, Suite 202
4 Pasadena, California 91103
5 Telephone: (626) 564-9797
6 Facsimile: (626) 564-9111

7 Attorneys for Plaintiffs

2010 JAN - 8 PM 2:41
DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

FILED

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 DAVID ANDERSON, LT. COL.;
12 NELSON L. REYNOLDS, LT. COL.;
13 SHEILA MORRIS; PATRICK
14 CLUNEY; ROBERT HOLLENEGG;
15 ALLAN TREFFRY; and REECE
16 HAMILTON, Individually and on
17 behalf of all similarly situated,

18 Plaintiffs,

19 vs.

20 CHRISTOPHER COX, an individual;
21 MARY L. SCHAPIRO, an individual;
22 CYNTHIA A. GLASSMAN, an
23 individual; PAUL S. ATKINS, an
24 individual; ROEL C. CAMPOS, an
25 individual; ANNETTE L. NAZARETH,
26 an individual; TROY A. PAREDES,
27 an individual; LUIS A. AGUILAR, an
28 individual; ELISSE B. WALTER, an
individual; KATHLEEN L. CASEY,
an individual; and DOES 1 through
10, inclusive,

Defendants.

Case No.:

~~CV 10-00031~~ - JVS (MCG)

COMPLAINT FOR
DECLARATORY JUDGMENT,
AND FOR DAMAGES FOR
VIOLATION OF CIVIL RIGHTS

(JURY TRIAL DEMANDED)

COME NOW Plaintiffs DAVID ANDERSON, LT. COL.; NELSON
L. REYNOLDS, LT. COL.; SHEILA MORRIS; PATRICK CLUNEY;

1 ROBERT HOLLENEGG; ALLAN TREFFRY; and REECE HAMILTON,
2 individually and on behalf of all others similarly situated, who, for
3 causes of action herein allege:

4 **INTRODUCTION**

5 1. This action for declaratory judgment and for damages
6 for violations of the Plaintiffs' civil rights under *Bivens v. Six*
7 *Unknown Agents of the F.B.I.*, 403 U.S. 388 (1971), against
8 Commissioners of the Securities and Exchange Commission, arises
9 out of actions and failures to act occurring over the period from
10 January 1, 2006 to date by Defendants CHRISTOPHER COX, an
11 individual; MARY L. SCHAPIRO, an individual; CYNTHIA A.
12 GLASSMAN, an individual; PAUL S. ATKINS, an individual; ROEL C.
13 CAMPOS, an individual; ANNETTE L. NAZARETH, an individual;
14 TROY A. PAREDES, an individual; LUIS A. AGUILAR, an individual;
15 ELISSE B. WALTER, an individual; KATHLEEN L. CASEY, an
16 individual; and other government agents whose names are not now
17 known to the Plaintiffs.

18 2. These Defendants, acting in the course and scope of
19 their employment by the United States of America as duly
20 authorized Commissioners of the Securities and Exchange
21 Commission, a federal agency, through their acts and omissions
22 knowingly, consciously, wrongly, without compensation and
23 without due process of law have effected a taking of property from
24 each of the named Plaintiffs and all who are similarly situated.

25 **JURISDICTION AND VENUE**

26 3. This action for declaratory relief and damages is
27 predicated on the provisions of the Constitution and Statutes of the
28 United States, the legal and equitable jurisdiction of this Court, the

1 principles of common law, and this Court's concurrent and pendant
2 jurisdiction.

3 4. This Court has jurisdiction over the Plaintiffs' claims
4 under Article III of the United States Constitution and the Fifth
5 Amendment thereto. This Court has jurisdiction over Plaintiffs'
6 property rights under the foregoing citations and, in addition,
7 pursuant to Title 28 U.S.C., Section 1331 and the case law
8 precedent of *Bivens v. Six Unknown Agents of the F.B.I.*, 403 U.S.
9 388 (1971).

10 5. Venue is proper in this Court under Title 28 U.S.C.,
11 Section 1391(e)(1)/(2). Defendants are all past or current
12 Commissioners of the Securities and Exchange Commission and
13 therefore agents of the United States Government, and a
14 substantial part of the property, and the acts related to such
15 property subject to Plaintiffs' claims, occurred or was situated in
16 this Central District of California at all times relevant.

17 **THE PARTIES**

18 6. Plaintiff DAVID ANDERSON, LT. COL., U.S. Air Force
19 pilot, resides in the State of Missouri, owns more than 280,000,000
20 shares of stock in CMKM Diamonds, Inc., and at all times relevant
21 to the allegations set forth herein, was a citizen of the United
22 States.

23 7. Plaintiff NELSON L. REYNOLDS, LT. COL., U.S. Air Force
24 pilot, resides in the State of Texas, owns more than 15,000,000
25 shares of stock in CMKM Diamonds, Inc., and at all times relevant
26 to the allegations set forth herein, was a citizen of the United
27 States.

28 //

1 8. Plaintiff SHEILA MORRIS, a company owner/CEO resides
2 in the State of North Carolina, owns more than 400,000,000 shares
3 of stock in CMKM Diamonds, Inc., and at all times relevant to the
4 allegations set forth herein, was a citizen of the United States.

5 9. Plaintiff PATRICK CLUNEY, a retired professional athlete
6 resides in the State of Florida, owns more than 680,000,000 shares
7 of stock in CMKM Diamonds, Inc., and at all times relevant to the
8 allegations set forth herein, was a citizen of the United States.

9 10. Plaintiff ROBERT HOLLENEGG resides in the State of
10 North Carolina, owns more than 85,000,000 shares of stock in
11 CMKM Diamonds, Inc., and at all times relevant to the allegations
12 set forth herein, was a citizen of the United States.

13 11. Plaintiff ALLAN TREFFRY, a licensed State of California
14 Attorney, resides in the County of Los Angeles, State of California,
15 owns more than One Billion shares of stock in CMKM Diamonds,
16 Inc., and at all times relevant to the allegations set forth herein,
17 was a citizen of the United States.

18 12. Plaintiff REECE HAMILTON, a business owner/partner
19 resides in the County of Los Angeles, State of California, owns
20 more than One Billion shares of stock in CMKM Diamonds, Inc., and
21 at all times relevant to the allegations set forth herein, was a
22 citizen of the United States.

23 13. Defendants CHRISTOPHER COX, Chairman 2005-2009,
24 MARY L. SCHAPIRO, Chairman 2009-2010, CYNTHIA A. GLASSMAN
25 Commissioner 2002-2006, PAUL S. ATKINS, Commissioner 2002-
26 2008, ROEL C. CAMPOS, Commissioner 2002-2007, ANNETTE L.
27 NAZARETH, Commissioner 2005-2008, TROY A. PAREDES,
28 Commissioner 2008-2010, LUIS A. AGUILAR Commissioner 2008-

1 2010, ELISSE B. WALTER Commissioner 2008-2010 and KATHLEEN
2 L. CASEY, Commissioner 2008-2010 are and, at all referenced
3 times mentioned herein were, acting as individuals and as
4 Commissioners of the Securities and Exchange Commission, an
5 agency of the UNITED STATES OF AMERICA, and acting within the
6 course and scope of their employment. These Defendants are the
7 real parties in interest in the claims set forth herein.

8 14. Other employees and servants of the Securities and
9 Exchange Commission are also liable for damages under the causes
10 of action set out in this Complaint. However, the names of these
11 employees and servants are not now known to Plaintiffs, who
12 thereby names them herein as DOES 1 through 10. When the
13 names of these employees and servants become known, Plaintiffs
14 reserve the right to amend this Complaint to add the names of
15 these DOE Defendants.

16 **FACTUAL CONTENTIONS APPLICABLE TO ALL CAUSES OF**
17 **ACTION**

18 15. In November and December, 2002, CYBER MARK
19 INTERNATIONAL INC., a public company domiciled in Nevada,
20 reverse-merged with Casavant Mineral Claims, which then held
21 mineral claims to more than 600,000 acres within Saskatchewan,
22 Canada, increased authorized capital from 500,000,000 to
23 10,000,000,000 common shares, cancelled all preferred shares,
24 and changed its name to CASAVANT MINING KIMBERLITE
25 INTERNATIONAL, INC. (CMKI); as of February 3, 2003,
26 7,241,653,404 shares were issued and outstanding.

27 16. During the succeeding months CMKI declared a 2 for 1
28 stock split and filed with the Securities and Exchange Commission:

1 Form 15 exemption claim, July, 2003; Certificate of Amendment to
2 Articles of Incorporation changing its name to CMKM DIAMONDS,
3 INC. (CMKM), February 5, 2004; Certificate of Amendment to
4 Articles of Incorporation raising its authorized capital to
5 500,000,000,000 common shares @ \$0.001 par value, March 1,
6 2004; Certificate of Amendment to Articles of Incorporation
7 correcting the par value of common shares as of December 26,
8 2002 to \$0.0001 par value, July 13, 2004; Certificate of
9 Amendment to Articles of Incorporation raising its authorized
10 capital to 800,000,000,000 common shares @ \$0.0001 par value,
11 July 13, 2004.

12 17. During the summer and fall of 2004: New York Attorney
13 Roger Glenn was retained by the company; the number of acres
14 upon which CMKM held claims increased to over 1.2 Million acres;
15 claims development activity was pursued by the company; and a
16 shareholders appreciation party was planned to be celebrated in
17 Las Vegas, Nevada to thank the shareholders, to give them an
18 opportunity to meet company personnel, and to announce an
19 agreed upon merger with another public company, U.S. CANADIAN
20 MINERALS INC. On the eve of the party celebration, the Securities
21 and Exchange Commission placed an order on CMKM preventing
22 any public disclosure of anticipated mergers or other development
23 information.

24 18. In early 2005, CMKM announced the addition of Robert
25 A. Maheu to the Board of Directors who shortly thereafter became
26 the co-chairman of the Board; CMKM announced a new "corporate
27 strategy plan to dramatically and comprehensively transform" the
28 company for generation of consistent, long-term growth and

1 profitability for the shareholders; CMKM filed an amended Form 15
2 on February 17, 2005 reinstating the company to a public reporting
3 status; and on March 3, 2005 was notified by the Securities and
4 Exchange Commission of a temporary suspension of trading of the
5 company's stock (Pink Sheets-CMKX) based upon, *inter alia*,
6 concerns over the "adequacy" of publicly available information.

7 19. On March 16, 2005 the Securities and Exchange
8 Commission instituted a public administrative proceeding pursuant
9 to Section 12 (j) of the Securities Exchange Act of 1934 against
10 CMKM to determine whether the company was required to file
11 periodic reports under Section 12(g) and whether CMKM failed to
12 comply with Section 13(a), and rules there-under, by failing to so
13 file. CMKM responded on April 11, 2005 admitting that CMKM had
14 a duty to file public reports and alleging various grounds of
15 mistake, malpractice and other affirmative defenses to the factual
16 allegations.

17 20. From March 17, 2005 through April 29, 2005 CMKM
18 traded publicly in the US under the trading symbol "CMKX," a total
19 of 551,756,751,833 shares, an average share volume of more than
20 17 billion shares per day, reaching a maximum on April 21, 2005 of
21 94,654,588,201 shares. These figures do not include foreign
22 trades nor trades made on an ex-clearing basis such as those
23 disclosed by Jefferies & Company , Inc. on May 6, 2005: between
24 March 25, 2004 and September 21, 2004 Jefferies traded
25 111,780,681,204 shares of CMKX stock on an ex-clearing basis.

26 21. On May 10, 2005 the Section 12 (j) administrative
27 proceeding was conducted in a United States Central District of
28 California courtroom; the Administrative Law Judge, Honorable

1 Brenda P. Murray entered her decision on July 12, 2005 finding the
2 facts to be as alleged by the Securities and Exchange Commission.
3 CMKM then filed a Petition for Review which was granted, and a
4 briefing schedule set.

5 22. On October 20, 2005: Robert A. Maheu resigned as a
6 member and co-chairman of the CMKM Board of Directors; Urban
7 Casavant agreed to remain as the sole officer and Director of CMKM
8 until the affairs of CMKM were wound up to ensure all shares and
9 other assets of CMKM were properly distributed to its stockholders;
10 CMKM entered into an agreement with Entourage Mining Ltd.
11 pursuant to which CMKM assigned its 50% interest in United Carina
12 Resources Corp. to Entourage for 15,000,000 shares of stock, sold
13 its 36% interest in Nevada Minerals, Inc. claims to Entourage for
14 5,000,000 shares of stock, and made a joint agreement with
15 101047025 Saskatchewan Inc. and Entourage whereby certain
16 claims were transferred and CMKM became entitled to receive
17 30,000,000 shares of stock; CMKM's other agreements with United
18 Carina Resources Corp. and Nevada Minerals Inc. were terminated.

19 23. On October 21, 2005 CMKM approved formation of a
20 Task Force consisting of Robert A. Maheu, Donald J. Stoecklein and
21 Bill Frizzell for the purpose of assisting CMKM and Mr. Maheu, as
22 "designated Trustee, to conduct an orderly and verifiable pro rata
23 liquidating distribution of any Entourage Mining Ltd. shares...and
24 any other available assets of CMKM;" the SEC Petition for Review
25 was withdrawn by CMKM on October 21, 2005 and a Securities and
26 Exchange Commission Order de-registering CMKM subsequently
27 was formally entered on October 28, 2005. CMKM had
28 703,518,875,000 shares of common stock issued and outstanding

1 on that date.

2 24. On November 4, 2005 CMKM established a web site
3 (CMKMTaskForce.com) for the purpose, *inter alia*, of advising all
4 shareholders to request physical share certificates evidencing their
5 ownership interest in CMKM as one means of establishing that they
6 were bona fide shareholders of the company. The company
7 intended at that time to wind up its affairs and distribute the 50
8 million shares of Entourage Mining Ltd. stock and any other assets,
9 including previously unpaid dividends, to the bona fide
10 shareholders. The web site set forth procedures to be followed and
11 established a means of registering all bona fide shareholder
12 certificates prior to December 31, 2005; certificates evidencing
13 43,309,298,585, shares had been registered at that time.

14 25. A frequently asked question (FAQ) page was added to
15 the web site on the evening of November 4, 2005 and in response
16 to a question about the degree of naked shorting of CMKM stock,
17 the Task Force indicated that "Credible information indicates the
18 number of naked short shares is potentially as high as 2 Trillion
19 shares."

20 26. The Task Force issued a press release on January 19,
21 2006 discussing a reduction in total shares of Entourage Mining
22 Ltd. stock to be distributed to CMKM shareholders from 50 Million
23 shares to 45 Million shares as a result of a reduction in mining
24 claims involved. The Task Force also discussed issues involving
25 difficulties obtaining physical share certificates being experienced
26 by shareholders; accordingly the deadline date for registration of
27 shares was extended to March 15, 2006. The Task Force was
28 provided a new "cert list" by First Global Stock Transfer showing

1 certs issued "and active" on January 13, 2006; ADP Services also
2 provided information to the Task Force. This data reflected a
3 sample of 25,021 certificates representing 350,000,000,000 plus
4 shares of stock and a total of more than 67,000 additional
5 certificates to be counted.

6 27. On March 16, 2006 the Task Force issued a public
7 release that "...we received a visit in our office [in Tyler, Texas] by
8 an E-Trade rep today. This rep personally hand delivered copies of
9 approximately 4000" certificates. Further information regarding
10 on-going discussions with the DTCC and other brokerage houses
11 was also provided.

12 28. The Task Force provided additional information on March
13 20, 2006, extending the time for registration of certificates to May
14 15, 2006, advising the shareholders that Urban Casavant and his
15 immediate family would not participate in the share distribution,
16 and advising that a printed notice to stock holders would be
17 published in at least one nationally circulated United States
18 newspaper.

19 29. On May 25, 2006 the Task Force received a second
20 batch of 1,200 share certificates from AmeriTrade, having received
21 some 1,000 share certificates a week earlier. AmeriTrade's cover
22 letter indicated that several hundred more certificates would be
23 delivered within "the next few days." The deadline for registering
24 certificates of May 15, 2006 had not been extended, although the
25 Task Force continued to advise shareholders that they should
26 obtain their certificates and that the Task Force would honor any
27 bona fide shareholder at the time of asset distribution. By late Fall,
28 2006, the Task Force had received and counted copies of

1 certificates from more than 39,000 shareholders, evidencing more
2 than 635 Billion shares.

3 30. Kevin West was hired pursuant to a written agreement
4 by CMKM during the summer of 2006 to assist in winding up the
5 affairs of the company and, more specifically, coordinating the
6 share certificate pull. After serving nearly a year as Interim CEO,
7 Kevin West was appointed Chairman of the Board on March 29,
8 2007 after which Urban Casavant stepped down as sole director,
9 president, secretary and treasurer of CMKM Diamonds, Inc. Mr.
10 West soon thereafter appointed Bill Frizzell as CMKM General
11 Counsel and provided instructions for the filing of a number of
12 lawsuits to attempt to recover moneys and other assets which had
13 been wrongfully taken from the company.

14 31. During the period of June 1, 2004 through October 28,
15 2005 a total of 2.25 Trillion "phantom" shares of CMKM Diamonds
16 Inc, was sold into the public market through legitimate brokers,
17 illegitimate brokers and dealers, market makers, hedge funds, ex-
18 clearing transactions and private transactions. The sales of the
19 majority of such shares were at all times known to the Securities
20 and Exchange Commission, including Defendants herein.

21 32. At some date prior to June 1, 2004 the Securities and
22 Exchange Commission in concert with the Department of Justice of
23 the United States, together combined with Robert A. Maheu and
24 others to utilize CMKM Diamonds, Inc. for the purpose of trapping a
25 number of widely disbursed entities and persons who were believed
26 to be engaged in naked short selling of CMKM Diamonds Inc. stock
27 and cellar boxing the company. The Securities and Exchange
28 Commission and the Department of Justice, with assistance from

1 the Department of Homeland Security, believed and developed
2 evidence that said short sellers were utilizing their activities to
3 illegally launder moneys, wrongfully export moneys, avoid payment
4 of taxes, and to support foreign terrorist operations. To fulfill the
5 plan to criminally trap such wrongdoers, the Securities and
6 Exchange Commission, with assistance from the Departments of
7 Justice and Homeland Security:

- 8 a) Assisted in and approved the retention of Roger Glenn, an
9 ex-SEC trial attorney and drafter of Sarbanes-Oxley, to
10 join CMKM Diamonds Inc. for the purpose of verifying
11 claims value, increasing authorized shares of stock to
12 800,000,000,000, and supervising from the inside of the
13 company;
- 14 b) Encouraged the company to expand its promotional
15 activities, assisted in the set up of the "racing activities" of
16 the company, and underwrote a substantial portion of the
17 cost of such activities;
- 18 c) Consented to, facilitated, and supported the sale of certain
19 company claims to several foreign corporations;
- 20 d) Consented to, facilitated, and supported the conferences
21 between Robert A. Maheu and his associates on the one
22 hand, and the wrongdoing short sellers on the other, all
23 for the purpose of settling the potential liability of said
24 wrongdoers with consent of the U. S. Government and a
25 representation of no criminal prosecution for such illegal
26 sales;
- 27

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1 e) Consented to, facilitated, and supported the declaration of
2 dividends payable by the company to each common
3 shareholder of CMKM Diamonds, Inc.

4 f) Consented to, facilitated, and supported the distribution of
5 shares of CIM, a private company owned by Urban
6 Casavant, as a stock dividend, including consent and
7 approval of distribution of said shares to holders of more
8 than 1.4 Trillion shares of CMKM Diamonds, Inc. common
9 stock.

10 33. During the period from November, 2004 through April,
11 2005, CMKM Diamonds, Inc. negotiated the sale of some of its
12 Saskatchewan, Canada mineral claims to three Chinese domiciled
13 corporations with the advice and consent, *inter alia*, of the
14 Securities and Exchange Commission. Proceeds from the
15 consummation of such sales were placed into a frozen trust for
16 disbursal at a later time.

17 34. During the period from March, 2004 through August,
18 2006, on behalf of CMKM Diamonds, Inc. Robert A. Maheu, with
19 assistance from others, negotiated a settlement with the
20 illegitimate brokers, dealers, market makers, hedge funds, and
21 other persons and entities that had engaged in naked short selling
22 of CMKM Diamonds Inc. stock and cellar boxing the company. In
23 exchange for a U. S. Government promise of no prosecution for
24 such sales, the wrongdoers each promised to pay negotiated
25 amounts to a frozen trust for disbursal at a later time.

26 35. Plaintiffs herein are informed and believe, and based
27 thereon allege, that other moneys have been collected for the
28 benefit of the shareholders of CMKM Diamonds, Inc. from the

1 Depository Trust & Clearing Corporation, from the United States
2 Government, and from the sale of additional assets including
3 consent to enter into joint venture agreements with other
4 companies holding mineral claims in Saskatchewan, Canada.
5 Plaintiffs herein are further informed and believe, and based
6 thereon allege, that said moneys, collected for the benefit of
7 shareholders have also been placed in a trust or are otherwise now
8 held in trust by the Depository Trust & Clearing Corporation and
9 the United States Treasury.

10 36. Plaintiffs herein are informed and believe, and based
11 thereon allege, that at all times mentioned, the Securities and
12 Exchange Commission reserved unto itself the sole and absolute
13 discretion to determine when moneys collected pursuant to the
14 scheme set forth above would and could be released for
15 distribution.

16 37. Demand for release of said moneys has been repeatedly
17 presented to the Securities and Exchange Commission without
18 result. Agents and employees of the Securities and Exchange
19 Commission and the Department of Justice have represented
20 repeatedly that the release of moneys for distribution was
21 imminent, and/or would occur within several weeks, and/or would
22 occur within less than a month. Each of said representations have
23 been made knowing them to be false, and at the specific direction
24 of the named Defendants. These actions of withholding distribution
25 of said moneys, without compensation and without due process of
26 law, amount to a taking of the property of the individual Plaintiffs
27 and of all similarly situated.

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1 38. At all times mentioned herein, the Defendants acted
2 with deliberate indifference or reckless disregard for the
3 Constitutional and other rights of all Plaintiffs, or with the intention
4 and knowledge that they were violating Plaintiffs' Constitutional or
5 other rights or to cause them other injuries, losses and damage.

6 39. As a result of the Defendants' misconduct, each of the
7 named Plaintiffs and all of those similarly situated, have been
8 denied their Constitutional rights, including, but not limited to, their
9 Fifth Amendment right to be secure in their property, free from
10 taking without just compensation and without due process of law,
11 and have suffered injuries and property loss in excess of Three
12 Trillion Dollars.

13 **CLASS ACTION ALLEGATIONS**

14 40. Plaintiffs bring this action individually, and on behalf of
15 all others similarly situated, and in the public interest.

16 41. Plaintiffs bring this action on behalf of a class of persons
17 who were and are bona fide shareholders in CMKM Diamonds, Inc.,
18 a public company directly supervised by the Securities and
19 Exchange Commission.

20 42. Plaintiffs are members of said class, have a claim typical
21 of the claims of all members of said class, and will fairly and
22 adequately represent the interests of the members of said class.

23 43. The members of said class are so numerous that joinder
24 of all members is impracticable.

25 44. All of the class members are wholly identifiable from
26 documents known to be in the possession of Defendants and of the
27 Securities and Exchange Commission.

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45. The claims of the members of said class present common issues of fact and law which predominate over any questions affecting only individual members of the class.

46. The defenses available to defendants to the claims of the members of the class present common issues of fact and law which predominate over any questions affecting only individual members of the class.

47. The prosecution of separate actions by the individual members of the class would create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for defendants.

48. Adjudications with respect to individual members of said class would, as a practical matter be dispositive of the interest of other members not parties to the individual adjudications or would substantially impair or impede the right and/or ability to protect their interest.

49. Defendants have acted or refused to act on grounds generally applicable to said class thereby making appropriate final injunctive relief with respect to the class as a whole.

50. Unless ordered by this court, Defendants will continue their illegal and wrongful conduct, and repeated actions by individual class members will be required to obtain relief; and thereby the remedies available at law are inadequate.

51. For all of the above reasons, a class action is superior to other available methods for the fair and efficient adjudication of the claims alleged herein.

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1 **FIRST CAUSE OF ACTION**

2 **(FOR DECLARATORY RELIEF AGAINST ALL DEFENDANTS)**

3 52. Plaintiffs incorporate as though fully set forth herein, all
4 of the allegations contained in Paragraphs 1 through 39 above.

5 53. Plaintiffs allege that an actual controversy exists in this
6 jurisdiction, in that it is the Plaintiffs' contention that:

7 a) The Defendants are, or in the past were,
8 Commissioners of the SECURITIES AND EXCHANGE
9 COMMISSION, an agency of the UNITED STATES OF
10 AMERICA. At all relevant times herein, said Defendants were
11 acting as individuals and in their official capacity as agents of
12 the SECURITIES AND EXCHANGE COMMISSION.

13 b) On and after January 1, 2006, the Defendants,
14 acting alone and acting in concert with each other, and acting
15 without just cause, did consciously, knowingly, intentionally
16 and wrongfully cause certain acts and omissions to proceed in
17 such manner as to hinder, delay, and ultimately prevent the
18 distribution of moneys held for the benefit of Plaintiffs, and all
19 similarly situated, said moneys being payable to each said
20 person on a per share basis.

21 c) The Defendants, and each of them, acted in their
22 individual and their official capacities with deliberate or
23 reckless disregard for the Constitutional and other rights of
24 Plaintiffs and all similarly situated or with malicious intent and
25 with the knowledge that their acts and omissions violated and
26 denied the Constitutional and other rights of Plaintiffs and all
27 similarly situated, or that their acts would cause said Plaintiffs
28 and all similarly situated other injuries.

1 d) The Defendants, and each of them, did unlawfully
2 and wrongfully cause certain acts and omissions to proceed in
3 such manner as to hinder, delay, and ultimately prevent the
4 distribution of moneys held for the benefit of Plaintiffs and all
5 similarly situated, even though the Defendants knew that said
6 persons had a vested interest and Constitutional right to
7 receive said moneys in a timely, unfettered and
8 unconstrained manner.

9 e) The Defendants, and each of them, knew that
10 Plaintiffs and all similarly situated had a vested interest and
11 Constitutional right to receive said moneys in a timely,
12 unfettered and unconstrained manner when they committed
13 the acts and omissions set forth above, causing each said
14 person to be deprived of property without just compensation
15 and without due process of law.

16 54. The Defendants, and each of them, contend to the
17 contrary. Therefore, it is necessary and proper for this Court at
18 this time to determine and declare the validity of the contentions of
19 the parties as set forth above.

20 **SECOND CAUSE OF ACTION**

21 **(FOR VIOLATION OF THE PLAINTIFFS' CONSTITUTIONAL**
22 **RIGHTS AGAINST DEFENDANTS COX, SHAPIRO, GLASSMAN,**
23 **ATKINS, CAMPOS, NAZARETH, PAREDES, AGUILAR, WALTER,**
24 **and CASEY)**

25 55. Plaintiffs incorporate as though fully set forth herein all
26 of the allegations contained in Paragraphs 1 through 51, above.

27 56. Defendants, by committing the above-mentioned acts
28 and omissions, violated and denied the Plaintiffs' Constitutional

1 rights, and those of all similarly situated, including, but not limited
2 to, their Fifth Amendment right to be secure in their property, free
3 from taking without just compensation and without due process of
4 law.

5 57. Defendants, and each of them, acted and failed to act
6 with the intent to deny the Constitutional rights of Plaintiffs and of
7 all those similarly situated, or with the intentional or callous
8 disregard or deliberate indifference to those rights. The above
9 described acts of the Defendants, all charged with securities law
10 enforcement as Commissioners of the Securities and Exchange
11 Commission, in violation of the Constitutional rights of Plaintiffs and
12 of all those similarly situated, were not intended to be exempt from
13 liability.

14 58. As a result of the Defendants' acts, Plaintiffs and all
15 those similarly situated have suffered injuries and property loss in
16 excess of 3.87 Trillion Dollars in an exact amount to be determined
17 at the time of Trial. Because Defendants' actions were intentional
18 or done with callous disregard or deliberate indifference to the
19 Constitutional and other rights of all Plaintiffs, this Court should
20 award punitive damages against each individually named
21 Defendant.

22
23 **WHEREFORE**, Plaintiffs seek judgment as follows:

- 24 1. For a declaratory judgment, pursuant to Title 28 U.S.C.,
25 Sections 2201 and 2202, which determines and declares
26 the validity of the contentions of the parties set forth in
27 Paragraphs 52 to 54, above;


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2. For a judgment for compensatory, general and special damages in the amounts prayed for in the Second Cause of action set forth above;
3. For a judgment for punitive damages in an amount sufficient to punish and to make examples of these Defendants, and to deter these Defendants and others from engaging in similar conduct;
4. For an award of reasonable attorney's fees, expenses and costs of suit incurred herein; and
5. For such other and further relief as this Court deems just and proper.

Dated: January 4, 2010.

HODGES AND ASSOCIATES

By: 
A. CLIFTON HODGES
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL