Edward Daspin Pro Se

[redacted]

[redacted]

Case No. 3-16509

Declaration and Partial Recantatnt

In support of my motion

Dear Mrs. Countryman,

I declare under the laws of the United States that the forgoing statements made by me are true to the best of my knowledge and my memory. I know if I willfully misrepresent, I am subject to punishment.

Paragraph No. 1:

I apologize to the current commissioners for any attacks I may have made alleging I would involve you in a lawsuit. I will not sue any of the current commissioners as none of you caused the crucifixion that this commission caused me and my dear departed wife. None of you to my knowledge initiation a complaint against me. The perpetrators of that were under the commission of Mary Joe White. Therefore, please forgive me and accept my apology.

Paragraph No. 2:

There have recently been a series of cases questioning the constitutionality of the SEC's administrative process and the agencies use of administrative law judges (ADJL). I adopt the the 5th circuits recent ruling in Jarsky which vacated the SEC's decision with its opinion that: "in house defendants have a right to a jury trial." I was deprived a jury. I was deprived judges that were impartial. Judge Murray was delegated to commission his case against me. The dictionary defines a delegate as an agent and representative of the delegator (the commissioners that initiated the complaint). In my case, I estimated the commission is on a direct basis and only have about eight hours to review or decide whether to initiate a case against the Wells defendant or not sue. I was alerted in June 2012 that I was a target of an SEC investigation and before the end of 2012, WMMA delivered ten thousand pages of documents based on the SEC demand. The lawsuit against me was in the middle of 2015 so the prosecution had two and a half years of discovery while my law firm was limited to three months. When I reviewed Jarsky I noticed the same time frames. That is inequitable and non-just. Since the judges have a fiduciary to the commissioners as the commissioners' agent and since the prosecution is a division of the commissioners and since in-house we has no right to a jury and no right to equal discovery time, how can any defendant get a right to a fair shake?!

Paragraph No. 3:

My seventh amendment right to a jury trial is because the SEC's enforcement proceeding was similar to traditional actions at law to which the right to a jury trial attaches. The fifth circuit noted that while congress has the power to assign certain proceedings involving public rights to administrative adjudication, eliminating the right to a

jury, it cannot assign adjudication of claims that are similar to traditional actions at law to an agency because such claims do not only concern public rights.

Paragraph No. 4:

Judicial notice should be taken that prior to my being served with a complaint in 2015 I filled an OSC for a TRO in federal district court New York before Judge Bachman that she order the SEC, if they decided to complain against me, to do so only in the federal district court. At that time, I was about 75 taking fifteen pills for my medical maladies and I knew with the total of fifteen thousand pages of documents, five thousand more from 2013 to the complaints date, that my body and mind could not take the stress of a one year trial. In addition, I wanted a jury trial and I wanted full discovery which would be impossible for my lawyers to handle in seven months. The SEC Kevin McGrath Prosecuting team, defrauded Judge Bachman and me by focusing her on the Dodd Frank first right of jurisdiction for the prosecutors. They omitted the material facts that none of the ADJL's were appointed constitutionally they all violated the constitution and under article 2 of the second amendment, the Constitution mandates that if a unconstitutionally appointed judge hears the case, any findings that judge makes and void and of no effect. In addition, the Dodd Frank amendment does not grant the prosecution the right to have a first right of jurisdiction if the judge is a constitutional violator. I understand that Mr. McGrath informed Judge Bachman that Judge Murray informed him to tell the judge that she has already selected a judge for an in-house hearing if Judge Bachman dismissed my motion. Because of the McGrath fraud, aided and embedded by Judge Murray, Judge Bachman dismissed my motion and I lost a million dollars in legal fees being denied justice in every way you can imagine.

Paragraph No. 5:

It is important to note that the fifth circuit found that while Congress has the power to assign certain proceedings involving public rights to administrative, eliminating a right to a jury, it can't assign adjudication of claims that are similar to traditional actions at law to an agency because such claims to not only concern other claims!

Paragraph No. 6:

Judge Murray was the chief administrative judge and she delegated Judge Carol Foelak (the new Chief Administrative Judge) to hear my case. I motioned for an adjournment for medial reasons and was refused. Judge Foelak ordered I comply with a deposition in my doctors office. Midway through the deposition, [redacted] My law firm then presented a new motion for adjournment and after two months of heavy prosecution oppositions, Judge Murray found this fact:

"If anyone forces Mr. Daspin to testify, Mr. Daspin will be irreparably harmed."

Judge Foelak ordered a postponement Sini die. Thirty days after Judge Foelak's order, Judge Murray went into contempt of Judge Foelak's finding of that and switched judges in my case over a concocted over-scheduling of Judge Foelak. Judge Murray then delegated my case to Judge James Grimes (the then presiding judge).

Paragraph No 7:

Judge James Grimes should not be a presiding judge in the SEC. In three weeks he dissolved a protective order and not on the basis of a change in my medical history. Judge Foelak found that I [redacted]. The later two from the SEC's attempt to crucify me and my family. Then, Judge Grimes went in-contempt of Judge Foelak's finding of that and

forced me to testify by ordering that I appear at the hearing in 120 days as a pro se. Because Judge Grimes let my law firm resign, I also had to be pro see because the SEC rules permit a law firm that was prepaid to learn the whole case to leave after my million dollars ran out. So I had to be pro see.

Paragraph No. 8:

Judicial notice should be taken that not one allegation of my wrongdoing in the Wells notice was true. On 06/19/2012, at the dishonest shareholders meeting, the [redacted] suborn the perjury of all WMMA/WDI investor operators see my Wells reply, exhibit A page 17. [redacted] stated:

…Say that Ed (Daspin) controlled all small and large things at WMMA… don't say Ed controlled the board of directors of WMMA because he denied that in writing to all of us.."

Paragraph No 9:

In 2014, in the WMMA chapter 11, Federal Bankruptcy Judge Rosemary Gambredella and federal trustee Mr. Guardino both found as fact:

"Mr. Daspin committed no wrongdoings at WMMA."

I filed a motion for dismissal of the chapter 11 and Mr. Main, Mr. Sullivan, Mr, Beckedejian, and Mr. MacFarlane, perjured their declaration to a federal judge. Mr. Sullivan, Mr. Main, and Mr. Beckedejian are all investor operators and represent the president, secretary, CFO, and treasurer respectively. My reply declaration included Mr. Sullivans contract proving his allegation that I directed him not to file a 1099 against MKMA was false in that he reported in his contract only to Mr. Main, the president of WMMA. Mr. Main and Mr. Beckedejian's declarations corroborated Mr. Sullivan's lie that I was a control person.

Paragraph No. 10:

The SEC's case is that I was a control person because the books and records prove that I was not an officer, director, or shareholder of WMMA until after the aforementioned (Main, Sullivan, Beckedejian) raped a million dollars of WMMA's first charitable event on 03/31/2012, a mixed martial arts event in El Paso, TX. The SEC fraud auditor in 2019 testified that two weeks before the event, the aforementioned individual submitted a budget for 450,000 dollars. Where did the remaining 650,000 go two weeks after the budget that the SEC fraud analyst testified to go? On 08/29/2013 Mr. Larry Lux, a co-director of WMMA with Mr. Main and Agostini testified before the SEC that I was not an officer, director, or shareholder of WMMA; that Mr. Nugugu wrote the lion's share of the WMMA PPMs that when I was invited to attend board meetings as a consultant, none of the board members were obligated to agree with my opinions. During the hearing in 2019, Mr. Lux and Mr. Main, the two controlling disinterested WMMA directors and my cross examination of each of them they both testified that:

"…they jointly controlled WMMA as CEO president and secretary and that they didn't accept anyone else's opinion on which investors to take them as operating partners and how much they can invest…"

On 01/15/2011, my wife Joan sold her controlling interests in her right title in interest to own 90% of WHLD (WMMA/WDI's holding company) in equal amounts to WMMA's three directors, Mr. Lux, Mr. Main, and Mr. Agostini (so Mr. Main and Mr. Lux controlled the holding companies of WMMA's common stock). On 01/20/2011, WMMA signed the five year consulting agreement from CBI, my corporation, to MKMA, Mr. Larry May's corporation and they made me MCBI exclusive subcontractors for MKMA to provide consulting services to WMMA. I was not allowed to work directly for WMMA and neither I nor MKMA were permitted to bind WMMA and not one WMMA employment agreement had me or MKMA as a report-to person or entity. This proves I had no control, and the prosecution had all these documents before they issued the Wells purjery notice to the Mary Joe White

commissioners. The SEC prosecuting enterprise consisted of Mr. Kevin McGrath, Mr. Barry O'Connel, Mr. Nicholas Kolodny, [redacted], Mr. Main, Mr. William MacFarlane, Mrs. Catherine Richter esquire, the lawyer who suborn the perjury of the aforementioned members in the WMMA chapter 11 in addition, Kazon, the SEC NY regional assistant director was a member of the enterprise. Judicial notice should be taken that the federal Judge Gambredella and the trustee saw the perjury and dismissed the chapter 11 in my favor, proving she acknowledged them as perjurers, yet Judge Brenda Murray, in her manifest errors of finding of facts found those perjurers credible and denied the existence of the written contracts confirming they were perjurers. Please see my chapter 11 reply declarations.

Paragraph No. 11:

Using the inductive method of reasoning and reading the 15k documents several times, they conclusively prove that the William MacFarlane Newco enterprise members initiated the conspiracy for Newco to steal WMMA "on the cheap". MacFarlane is a bank robber because he represented the bank in the sale of North Face, a ski and sports apparel company, and agreed not to purchase the assets he was selling for the bank. After the sale, the bank found out he received a 30% interest in the buyer of the assets. They threatened suit and MacFarlane paid them 1 million dollars up front. As discussed, one of MacFarlane enterprise members is Wayne Kraig. In 02/2014, he started a security fraud case against WMMA, Mr. Agostini and me. We removed it from state court in Arizona to the federal district court in Newark, NJ. Our answer to the complaint proved he committed perjury and the federal judge dismissed the complaint with prejudice. Between that case and the WMMA Chapter 11, two RES ADJUITICA cases in my favor disproving the SEC from doing allegations against me.

Paragraph No. 12:

Two federal judges found me innocent of any wrongdoing and WMMA and of securities fraud. Yet, judge Murray and judge Franks which are the Murray enterprise members and the McGrath members disregarded the RES ADJUSTICATA, bribed THE INVESTOR operators to purger themselves through their [redacted] were in contempt of Judge Foelak's finding of fact:

"…If anyone forces Mr. Daspin to testify he will be irreparably harmed…"

Judge Murray played musical chairs after she found I was too ill to testify. She replaced her with Judge Grimes, who dissolved my protective order and forced me to testify in 120 days. I appealed to Judge Murray to reverse that decision. She refused to do so. Judge Murray initiated and participated in my default judgement as a defacto administrative judge with Judge Grimes. When the supreme court, in LUCIA vs. SEC found none fo the APJL's were constitutionally appointed, the justices ordered that no judge after getting constitutionally appointed could hear the second case after voiding my default judgement. Judge Murray also had a monetary interest in finding me guilty because I threatened her and Grimes in writing and the McGrath enterprises. I would do so after the case was finished. Judge Murray denied me a jury trial and under the 7th amendment, I am entitled to one under common law (see Jarsky, the fifth circuit finding). In addition, Judge Murray was a delegate of the commissioners who initiated the complaint against me.

Paragraph No. 13:

I demand you find my innocent of the allegations. I respectfully you punish the MacGrath enterprise members, except for Mr. Kolondy. He demonstrated the morality and walked away from his duty as a member of the McGrath team and refused to participate in forcing me to testify in 02/2019 in front of Judge Murray. Every

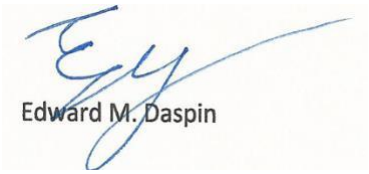
allegation of wrongdoing against me in the Wells notice, in the complaint and in the OIP are perjurious, fraudulent with malice of forethought by the prosecutors and members of the enterprises that testified against me. This was proven by Mr. Nwugugu's charters insurance claim in 2012, where he admitted in paragraph 6 that he wrote 100% of the WMMA PPM's (not me). He also admitted in his BRADY recantation OIP exhibit, that he wrote the entire 1/20/2011 MKMA WMMA Daspin service contract and used the Chamco service contract as its template. See my wells reply exhibit c, for federal bankruptcy Judge Theodore Alpert whose opinion is exhibit c in my Wells reply, where in he found me completely innocent of all security fraud claims. Mr. Nwugugu's OIP answer indicated that he at the Chamco service contract was almost contract was almost identical to the WMMA service contract. In Mr. Mains direct testimony, he admitted that he and Mr. Tropello wrote the WMMA projections that the SEC fraudulently alleged that I wrote and exaggerated them to fraud investors. In front of Judge Murray, in my cross examination of Mr. Main and Mr. Lux, they admitted they jointly controlled WMMA.

Paragraph No. 14:

As you can see my wife was crucified and became an [redacted] on the fraudulent allegations that I committed a wrongdoing. I lost six years of my life with the love of my life because of what this commission permitted to happen to me. Despite the damage I sought to correct the SEC in-house process, recommended you fire Judge Murray and in 02/2019 you got rid of her, thank you. I recommended you stopped delegating administrative judges based on the supreme courts Cochran Certiorani. My strategic plan to change the in-house process is the only way you can save the administrative judges. Since you've used my confidential plan, I expect you'll pay me what I've asked. I've agreed to permit my firm, CBI to be the ombudsman to administrate stand by federal and circuit court judges to review the Brady submission for 30 days, as advocates for the commissioners to have the right for two days testificandum of the parties lead lawyers and one day for any whistleblowers. That advocate will then submit an opinion to the commissioners for a Nobel or a settlement base on the evidence or to continue on with a complaint. I have projected that it costs the SEC over 2 million dollars for each case that it does file a complaint. I project 20% of the Wells notices will be eliminated as a result of the advocacy, assuming there are 100 cases a year saved, that is a two hundred million dollar savings lesser cost of 400 thousand dollars for the ombudsman and advocate services which includes the performance bonus. This generates a net savings to the SEC of 1.6 million for each Wells defendant who is not sued and it stops the five years that the in-house process costs the tax payers and the SEC, this one year nonsense is just a hearing time after the complaint is served, but the investigation and do diligence time of the staff appears to be three additional years and the appeal to the commissioners, another two years. In other words, time saving costs of the in house ADJL was a fraud perpetrated by the prior SEC enforcement agency on congress.

I therefore respectfully request that you pay me for the 11,000 hours that was stolen from me and two and a half million dollars that my wife's estate lost as a result of the [redacted] created by the malicious false allegations of wrongdoings against me. I am sending a copy of this to the President of the United States and the Chief Justice of the United States Supreme Court in the hopes that this will bring them together to implement the changes that will save the money and save the lives of the innocent defendants that will be destroyed if my meaningful judicial review by stand-by district and circuit court judges is not initiated prior to any in-house complaint. Of course, the commissioners lose their first right of appeal as it makes no sense for them to rule on a complaint they initiated in the first place. In addition, its an insult to the federal district court judges which is where any appeals will go hereafter from the in-house administrative law judges if my recommendations are accepted. I'm asking for 11,000 at an hourly rate of $350/hour which equals $3,850,000,000 million dollars and 2.5 million for the loses my wife's estate lost as a result of the willfully malicious fraudulent allegations of wrongdoing which were known to be fraudulent before the wells was willed.

Respectfully,



Pro Se

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