



Edward M Daspin Pro SEE

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case3-16905At& 3-16509 9/7/18

Reply to enforcements reply to my 8/25/18 submissions Declaration under the laws of the United States. I know if I misstate any facts that I'm subject to punishment and I submit this declaration under the laws of the United States. This is also a Motion for summary judgement for wrongful attachment of my time knowing that there was no genuine issue of material fact the prosecution nonetheless perused me and violated due process rights to my time See 256 f supp2ND 452USDC COURT :NORTH CAROLINA&HAYWARD VS.BARRINGTON

MALICIOUS PROSECUTION: COMPENSATRY COMPENSATION:INFERANCE OF ACKNOWLEDGMENT THAT THIS DEFENDANTS' STATEMENT OF FACTS IS,UNREBUTABLE, AND TRUE!HAD NOT DODD FRANK RAISED ITS'UGLY HEAD THIS WOULD NOT HAVE HAPPENED: HAD MY STRATEGIC OMBUDSMEN PLAN TO REMEDIATE 20% OF THE DEFENDANT INITIATION OF COMPLAINTS BEFORE A COMPLINT IS INITIATED AND AFTER THE WELLS.IT WILL REDUCE COSTS AND NEEDLESS LOSS OF REPUTATIONS' OF INNOCENCENTS' "WOULD BE DEFENDATS", AND ELIMINATE THE WELLS CONUNDRUM BEFORE A LAWSUIT IT INITIATED AND OR SETTLE THOSE SUITS THAT ARE 50/50 WITH NO PRESS!AND NO ADJL

1)I have read the enforcement divisions' response to the factual statements made to my request that this commission vacate the complaint that was fraudulently induced by the Wells letters complete omission of the material facts ,which my prior submissions enunciate with specificity ;and which prove my innocence of all the allegations' contained in the WELLS letter, which was used to initiate the complaint against these defendants'; which I ask the commission to free me and void Mr. Agostinis' settlement ,coerced and suborned of perjury ,and return his financial payments' as in my prior submissions' my 8/25/18 and this 9/7/18 responsiveness to judge Murrays and the commissions orders. The prosecution does not contravene and /or correct the facts i have presented and the presumption is in my favor as are the cause to vacate and for this commission to pronounce.

The Complaints issuance was based upon the commission receiving a Wells letter ,and perhaps a draft of the complaint, that are supposed to be truthful full of verifiable facts that warrant the initiation of a lawsuit by this commission. Unfortnately; both the WELLS letter and the subsequent complaint purposely omits ' scores of material facts, and by such fraud perpetrated against the commission and subsequently the adjl s, enforcement stole A NON BINDING ALLEGED GUILT DEFAULT JUDGEMENT against innocent business men[me] ;while the prosecution practiced fraud by the omission's' of material facts ,the insertions of facts that never happened, and by construction of allegation's knowing the falsity of same; to inflame an adjl into biased rulings' thinking he was protecting society, when the facts proved he erred due to the prosecutorial misconduct. I complain of , with specificity, as contained in my submissions' that I herewith include, by reference ,as if included herein . The ensuing violation of my due process rights and wherein the prosecution damaged me and the prosecutorial damage to my rights of time ,at the expense of my right to this time, AN BY THEIR ADMISION, AS THEIR INABILITY TO PROTEST MY FACTUAL STATEMENTS AS RENDERED HERTOFORE IN THE PROSECUTIONS ABSENCE TO DEFEND TO MY FACTUAL STATEMENTS MADE BY THEIR 9/6/18 REPLY S'DISREGARD OF THEM, THE

BENEFIT OF ALL REASONABLE INFERENCE MUST BE GIVEN THIS DEFENDANT COUNTER PLAINTIFF SEE Baily VS Blue cross of west Virginia ;67;F.3rd53,56th[4th circuit]in the prosecutions' reply to them in my 8/25/18 AND WHICH THEY DID NOT CONTRADICT NOR COULD THEY THE Inference benefits' created a strategic ombudsmen plan ,that has been taken ,in whole or in part, and such use by the SEC requires the SEC ,to be fair ,and compensate me and or CBI ,at its published hourly rate used for the consumption of its and my time that WMMA was responsible to pay in CBIS standard contract as a subcontractor of its time, time for such [REDACTED] activities that any citizen has a right to provide the Government with value.

That value is taken as the 5 years at which 80% of my time was used to directly and or indirectly divulge the elements required to provide the SEC commissioners with a back up to offset in part the unilateral rights that DODDFRANK affords to them the potentially damaging of innocent would be defendants .based on my available use of time which theft and/ or diversion of my time ,is required to be replaced by the compensatory hours that I was forced to work for the commission, the SEC and the ADJLS to come up with the plan. Had not the time been fraudulently inducement by the prosecutions' taking of it ,I would have had other pursuits, that absent the harm and subsequent damages' perpetrated against me not occurred would have been constructively used on other CBI contracts RATHER THAN FOCUS BEEN DIVERTED TO BENEFIT OUR COUNTRY AND FOR WHICH THE WHISTLNLOWER FUND IS AVAILBLE FOR COMPENSATION CONSISTANT WITH THAT VALUE .In fact the value of my and cbis' strategic plans is self evident as it was responsible for WMMA's strategic plan which generated over one year \$2,400,000 for WMMA and responsible for Chamcos' plan which generated \$24million of equity in one year structuring the Strategic plan to capture the Chines' car importation and distribution plans .My time has value as evidenced.

Hear and as a result of the taking of my asset the commissioners and Adjl have become the focus and beneficiary's' of my strategic ombudsmen' plan and which will bring value once implemented .In fact Cbi and its merchant banking affiliates; under my leadership have raised directly and or indirectly, with its joint venture partners', individually and collectively, raised billions' attributable to the human recourse contributions that they and cbi et all collectively and individually generated for corporate America, over 30 years. The SEC absorbed of my time. absent the preparation for the fraudulent taking of my times regardless of use of the by product or not,' use of time available to me; from me, as the government requires the use of it to provide fair play to would be defendants' and im entitled to the right title and ownership and or the fair compensation of the taking of the plan or the compensatory value that it will contribute to society and to offset the DODD Frank elimination of certain defendants' rights. As valued by me the costs of \$2,700,000.00 , without giving effect to the interest on such value since January 1,2017. I know that THE CONSEQUENTIAL DAMAGES I AND THE SEC SUFFERED AND MY ATTEMPT TO USE THE HOURS SO DIVERTED MSTOLEN OR TAKEN, CREATED VALUE FOR THE SEC AND WHICH IT CAN SETTLE BY ENTERING INTO A SUBCONTRACT FOR IMPLEMENTATION OF THE PLAN AS IT IS AND SUBJECT TO ITS REFINEMENT OR PAID FOR THE TAKING AND OPTIONAL USE IN A LUMP SUM IF THE COMMISSIONERS' DO NOT BELIEVE I CAN CREATE VALUE FOR OUR COUNTRY.

The value is based on the hourly rate published by CBI an which the Prosecution knew of before they stole my time Away from CBI on a frivolous litigation; when the material facts' demonstrated that there was no genuine issue about which to be concerned, and which CBIS' charges for our time interrupted and taken through a fraudulent omission of facts', which had they been disclosed prove that there no genuine issue of material facts and which entitles me to a summary judgement[disposition]as a matter

of law[SEE FED.R. of Cival Proc.56[c]; I have met the burden of proof required to receive a summary disposition here ,if the commission is willing or the consulting contract in the alternative or in a Federal court a summary Judgment for the net present value of my time which also damaged my WMMA litigation plan against the Enterprise which if I had not been diverted has a valueof\$2,4millioncompensatory and treble as ther was more than 2 predicate acts of theft by fraud and divirsion, In fact as hee. that the Prosecution as aware of as espoused in the WMMACHAP1proceedings ,in the Wayne Craig Proceedings!. Time has a value and if stolen and or diverted with willful fraud and deception perpetrated on this Commission and the Adj' it must be must be restored to its rightful owner Justice demands that no prosecutor has a right to bargain make fraudulent allegations against a consultant that sells his time just as theft of a product and steel it, divert it, helter-skelter ,obstruct justice and due process while in the act of its diversion and then willfully involve officers of the court, Commissioners' of a sacred agency ,abusing their discretion and defendants' civil rights' and then say ::..”OH ed im sorry I know what we did is wrong that we stole the time you had a contract to provide CBI for the \$350.00and hour but we thought the whistleblower was telling us a true tale.

.”Not when we gave you the Dishonest shareholders meeting, Mike Nwgugus Chartis claim admitting he ,not I wrote the PPMS and then falsely accusing me of being its author and further assigning me the responsibilities of fraud you alleged against the author ,knowing that it was him; the LUX deposition you took exculpates each and every RES in the fraudulent Wells submissions as against me confirming your [REDACTED] ,MS Puccio, as admission in the **dishonest shareholders meeting pg 17,L20-L25** along with the Board of Directors being in control of wmma ,not I,; despite your having access to the financial information which proved that I and my family and CBI made a \$4,400,000.00 contribution of assets and only received 3.5hours cash compensation in return for the 36hourd CBI and I had billed, not when you alleged that I milked the very company that my[CBI/JOAN AND ME] capital provided as equity and or sub debt and without which WMMA would be down stream in a canoe without a paddle,; not when you knew the mc Farlane enterprise was responsible for the loss of \$1,000,000.00andyou ascribed that to my PIGGYBANK [!!!]{know in the exact reverse was true all prior to your wells submission .What made you [Prosecution is you]do that! Who was responsible! You should charge them for the fraud to our time! By not doing so you admit your culpability as an enterprise tool. make an example of them so that the SEC becomes whole. if you want ill assist and give you 50%of wmmas' claims against them to prosecute for the rico enterprises theft by fraud and diversion of WMMAs assets with mc Farlane, Wayne Craig, Monica Petty, Black OPSs collectively they committed 3 predicate acts of theft by fraud and diversion. You pissed on me, my wife, my dear Luigi Agostini ,a person as pure as my deceased son who he was his best friend with and who with me and joan held him in our arms as he was dying>.

Pursuant to Baily Vs Blue Cross of WestVirginia;67F.3rd.53,56th[4th circuit]That prosecutions lack of a response to my factual allegations proves my complaints' statements 'of fcts ,prove that the benefit of reasonable inference are true. !! That prosecutions' inability to do so, at least represents an honest default! Yet victory is not sweet ;yet as the damage done with intentional wrongful and fraudulent WELLS complaints' allegations requires justice to sooth the aftermath, The Prosecution ,In its overzealous haste, did not consider both sides' and the I for the prosecutions abuse of prosecution and my civil rights violations ,which as I think of it this probably waste of lives while not impeding justice over true abusers' of our constitution and our citizen's; which is what the ombudsman's program is all about and which if accepted in whole and or I npart will save possibly 10s ,but rather how to win the case fraudulently brought on, because of zeal and lack of regional leadership.! This commission has the

right to reward this defendant for his work product on the Commissions behalf, to solve the Dodd Frank conundrum until congress revisit's' the issue and to save defendants' '.At the same time I also want to now apologize to the enforcement and prosecution arm ,while teaching them an old dogs tricks .Yours' is not to win and /or lose; but to bring an truly annunciated case of fact' .not omitting exculpatory facts'; to demonstrate to those commissioners' and Adjls' you report to ,that you trust them to make the ultimate decision as your role is to report all of the acts on both sides of the table and not make them for those we report to.

The Decision by them that can kill and /or maim a persons' life forever! As prosecutions' willful disregard to submit the whole truth and nothing but the truth, to those we submit ultimate authority to must be done by the Prosecution to understand both sides in a dispute without prejudgments .By Prosecutions failure to report the truth here, it gave both the Commissioners' and subsequently Judge Murray and Judge Grimes[Both of whom I respect ,but wish them to be a little less aggressive!] as there is always two sides to a story ,and if you jump, before knowing the whole truth you may jump on the wrong side of the issues and dispute.!

There is a time in every mans' and woman's' education; when they arrive at the conviction that envy is ignorance; imitation suicide; that we must take ourselves for better or for worse as is our portion; that though the wide world is full of good ; no kernel of nourishing corn shall we reap ;but through our own toil bestowed on that plot of ground given us to till ; none but we know, what we can do ,nor do we know, until we have tried!

To that end the Prosecution thought they prevailed when in fact , prevailing here, was the a loss ,which the prosecution created here ,wherein the commissioners' and Adjl sight of the fact' is only just now sinking in; **by a lay person who also tried!** They should be ashamed of themselves and never commit that type atrocity again in this forum. **BY NOT CONTRAVENING THE FACTS' CONTAINED IN MY SUBMISSIONS' THE INFERNCE IS THEY ARE TRUE! AND BASED UPON THAT, JUDICIAL NOTICE SHOULD BE TAKEN AND I REQUEST THAT THE COMMISSIONERS' VACATE THE COMPLAINT ,AND AWARD COMPENSATORY DAMAGES, OR DEFENDANTS' PRAYER TO SERVE THIS GREATNATIONAS A CONSULTANT THRU RETENTION OF CBI,THE ENTITY DAMAGED THE MOST AS IT WAS THE ENTITY THAT GAVE UP ITS CASH RESOURCES \$1,000,000.00 WHILE NEVER GIVING UP ITS OBJECTIVES ,WHICH I SHALL CJUMP START WHITH A PORTION OF THE CASH FLOW !**

The government has the right to pay a [REDACTED] claim, as it choses, to award out of the same pool funding that [REDACTED]' receive compensation for submitting value to the commission. if my plan doesn't work in reducing the law suits against innocents arising from fraudulent WELLS submissions' proved by the commissioner's' not initiating a lawsuit and rejecting prosecutions' Wells letter[s]; than we are doing the right thing for our society, reducing costs to our country, and saving the reputations' of those falsely accused by passing the in house forum and contravention of the facts by overzealous prosecutors...

HERE THE PROSECUTION REATREATED UNDER SOME PRETENSE TO DIVERT ATTENTION AWAY FROM THE COMMISSION; OF THE CRIMES I ACCUSE PROSECUTION OF PERPETUATING AGAINST ME ,AND WHICH THEY CANNOT ANSWER SO THAT THEY ARE ALL PRESUMED BY THIS COMMISSION AND JUDGE BRENDA MURRAY TO BE TRUE,AND THEY ARE!EVERY LAST ONE OF THEM!

That's right enforcement omitted the material facts' that I and my family invested over \$4,400,000.00 in capital in WMMA, which after deductions' of CBIS's\$1,000,000.00 fee for IMCS' fee FORGIVNESS by CBI ,it left \$3,400,000.00 of my familys ' capital and after payment of the \$715.00000 left \$1,800,000.00 and \$400,000.00 ++of contingent WMMA accounts receivable owed to CBI which has a financial obligationof\$700,000.00 to my wife on its books with accrued interest ! when and if profits are generated!

Now who in their right mind could possibly build a case around my alleged abuse use of my child[WMMA], created in my basement offices and at a country clubs conference room, as **being my piggy bank and my milking the WMMA/WDI of its cash** ;when I'm all in for a costs' of my intellectual and out of pocket \$4,400,000.00!!!! Which was fully subordinated and contingent on revenue of either equity and/ or pretax!! All I can say to the Prosecution team is to speak softly and carry a big stick , by your silence you have admitted wrong doing and for that I'm grateful an proud to be a citizen of a country wherein even the powerful can come off the mount and say in their own way :”im sorry.! that takes the indomitable spirit that has made us great!.

How can anyone make a straight face , when I forgave a\$1,000,000.00 fee for IMC owed by WMMA to CBI and when until those profits to be distributed ;I only received \$80,000.00 year as compensation to feed 5 MKMA/CBI employees, THERE WAS AN OMISSION OF A MATERIAL FACTS SO HUGE AS TO FLOOD THE WILLFULLY DISENGENUOUS WELLS SUBMISION AND THE:

Complaint's allegations' in WELLS off into the ocean ; where I hope that mother of a mother shark will eat it!

I only had an economic opportunity, if WMMA was profitable as that's when the bulk of the equity [the subordinated fees earned on outstanding\$2,400,000.00] could only be paid; out of success ,not losses. I made the investment believing WMMA, would succeed! If the commission knew the truth ;which was purposely omitted by enforcements 'Prosecutors' RAZZLE DAZLE,SOPISTRY AND FRAUDULENT INDUCEMENT they never would have initiated a complaint nor the **Adjl**, suppress me to the extent of deformation of my manliness; they would **give me a medal** Not a Wells initiated lawsuit. I ask this honorable commission for that **JOB!** I would be honored to serve inany way I can. Our nation needs it; or you could cash CBI out at the net present value with a 3% interest rate to own the strategic plan and readopt the DODD Frank portion of your responsibilities in any fashion you wish and with CBIS assistance when called for and with expense reimbursement fronted..

!Let this be an eye opener that the Presidents' new Commissioners won't tolerate such conduct by their subordinates, won't permit subornation of perjury and /or meddling with the Brady disclosures and neither will the Adjl who also were pissed on ,into believing, that enforcement would be honest, truthful and that they could count on the veracity in the WELLS and in the complaints' allegations' about me. This discrete enforcement Prosecution team members' assigned to me, were errant members of an Enterprise whether willingly and/or inadvertently and participated in an act of wrongdoing, abuse of discretion, and breach of their fiduciary to all of us. And as such any Enterprise member has a civil RICO penalty, of treble in damages, and these prosecutors' knew what they were doing; as they clocked each litigation I won ,knowing the subornation of perjury and omission of material facts their Investor witness' tried to perpetrate against me ,Mr. Agostini and WMMA to outdo the Prosecutors' ' here in WELLS and the Complaint. Didn't they read my 50 lawsuit victory's' by these prosecutors' here to know I would not stop until each of you went to jail or were punished and I recompensed for the time, money

and building the strategic litigation ombudsmen plan ;to try to even out the table of justice and to offset the DODD FRANK Natural Bias and defendant handicap[s] against defendants. Now the defendants will have a Gladiator if: MERITED!! . TO OFFSET THE MORE THAN LICKLY OVERZEALOUS PROSECUTORIAL MISCONDUCT OF THE FUTURE.THE DASPIN INITIATIVE, AS I REFER TO THE OMBUDSMEN ROLES' MISSION; IS TO ROOT OUT FRAUDULENT OMMISSIONS' WETHER WILLFULL OR SLIPPING THRU THE CRACKS' TO TRY TO ENSURE THE COMMISSION HAS THE ENTIRE STORY SETTING FORTH THE FACTS.IT WILL HAVE 12 DEALMAKERS AND LAWYERS COMBINED WITH MKMA AND IN ADDITION STAFFED BY 12 LEGAL SECRATARIES WHICH IS AN ADVOCACY GROUP TO BACK UP THE COMMISIONERS' AND THE ADJLS AS THE CASE FILE EITHER A MODIFICATION TO THE PROPOSED COMPLAINT IF MADE, WILL GIVE THE ASJLS REASON TO PAUSE.THAT WAS MISSING HERE.

The reason that enforcement won't respond is clear. THEY HAVE NO DEFENSE.I REST MY REQUEST FOR A VACATED ORDER WITH THIS COMMKISSIONAND A COMPENSATION FOR THE [REDACTED] VALUE IVE GIVEN FROM THE EFFORTS MADE FOR MYSELF AND MEMBERS OF OUR COUNTRY AND TO PROTECT THE COMMISSIONERS FROM THE DIVERSION THE MEULLER LIKE, SECURITY VIOLATERS' ,CONTRIVE AGAINST US ALL!

RESPECTFULLY 

EM DASPIN PRO See--

Certificate of service on 9/7/18 same Honorable persons' as on 9/6/18; same emails to Ms. Shields' for Judge Murray , [Judge Grimes, Judge Feolak by email] and the other individuals as on the 9/6/18 certificate of service with a one day change By Edward M Daspin Pro SEE-----

