

Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
Box 146760
Salt Lake City, UT 84114-6760
Telephone: (801) 530-6600
FAX: (801) 530-6980

BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF:

**CRIME-LOSS STOP CORPORATION,
LINTON DALE LIVINGSTON**

Respondents.

**NOTICE OF ENTRY OF
DEFAULT AND ORDER**

**Docket No. SD-10-0085
Docket No. SD-10-0086**

I. BACKGROUND

A formal adjudicative proceeding was initiated by the Division's Order to Show Cause and Notice of Agency Action dated August 16, 2011, against Crime-Loss Stop Corporation and Linton Dale Livingston. The Division has moved for entry of a default judgment against Crime-Loss Stop Corporation and Linton Dale Livingston.

II. FINDINGS OF FACT

1. On December 21, 2010, the Division commenced a formal adjudicative proceeding by issuing an Order to Show Cause (OSC) and Notice of Agency Action (Notice) to Crime-Loss Stop Corporation and Linton Dale Livingston. Crime-Loss Stop Corporation is an expired Utah corporation, and Dale Livingston is listed as its registered agent.
2. The Division served Mr. Livingston by U.S. certified mail, certificate #7008 1140 0004 1642 1012, but Livingston refused to pick up and/or accept the certified mailing.
3. The Division re-issued and re-filed the OSC and Notice on August 16, 2011. The Division served the OSC and Notice on Mr. Livingston via process server on September 6, 2011. Exhibit A.
4. The Notice scheduled a hearing for October 4, 2011 at 9:00 a.m. Mr. Livingston never filed a response to the OSC, nor did he appear at the October 4, 2011 hearing.
5. Instead of responding to the Order to Show Cause and the Notice of Agency Action in this matter, Livingston filed a lawsuit in the U.S. District Court, District of Utah, naming a host of defendants, including Keith Woodwell, Michael Hines and Adam Sweet from the Utah Securities Division. Exhibit B.
6. That action was dismissed with prejudice. Exhibit C.
7. Livingston then attempted to remove this administrative case to U.S. District Court, District of Utah. That attempt was denied. Exhibit D.

8. To date, Livingston has not responded to the OSC or Notice of Agency Action, or otherwise appeared in this case.
9. Crime-Loss Stop Corporation (Crime-Loss) is a Utah corporation, registered on July 03, 2008. Linton Dale Livingston is a director and registered agent of Crime-Loss. Crime-Loss's status as a business entity is expired. Crime-Loss has never been licensed by the Division as a broker/dealer agent or as an issuer/agent to sell securities.
10. Linton Dale Livingston (Livingston) was, at all relevant times, a resident of the State of Utah. Livingston has never been licensed as a broker-dealer, agent, investment advisor, or as an investment advisor representative in Utah.

GENERAL ALLEGATIONS

11. In November 2008, Respondents offered and sold a security to an investor, in or from Utah, and collected a total of \$5,000.
12. Respondents made material misrepresentations and omissions in connection with the offer and sale of a security to the investors below.
13. The investor lost \$5,000 of his principal.

INVESTOR JM

14. JM has known Livingston for over twenty years. JM has invested with Livingston several times, but has never received a return on his investments.
15. On or about November 01, 2008, Livingston met with JM in Salt Lake County, Utah to discuss an investment opportunity in Crime-Loss.

16. Livingston told JM that Crime-Loss had a business plan “ready to go,” which involved installing surveillance cameras on delivery trucks. The purpose of the cameras were to record the travels of the delivery trucks and, in the event of a crime that is caught on film, law enforcement would be able to use the video footage in their investigations.
17. During the conversation, Livingston made the following statements about a \$5,000 investment in Crime-Loss:
 - a. JM could purchase common stock shares in Crime-Loss for \$0.10;
 - b. The minimum amount required to invest was \$5,000;
 - c. If JM purchased \$5,000 worth of stock, JM could sell the stock for \$50,000 in a few months;
 - d. M’s investment of \$5,000 would be used for Crime-Loss’ business plan and not for Livingston’s personal financial gain;
 - e. There was “no competition” for Crime-Loss;
 - f. There was “no risk” in the investment;
 - g. There were other investors who purchased stock in Crime-Loss;
 - h. Livingston would never take advantage of the elderly because the state of Utah has laws protecting them; and
 - i. Livingston was a licensed attorney.

18. Based on Livingston's statements, JM invested \$5,000 in Crime-Loss. On November 4, 2008, JM purchased a cashier's check from Chase Bank for \$5,000 made payable to Crime-Loss. Later that day, JM met with Livingston and gave him the \$5,000 check.
19. In exchange for the investment funds, Livingston provided JM with a stock certificate.
20. On November 4, 2008, Livingston deposited JM's \$5,000 investment funds into Crime-Loss's account with Granite Credit Union.
21. JM was unable to sell his stock as Livingston promised and JM has since requested a refund of his investment funds.
22. Crime-Loss still owes JM \$5,000 in principal alone.

CONCLUSIONS OF LAW

23. The investment opportunities offered and sold by Respondents are securities under § 61-1-13 of the Act.
24. In connection with the offer and sale of security to the investor, Respondents, directly or indirectly, made false statements, including, but not limited to, the following:
 - a. There was "no risk" in the investment with Crime-Loss, when in fact, Livingston had no reasonable basis for making such a statement; and
 - b. Livingston was a licensed attorney, when in fact, Livingston is not and has never been a licensed attorney nor attended law school.

25. In connection with the offer and sale of a security to the investors, Respondents, directly or indirectly, failed to disclose material information, including, but not limited to, the following, which was necessary in order to make representations made not misleading:
- a. That Livingston filed for Chapter 13 Bankruptcy twice in 2005;
 - b. From 1992 to 2002, Livingston had seven civil judgments entered against him totaling \$18,158.57;²
 - c. How JM would be able to sell his stock for \$50,000 in a matter of months;
 - d. Some or all of the information typically provided in an offering circular or prospectus regarding Crime-Loss, such as:
 - i. Financial statements;
 - ii. Risk factors;
 - iii. Suitability factors for the investment;
 - iv. Track record to investors;
 - v. Crime-Loss's and Livingston's business experience and operating history;
 - vi. Nature of competition;

¹*United States Trustee v. Linton Dale Livingston*, Case No. 05-24744 (Utah 2005); *United States Trustee v. Linton Dale Livingston*, Case No. 05-28128 (Utah 2005).

²*Bonneville Billing and Collect v. Linton Livingston*, Case No. 920102167 in Third Judicial District Court (Utah 1992); *Utah State Tax Commission v. Linton Dale Livingston*, Case No. 956907514 in Third Judicial District Court (Utah 1995); *Knight Adjustment Bureau v. Dale Livingston*, Case No. 950210617 in Third Judicial District Court (Utah 1995); *Dale Kimball v. Linton Dale Livingston*, Case No. 008400443 in Third Judicial District Court (Utah 2000); *William Thrasher v. Dale Livingston*, Case No. 018202560 in Third Judicial District Court (Utah 2001); *Knight Adjustment v. Dale Livingston*, Case No. 020113197 in Third Judicial District Court (Utah 2002).

- vii. Whether the investment is a registered security or exempt from registration;
and
- viii. Whether Livingston was licensed to sell securities.

IV. ORDER

Based on the above, the Director hereby:

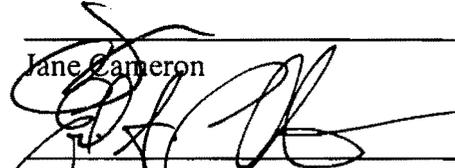
1. Declares Crime-Loss Stop Corporation and Linton Dale Livingston in default for failing to file a written response to the August 16, 2011 Order to Show Cause, and for failing to appear at the October 4, 2011 hearing.
2. Enters, as its own findings, the Finding of Fact described in Section II above.
3. Enters, as its own conclusions, the Conclusions of Law described in Section III above.
4. Finds that Crime-Loss Stop Corporation and Linton Dale Livingston violated the Utah Uniform Securities Act by misrepresenting material facts in connection with the offer of a security in or from Utah in violation of § 61-1-1, as set forth above in the Conclusions of Law.
5. Orders Crime-Loss Stop Corporation and Linton Dale Livingston to permanently CEASE and DESIST from any violations of the Act.

DATED this 26th day of January 2012.



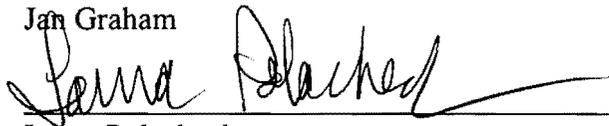
Tim Bangerter

Jane Cameron



Erik Christiansen

Jan Graham



Laura Polacheck

Pursuant to § 63G-4-209(3), Respondents may seek to set aside the Default Order entered in this proceeding by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

Certificate of Service

I certify that on the 5th day of January, 20012, I mailed, by certified mail, a true and correct copy of the Motion for Entry of Default Judgment and the proposed Notice of Entry of Default and Order to:

Dale Livingston
5210 S. Huntington Rd.
Taylorsville, Utah 84118

D. Scott Davis

Certificate of Mailing

I certify that on the 20th day of January, 20012, I mailed, by certified mail, a true and correct copy of the fully executed Notice of Entry of Default and Order to:

Dale Livingston
5210 S. Huntington Rd.
Taylorsville, Utah 84118

Julie Price
Executive Secretary

Division of Securities
Utah Department of Commerce
160 East 300 South, 2nd Floor
Box 146760
Salt Lake City, UT 84114-6760
Telephone: (801) 530-6600
FAX: (801) 530-6980

BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH

IN THE MATTER OF:

**CRIME-LOSS STOP CORPORATION,
LINTON DALE LIVINGSTON**

Respondents.

**MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

Docket No. SD-10-0085

Docket No. SD-10-0086

The Utah Division of Securities (Division) hereby moves for a default judgment against Crime-Loss Stop Corporation and Linton Dale Livingston, the Respondents named herein, based on the following:

1. On December 21, 2010, the Division commenced a formal adjudicative proceeding by issuing an Order to Show Cause (OSC) and Notice of Agency Action (Notice) to Crime-

Loss Stop Corporation and Linton Dale Livingston. Crime-Loss Stop Corporation is an expired Utah corporation, and Dale Livingston is listed as its registered agent.

2. The Division served Mr. Livingston by U.S. certified mail, certificate #7008 1140 0004 1642 1012, but Livingston refused to pick up and/or accept the certified mailing.
3. The Division re-issued and re-filed the OSC and Notice on August 16, 2011. The Division served the OSC and Notice on Mr. Livingston via process server on September 6, 2011. Exhibit A.
4. Instead of responding to the Order to Show Cause and the Notice of Agency Action in this matter, Livingston filed a lawsuit in the U.S. District Court, District of Utah, naming a host of defendants, including Keith Woodwell, Michael Hines and Adam Sweet from the Utah Securities Division. Exhibit B.
5. That action was dismissed with prejudice. Exhibit C.
6. Livingston then attempted to remove this administrative case to U.S. District Court, District of Utah. That attempt was denied. Exhibit D.
7. To date, Livingston has not responded to the OSC or Notice of Agency Action, or otherwise appeared in this case.

WHEREFORE, the Division requests that the presiding officer find Crime-Loss Stop Corporation and Linton Dale Livingston in default pursuant to Utah Code Ann. § 63G-4-209(1)(b) and (c) and requests that the presiding officer enter a default order for the Division as follows:

1. That Crime-Loss Stop Corporation and Linton Dale Livingston be adjudged and decreed to have engaged in the acts alleged in the August 16, 2011, Order to Show Cause, in violation of the Utah Uniform Securities Act; and
2. That Crime-Loss Stop Corporation and Linton Dale Livingston be ordered to permanently cease and desist from any violations of the Act;

DATED this 5th day of January, 2012.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL



D. Scott Davis
Assistant Attorney General

EXHIBIT A

RECEIVED

SEP 13 2011

In the Matter of

Plaintiff,

Utah Department of Commerce
Division of Securities Case #SD-10-0086

v.
Crime-Loss Stop Corp and Linton Dale Livingston
Defendant.

I HEREBY MAKE RETURN OF SERVICE AND CERTIFY:

I am a person over the age of 18 at the time of this service and not a party to this action.

I received the **Order to Show Cause**, Notice of Agency Action on the date of **August 16, 2011**, and served same upon the defendant by leaving a copy with a person of suitable age and discretion residing in the same residence with the Defendant, to whom I also showed the original.

Upon serving the same, I endorsed the date, time of service, and my name on the copy served.

Defendant: **Linton Dale Livingston**

I served: **Jackie Livingston, Resident**

On the date of: **September 6, 2011** At the time of: **21:06**

At the address of: **5210 Huntington Rd Taylorsville, Utah**

Service Fee: \$15.00
Mileage: \$54.00
Copies: \$0.00
Rush Fee: \$0.00
Total: \$69.00

By: *Billy Ray Wellington*
Billy Wellington, Private Investigator

Subscribed and sworn to this day, **Tuesday, September 6, 2011**

Krista McCreeth

NOTARY PUBLIC

Client requested papers be left with Estranged wife

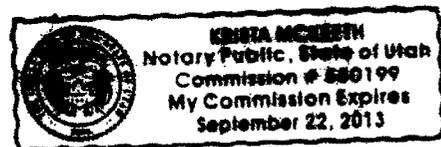


EXHIBIT B

CLOSED, PROSE

**Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:11-cv-00674-JLK**

Livingston et al v. York et al
Assigned to: Judge John L. Kane
Cause: 42:1983 Civil Rights Act

Date Filed: 07/21/2011
Date Terminated: 09/30/2011
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Dale Livingston

represented by **Dale Livingston**
GENERAL DELIVERY
SALT LAKE CITY, UT 84199
PRO SE

Plaintiff

Fred Brunsvik

represented by **Fred Brunsvik**
GENERAL DELIVERY
SALT LAKE CITY, UT 84199
PRO SE

V.

Defendant

Louise York

Defendant

Ted Stewart

Defendant

Lindsey LNU

Defendant

Gary R. Herbert
*Governor Utah Executive Department
Head*

Defendant

Michael O. Leavitt
*Former Governor Utah Executive
Department Head*

Defendant

Clark A. Harms
Board Member Board of Pardons

Defendant

Angela F. Micklos
Board Member Board of Pardons

Defendant

Curtis L. Garner
Board Member Board of Pardons

Defendant

Jesse Gallegos
Board Member Board of Pardons

Defendant

Robert S. Yeates
Board Member Board of Pardons

Defendant

Brian Tarbet
*Major General Utah State Militia AKA
UNG*

Defendant

Brent Platt
*Director Division of Child & Family
Services*

Defendant

Mark Brasher
*ORS Director Office of Recovery
Service*

Defendant

Michael C. O'Brien
Board Member Securities Division

Defendant

Timothy G. Bangerter
Board Member Securities Division

Defendant

Jane Cameron
Board Member Securities Division

Defendant

Laura Polacheck
Board Member Securities Division

Defendant

Erik A. Christiansen
Board Member Securities Division

Defendant

Keith Woodwell
Director Securities Division

Defendant

Michael Hines
Enforcer Securities Division

Defendant

Adam Sweet
Investigator Securities Division

Defendant

Alicia Cook
Assistant DA Salt Lake County DA

Defendant

Sherrie Swenson
*Director SL County Marriage License
Dept*

Defendant

Larry E. Jones
Presiding Judge First District Court

Defendant

Thomas L. Kay
Presiding Judge Second District Court

Defendant

Royal Hansen
Presiding Judge Third District Court

Defendant

Samuel D. McVey
Presiding Judge Fourth District Court

Defendant

Thomas M. Higbee
Presiding Judge Fifth District Court

Defendant

Wallace A. Lee
Presiding Judge Sixth District Court

Defendant

George M. Harmond
Presiding Judge Seventh District Court

Defendant

Edwin Peterson
Presiding Judge Eighth District Court

Defendant

James Winder
County Sheriff Salt Lake County

Defendant

Michael W. Kwan
Justice Court Judge Taylorsville Justice Court

Defendant

Leon Anthony Dever
Alleged Judge/Special Def Third District Court

Defendant

Lyle Hillyard
Alleged State Senator Alleged Utah Legislature

Defendant

Joseph C. McElhaney, Jr.
Alleged Vulnerable Adult State of Utah

Defendant

Ed Rutan
City Attorney Salt Lake City

Defendant

Ralph Becker
Mayor Salt Lake City

Defendant

Hon. Judith S. Atherton
Alleged Judge Third District Court

Defendant

William W. Barrett
Alleged Judge Third District Court

Defendant

Hon. Ann Boyden

Alleged Judge Third District Court

Defendant

Michelle Christiansen

Alleged Judge Third District Court

Defendant

Judge Robert Faust

Alleged Judge Third District Court

Defendant

Joseph Fratto

Alleged Judge Third District Court

Defendant

Robert K. Hilder

Alleged Judge Third District Court

Defendant

Deno Himonas

Alleged Judge Third District Court

Defendant

Glen K. Iwasaki

Alleged Judge Third District Court

Defendant

Judge John Paul Kennedy

Alleged Judge Third District Court

Defendant

Judge Denise P. Lindberg

Alleged Judge Third District Court

Defendant

Paul Maughan

Alleged Judge Third District Court

Defendant

Sheila K. McCleve

Alleged Judge Third District Court

Defendant

Tyrone E. Medley

Alleged Judge Third District Court

Defendant

Sandra N. Pueler

Alleged Judge Third District Court

Defendant

Hon. Anthony B. Quinn
Alleged Judge Third District Court

Defendant

Robin W. Reese
Alleged Judge Third District Court

Defendant

Randall Skanchy
Alleged Judge Third District Court

Defendant

Kate A. Toomey
Alleged Judge Third District Court

Defendant

Judge Vernice Trease
Alleged Judge Third District Court

Defendant

Robert W. Adkins
Alleged Judge Third District Court

Defendant

Hon. Terry Christiansen
Alleged Judge Third District Court

Defendant

Royal L. Hansen
Alleged Judge Third District Court

Defendant

Mark S. Kouris
Alleged Judge Third District Court

Defendant

Stephen L. Roth
Alleged Judge Third District Court

Defendant

Bruce C. Lubeck
Alleged Judge Third District Court

Defendant

Stephen L. Henrod
Alleged Judge Third District Court

Defendant

Katie-Bernard Goodman
Alleged Judge Third District Court

Defendant

C. D. Behrens
Alleged Judge Third District Court

Defendant

K. K. Hornak
Alleged Judge Third District Court

Defendant

S. P. McCully
Alleged Judge Third District Court

Defendant

C. D. Nolan
Alleged Judge Third District Court

Defendant

F. M. Odone
Alleged Judge Third District Court

Defendant

A. A. Valdez
Alleged Judge Third District Court

Defendant

Christine S. Decker
Alleged Judge Third District Court

Defendant

E. A. Lindsley
Alleged Judge Third District Court

Defendant

James R. Michie
Alleged Judge Third District Court

Defendant

Pamela T. Greenwood
Alleged Appellate Judge Utah Court of Appeals

Defendant

Hon. William A. Thorne
Alleged Appellate Judge Utah Court of Appeals

Appeals

Defendant

Russell W. Bench

Alleged Appellate Judge Utah Court of Appeals

Defendant

Judith M. Billings

Alleged Appellate Judge Utah Court of Appeals

Defendant

James Z. Davis

Alleged Appellate Judge Utah Court of Appeals

Defendant

Carolyn B. McHugh

Alleged Appellate Judge Utah Court of Appeals

Defendant

Gregory K. Onne

Alleged Appellate Judge Utah Court of Appeals

Defendant

Christine M. Durham

Alleged Supreme Court Justice Utah Supreme Court

Defendant

Michael J. Wilkins

Alleged Supreme Court Justice Utah Supreme Court

Defendant

Matthew B. Durrant

Alleged Supreme Court Justice Utah Supreme Court

Defendant

Justice Jill N. Parrish

Alleged Supreme Court Justice Utah Supreme Court

Defendant

Ronald E. Nehring

*Alleged Supreme Court Justice Utah
Supreme Court*

Defendant

Rodney G. Snow
President Utah State Bar

Defendant

Lori W. Nelson
*President-Elect/Commissioner Utah
State Bar*

Defendant

Herm Olsen
Commissioner Utah State Bar

Defendant

Felshaw King
Commissioner Utah State Bar

Defendant

Christian Clinger
Commissioner Utah State Bar

Defendant

John R. Lund
Commissioner Utah State Bar

Defendant

James D. Gilson
Commissioner Utah State Bar

Defendant

Evelyn J. Furse
Commissioner Utah State Bar

Defendant

Su J. Chon
Commissioner Utah State Bar

Defendant

H. Dickson Burton
Commissioner Utah State Bar

Defendant

Robert O. Rice
Commissioner Utah State Bar

Defendant

Thomas W. Seiler
Commissioner Utah State Bar

Defendant

Curtis M. Jensen
Commissioner Utah State Bar

Defendant

Steven R. Burt
Commissioner Utah State Bar

Defendant

Mary Kay Griffin
CPA Utah State Bar

Defendant

Margaret D. Plane
Utah Bar ABA Delegate Utah State Bar

Defendant

Lawrence E. Stevens
Utah Bar ABA Delegate Utah State Bar

Defendant

Charlotte L. Miller
State ABA Delegate Utah State Bar

Defendant

Jenifer Tomchak
Young Lawyers President Utah State Bar

Defendant

S. Grace Acosta
Minority Bar Association Utah State Bar

Defendant

Melanie J. Vartabedian
Women Lawyers of Utah Utah State Bar

Defendant

Robert L. Jeffs
Past President Utah State Bar

Defendant

Judge Dee Benson
Alleged Judge Utah District Court

Defendant

Judge Dale A. Kimball
Alleged Judge Utah District Court

Defendant

Honorable Tena Campbell
Alleged Judge Utah District Court

Defendant

Clark Waddoups
Alleged Judge Utah District Court

Defendant

Bruce S. Jenkins
Alleged Judge Utah District Court

Defendant

J. Thomas Greene
Alleged Judge Utah District Court

Defendant

Judge David Sam
Alleged Judge Utah District Court

Defendant

Samuel Alba
Alleged Magistrate Utah District Court

Defendant

Brooke C. Wells
Alleged Magistrate Utah District Court

Defendant

Robert T. Braithwaite
Alleged Magistrate Utah District Court

Defendant

David Nuffer
Alleged Magistrate Utah District Court

Defendant

Paul M. Warner
Alleged Magistrate Utah District Court

Defendant

R. Kimball Mosier
Alleged Bankruptcy Judge Utah District Court

Defendant

Joel P. Marker

Alleged Bankruptcy Judge Utah District Court

Defendant

William T. Thurman

Alleged Bankruptcy Judge Utah District Court

Defendant

Eric Holder , Jr.

Alleged U.S. Attorney General USDOJ

Defendant

John E. Potter

Postmaster General US Postal Service/Post Office

Defendant

Douglas H. Shulman

Commissioner IRS federal agency

Defendant

Harley G. Lappin

Director US Bureau of Prisons

Defendant

Julius Genachowski

Chairman FCC

Defendant

Michael J. Copps

Commissioner FCC

Defendant

Robert M. McDowell

Commissioner FCC

Defendant

Mignon Clyburn

Commissioner FCC

Defendant

Meredith Attwell Baker

Past Commissioner FCC

Defendant

Mary L. Schapiro
Chairman US SEC

Defendant

Kathleen L. Casey
Commissioner US SEC

Defendant

Elisse B. Walter
Commissioner US SEC

Defendant

Luis A. Aguilar
Commissioner US SEC

Defendant

Troy A. Paredes
Commissioner US SEC

Defendant

Jon Leibowitz
*Commissioner Federal Trade
Commission*

Defendant

Julie Brill
*Commissioner Federal Trade
Commission*

Defendant

William E. Kovacic
*Commissioner Federal Trade
Commission*

Defendant

Edith Ramirez
*Commissioner Federal Trade
Commission*

Defendant

J. Thomas Rosch
*Commissioner Federal Trade
Commission*

Defendant

MD Margaret Hamburg
*Commissioner Food & Drug
Administration*

Defendant

Kathleen Sebelius
Secretary US Health & Human Services

Defendant

MD Regina M. Benjamin
U.S. Surgeon General Alleged United States

Defendant

Michele Leonhart
Administrator Drug Enforcement Administration

Defendant

Thomas M. Harrigan
Chief of Operations Drug Enforcement Administration

Defendant

James M. Kasson
Chief Inspector Drug Enforcement Administration

Defendant

Preston L. Grubbs
Assist Admin Op Sup Div Drug Enforcement Administration

Defendant

Janet Napolitano
Secretary Homeland Security Department

Defendant

Robert S. Mueller, III
Director FBI federal agency

Defendant

Kenneth E. Melson
Acting Director BATF federal agency

Defendant

John Clark
Inspector General USMS

Defendant

Christopher Dudley
Deputy Director US Marshals Service

Defendant

Robert Finan, II

*Assoc. Director Ops. US Marshals
Service*

Defendant

Donald Donovan

*Associate Director US Marshals
Service*

Defendant

Michael Earp

Assistant Director US Marshals Service

Defendant

Scott Rolstad

Assistant Director US Marshals Service

Defendant

William Snelson

Assistant Director US Marshals Service

Defendant

Candra Symonds

Assistant Director US Marshals Service

Defendant

Eben Morales

Assistant Director US Marshals Service

Defendant

Leon E. Panetta

Secretary Department of Defense

Defendant

Joseph R. Biden, Jr.

*Alleged President of Senate Alleged US.
Congress*

Defendant

Daniel K. Inouye

*Alleged U.S. Senator Alleged US.
Congress*

Defendant

Harry Reid

*Alleged US. Senator Alleged US.
Congress*

Defendant

Mitch McConnell

*Alleged U.S. Senator Alleged US.
Congress*

Defendant

John Boehner

*Speaker of the House Alleged U.S.
Congress*

Defendant

Eric Cantor

Majority Leader Alleged US. Congress

Defendant

Nancy Pelosi

*Minority of the House Alleged U.S.
Congress*

Defendant

Ron Paul

*Alleged US. Representative Alleged US.
Congress*

Defendant

Barry Sorentro

*De facto President/COC Alleged
Executive Branch
also known as
Barack Obama*

Defendant

Martin E. Dempsey

Alleged 4 Star General US. Army

Defendant

James F. Amos

*Alleged Commandant US. Marine
Corps*

Defendant

Norton A. Schwartz

Alleged 4 Star General U.S. Air Force

Defendant

Mike Mullen

Admiral US. Navy

Date Filed	#	Docket Text
07/21/2011	<u>1</u>	COMPLAINT against Lindsey LNU, Ted Stewart, Louise York (Filing fee \$ 350, receipt number 4681045850) (Fee Status: Paid), filed by Dale Livingston, Fred Brunsvik. (Attachments: # <u>1</u> Civil Cover Sheet) Assigned to Judge Dale A. Kimball (jlw) (Entered: 07/22/2011)
07/22/2011		Judge Ted Stewart added. Judge Dale A. Kimball no longer assigned to case. (alt) (Entered: 07/22/2011)
07/22/2011	<u>2</u>	ORDER OF RECUSAL: Judge Dale A. Kimball recused. Case reassigned to Judge Ted Stewart for all further proceedings. Signed by Judge Dale A. Kimball on 7/22/11 (alt) Modified on 7/28/2011: corrected text (alt) (Entered: 07/22/2011)
07/26/2011	<u>3</u>	ORDER OF RECUSAL Judge Ted Stewart recused. Case reassigned to Judge Dee Benson for all further proceedings. Signed by Judge Ted Stewart on 07/26/2011. (tls) (Entered: 07/26/2011)
07/28/2011	<u>4</u>	NOTICE OF FILING of Document Entitled "The Bivens Action Exhibit" filed by Plaintiff Dale Livingston. NOTE: This document has not been scanned due to size, it has been placed on the shelf in the clerk's office. (rlr) (Entered: 07/28/2011)
07/28/2011	<u>5</u>	ORDER OF RECUSAL Judge Dee Benson recused. Case reassigned to Judge Clark Waddoups for all further proceedings. Signed by Judge Dee Benson on 7/27/2011. (rlr) (Entered: 07/28/2011)
07/28/2011		Judge Tena Campbell added. Judge Clark Waddoups no longer assigned to case. (jmr) (Entered: 07/28/2011)
07/28/2011	<u>6</u>	ORDER OF RECUSAL- Judge Waddoups recused. Case reassigned to Judge Tena Campbell for all further proceedings. Signed by Judge Clark Waddoups on 7/28/11. (jmr) (Entered: 07/28/2011)
07/28/2011		Judge Bruce S. Jenkins added. Judge Tena Campbell no longer assigned to case. (alt) (Entered: 07/28/2011)
07/28/2011	<u>7</u>	ORDER OF RECUSAL: Judge Tena Campbell recused. Case reassigned to Judge Bruce S. Jenkins for all further proceedings. Signed by Judge Tena Campbell on 7/28/11 (alt) (Entered: 07/28/2011)
07/28/2011	<u>8</u>	AMENDED COMPLAINT against Lindsey LNU, Ted Stewart, Louise York., filed by Dale Livingston, Fred Brunsvik. (jmr) (Entered: 07/29/2011)
08/01/2011		Judge David Sam added. Judge Bruce S. Jenkins no longer assigned to case. (jmr) (Entered: 08/01/2011)
08/01/2011	<u>9</u>	ORDER OF RECUSAL -Judge Bruce S. Jenkins recused. Case reassigned to Judge David Sam for all further proceedings. Signed by Judge Bruce S. Jenkins on 8/1/11. (jmr) (Entered: 08/01/2011)
08/09/2011	<u>10</u>	ORDER OF RECUSAL- Signed by Judge David Sam on 8/9/11. (jmr) (Entered: 08/09/2011)

08/09/2011		Judge David Sam no longer assigned to case per Order <u>10</u> and LSY. (jmr) (Entered: 08/09/2011)
08/09/2011		All Utah Judges have recused. Judge John L. Kane added. (asp) (Entered: 08/09/2011)
08/09/2011	11	DOCKET TEXT ORDER OF RECUSAL all Utah Judges. Case reassigned to Judge John L. Kane for all further proceedings. Signed by Judge David Sam on 08/09/2011. (asp) (Entered: 08/09/2011)
08/09/2011	<u>12</u>	SECOND AMENDED COMPLAINT against Lindsey LNU, Ted Stewart, Louise York, Gary R. Herbert, Michael O. Leavitt, Clark A. Harms, Angela F. Micklos, Curtis L. Garner, Jesse Gallegos, Robert S. Yeates, Brian Tarbet, Brent Platt, Mark Brasher, Michael C. O'Brien, Timothy G. Bangerter, Jane Cameron, Laura Polacheck, Erik A. Christiansen, Keith Woodwell, Michael Hines, Adam Sweet, Alicia Cook, Sherrie Swenson, Larry E. Jones, Thomas L. Kay, Royal Hansen, Samuel D. McVey, Thomas M. Higbee, Wallace A. Lee, George M. Harmond, Edwin Peterson, James Winder, Michael W. Kwan, Leon Anthony Dever, Lyle Hillyard, Joseph C. McElhaney, Jr, Ed Rutan, Ralph Becker, Judith S. Atherton, William W. Barrett, Ann Boyden, Michelle Christiansen, Robert Faust, Joseph Fratto, Robert K. Hilder, Deno Himonas, Glen K. Iwasaki, John Paul Kennedy, Denise P. Lindberg, Paul Maughan, Sheila K. McCleve, Tyrone E. Medley, Sandra N. Pueler, Anthony B. Quinn, Robin W. Reese, Randall Skanchy, Kate A. Toomey, Vernice Trease, Robert W. Adkins, Terry Christiansen, Royal L. Hansen, Mark S. Kouris, Stephen L. Roth, Bruce C. Lubeck, Stephen L. Henrod, Katie-Bernard Goodman, C. D. Behrens, K. K. Hornak, S. P. McCully, C. D. Nolan, F. M. Odone, A. A. Valdez, Christine S. Decker, E. A. Lindsley, James R. Michie, Pamela T. Greenwood, William A. Thorne, Russell W. Bench, Judith M. Billings, James Z. Davis, Carolyn B. McHugh, Gregory K. Onne, Christine M. Durham, Michael J. Wilkins, Matthew B. Durrant, Jill N. Parrish, Ronald E. Nehring, Rodney G. Snow, Lori W. Nelson, Herm Olsen, Felshaw King, Christian Clinger, John R. Lund, James D. Gilson, Evelyn J. Furse, Su J. Chon, H. Dickson Burton, Robert O. Rice, Thomas W. Seiler, Curtis M. Jensen, Steven R. Burt, Mary Kay Griffin, Margaret D. Plane, Lawrence E. Stevens, Charlotte L. Miller, Jenifer Tomchak, S. Grace Acosta, Melanie J. Vartabedian, Robert L. Jeffs, Dee Benson, Dale A. Kimball, Tena Campbell, Clark Waddoups, Bruce S. Jenkins, J. Thomas Greene, David Sam, Samuel Alba, Brooke C. Wells, Robert T. Braithwaite, David Nuffer, Paul M. Warner, R. Kimball Mosier, Joel P. Marker, William T. Thurman, Eric Holder, Jr, John E. Potter, Douglas H. Shulman, Harley G. Lappin, Julius Genachowski, Michael J. Copps, Robert M. McDowell, Mignon Clyburn, Meredith Attwell Baker, Mary L. Schapiro, Kathleen L. Casey, Elisse B. Walter, Luis A. Aguilar, Troy A. Paredes, Jon Leibowitz, Julie Brill, William E. Kovacic, Edith Ramirez, J. Thomas Rosch, Margaret Hamburg, Kathleen Sebelius, Regina M. Benjamin, Michele Leonhart, Thomas M. Harrigan, James M. Kasson, Preston L. Grubbs, Janet Napolitano, Robert S. Mueller, III, Kenneth E. Melson, John Clark, Christopher Dudley, Robert Finan, II, Donald Donovan, Michael Earp, Scott Rolstad, William Snelson, Candra Symonds, Eben Morales, Leon E. Panetta, Joseph R. Biden, Jr, Daniel K. Inouye, Harry Reid, Mitch McConnell, John Boehner, Eric Cantor, Nancy Pelosi, Ron Paul, Barry Sorento, Martin E.

		Dempsey, James F. Amos, Norton A. Schwartz, Mike Mullen with Jury Demand., filed by Dale Livingston, Fred Brunsvik. (asp) (Entered: 08/11/2011)
08/15/2011	<u>13</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 08/15/2011)
08/18/2011	<u>14</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 08/18/2011)
08/18/2011	<u>15</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 08/18/2011)
08/18/2011	<u>16</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 08/18/2011)
08/18/2011	<u>17</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 08/18/2011)
08/26/2011	<u>18</u>	ORDER that Plaintiffs shall have until September 26, 2011, to file an amended complaint that complies with the directives in this Order ; striking re <u>8</u> Amended Complaint filed by Fred Brunsvik, Dale Livingston, <u>12</u> Amended Complaint, filed by Fred Brunsvik, Dale Livingston. Signed by Judge John L. Kane on 08/25/2011. (asp) (Entered: 08/26/2011)
09/22/2011	<u>19</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed. (djs) (Entered: 09/22/2011)
09/26/2011	<u>20</u>	RESPONSE to Response for Order filed by Fred Brunsvik, Dale Livingston. (asp) (Entered: 09/27/2011)
09/30/2011	<u>21</u>	ORDER DISMISSING CASE with Prejudice. Case Closed. Signed by Judge John L. Kane on 09/30/2011. (asp) (Entered: 09/30/2011)
10/13/2011	<u>22</u>	CLERK'S JUDGMENT of Dismissal With Prejudice; signed by ALT, Deputy Clerk (alt) (Entered: 10/13/2011)
10/19/2011	<u>23</u>	Mail Returned as Undeliverable. Mail sent to Fred Brunsvik, insufficient address, unable to forward. (djs) (Entered: 10/19/2011)
10/25/2011	<u>24</u>	Mail Returned as Undeliverable. Mail sent to Dale Livingston, unclaimed, unable to forward. (djs) (Entered: 10/25/2011)

PACER Service Center			
Transaction Receipt			
11/22/2011 09:23:04			
PACER Login:	ag0015	Client Code:	
Description:	Docket Report	Search Criteria:	2:11-cv-00674-JLK
Billable Pages:	10	Cost:	0.80

EXHIBIT C

AO 450 (Rev. 5/85) Judgment in a Civil Case

FILED
CLERK, U.S. DISTRICT COURT
October 13, 2011 (11:43am)
DISTRICT OF UTAH

United States District Court

Central Division for the District of Utah

Dale Livingston, et al.

JUDGMENT IN A CIVIL CASE

v.

Louise York, et al.

Case Number: 2:11cv00674 JLK

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

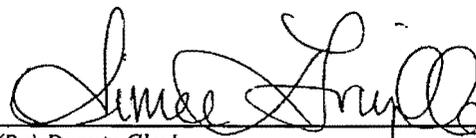
That Plaintiffs' civil action/complaint is dismissed with prejudice.

October 13, 2011

Date

D. Mark Jones

Clerk of Court



(By) Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION
Senior Judge John L. Kane¹

Civil Action No. 11-cv-00674-JLK

DALE LIVINGSTON, and
FRED BRUNSVIK,

Plaintiffs,

v.

LOUISE YORK, et al.,

Defendants.

ORDER DISMISSING CASE WITH PREJUDICE

KANE, J.

In an Order dated August 26, 2011, I struck the pro-se *Bivens* Complaint filed by Plaintiffs Livingston and Brunswick and gave them to September 26, 2011, to file an Amended Complaint that complied with basic pleading requirements under Fed. R. Civ. P. Rule 8(a) and included factual allegations of personal participation on the part of named Defendants. Instead, Plaintiffs filed a 21-page “exception” (Doc. 20)² that purports both to re-plead their claims in conformance with my directives while objecting to the jurisdiction of this or any other court.

Plaintiffs are self-described sovereign citizens disclaiming any “part of either the government of the United States or of any State.” They seek to assert their federal Constitutional

¹The Honorable John L. Kane, Senior United States District Judge for the District of Colorado, sitting by designation.

² The full title of Doc. 20 is “ORDER OF [ALLEGED DISTRICT COURT] JUDGE JOHN L. KANE EXCEPTED AND SET ASIDE IN PART AND SUSTAINED BY PLAINTIFFS IN PART FOR CAUSE; CHALLENGE FOR COLLATERAL COURT AND FOR LACK OF STANDING OF THE DEFENDANT JUDGES AS PER THE INCORPORATED EVIDENCE BROUGHT FORTH IN THE UNITED STATES TRIBUNALS TEST A CONTINUED ACTION OF THIS FILED PLEADING.”

rights “directly” against the Utah Governor, all Utah State officials, and “all” named and unnamed state and federal judges, members of the U.S. Congress, and the “Unlawfully existent U.S. executive branch . . . *et al.*” The new filing, under any liberal interpretation, fails to correct any of the fatal flaws in Plaintiffs’ original Complaint and fails to state any cognizable claim for relief under the United States Constitution. Plaintiffs only “direct” route to redress in a federal court for constitutional deprivations suffered at the hand of state or federal officials is through 42 U.S.C. § 1983 or a *Bivens* action plead in accordance with the guidelines set forth in my August Order. Perhaps because Plaintiffs perceive federal statutory and common law, this Court, and the judicial, legislative, and executive branches of the United States government generally to have no legitimacy, conforming their pleadings to a form this Court and federal law can recognize and work with is impossible. In any event, Plaintiffs’ September 26, 2011 filing fails to conform to the standards for any cognizable pleading under the Federal Rules of Civil Procedure and is STRICKEN.

This civil action is DISMISSED with PREJUDICE.

Dated at Denver, Colorado, this 30th day of September, 2011.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DALE LIVINGSTON,

Petitioner,

v.

KEITH WOODWELL,

Respondent.

**ORDER REMANDING PROCEEDINGS
TO UTAH STATE COURT**

Case No. 2:11-mc-1006 CW

District Judge Clark Waddoups

Magistrate Judge David Nuffer

Petitioner Dale Livingston has filed a petition to remove certain state proceedings to federal court.¹ Livingston seeks removal of two pending administrative actions (SD-10-85, SD-10-86) brought against him by the Utah Department of Commerce, Securities Division. He apparently also seeks removal of a state criminal case (Utah State Third District Court Case No. 111903498) in which he is the defendant. Respondent Keith Woodwell, the Director of the Utah Securities Division, has filed an objection to the attempted removal.²

Livingston has also filed a motion for enlargement of time to file a response to Woodwell's objection.³ Woodwell opposes the motion for an enlargement of time.⁴ Livingston's lengthy motion is described in the caption as a "part response." The motion contains extensive argument in support of removal. The court concludes that additional argument would not be helpful and, therefore, denies the motion for enlargement of time.

¹ The document filed by Livingston is captioned "REMOVAL OF STATE CIVIL ACTION TO FEDERAL COURT PURSUANT TO TITLE 28, U.S.C., SECTION 1441 (b) CLAUSE 1, AND TITLE 28, SECTION 1331, ACCOMPANYING Involving Removal Of State Securities Division's Civil Action Docket # SD-10-0085 and # SD-10-0086, and, pursuant to U.S. Treaty Law and Jurisdiction, Removal of State Case # 111903498, Additionally."

² Docket no. 5, filed November 22, 2011.

³ Docket no. 6, filed December 9, 2011.

⁴ Docket no. 7, filed December 21, 2011.

UTAH ATTORNEY GENERAL'S OFFICE

JAN 03 2012

After carefully reviewing all of the materials submitted by the parties, the court concludes that the state proceedings should be remanded for lack of subject matter jurisdiction.

Removal of State Administrative Proceedings

In support of removal, Livingston cites the first sentence of 28 U.S.C. § 1441(b) which provides: “Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.” As defendant points out, this statute does not provide a basis for the removal of the state administrative proceedings to federal court. Rather it allows removal of “civil actions” in which this court would have original jurisdiction under the Constitution, laws, or treaties of the United States. This court would not have original jurisdiction of the administrative proceedings because none of the claims arise under the Constitution, treaties, or laws of the United States. Moreover, by its own terms, the removal statute contemplates the removal of a “civil action brought in a State court.”⁵ It simply does not provide for removal of administrative actions from state administrative agencies. Since this court lacks jurisdiction over the subject matter, the administrative proceedings will be remanded to the state administrative agency.

Removal of State Criminal Case

It also appears that Livingston seeks to remove a criminal case that is presently pending against him state court (case no. 111903498).⁶ As a basis for removal, Livingston cites 28 U.S.C. §§ 1441 and 1331. Neither of these sections provides a basis for removal of Livingston’s criminal case. Section 1441 applies only to the removal of civil cases, not criminal cases.

⁵ 28 U.S.C. § 1441(a).

⁶ See caption of removal petition and page 26, ¶ 63.

Similarly, section 1331 concerns the district court's jurisdiction over civil cases which involve federal questions. It says nothing about removal of state criminal proceedings.⁷

Generally, federal courts are barred from interfering in ongoing state criminal proceedings.⁸ However, removal of state criminal cases is statutorily authorized under narrow circumstances.⁹ A federal court must examine the removal petition to see whether removal is appropriate. If it appears from the face of the notice that removal should not be permitted, the court has the authority to remand the case sua sponte for lack of subject matter jurisdiction.¹⁰

Removal is available to only a small class of criminal defendants such as federal officers (§ 1442), or members of the armed forces (§ 1442a), or under a unique set of circumstances where state courts are deemed unwilling or unable to enforce a defendant's civil rights (§ 1443).¹¹ Section 1443 has been interpreted by the United States Supreme Court to apply only to a state court's unwillingness to enforce a law "providing for civil rights stated in terms of racial equality."¹² Livingston does not allege that he is either a federal officer or a member of the armed forces. Nor does he allege that racial equality is at issue, or that Utah state courts are unwilling to enforce the law.

Livingston asserts that because the investments at issue in the state cases were involved in interstate commerce, he has the right to have the claims construed under federal securities law. This is incorrect. The State of Utah has the right to enforce its own securities laws.

⁷ *Brum v. County of Wood, W. Va.*, Civil Action No. 6:07-cv-00405, 2008 WL 3094586, at *3 (S.D. W. Va. Aug 4, 2008).

⁸ *Younger v. Harris*, 401 U.S. 37 (1971).

⁹ *Gedo v. Idaho*, No. CV 09-00166-E-BLW, 2009 WL 2848850, at *1, (D. Idaho Aug. 28, 2009); see 28 U.S.C. §§ 1442-1443.

¹⁰ *Gedo*, 2009 WL 2848850, at *1; 28 U.S.C. § 1446(c)(4).

¹¹ *Gedo*, 2009 WL 2848850, at *1.

¹² *Gedo*, 2009 WL 2848850, at *1 (quoting *Georgia v. Rachel*, 384 U.S. 780, 792 (1966)).

Livingston also argues that the case arises under a treaty of the United States referring to the “1961 De LaHaye Treaty.”¹³ This claim is apparently related to an Apostille issued in conformance with that treaty. The Apostille was apparently issued regarding some document (not provided to the court) bearing the signature of Notary Public Catherine E. Vega.¹⁴

Livingston has failed to show that the claims in this case arise under a treaty of the United States

ORDER

For the foregoing reasons, the criminal case is **REMANDED** to the state court. Similarly, the administrative proceedings are **REMANDED** to the Utah State Securities Division. Livingston’s motion for an enlargement of time is **DENIED**.¹⁵ Livingston’s petition for an order to show cause is **DENIED**¹⁶ as moot.

Signed December 28, 2011.

BY THE COURT:



David Nutter
U.S. Magistrate Judge

¹³ Motion for Enlargement of Time, docket no. 6, at 5.

¹⁴ Removal of State Civil Action . . . ¶¶-59, docket no. 1, filed October 28, 2011 referring to Exhibit 2 to the document. The exhibit was filed as docket no. 1-3.

¹⁵ Docket 6, filed December 9, 2011.

¹⁶ Docket no. 2, filed October 28, 2011.

**United States District Court
District of Utah**



D. Mark Jones
Clerk of Court

Louise S. York
Chief Deputy Clerk

December 29, 2011

Clerk
Third District Court-Salt Lake County
450 South State Street
Salt Lake City Utah 84111

Re: Utah, State of et al v. Livingston
US District Court Case Number: 2:11mc01006 CW DN
State Case Number: 111903498

Dear Clerk:

Pursuant to Order Remanding Case to State Court signed by Magistrate David Nuffer and dated 12/29/11, I am forwarding a certified copy of the remand order. None of the documents contained in the federal file will be forwarded to the State Court (see FRCP 28:1447).

X I am not returning your record as we didn't receive a copy of it.

Please return a signed copy of this letter in the enclosed self-addressed envelope.

Sincerely,

D. Mark Jones, Clerk

By:
Jennifer Richards
Deputy Clerk

Enclosures
cc: Counsel of record
Certified Mail Receipt No.:

ACKNOWLEDGMENT OF RECEIPT:

Received by: _____
Date: _____