

Public
File

Affidavit of Service

I, Gene Shamaker, do hereby aver, assert, attest and affirm that I, under full liability and complete transparency, on the thirteenth day of July, in the Year of our Lord two thousand fifteen, caused to be served via USPS, five true, accurate and complete copies of Refusal for Cause, Without Dishonor; Second and Final Notice of Permanent Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise; Notice of Non-Response; Second and Final Notice of Silence is Acquiescence; Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters; Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief; Affidavit and Declaration of Absolute Truths and Facts to the following purported public servants and purported public trustees, or the agents thereof, to be placed in the private JUSTICE'S case file, in care of CLERK to wit:

Rory L. Perry II, State Capitol Room E-317, 1900 Kanawha Blvd. East, Charleston, WV 25305

I, Gene Shamaker, do affirm, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Autographed on the thirteenth day of July, in the Year of our Lord two thousand fifteen.

Without Recourse and Without Prejudice

Gene Shamaker

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Affidavit of Service

I, Gene Starnaker, do hereby aver, assert, attest and affirm that I, under full liability and complete transparency, on the thirteenth day of July, in the Year of our Lord two thousand fifteen, caused to be served by USPS a true, accurate and complete copy of Refusal for Cause, Without Dishonor; Second and Final Notice of Permanent Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise; Notice of Non-Response; Second and Final Notice of Silence is Acquiescence; Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters; Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief; Affidavit and Declaration of Absolute Truths and Facts to Steve Harrison a.k.a. STEVE HARRISON, to wit:

105 Bradley Drive, Charleston, WV 25313

I, Gene Starnaker, do affirm, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Autographed on the thirteenth day of July, in the Year of our Lord two thousand fifteen.

Without Recourse and Without Prejudice

Gene Starnaker



Public
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Affidavit of Service

I, Gene Shamaker, do hereby aver, assert, attest and affirm that I, under full liability and complete transparency, on the thirteenth day of July, in the Year of our Lord two thousand fifteen, caused to be served by USPS a true, accurate and complete copy of Refusal for Cause, Without Dishonor; Second and Final Notice of Permanent Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise; Notice of Non-Response; Second and Final Notice of Silence is Acquiescence; Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters; Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief; Affidavit and Declaration of Absolute Truths and Facts to Patrick Morrissey a.k.a. PATRICK MORRISEY, to wit:

State Capitol Complex, Bldg 1 Room E-26, Charleston, WV 25305

I, Gene Shamaker, do affirm, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Autographed on the thirteenth day of July, in the Year of our Lord two thousand fifteen.

Without Recourse and Without Prejudice

Gene Shamaker

Public
File

Affidavit of Service

I, Gene Stahmaker do hereby aver, assert, attest and affirm that I, under full liability and complete transparency, on the thirteenth day of July, in the Year of our Lord two thousand fifteen, caused to be served by USPS a true, accurate and complete copy of Refusal for Cause, Without Dishonor; Second and Final Notice of Permanent Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise; Notice of Non-Response; Second and Final Notice of Silence is Acquiescence; Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters; Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief; Affidavit and Declaration of Absolute Truths and Facts to Earl Ray Tomblin a.k.a. EARL RAY TOMBLIN, to wit:

State Capitol, 1900 Kanawha Blvd. East, Charleston, WV 25305

I, Gene Stahmaker, do affirm, under full liability and complete transparency, that the foregoing is true, correct and complete, the truth, the whole truth and nothing but the truth, to the best of my knowledge and ability, so help me God.

Autographed on the thirteenth day of July, in the Year of our Lord two thousand fifteen.

Without Recourse and Without Prejudice

Gene Stahmaker

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Plaintiffs

The Honorable Phillip Hudok, proceeding in propria persona sui juris, a real-man with hands and legs; *qui tam pro domino rege quam pro se ipso in hac parte sequitur*

RR1 Box 11, Huttonsville, West Virginia

304-335-2826 c 304-940-9646 hudok@hudok.com

The Honorable Gene Stalnaker, proceeding in propria persona sui juris, a real-man with hands and legs; *qui tam pro domino rege quam pro se ipso in hac parte sequitur*

P.O. Box 408, Daniels, West Virginia

304-253-0088

Embassador for Heaven Thomas David House of Deegan, proceeding in propria persona sui juris, a real-man with hands and legs; *qui tam pro domino rege quam pro se ipso in hac parte sequitur*

317 Locust Drive, Mineralwells, West Virginia

304-489-9524

v.

Defendants

Earl Ray Tomblin a.k.a. EARL RAY TOMBLIN , foreign agent, purported Governor of West Virginia d.b.a. Manager of WEST VIRGINIA GOVERNORS MANSION and Chief Executive Officer of GOVERNOR'S OFFICE, a private for profit subcontractor providing government services and purporting to be lawful government, and other unknown corporate entities and all principals, agents, assigns and successors, hereinafter referred to as defendant.

Patrick Morrisey a.k.a. PATRICK MORRISEY, foreign agent, purported Attorney General of West Virginia d.b.a. ATTORNEY GENERAL WEST VIRGINIA, a private for profit subcontractor providing government services and purporting to be lawful government, and other unknown corporate entities and all principals, agents, assigns and successors, hereinafter referred to as defendant.

Steve Harrison a.k.a. STEVE HARRISON a.k.a. STEPHEN HARRISON, foreign agent, purported Clerk of the House of Delegates of West Virginia d.b.a. VIRGINIA WEST LEGISLATURE, a private for profit subcontractor providing government services and purporting to be lawful government, and other unknown corporate entities and all principals, agents, assigns and successors, hereinafter referred to as defendant.

UNKNOWN private for profit subcontractors providing government services and purporting to be lawful government in operation, and conducting business, on the soil of West Virginia and all principals, agents, assigns and successors, hereinafter referred to as defendant.

Entities purporting to be SUPREME COURT OF APPEALS WEST VIRGINIA and all principals, agents, assigns and successors thereof.

EMERGENCY Declaratory Judgment demand, Ultra Vires and other Equitable relief demand-Constitutional Crisis, Flagrant and Willful Breach of Contract, Flagrant and Willful Constructive Fraud, Flagrant and Willful Fraud in the Factum, Flagrant and Willful Fraud in the Inducement, Flagrant and Willful Breach of Oath, Flagrant and Willful Violations of the Constitution for the United States of America c1819, Flagrant and Willful Violations of the Constitution of West Virginia, Flagrant and Willful Violations of Common Law, Flagrant and Willful Violations of Freewill Choice, Flagrant and Willful Violations of Natural Law, Flagrant and Willful Unlawful modern day Slavery, Conspiracy of all of the aforementioned

Oral Hearing on this matter is hereby demanded. Right to Trial By Jury reserved for future decision.

Under, and out of, the authority of absolute necessity.

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On the thirteenth day of July in the Year of our Lord two thousand fifteen.
Notice to principal is notice to agent, notice to agent is notice to principal

Case 15-0491; State of "West Virginia"

Refusal for Cause, Without Dishonor; Second and Final Notice of Permanent Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise; Notice of Non-Response; Second and Final Notice of Silence is Acquiescence; Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters; Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief; Affidavit and Declaration of Absolute Truths and Facts.

EMERGENCY Declaratory Judgment demand, Ultra Vires and other Equitable relief demand is hereby restated in its entirety, and incorporated herein, as if set forth in full (unrebutted and unrebuttable).

All Affidavits of Service are hereby restated in their entirety, and incorporated herein, as if set forth in full (unrebutted and unrebuttable).

Refusal for Cause, Without Dishonor, Affidavit and Declaration of Absolute Truth and Facts, Self-Evident and otherwise is hereby restated in its entirety, and incorporated herein, as if set forth in full (unrebutted and unrebuttable).

Notice of Default and Dishonor in Commerce, Admiralty, Equity, In Law, At Law and otherwise, Limited Opportunity to Cure is hereby restated in its entirety, and incorporated herein, as if set forth in full (unrebutted and rebuttable).

Notice of Default and Dishonor; Notice of Silence is Acquiescence; Notice of Unclean Hands; Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief is hereby restated in its entirety, and incorporated herein, as if set forth in full (unrebutted and non-compliance).

The evidence compact disc submitted with this document is hereby restated in its entirety, and incorporated herein, as if set forth in full.

I, Gene Stahmaker, the Signatory, do by these Presents, under full liability and complete transparency, give Second and Final Notice of Permanent Default and Dishonor, Second and Final Notice of Absolute Silence is Acquiescence, Second and Final Notice of the Defendants' and other entities' Unclean Hands in any and all matters and Second and Final Demand for Immediate and Unconditional Summary Judgment, Declaratory Judgment and Equitable Relief.

I, the Signatory, do by these Presents, under full liability and complete transparency, give Notice of Refusal for Cause, Without Dishonor of Defendants purported response and/or answer to Original EMERGENCY Declaratory Judgment demand, Ultra Vires and other Equitable relief and subsequent filings. The response and/or answer, and I use those terms very loosely, was past the date available for filing such, the twenty eighth day of June, in the Year of our Lord two thousand fifteen as set forth previous in both the Original filing and subsequent Order. Further, it is a bunch of childish gibberish which offers no foundational support for their frivolous assertions and misguided corporate beliefs, and also would appear that the defendants failed to read and research any of the complaint. Further, the defendants appear to be raising their defense that they are the contractually authorized government at all times and all places. I, the Signatory, under full liability and complete transparency, do hereby deny that assertion and now do DEMAND and ORDER and DECREE the defendants to immediately produce verifiable, factual and public evidence of the same. Absent immediate production of the aforementioned it is hereby ORDERED stricken from the public and private files of this instant matter immediately and unconditionally. Further, he who risks the most wins and the defendants did not affirm the truth and accuracy of the purported answer/response, nor did they do so under full liability and complete

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transparency. Further, the defendants by their rampant and fraudulent misrepresentations and misquotes of my intellectual property obviously have no way to defend themselves and their knowing, willful and intelligent actions and inactions, but only seek to confuse and utilize wordplay with absolute truth and facts to avoid, attempt to defend and hide their own criminal actions perpetrated daily against all real men with hands and legs. Fraud vitiates all. Further, the envelope is postage meter dated July 1 yet the purported certificate of service is signed and certified as being mailed on July 2, a clear violation of applicable postal regulations, DOMESTIC MAIL MANUAL P030 POSTAGE METERS AND POSTAGE STAMPS 9.13 and 10.1, thereby placing a fraud before their own purported COURT. As such, I, the Signatory, do by these Presents, under full liability and complete transparency, DEMAND and now ORDER and DECREE the purported council shall be sanctioned and a complaint to the BAR be submitted by this purported COURT immediately, publicly and unconditionally. Furthermore, I, the Signatory, under full liability and complete transparency, Demand and now ORDER and DECREE that CONTEMPT OF COURT charges and CONTEMPT OF THE HIGHEST AUTHORITY charges be levied and prosecuted immediately, publicly and unconditionally.

I, the Signatory, do by these Presents, under full liability and complete transparency, give Second and Final DEMAND and now ORDER and DECREE all Remedies and Judgments so demanded and prayed for repeatedly be issued and implemented immediately and unconditionally and directed to the appropriate persons, entities and other creatures of the mind, fictions of law, et cetera to effectuate not only the wording, but actual intent, of absolutely necessary Rule of Law, Freedom, Honor, Justice, Morality and absolute Truth. This is so that this purported COURT may stay in full compliance to its own corporate WEST VIRGINIA TRIAL COURT RULES section 16.12.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE a subpoena be issued forthwith unconditionally to the purported TREASURY SECRETARY of the STATE OF WEST VIRGINIA for any and all financial payouts of any nature and kind to any entity, person or otherwise for services rendered for the past three hundred sixty five days. Further, the purported TREASURY SECRETARY shall provide any and all CAFR reports, and any and all supporting documentation thereof, from any and all purported government entities, from the lowest to the highest, and any and all private for profit subcontractors and corporations providing government services and purporting to be lawful government in operation and conducting business on the soil of West Virginia. This is part of required complete transparency by entities and persons claiming to be contractually authorized 'government'.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE a subpoena be issued forthwith unconditionally to the purported CABINET SECRETARY DEPARTMENT OF REVENUE of the STATE OF WEST VIRGINIA for any and all financial records and submissions and all other related documents, directly and indirectly, in any way, shape, manner or form related to any and all private for profit subcontractors and corporations providing government services and purporting to be lawful government, and the employees thereof, in operation and conducting business on the soil of West Virginia. This is part of required complete transparency by entities and persons claiming to be contractually authorized 'government'.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE a subpoena be issued forthwith unconditionally to the purported SECRETARY OF STATE of the STATE OF WEST VIRGINIA for any and all articles of incorporations and all other related documents, directly and indirectly, in any way, shape, manner or form related to any and all private for profit subcontractors and corporations providing government services and purporting to be lawful government in operation and conducting business on the soil of West Virginia. This is part of required complete transparency by entities and persons claiming to be contractually authorized 'government'.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE that all persons involved in this instant matter shall, within seven calendar days, produce and provide their

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required foreign agent registration paperwork, and all required supporting documentation, pursuant to corporate case law and applicable corporate federal law.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE that a Writ of Quo Warranto be implemented and effectuated against all defendants and any persons and entities joining and furthering the laundry list of crimes incorporated within the Original Complaint and Demand. The basis for such is the corporate Corpus Juris Secundum wherein clients are determined to be wards of the court and therefore incompetent. Because of such I seek immediate and unconditional removal of all defendants and any others who have joined the battle from any purported, and yet unproven, OFFICE or position of TRUST.

I, the Signatory, do by these Presents, under full liability and complete transparency, give DEMAND and now ORDER and DECREE that because self-defined foreign agents purporting to be OFFICE HOLDERS and EMPLOYEES of the purported STATE OF WEST VIRGINIA are utilizing public funds to defend their criminality, this purported COURT shall now examine, hire by contract and pay any and all expenses and salaries of the following, the same being answerable to the Signatories exclusively, to wit:

Enough competent and independent forensic financial auditors to examine, and report on, any and all provided documents as well as demand others missing or required for the intent of their specific requirements;

Enough competent and independent private investigators to assist the Signatory on what he may feel and decide is necessary in order to complete his mandate by the King of all Kings in this instant matter;

Affidavit and Declaration of un rebutted and un rebuttable Facts and Self-Evident Truths composed of various letter combinations.

All written documents' meanings do not change over time.

Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.

Each of us has a natural right, from God, to defend his person, his liberty, and his property.

It is not true that the legislator has absolute power over our persons and property. The existence of persons and property preceded the existence of the legislator, and his function is only to guarantee their safety.

Life, faculties, production-in other words, individuality, liberty, property-this is man. And in spite of the cunning of artful political leaders, these three gifts from God precede all human legislation, and are superior to it.

Liberty is an acknowledgment of faith in God and His works.

Government cannot exercise or obtain more authority than those that formed it originally had.

A bankrupt entity, and one in reorganization in bankruptcy, loses any and all sovereign authority and immunity, and any claim of sovereign authority and immunity is an act of outright, flagrant and willful fraud.

The defendants affirm by their own silence that any purported police authorities are not absolutely compliant with the Constitution for the United States of America c1819 or the Constitution of West Virginia.

The defendants affirm by their own silence the lack of authority of the purported UNITED STATES CONGRESS to declare the real-men with hands and legs of the United States of America as enemies of their own nation.

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The defendants affirm by their own silence that the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera are not in absolute compliance to the Original Contracts, the Constitution for the United States of America c1819 and the Constitution of West Virginia.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing governmental services and purporting to be lawful government, and fictions of law, et cetera are not in absolute compliance to the Original Contracts, the Constitution for the United States of America c1819 and the Constitution of West Virginia.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing governmental services and purporting to be lawful government, and fictions of law, et cetera are not actually holding any Constitutional Office or position of authority and right.

The defendants affirm by their own silence that no authority was granted to any creature of the mind, via the Constitution for the United States of America c1819 or the Constitution of West Virginia, to rule over, or interfere, in the private lives and dealings of real-men with hands and legs.

The defendants affirm by their own silence that private for profit subcontractors providing government services and purporting to be lawful government are not authorized by the Original Contracts, the Constitution for the United States of America c1819 and the Constitution of West Virginia.

The defendants affirm by their own silence that the private for profit subcontractors providing government services and purporting to be lawful government are not in absolute compliance with the Constitution for the United States of America c1819 or the Constitution of West Virginia.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera have not taken, subscribed and upheld a Lawful Oath to the Constitution for the United States of America c1819 and the Constitution of West Virginia.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera are not operating and conducting business absent fraud and deceit in their respective day to day operations and activities.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera have no authority to aid and abet the purported UNITED STATES CONGRESS in enforcing, and commercially benefitting from, Martial Rule and the Laws of War of enemy combatants against real-men with hands and legs.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera are not authorized to

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maintain and operate military tribunals, military prisons and military police enforcement against real-men with hands and legs.

The defendants affirm by their own silence that any persons purporting to hold Office or position within the purported STATE OF WEST VIRGINIA and its political subdivisions, instrumentalities, private for profit subcontractors providing government services and purporting to be lawful government, and fictions of law, et cetera are not authorized to own our children and fellow real-men with hands and legs.

The defendants affirm by their own silence that no explicit authority was granted for any jurisdiction other than the unwritten common law and equity to be implemented and utilized within the borders of the State of West Virginia.

The defendants affirm by their own silence that no explicit malum prohibitum authority was given to operate, indict and/or interface with/against real-men with hands and legs, not in service of government.

The defendants affirm by their own silence that there exists no constitutional authority for the operation in bankruptcy and under martial rule or martial law.

The defendants affirm by their silence that there exists no constitutional authority to ignore, hamper or violate the God-given right to expatriate and repatriate to anything, whether fictional or reality, of our own freewill choice.

Any omission does not constitute a waiver.

All words, letter combinations and intent shall be as defined, construed and interpreted by the Signatory.

A true, accurate and complete copy, facsimile or digital scan is legally and lawfully declared to be an original.

Proceeding in propria persona, sui juris by Divine Visitation and Authority; with all rights, privileges, freedoms, immunities, capacities and standing claimed, reserved, and exercised; without prejudice; without recourse; non-transferable.

By the Autograph and Seal affixed below, under full liability and complete transparency, I,

Gene Stamaker do Declare, Proclaim, Aver, Attest and Affirm that the foregoing is true, accurate and complete, the truth, the whole truth and nothing but the truth to the best of my knowledge and ability, so help me God.

Without Recourse, Without Prejudice

Gene Stamaker

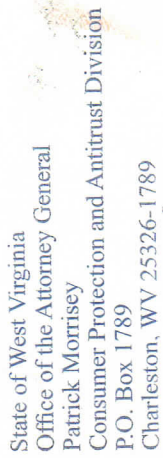




Yes

✓





State of West Virginia
Office of the Attorney General
Patrick Morrisey
Consumer Protection and Antitrust Division
P.O. Box 1789
Charleston, WV 25326-1789

CHINESE

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Gene Stalnaker, Pro se
PO Box 408
Daniels, WV 25832-0408

Daniels, WV 25832-0408

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SECRET

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NO. 15-0491

STATE OF WEST VIRGINIA, EX REL.,
PHILLIP HUDOK, GENE STALNER AND
THOMAS DAVID HOUSE OF DEEGAN,

Petitioners,

v.

ATTORNEY GENERAL OF WEST VIRGINIA, and
STEVE HARRISON, CLERK OF THE WEST VIRGINIA
HOUSE OF DELEGATES,

Respondents.

JOINT SUMMARY RESPONSE ON BEHALE OF RESPONDENTS

Julie Warren (WV Bar # 9789)
Assistant Attorney General
State Capitol Building 1, Room 26-E
Charleston, West Virginia 25305
Telephone: (304) 558-2021
E-mail: Julie.A.Warren@wvago.gov

Gene
Counsel for Respondents
Governor Earl Ray Tomblin and
Attorney General Patrick Morrisey

Daniel W. Greear (WV Bar # 6036)
State Capitol Building 1, Room 228-M
1900 Kanawha Blvd., East
Charleston, WV 25305
Telephone: 304-340-3200

Counsel for Respondent
Steve Harrison, Clerk of
the WV House of Delegates

*Refused for Cause, on the
Without Dishonor on the
third day of July in the
year of my Lord two thousand
thirteen, without recourse,
without prejudice.*



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NO. 15-0491

STATE OF WEST VIRGINIA, EX REL.,
PHILLIP HUDOK, GENE STALNER AND
THOMAS DAVID HOUSE OF DEEGAN,

Petitioners,

v.

ATTORNEY GENERAL OF WEST VIRGINIA, and
STEVE HARRISON, CLERK OF THE WEST VIRGINIA
HOUSE OF DELEGATES,

Respondents.

JOINT SUMMARY RESPONSE ON BEHALF OF RESPONDENTS

Comes now the Respondents, Governor Earl Ray Tomblin and Attorney General Patrick Morrisey, in their official capacities, by counsel, Julie A. Warren, Assistant Attorney General, and comes Steve Harrison, Clerk of the West Virginia House of Delegates, in his official capacity, by counsel Daniel W. Greear, who do file the within summary response in opposition to the Petitioner's Writ of Mandamus.

I. STATEMENT OF FACTS

In support of their filing, the Petitioners assert a number of that unsubstantiated facts and allegations. For instance, the Petition includes a claim by Petitioner Thomas David House of Deegan of kidnapping by unidentified "foreign agents," but in reality appears to involve an arrest in relation to a criminal action undertaken in Wood County, West Virginia, with a Criminal

Action Number 11-F-101. Petitioner Thomas David House of Deegan expressly states he is not seeking an appeal of the adjudication of this criminal action, but instead “demand[s] ... absolute and unconditional settlement and closure of any and all matters relating in any manner or way to purported case #11-F-101. Id. at 13. The Petition also includes an unsubstantiated claim by Petitioner Hudok that he, along with other individuals that are not named as a party to this Petition, have been unable to renew their non-biometric drivers’ licenses. Ptrs. Br. at 9.

II. ARGUMENT

The entirety of the subject Petition is frivolous on its face. The Petitioners’ allegations are unsubstantiated and the remedies sought are clearly outside the purview of this Court. The Petitioners demand this Court issue a writ of mandamus ordering the following:

- the dissolution of the government of the State of West Virginia;
 - the liquidation of all assets in the State Treasury;
 - the renunciation and vacation of all government offices by all office holders,
 - that each office holder then swear to the oath as set forth in the Petition;
 - the procurement of a bond by each office holder of at least \$50,000 dollars to indemnify and settle with “the real-men with hands and legs”;
 - the void and cancellation of all laws enacted after 1863;
 - the declaration that the 1819 Constitution and the Constitution amended by Congress in 1862 be in full force and effect;
 - the repeal of the Emergency Banking Act;
 - the prohibition of members of this Court from “holding an office or position of trust and/or profit forever”;
-

- the expatriation of the Petitioners and any other “real-men with hands and legs” who give notice to the State;
- that the DMV issue “Diplomatic Identification papers and Diplomatic plates for all real-men with hands and legs who shall give notice of their expatriation for a minimal fee”;
- the settlement and closure of Criminal Action No. 11-F-101, and the expungement thereof;
- refund of any monies paid to the Wood County Sheriff’s Department for home confinement;

Id. at 23-24. It appears they further demand that the Court issue a writ of prohibition directed that “each and every ‘court’ conducting business and operating on the soil of West Virginia to cease and desist all actions and proceedings,” and to “release all real-men with hands and legs” from service of any sentence. Id. at 22.

The Petition falls well short of meeting the standards needed for the granting of such extraordinary relief. First, the Petition’s demand for mandamus relief is devoid of merit, as clearly this Court has no authority to grant the aforementioned relief sought, i.e. the repeal of the West Virginia Constitution, order the dissolution of government, amend the U.S. Constitution, etc. “A writ of mandamus will not issue unless three elements coexist—(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.” Syl. Pt. 2, *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969) The Petitioners fail to cite any actual authority to support any legal right to the extraordinary relief sought. Instead they rely upon a series of philosophical statements for which no originating credit is assigned. Moreover, the Petitioners fail to identify any legal duty on the part of the Respondents to do the

thing the Petitioners seek this Court to compel. Thus, the Petitioners' demand for mandamus relief must be denied.

Second, the Petition's demand for a writ of prohibition against "each and every 'court' conducting business and operating on the soil of West Virginia" must also be dismissed as frivolous. In addition to the fact that the Respondents are not the proper parties for such relief, the Court has no authority to federal courts, or even lower state courts, "to cease and desist all actions and proceedings" in the State of West Virginia, nor can it simply "release all real-men with hands and legs" from serving their criminal penalty. There is nothing in the Petition to otherwise support a showing that any lower court in this State has either exceeded the scope of its jurisdiction or its legitimate power. *See* Syl. Pt. 1, *Crawford v. Taylor*, 138 W.Va. 207, 75 S.E.2d 370 (1953). Thus, the request writ of prohibition must be denied.

III. CONCLUSION

For the reasons herein stated, the Respondents respectfully request that the Court deny the relief sought by the Petitioners.

Respectfully submitted,

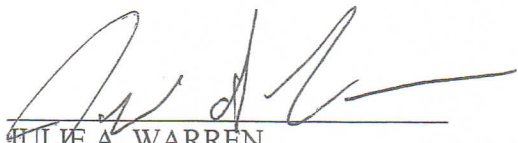
EARL RAY TOMBLIN
GOVERNOR,

PATRICK MORRISEY
ATTORNEY GENERAL,

STEVE HARRISON,
CLERK OF THE HOUSE OF DELEGATES

Respondents,

By counsel,



JULIE A. WARREN

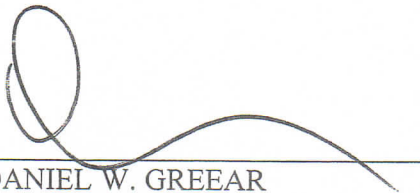
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IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

NO. 15-0491

STATE OF WEST VIRGINIA, EX REL.,
PHILLIP HUDOK, GENE STALNER AND
THOMAS DAVID HOUSE OF DEEGAN,

Petitioners,

v.

EARL RAY TOMBLIN, GOVERNOR OF
WEST VIRGINIA, PATRICK MORRISEY,
ATTORNEY GENERAL OF WEST VIRGINIA, and
STEVE HARRISON, CLERK OF THE WEST VIRGINIA
HOUSE OF DELEGATES,

Respondents.

CERTIFICATE OF SERVICE

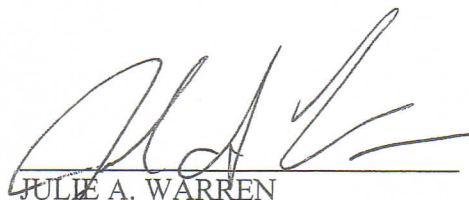
The undersigned counsel of record for the Respondents do hereby certify that on this 2nd day of July, 2015, that a true copy of the foregoing “**Joint Summary Response on Behalf of the Respondents**” has been served upon the Petitioners by depositing the same in the U.S.

Mail, postage prepaid, sealed in an envelope, and addressed as follows:

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