

district court of the United States

District of Columbia

Steven Alan Magritz, Complainant

Against

Case: 12-cv-806 EGS

Ozaukee County, et al., Respondents.

**JUDGMENT GRANTING COMPLAINANT
PARTIAL SUMMARY JUDGMENT**

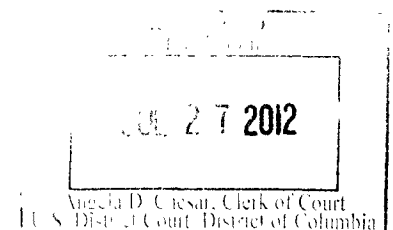
Complainant Steven Alan Magritz invoked the Equity Jurisdiction of this Court against Respondents, forty-one (41) of whom were public officers being sued in their *individual* capacity for breach of fiduciary duty. Complainant moves this Court for a partial summary judgment, which is herewith GRANTED.

This Court adopts the unrebutted allegations of fact set forth in Complainant's Verified Complaint, Affidavit in Support of said Complaint, and accompanying exhibits as true. In summary, this Court finds the following:

The Respondents to which this partial summary judgment applies are:

Ozaukee County, Ozaukee County Sheriff's Department, Thomas E. Winker, Robert A. Brooks, Lee Schlenvogt, Daniel P. Becker, Joseph A. Dean, Raymond G. Meyer II, Jacob Curtis, Daniel R. Buntrock, Kathlyn T. Geracie, Andrew A. Petzold, Patrick Marchese, Karl V. Hertz, Cynthia G. Bock, Robert T. Walerstein, Nancy Sharp Szatkowski, John J. Slater, Jennifer K. Rothstein, Rose Hass Leider, Donald G. Dohrwardt, Richard C. Nelson, Alan P. Kletti, Thomas H. Richart, John C. Grosklaus, Glenn F. Stumpf, Gerald E. Walker, Gustav W. Wirth, Jr., James H. Uselding, Kathlyn M. Callen, Mark A. Cronce, Maurice A. Straub, Karen L. Makoutz, Ronald A. Voigt, Dennis E. Kenealy, Thomas W. Meaux, Andrew T. Struck, Rhonda K. Gorden, Sandy A. Williams, Andrew T. Gonring, and Adam Y. Gerol.

The above named thirty-nine (39) individual Respondents are public officers and fiduciaries of the Public Trust created by the Constitution of the United States of America. Such



trustees of the Public Trust are bound to support said Constitution pursuant to Article Six, Sections Two and Three, owe absolute loyalty and obedience to the Constitution, and are under an inescapable obligation to serve with the highest fidelity, honesty, integrity, and good faith. Respondents must at all times, without exception, display honesty, integrity, and good faith to Complainant, a beneficiary of the Public Trust.

The above named Respondents have breached their fiduciary duty to the Constitution of the United States of America and to Complainant by violating the mandates or prohibitions required by said Constitution. Respondents have violated the self-executing clause of the Fifth Amendment, which says “nor shall private property be taken for public use without just compensation” by subjecting Complainant’s private property to statutes, rules, or regulations that apply only to the public property. Respondents further subsequently violated the aforesaid Amendment by the physical taking of Complainant’s private property for public use, property valued in excess of \$700,000.00, without paying Complainant so much as one dime.

Respondents have further breached their fiduciary duty to the Constitution of the United States of America and to Complainant by violating the absolute prohibition against impairing the obligation of contracts set forth in Article I, Section 10, Clause 1. Complainant is heir or assign of a Land Patent, an executed contract, granted by the United States of America to a purchaser prior to the incorporation of Wisconsin into the Union. As such heir or assign, Complainant is entitled to all of the rights, privileges, and immunities granted to the original patentee by the United States of America. Respondents have violated the aforesaid absolute prohibition by attempting to take Complainant’s *private* property through “registration” and “taxation” contrary to the expressed conditions set forth in the executed contract, the Land Patent, granted by the United States of America. Respondents further violated the aforesaid absolute prohibition by physically seizing with violence and force of arms Complainant’s *private* land contrary to the

expressed conditions set forth in the executed contract, the Land Patent, granted by the United States of America.

Respondents have been unjustly enriched by the aforesaid violations.

The record of this Court evidences the breach of fiduciary duty in this case has been ongoing for over fifteen years, and appears to have become more egregious with each passing day, as evidenced by the *unclean hands* of the Respondents who have made numerous misrepresentations to this Court in an apparent attempt to deceive this Court. *He Who Comes Into Equity Must Have Clean Hands.*

JUDGMENT IS HEREBY GRANTED to Complainant as follows:

A Constructive Trust is imposed upon the private land and other private effects taken from Complainant by Respondents on or about October 24, 2001, as well as upon the bank accounts of Respondents Ozaukee County and the Ozaukee County Sheriff's Department. Said Respondents are to *forthwith* provide Complainant, and this Court, with the detailed accounting as described in Complainant's Motion For Partial Summary Judgment. Said accounting shall be sworn to under penalty of perjury. Failure or refusal to provide the aforesaid accounting forthwith will result in a receivership imposed upon Ozaukee County.

Respondents Ozaukee County and Ozaukee County Sheriff's Department, which have been *unjustly enriched* by disloyal fiduciaries or trustees *ex maleficio*, shall return to Complainant, or compensate Complainant for, all of the private effects taken from Complainant, and shall disgorge all gains or profits, all the fruits, in every form, the increase, the income, other property acquired by the exchange or use of Complainant's *private* property in any way, including but not limited to the fair rental value of Complainant's *private* property provided to public officers and the benefits received from the hypothecation of Complainant's property by way of the issuance of bonds or otherwise.

Ozaukee County, which has been unjustly enriched by disloyal fiduciaries or trustees *ex maleficio*, shall *forthwith* return possession and control of Complainant's 62.25 acres of *private* land to the exclusive dominion of Complainant. Respondents, or any of them, or their successors, shall never, ever again, interfere with, or attempt to interfere with, in any way or by any means or under any subterfuge whatsoever, including but not limited to "taxation", the peaceful enjoyment, possession, use, and exclusive dominion by Complainant or Complainant's heirs or assigns. The clerk of Ozaukee County, or other *properly authorized* person/public officer, shall *forthwith* provide Complainant with a properly signed and acknowledged Deed, to be drafted by Complainant, the terms of which guarantee that Respondents, or any of them, or their successors, will never, ever again, interfere with, or attempt to interfere with, in any way or by any means or under any subterfuge whatsoever, including but not limited to "taxation", the peaceful enjoyment, possession, use, and exclusive dominion by Complainant or Complainant's heirs or assigns.

The individual Respondents named herein above, and each of them, shall pay Complainant an equitable "return on investment" based upon the fair market value on October 24, 2001 of Complainant's *private* property taken for public use without just compensation, for the entire period of time Respondents have or had possession, use, or control of Complainant's *private* property.

The individual Respondents named herein above, and each of them, shall pay Complainant liquidated damages in the amount of Fifteen Million dollars (\$15,000,000.00), pursuant to the public notice set forth in Complainant's Exhibit H, for injuries caused by Respondents' acts in breach of their fiduciary duty, and, as punitive damages to give bad actors a legal spanking to send a message to public officers that the egregious malfeasance by public officers exhibited in this suit will not be tolerated.

The good name of the state must be jealously protected. The Respondent public officers named herein above have acted contemptuously of the Constitution of the United States, have engaged in insurrection or rebellion against the same, and are recalcitrant in their malfeasance as evidenced by their attempts to deceive this Court. It is the judgment of this Court that they be removed from office and forever barred from holding any office, civil or military, under the United States, or under any State, pursuant to Section Three of the Fourteenth Amendment. Further, it is the judgment of this Court that any emoluments paid to them shall be deemed illegal and in violation of Section Four of the Fourteenth Amendment.

This Court retains jurisdiction of this suit in Equity.

Honorable Emmet G. Sullivan, Judge
district court of the United States
District of Columbia