

FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2011 DEC 16 A 10: 26

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

JAMES RENWICK MANSHIP, et al.,)

Plaintiffs)

v.)

Civil Action No. 1:11cv 1003 (JCC-FA)

SHERRI BROTHERS, et al.)

Defendants.)

MOTION FOR TEMPORARY RESTRAINING ORDER

I hereby move to stay defendant Judge Esther Wiggins, who has a conflict of interest, from intervening in my Arlington Circuit Court appeals CJ-11-99 and CR-11-1302 or amending my Arlington Judicial and Domestic Relations Court orders.

I further request that all of plaintiff's filings in the above entitled matter be shared with FBI Special Agent, Michael S. Worth, 9325 Discovery Blvd., Manassas, VA 20109. I am informed and believe that his team has investigated judicial corruption over the past seventeen (17) months.

District of Columbia Superior Court Judge, Jeanette Clark, has ordered me to withdraw my minor child, Jayne Saxon Zirkle, in the above entitled case. James Renwick Manship is the "next friend" for my child in the above entitled case.

Respectfully submitted,



Lori A. Saxon, Pro Se Proposed Plaintiff 12/16/2011

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

FAMILY COURT

DOMESTIC RELATIONS BRANCH

Family Court
ENTERED ON DOCKET

DEC 14 2011

Superior Court
the District of Columbia
Washington, D.C.

TODD D. ZIRKLE,)
)
Plaintiff,)
)
)
LORI A. SAXON,)
)
Defendant.)

Case No.: 2009 DRB 3424

Judge Jeanette J. Clark
Next Event: Pretrial Hearing
January 13, 2012 at 11:30 a.m.

NINTH PENDENTE LITE ORDER CONCERNING VISITATION AND ORDER FOR THERAPY

This matter was before the Court for a Status Hearing on December 14, 2011. Plaintiff appeared *pro se*. Defendant appeared with counsel. Upon consideration of the Interim Report of the Guardians *ad Litem* dated December 7, 2011, the December 1, 2011 Mental Health Evaluations of the parties, and the evidence provided during the Hearing, it is hereby

ORDERED, that the parties continue to share joint legal custody of the minor child, with Plaintiff having final decision-making authority concerning the minor child's education; and it is

FURTHER ORDERED, that Plaintiff and the minor child continue family therapy with Dr. Carolyn Murphy at times that are convenient to Plaintiff and the

minor child. Plaintiff shall pick-up the minor child from home or school, and he shall provide transportation to and from those appointments; and it is

FURTHER ORDERED, that the minor child shall continue to engage in individual therapy sessions with Dr. Carolyn Murphy; and it is

FURTHER ORDERED, that beginning on December 19, 2011, Plaintiff shall have unsupervised day visitation with the minor child on alternating Sundays and Mondays, based on his work schedule, from 2:00 p.m. until 9:00 p.m. In other words, one week Plaintiff shall have visitation on a Sunday and the next week he shall have visitation on a Monday. In addition, Plaintiff shall pick-up the minor child from school on Tuesdays to attend their family therapy sessions, and he shall return the minor child to Defendant by 9:00 p.m. Finally, Plaintiff shall pick-up the minor child from school on Thursdays and return her to Defendant by 9:00 p.m.; and it is

FURTHER ORDERED, that Plaintiff shall have day visitation with the minor child on Christmas Day from 2:00 p.m. to 8:00 p.m.; and it is

FURTHER ORDERED, that Defendant shall commence weekly therapy session with a licensed mental health provider who must be qualified as a licensed psychiatrist, a licensed psychologist or a licensed clinical social worker; and it is

FURTHER ORDERED, that Defendant shall identify a licensed mental health provider, who must be qualified as a licensed psychiatrist, licensed psychologist or a licensed clinical social worker, no later than December 20, 2011; and it is

FURTHER ORDERED, that Defendant shall file with the Court a Praecipe that contains a sworn statement wherein she names said licensed therapist, and she shall attach a schedule of her individual therapy sessions, which shall take place as recommended by the District of Columbia Department of Mental Health in its December 1, 2011 Evaluation Report dated December 12, 2011 and its March 31, 2010 Evaluation Report, by no later than December 20, 2011; and it is

FURTHER ORDERED, that in the event Defendant cannot begin individual therapy with a licensed therapist because her insurance will not cover it, Defendant shall produce a letter from her insurance company verifying that exclusion; and it is

FURTHER ORDERED, that Plaintiff shall be placed as the first emergency contact on the school emergency contact form, and that the parties jointly choose two other emergency contacts, no later than January 20, 2012. This emergency contact list shall be used by all organizations that require such information (e.g., art classes, theater groups, summer camps, etc.) and shall be provided to any said organizations, no later than January 20, 2012; and it is

FURTHER ORDERED, that Defendant shall not file any lawsuits in the name of the minor child unless Plaintiff provides his written consent; and it is

FURTHER ORDERED, that Defendant shall withdraw the Motion in the U.S. District Court of Eastern District of Virginia, to the extent it names the minor child as a Plaintiff, unless Plaintiff/Father provides his written consent to the minor child remaining in that law suit; and it is

FURTHER ORDERED, that if Defendant fails to comply with this Court's Order, a Show Cause Hearing shall be held and if she is found in contempt of Court, sanctions shall be imposed; and it is

FURTHER ORDERED, that the parties shall return to Court for a Pretrial Hearing on **January 13, 2012 at 11:30 a.m.** in **Courtroom JM-3**, Superior Court for the District of Columbia, 500 Indiana Avenue, NW, Washington, D.C.

SO ORDERED.



Judge Jeanette J. Clark
D.C. Superior Court

Copies filed, docketed and hand-delivered to parties in open Court on this 14th day of December 2011:

Todd Zirkle
4519 31st Street, Unit 203
Arlington, VA 22206
Plaintiff, *Pro Se*

David B. Nolan, Esq.
8310 Wagon Wheel Road
Alexandria, VA 22039-2175
Counsel for Defendant

Olivia C. Baker, Esq.
Jane Fisher Khoury, Esq.
DC Volunteer Lawyers Project
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015
Guardians ad litem

CERTIFICATE OR SERVICE

I hereby certify that the attached documents filed with the Clerk of the Eastern District of Virginia and were mailed to the following:

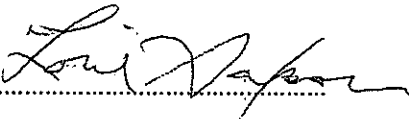
James Renwick Manship
P.O. Box 76
Mt. Vernon, Virginia 22121
Plaintiff pro se

Karen Marie Grane, Esq., Mina Ketchie and Isabel Kaldenbach
2007 North 15th Street, Suite 1
Arlington, VA 20001

The Honorable George Varoutsos
1425 North Courthouse Road, 4th Floor
Arlington, VA 22201

The Honorable Esther Wiggins
1425 North Courthouse Road, 4th Floor
Arlington, VA 22201

Ara L. Trambian, Deputy County Attorney
Attorney for Defendants Sherri Brothers, Marita Wilson, Tammee Gaymon,
Valerie Cuffee, Suzanne Eisner, and Jason McCandless
Arlington County Attorney's Office
2100 Clarendon Boulevard, Suite 403
Arlington, Virginia 22201



Lori A. Saxon

December 16, 2011



Is the Star Chamber making a comeback?

By Barbara Hollingsworth | 12/06/11 8:05 PM

Local Opinion Editor

Merry Old England's reviled "Star Chamber" proceedings were held in secret with no juries and no witnesses present.

Well aware of the Star Chamber's notorious abuse of authority, America's Founding Fathers made sure to include in the Bill of Rights a guarantee of "due process" - which includes providing fair notice of any court proceedings so the parties involved can appear in person to defend their rights.

While *ex parte* ("for one party") hearings are sometimes necessary in well-documented emergency situations, absent an emergency, their use violates a defendant's Fifth Amendment "due process" rights and their Sixth Amendment right to be "confronted with the witnesses against him."

Not to mention Canon 2 of the American Bar Association's Code of Judicial Conduct, which prohibits any conduct on the bench that raises doubts about a judge's impartiality.

Nothing raises doubts more than secret *ex parte* hearings, which appear to be on the rise in the nation's juvenile and domestic relations courts. The media and the public are barred from witnessing these proceedings, ostensibly to protect the privacy of the parties involved.

But privacy cannot be an issue when the court fails to notify one of the parties themselves. This star-chamber practice is a clear violation of defendants' constitutional rights.

You'd think a judge named in a federal lawsuit for allegedly doing exactly that would be careful to avoid holding any *ex parte* hearings. Not Arlington Juvenile & Domestic Relations Judge Esther Wiggins.

Documents obtained by *The Washington Examiner* include an order signed by Wiggins and dated Oct. 4, 2011, holding a defendant "there being present" in her courtroom in contempt of court - without specifying the specific behavior that prompted punishment, as required by Virginia statute.

The defendant, who is also lead amicus filer in another federal lawsuit challenging the Office of Special Counsel's failure to protect federal whistleblowers, and Alexandria attorney David Nolan both insist they were never notified of the Oct. 4 *ex parte* hearing and that the defendant in fact never appeared in Wiggins' courtroom that day. They provided receipts and other evidence to this newspaper to bolster their claim.

On Nov. 17, Nolan, a former White House ethics official and founder of the Federal Ethics Center, filed a complaint against Wiggins with Virginia's Judicial Inquiry and Review Commission (JIRC):

"The Arlington Circuit Court appellate record reflects no court proceeding, let alone a court appearance by [my client] on October 4, 2011 to justify modification of an October 17, 2011, order by Judge Wiggins ..." Who, Nolan asks, is writing Wiggins' "erroneous orders?"

Good question. The phantom Oct. 4 appearance in Wiggins' courtroom could be dismissed as an administrative screw-up were it not for an equally strange episode involved Wiggins in the courtroom of D.C. Superior Court Judge Jeanette Clark.

Court records show that on Nov. 8, Judge Clark abruptly sealed "all notes, tapes or other transcriptions of ex parte records of the bench conference during the proceedings held on the 19th day of September 2011 from 4:01:54 to 4:09:26."

Those seven-and-a-half minutes, which were redacted from the court's official transcripts, involve Judge Wiggins participating via speakerphone in a D.C. divorce/custody case involving the same defendant she held in contempt in Arlington.

Nolan's JIRC complaint charges Wiggins with inappropriately attempting to "interfere with judicial proceedings" in his client 's case in D.C. and a probate proceeding in New Jersey.

It would be easy enough for JIRC and the D.C. Commission on Judicial Disabilities and Tenure, which also received an official complaint, to obtain copies of both judges' phone records to determine whether these Star-Chamber allegations of judicial misconduct are valid.

Ignoring them should not be an option.

Barbara F. Hollingsworth is The Examiner's local opinion editor.

URL: <http://washingtonexaminer.com/opinion/columnists/2011/12/star-chamber-making-comeback/1979746>

CASE TITLE: GEORGE MCDERMOTT V. KENNETH J MCFAYDEN TRM/CASE#: 2011 00736

LINE CONTROL	TRAN CODE	PR/ CODE	ENTRY DATE	COMMENT DESCRIPTION
0001.00	TITL	P	20110614	George McDermott et ux.
0002.00	TITV	P	20110614	vs.
0003.00	TITL	P	20110614	Kenneth J. McFayden et al.
0003.01	TITL	P	20110614	Substitute Trustees
0004.00	LINE	P	20110614	-----
0006.00	MOTF		20110726	- "Defendants Joint Motion to Strike the Unsigned
0007.00	MOTF		20110726	Order of the Court of Special Appeals of
0008.00	MOTF		20110726	July 20, 2011, as Court is Not Empowered to Issue
0009.00	MOTF		20110726	Unsigned Orders Which Are Not in Conformity With
0010.00	MOTF		20110726	the Maryland Constitution and Incorporated Motion
0011.00	MOTF		20110726	to Reconsider Dismissal of Case Under Rule MD.
0012.00	MOTF		20110726	Rule-605" filed by appellants.
0014.00	MOTF		20110830	- "Memorandum to the Clerk Regarding Filing of

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PAGE 0001

CASE TITLE: GEORGE MCDERMOTT V. KENNETH J MCFAYDEN TRM/CASE#: 2011 00736

LINE CONTROL	TRAN CODE	PR/ CODE	ENTRY DATE	COMMENT DESCRIPTION
0015.00	MOTF		20110830	Judicial Notice and NonReceipt of Any Documents
0016.00	MOTF		20110830	or Required Scheduling Orders from the Court in
0017.00	MOTF		20110830	Case Number 007362011" filed by appellant.
0018.00	MOTF		20110830	"Court Motion, Requesting the Court Take
0019.00	MOTF		20110830	Judicial Notice Under Maryland Rule 5-201.
0020.00	MOTF		20110830	Judicial Notice of Adjudicative Facts (a) (b)
0021.00	MOTF		20110830	(d) (e) (f) + 5-301 (a)" filed by appellant.
0022.00	COMM		20110926	-Record processed. Remainder of record in 307/10.
0024.00	DESC		20110926	-2 Vols/1 Sm Box.
0025.00	COMM		20110926	SESSION BRIEF NOTICE MAILED
0026.00	MOTF		20111018	"Memorandum to the Clerk Regarding Filing of
0027.00	MOTF		20111018	Judicial Notice and Request on Each Judge
0028.00	MOTF		20111018	Participating in the Above Referenced Cases, Be

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PAGE 0002

CASE TITLE: GEORGE MCDERMOTT V. KENNETH J MCFAYDEN TRM/CASE#: 2011 00736

LINE	TRAN PR/	ENTRY	COMMENT DESCRIPTION
CONTROL	CODE CODE	DATE	-----*-----1-----*-----2-----*-----3-----*-----4-----*-----
0029.00	MOTF	20111018	Advised That One of the Orders Submitted in Any
0030.00	MOTF	20111018	of Them of Cases Match the Signatures of Judges
0031.00	MOTF	20111018	on File With the Secretary of State and Therefore
0032.00	MOTF	20111018	Are Null and Void Under the Maryland Constitution
0033.00	MOTF	20111018	as Clear Forgeries" filed by appellant.
0034.00	COMM	20111107	-15 non-conforming briefs & record extracts filed
0035.00	COMM	20111107	by ant (returned 14 copies to ant for use in
0036.00	COMM	20111107	the filing of his corrected briefs).
0036.01	COMM	20111107	-"Memorandum to the Court Clerk Regarding Filing
0036.02	COMM	20111107	of Appellant's Brief. (filed with the brief)
0037.00	COMM	20111116	-"Memorandum to the Court Clerk Regarding Filing
0038.00	COMM	20111116	of Appellant's Brief" filed by George McDermott.

END OF DATA

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IN THE COURT OF SPECIAL APPEALS

George E. McDermott, et al	:	No. 00736
	:	September Term, 2011
Appellants	:	
V.	:	
Kenneth J. McFadyen, et al	:	No. 307
Appellees	:	September Term, 2010
	:	Case No. 304
	:	September Term 2009

MEMORANDUM TO THE COURT CLERK REGARDING FILING OF APPELLANT'S BRIEF

Attention : Greg Hilton:

Dear Clerk of the Court:

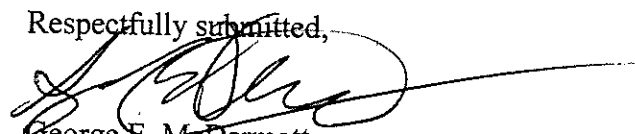
Clerk This is a follow-up to the having received no response from Clark. I recently, the corrected briefs filed originally November 7, 2011 having received no direction from the court of deficiencies.

As of this date I have not received any deficiency notices regarding the filing that I did last week during which you indicated that there were several deficiencies. Please check your records and let me know if any such deficiency exists

If no deficiency exists, as per your court records, I can then move forward with having my appellate brief bound and then presented to the court.

I will await your response.

Respectfully submitted,

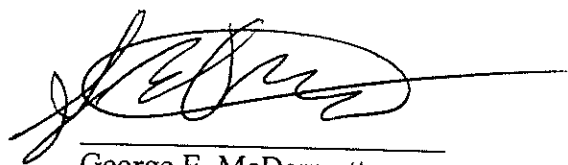

George E. McDermott
143 N. Huron Drive
Forest Heights, MD 20745
301 996-9577

RECEIVED
DEC 16 2011
BY COURT OF SPECIAL APPEALS

CERTIFICATE OF SERVICE

I, George E. McDermott, do hereby certify that a copy of the foregoing Memo to the Court Clerk was mailed via first class mail to: December 16, 2011 to

Kenneth MacFadyen
210 E. Redwood Street
Baltimore, MD 21202


George E. McDermott

Cc: FBI hand delivered

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

Appeal No 00736

September term 2010

**GEORGE E. MCDERMOTT &
PATRICIA J. MCDERMOTT**

APPELLANT'S

vs.

**Kenneth J. Mac Fadyen et al
Plaintiffs
APPELLEES**

Appeal from the circuit court for Prince George's Maryland
Case No. CAE-10-07351

The Dishonorable Case Hijacking Judge
Thomas P. Smith

Brief of APPELLANT

NOVEMBER 8, 2011

Kenneth J. Mac Fadyen
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