

UNITED STATES DISTRICT COURT  
Middle District of Florida  
Jacksonville Division

BRUCE AND WENDY ANDERSON, ) Case No.: 3:07-cv-844-J-25JRK  
(in propria persona) )  
Plaintiffs, )  
v. )  
AMWAY/QUIXTAR, INC., a )  
corporation; )  
MICHAEL YOUNG McCORMICK, )  
DONALD E. CHRISTOPHER, )  
HAL GOOCH, )  
Defendants, )

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**ANDERSONS' REPLY TO DEFENDANT DONALD E. CHRISTOPHER'S  
MOTION TO DISMISS**

On February 7<sup>th</sup>, 2008, defendant Christopher filed a MOTION TO DISMISS into the record. The Andersons will address the points of this document and expose the error of Mr. Christopher's position. To avoid arguing "off-point" case law and the misuse of doctrine, Anderson will address each point with evidence and applicable law.

**Point 1**

**"This court lacks subject matter jurisdiction over plaintiffs' Amended Complaint under the Roocker-Feldman doctrine, which provides that federal courts other than the United States**

**Supreme Court, do not have jurisdiction to review the final judgments of state courts."**

Mr. Christopher's use of this doctrine fails in the assumption that the arbitration award was acquired legally and that this court is unable to touch the award now that it is final.

Title 9 USC Sec. 4 (the Federal Arbitration Act) provides procedures to enforce arbitration. This procedure was totally ignored by all parties. Also, no signed or valid arbitration contract/agreement has ever been produced and the evidence suggests none exists. **(Keep in mind, Mr. Christopher was acting as my lawyer at the time)**. This activity could only happen if one's lawyer was working for the opposition with a severe conflict of interest. To this day, it is evident Mr. Christopher is still siding with the opposition (Amway/Gooch) to keep this illegal arbitration award firmly attached to the Andersons, imagine that!

Ironically, it is **this** court that Mr. Gooch should have addressed long ago to enforce arbitration and Mr. Christopher was well aware of that.

**Title 9 USC sec. 4 states: "A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written**

**agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under Title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement".**

This court would now have every right and an obligation to examine this award and the methods of its acquisition.

**Title 9 USC Sec. 10: Section 10. Same; vacation; grounds; rehearing**

**(a) In any of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration**

**(1) Where the award was procured by corruption, fraud, or undue means.**

Federal law was broken long before this award entered into a state court to be executed. The evidence would, also, suggest that the officers of the Florida state courts have unclean hands; voiding any jurisdiction beyond the obstruction of justice, and the tampering with the court records, to conceal the Federal Court Order dated September 6<sup>th</sup>, 2000, as per the Amended Complaint.

Amway/Quixtar, in the filing of January 31<sup>st</sup>, 2008, provided many examples of court orders to proceed to their arbitration. Was this to somehow validate this award? Why then would they not just produce an order for this arbitration? Simple, they skipped

that step and the order should have come from this court. That is "fraud" which would void the entire process and award according to Federal Law.

### **Point 2**

**"Plaintiffs failed to state a civil claim for violation of the Racketeer Influenced and Corrupt Organizations ("RICO") Act, codified as 18 USC Sec. 1961 et seq".**

It would appear that Mr. Christopher needs to go back and read the Amended Complaint again.

Anyone who agrees or conspires to pursue the same criminal objective can be held liable for a RICO violation. **Salinas v. United States**, 522 U.S. 22, 63-64 (1997). "If conspirators have a plan which calls for some conspirators to perpetrate the crime and others to provide support, the supporters are as guilty as the perpetrators." *Id.* at 64.

1. The evidence would suggest that Mr. Christopher was secretly working for Amway as early as February 1999, (see Amended Complaint). Keep in mind this is pre-discovery evidence and discovery should produce a mountain of evidence of Mr. Christopher's conflict of interest. It is fraud to bill someone you do not

represent. It is bribery for the opposition to secretly hire your lawyer. Fraud and bribery are both listed in 18 USC 1961 (RICO) Act violations.

- 2. Mr. Christopher concealed the Federal Court Order dated September 6<sup>th</sup>, 2000.** In Mr. Christopher's brief he states that he must have talked to the Andersons about the Order. The Order was to be "immediately substituted in as real parties in interest", NOT, to go talk to the Andersons. The evidence is that the Order was knowingly and willingly concealed and ignored, which is fraud, fraud upon the court, and obstruction of justice, ALL, of which are listed in Title 18 USC 1961.
- 3. The evidence would suggest Mr. Christopher lied under oath committing perjury; see Amended Complaint, again listed as a RICO violation in 18 USC 1961.**

### **Point 3**

**"Plaintiffs' alleged injury was not directly caused by the purported RICO violation, and, accordingly, Plaintiffs lack standing to assert a civil RICO claim"**

Again, the pre-discovery evidence suggests that the entire attack on the Andersons, to this day, is to further conceal the Federal Court Order, the court record manipulation and all conspirators.

Whether Mr. Christopher is a perpetrator or an accomplice is irrelevant, he is a conspirator and should be prosecuted in the same fashion as if it were I who had committed these crimes. Nowhere in the law does it give a lawyer a "pass" to commit crimes because of whom or what he might represent. Also, arbitration was never intended to be a tool for organized crime.

THEREFORE, this motion should be denied.

Respectfully submitted this 19<sup>th</sup> day of February, 2008

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Bruce Anderson

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Wendy Anderson

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