

# Request for Criminal Referral of Judge Barbara Ellis-Munro

Case No. 03-93031

**United States Bankruptcy Court (12-16)  
For the Northern District of Georgia  
(Atlanta Division)**

Submitted for Filing on  
Monday, February 3, 2025, 11:21:08 AM

## **In re Group Management Corp., Chapter 11**

**Re: Appellants' Urgent Memorandum Regarding Evident and Deliberate Judicial Corruption and Conspiracy to Obstruct Justice and Commit Bankruptcy Fraud by Chief Judge Barbara Ellis-Monro, Former Chief Judge Wendy L. Hagenau, U.S. Trustee, Region 21, Ida Mae Townsend, Asst. U.S. Trustee, Region 21, Jeneane Treace, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, Arie Rabinowitz, Edward T.M. Garland, et al. in *In re Group Management Corp.*, Case No. 03-93031 (WLH) Chapter 11 – Request and Demand for Immediate Criminal Referral, Investigation, and Disciplinary Action by the Eleventh Circuit Judicial Council, and Intervention by the U.S. Trustee, Region 21.<sup>1</sup>**

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February 3, 2025

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<sup>1</sup> The Movants' challenge to the Bankruptcy Court (NDGA) *In re Group Management Corp.*, 03-93031 Chapter 11 Article III jurisdiction over **predatory criminal usury unlawful debts subject matter**, GX 1-4; and (2) challenge to the Article III standing of the 02cv2219 (SDNY) plaintiffs, Atlanta, GA law firm Kilpatrick, Townsend, & Stockton, LLP clients, see Dkt. 11, **unregistered broker-dealers**. Cf., Ex. 3, *infra*. What legitimate and lawful interest would a United States Bankruptcy Court (Ellis-Monro, C.J. and Hagenau, C.J.) have in not **sua sponte** affirmatively confirming the Court's mandatory unwaivable constitutional jurisdiction to adjudicate the Dkt. 6, 11, 13, 14, 15, and 16 proceedings with respect to fundamental constitutional prerequisites—"legally protected interest" in criminal usury convertible promissory notes--in **predatory criminal usury unlawful debts**, GX 1-4, and (2) the Article III standing of KTS' **unregistered broker-dealers clients to enforce and/or collect GX 1-4? No legitimate interest exists**. If no legitimate interest exists, then any alleged interest, by definition, must be nefarious, corrupt, perfidious, and illegitimate—that is, **an unlawful interest**.

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# MEMORANDUM OF LAW—Request for Criminal Referral

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362 Richard Russell Federal Building  
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The Honorable William H. Pryor, Jr., Chief Judge  
Office of the Judicial Council  
United States Court of Appeals for the Eleventh Circuit  
56 Forsyth Street, NW  
Atlanta, GA 30303

**Re: Appellants’ Urgent Memorandum Regarding Evident and Deliberate Judicial Corruption and Obstruction of Justice by Chief Judge Barbara Ellis-Monro and Former Chief Judge Wendy L. Hagenau, U.S. Trustee Ida Mae Townsend, Jeneane Treace, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, Arie Rabinowitz, Edward T.M. Garland, et al. in *In re Group Management Corp.*, Case No. 03-93031 (WLH) Chapter 11 – Demand for Immediate Criminal Investigation, Disciplinary Action by the Eleventh Circuit Judicial Council, and Intervention by the U.S. Trustee.**

## **I. INTRODUCTION: EXPOSING JUDICIAL CORRUPTION AND DEMANDING CRIMINAL ACCOUNTABILITY FOR OBSTRUCTION OF JUSTICE.**

This Memorandum of Law constitutes a formal and urgent demand for immediate criminal investigation and decisive disciplinary action regarding what can only be characterized as an insidious corrupt judicial misconduct and brazen obstruction of justice perpetrated by the Honorable Barbara Ellis-Monro, Chief Judge of the United States Bankruptcy Court for the Northern District of Georgia (Atlanta Division), in the matter of *In re Group Management Corp.*, Case No. 03-93031 (WLH) Chapter 11 (the “03-93031 Bankruptcy Case”). We represent Mr. Ulysses T. Ware and Group Management Corp. (“GPMT” or “Debtor”), Appellants-Movants in

these proceedings, and write to expose a pattern of racketeering activities, willful, knowing, and deliberate violations of constitutional and ethical duties by Chief Judge Ellis-Monro, conduct that we submit constitutes not merely judicial error, but federal RICO crimes and egregious breaches of the Code of Conduct for Federal Judges.

Chief Judge Ellis-Monro, through her 03-93031 (BC NDGA) Docket Entry 278 “letter” dated January 27, 2025 (“Dkt. 278”), Ex. I, *infra*, and a series of prior actions (Dkt. 28, 256, 258, 263, 274, 275, and 278), and inactions in the 03-93031 Bankruptcy Case, she has arrogantly and defiantly, see Dkt. 278, Ex. Id, *infra*, placed herself above the law and confessed and admitted to:

1. **Knowingly and Willfully Refusing to Discharge Her Mandatory *Sua Sponte* Duty to Ascertain Article III Subject Matter Jurisdiction:** In flagrant violation of binding Supreme Court precedent and her oath of office, Chief Judge Ellis-Monro has deliberately and intentionally refused to conduct the “inflexible and without exception” constitutional duty to *sua sponte* determine Article III subject matter jurisdiction and standing, despite overwhelming evidence of jurisdictional defects and repeated, forceful demands from Mr. Ware to do so. This willful abdication of her most fundamental judicial responsibility constitutes a profound dereliction of duty and raises grave questions about her fitness to continue serving as a federal judge. See Ex. Id.
2. **Issuing *Ultra Vires* Orders Predicated Upon Legal Error and Demonstrable Factual Misapprehension:** Chief Judge Ellis-Monro, as unequivocally evidenced by her self-incriminating Dkt. 278 “letter,” has knowingly and willfully issued *ultra vires* orders, including the perpetuation of prior, moot orders, predicated upon indisputable

constitutional legal error—aiding and abetting the conspiracy to obstruct justice regarding 03-93031, and a deliberate factual misrepresentation of the prevailing party status in related litigation. These *ultra vires* judicial pronouncements, Dkt. 278, issued in the absence of constitutional jurisdiction and in blatant disregard of settled law, are nullities, void *ab initio*, and constitute an abuse of judicial power for corrupt and potentially criminal purposes.

3. **Obstructing the Due Administration of Justice and Engaging in Potential Obstruction**

**of Justice:** Chief Judge Ellis-Monro, through her knowing and deliberate refusal to docket or file Mr. Ware’s jurisdictional challenges, (see Ex. I, Dkt. 278), and her defiant insistence on maintaining the fraudulent closure of the 03-93031 Bankruptcy Case, has engaged in a pattern of conduct that *can only be reasonably interpreted as a willful and intentional obstruction of the due administration of justice in a federal court*, violating 18 U.S.C. § 1503 and related federal criminal statutes. Her actions appear calculated to shield a fraudulent and *criminal predatory Hobbs Act loan sharking and money laundering scheme from judicial scrutiny*, to protect corrupt actors (KTS and its unregistered broker-dealer clients, cf., Ex. 3, infra) from accountability, and to ensure the continued misappropriation of hundreds of millions of dollars (+\$522 million in 15 USC 78p(b) strict-liability short-swing insider trading profits, cf., Dkt. 1, infra) rightfully belonging to the Debtor’s estate and its legitimate creditors. 11 USC §§ 541(a)(1), 542(a)

4. **Engaging in Egregious and Willful Violations of the Code of Conduct for Federal**

**Judges:** Chief Judge Ellis-Monro’s corrupt and unlawful judicial misconduct constitutes flagrant and willful violations of the Code of Conduct for Federal Judges, specifically

Canons 1, 2, and 3, betraying her sworn duty to uphold the integrity and independence of the judiciary, creating a profound and irreparable appearance of impropriety and bias, and nefariously failing to perform her judicial duties impartially, diligently, and in accordance with settled law and established Supreme Court precedent. **These egregious and numerous criminal and ethical violations, compounded by the potential criminal implications of her actions, render her continued service on the federal bench untenable and demand immediate disciplinary action and potential impeachment proceedings.**

Appellants-Movants assert, with unwavering conviction and compelling evidentiary support, that Chief Judge Barbara Ellis-Monro has engaged in a pattern of egregious and deliberate judicial corruption and potential obstruction of justice that demands immediate and decisive intervention by the Eleventh Circuit Judicial Council and the U.S. Trustee. ***This is not a matter of mere legal error or judicial misjudgment; it is a matter of fundamental ethical and potentially criminal misconduct by a sitting federal judge***, conduct that threatens to erode public trust in the judiciary, undermine the rule of law, and inflict irreparable harm upon the integrity of the federal court system. We request immediate and forceful action to investigate these grave allegations fully, to hold Chief Judge Ellis-Monro criminally and ethically accountable for her ***arrogant*** (cf., Dkt. 278, Ex. I, *infra*) corrupt and unlawful conduct, and to restore integrity and justice to the protracted and demonstrably tainted proceedings in ***In re Group Management Corp.***, Case No. 03-93031 (WLH) Chapter 11.

## **II. EVIDENT AND DELIBERATE JUDICIAL CORRUPTION AND OBSTRUCTION OF JUSTICE: ANALYSIS OF CHIEF JUDGE ELLIS-MONRO’S DOCKET ENTRY 278 “LETTER” AS A SELF-INCRIMINATING CONFESSION.**

Chief Judge Ellis-Monro’s Docket Entry 278 “letter,” dated January 27, 2025, is not merely a procedural order or a routine case management directive; it is, in Movants’ considered legal judgment, *a self-incriminating confession and a damning indictment* of her own corrupt judicial misconduct and obstruction of justice. A meticulous deconstruction of Dkt. 278 reveals a pattern of knowing and willful disregard for constitutional and ethical duties, a deliberate and intentional subversion of the judicial process, and a manifest attempt to shield demonstrably fraudulent activities from legitimate judicial scrutiny and remedy. See 18 USC §§ 2071(a), (b) requirements.

### **A. Chief Judge Ellis-Monro’s Explicit Confession of Knowing and Willful Dereliction of Mandatory *Sua Sponte* Jurisdictional Duty:**

In Dkt. 278, Ex. I, *infra*, Chief Judge Ellis-Monro explicitly acknowledged receipt of “over one hundred emails and attachments” from Mr. Ulysses T. Ware since “May 29, 2024,” directly and forcefully raising substantial challenges to the Article III standing of KTS Clients and meticulously documenting the manifest absence of subject matter jurisdiction in the 03-93031 Bankruptcy Case. This is not a mere acknowledgment of correspondence; it is a judicial confession and admission of her direct and unambiguous awareness, since at least May 29, 2024, of the critical jurisdictional defects that have plagued these proceedings and the voluminous, persistent, and legally meritorious demands from Mr. Ware to discharge her mandatory *sua sponte* duty to ascertain jurisdiction over KTS’ clients’ criminal usury predatory convertible promissory notes,

GX 1-4, and Article III standing given FINRA’s Marcia E. Asquith, Esq., May 17, 2021, unregistered broker-dealer certification for each of KTS’ clients, see Ex. 3, *infra*.

Despite this explicit confession of awareness of the jurisdictional crisis in the 03-93031 Bankruptcy Case, Chief Judge Ellis-Monro proceeds, in Dkt. 278, to defiantly and arrogantly declare her knowing and willful refusal to discharge her mandatory *sua sponte* duty, stating, “Emails do not constitute filing with the Court [Doc. 256, p. 53]. Thus, **none of the emails have been or will be docketed.**<sup>2</sup> Further, the Court has prohibited you from filing, sending, or otherwise delivering documents for filing in this case, except for notices of appeal and papers filed in connection therewith. [Doc. 275, p. 15]. Any **notice of appeal** or related papers must be properly filed, not emailed, to be docketed.” This is not a mere statement of procedural preference; it is a judicial confession of a knowing and willful refusal to docket or officially recognize Mr. Ware’s voluminous and meritorious jurisdictional challenges, a confession that reveals a deliberate and intentional abdication of her most fundamental constitutional and ethical responsibilities as a federal judge.

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<sup>2</sup> Note that Judge Ellis-Monro has concealed her suppression of Mr. Ware and Group Management’s judicial pleadings—in violation of 18 USC 2071(a), (b), since “May 29, 2024” and then informed Mr. Ware in Dkt. 278 on Jan. 27, 2025, the same day that Mr. Ware and Group Management again file their Bankr. Rule 9014/12(h)(3) challenges (Part 14-0) to KTS’ clients’ standing and the Bankruptcy Court’s Article III subject matter jurisdiction over GX 1-4, and GX 5, the criminal usury subject matter, that none of Mr. Ware and Group Management challenges to KTS’ clients’ Article III standing have or would be filed or docketed by the Court—**an overt act in furtherance of the conspiracy to commit bankruptcy fraud.**

## **B. Chief Judge Ellis-Monro's Willful and Corrupt Attempt to Afford Preclusive Effect to *Ultra Vires* Orders and to Shield Fraud from Judicial Scrutiny:**

Chief Judge Ellis-Monro further compounds her confession of judicial dereliction and criminal activity by stating, in Dkt. 278, "I write to reiterate the findings in the orders entered by now retired Judge Hagenau." This statement, and the broader tenor of Dkt. 278, reflects a willful and corrupt attempt to afford preclusive effect to prior orders issued by former Chief Judge Hagenau (specifically Dkts. 256 and 275), *orders that are themselves ultra vires, moot, jurisdictionally infirm, and predicated upon a fundamental misapprehension of settled law and established factual record*. This is not a mere reliance on precedent; *it is a calculated and corrupt attempt to shield demonstrably fraudulent proceedings from legitimate judicial scrutiny and remedy, to perpetuate a jurisdictional nullity, and to enforce ultra vires judicial pronouncements that lack any lawful basis in federal judicial power*.

Chief Judge Ellis-Monro's insistence on maintaining the closure of the 03-93031 Bankruptcy Case, despite voluminous and compelling jurisdictional challenges and irrefutable evidence of egregious fraud, further solidifies the conclusion that her actions are not merely erroneous or inadvertent; they are deliberately willful, intentional, and corrupt attempts to obstruct the due administration of justice and to protect corrupt actors from accountability for their unlawful conduct. **Her Dkt. 278 "letter" stands as a self-incriminating confession of judicial misconduct and a damning indictment of her unfitness to continue serving as a federal judge.**

### **III. DEMAND FOR IMMEDIATE CRIMINAL INVESTIGATION, DISCIPLINARY ACTION, AND INTERVENTION BY THE U.S. TRUSTEE**

Given the overwhelming and irrefutable evidence of corrupt judicial misconduct and a conspiracy and obstruction of justice by Chief Judge Barbara Ellis-Monro, as meticulously documented and rigorously analyzed herein, Movants, Mr. Ulysses T. Ware, and Group Management, formally and urgently demand the following immediate and decisive actions:

#### **A. By the U.S. Court of Appeals for the Eleventh Circuit, Office of the Judicial Council, the Hon. Chief Judge William H. Pryor, Jr.:**

1. **Initiate a Formal and Expedited Criminal Investigation:** Commence a formal and expedited criminal investigation into the conduct of Chief Judge Barbara Ellis-Monro in relation to the *In re Group Management Corp.*, Case No. 03-93031 (WLH) Bankruptcy Case, specifically focusing on the allegations of judicial corruption, conspiracy to commit bankruptcy fraud, and obstruction of justice outlined in this Memorandum of Law, and thoroughly reviewing Docket Entry 278 and all relevant filings in the 03-93031 Bankruptcy Case. This criminal investigation should be conducted by the Department of Justice and the Federal Bureau of Investigation to determine whether Chief Judge Ellis-Monro's actions, as evidenced by her own admissions and confessions, (see Ex. I, Dkt. 278) constitute violations of 18 U.S.C. §§ 2, 152, 157, 401(2), 401(3), 1503 (obstruction of justice), 1951(a), 1956-57, 1958-59, 1961(6)(B), 1962(a-d), and 2071(a), (b), and other applicable federal criminal statutes.

1. **Initiate a Formal and Expedited Disciplinary Investigation by the Eleventh Circuit Judicial Council:** Commence a formal and expedited *sua sponte* JC&D Rule 3(a)(2) disciplinary investigation by the Eleventh Circuit Judicial Council into the ethical conduct

of Chief Judge Barbara Ellis-Monro, focusing on her apparent willful and knowing violations of the Code of Conduct for Federal Judges, specifically Canons 1, 2, and 3, as detailed in this Memorandum of Law. This investigation should be conducted with the utmost rigor and impartiality, and should include a thorough review of Docket Entry 278 and all relevant aspects of Chief Judge Ellis-Monro's handling of the 03-93031 Bankruptcy Case.

2. **Take Appropriate Disciplinary Action:** Based on the findings of the disciplinary investigation, take decisive and appropriate disciplinary action against Chief Judge Ellis-Monro, commensurate with the severity of the substantiated misconduct and ethical violations. Such disciplinary action should range from public censure and reprimand to, if warranted by the gravity of the findings, *a formal recommendation for impeachment proceedings before the United States House of Representatives.*

**B. By the Office of the U.S. Trustee, Region 21, Ida Mae Townsend, Esq.:**

1. **Intervene Immediately in the 03-93031 Bankruptcy Case to Protect the Integrity of the Bankruptcy System:** Immediately intervene in the *In re Group Management Corp.*, Case No. 03-93031 (WLH) Bankruptcy Case to protect the integrity of the bankruptcy system and the interests of legitimate creditors, filing appropriate pleadings and taking all necessary steps to ensure that the threshold jurisdictional issues raised in Movants' Notice of Appeal are fully and fairly adjudicated by this Honorable Bankruptcy Court before a jurist of unquestionable impartiality and fidelity to the rule of law.

2. **Demand Recusal or Reassignment of Case:** Given the *evident cloud of impropriety* and the serious allegations of judicial corruption and obstruction of justice surrounding Chief Judge Ellis-Monro's handling of this case, formally demand her immediate recusal from further involvement in the *In re Group Management Corp.*, Case No. 03-93031 (BEM) Bankruptcy Case, and request the immediate reassignment of this matter to a judge of unimpeachable integrity and demonstrated commitment to upholding the constitutional and ethical standards of the federal judiciary.

## **V. CONCLUSION: A MOMENT OF TRUTH FOR THE FEDERAL JUDICIARY – DEMANDING ACCOUNTABILITY FOR JUDICIAL CORRUPTION.**

The allegations of judicial corruption and potential obstruction of justice by Chief Judge Barbara Ellis-Monro, as meticulously documented and rigorously analyzed herein, represent a moment of profound crisis and a critical test for the integrity of the United States Bankruptcy Court for the Northern District of Georgia and the federal judiciary as a whole. The response of the Eleventh Circuit Judicial Council and the U.S. Trustee to these grave allegations will be closely scrutinized by the legal community, the investing public, and all those who depend upon the impartiality, integrity, and fidelity to the law of the federal courts.

Appellants-Movants respectfully urge the Eleventh Circuit Judicial Council and the U.S. Trustee to act swiftly, decisively, and with unwavering commitment to the principles of justice, accountability, and the rule of law. The integrity of the federal judiciary, the rights of defrauded creditors, and the very foundations of public trust in the legal system demand nothing less than a thorough, impartial, and unflinching investigation into the patently troubling conduct outlined

herein, and the implementation of comprehensive and meaningful remedial measures to rectify the manifest injustices perpetrated in the *In re Group Management Corp.*, Case No. 03-93031 (WLH) Bankruptcy Case. The time for decisive action is now; the imperative of judicial accountability brooks no further delay.

**Submitted by:**

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**February 3, 2025**

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Monday, February 3, 2025

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**Ms. Ida Mae Townsend and**

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U.S. Trustee and Assistant U.S. Trustee, Region 21

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Office of the Chief Bankruptcy Judge (NDGA)

The Hon. Barbara Ellis-Monro

Richard Russell U.S. Courthouse

75 Ted Tuner Dr., SW

Atlanta, GA 30303

**Re: *In re Group Management Corp.*, Case No. 03-93031 (BC NDGA) – Notice of Exercise of Rights Under 11 U.S.C. § 1109(b), Ongoing Violations of 18 U.S.C. § 2071(a), (b), and Civil & Criminal Contempt of Rule 41(a)(2) Final Judgment; and Request for 11 USC § 105(d)(1) Status Conference.**

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<sup>3</sup> **(b) Sending Copies to the United States Trustee.**

(1) ***Papers Sent Electronically.*** All papers required to be sent to the United States trustee may be sent by using the court's electronic-filing system in accordance with Rule 9036, unless a court order or local rule provides otherwise.

<sup>4</sup> (2) ***With a Judge of the Court.*** A judge may personally accept for filing a paper listed in (1) (“motions” or “applications”). ***The judge must note on it the date of filing and promptly send it to the clerk.***

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Monday, February 3, 2025

(12-16) (Part 14-16) re U.S. Court of Appeals for Eleventh Circuit's Judicial Council re Request for Criminal Referral of Barbara Ellis-Monro, Ida Mae Townsend, Jeneane Treace, Wendy L. Hagenau, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, et al.

**Bankr. Rule 5005 (a)(2)**  
**A. Provisional Notice of Filing and Submission  
Pending Receipt by the Court via the U.S. Mail**

Monday, February 3, 2025

**Via Bankr. Rule 5005(a)(2) Electronic Filing**

The Honorable Barbara Ellis-Monro  
U.S. Bankruptcy Court, Northern District of Georgia  
Richard B. Russell Federal Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

**Via email to: [USTP.Region21@usdoj.gov](mailto:USTP.Region21@usdoj.gov) and [ustrustee.program@usdoj.gov](mailto:ustrustee.program@usdoj.gov)<sup>5</sup>**

**Ms. Ida Mae Townsend and  
Ms. R. Jeneane Treace, [jeneane.treace@usdoj.gov](mailto:jeneane.treace@usdoj.gov)**  
U.S. Trustee and Assistant U.S. Trustee, Region 21  
Office of the United States Trustee Program  
362 Richard Russell U.S. Courthouse  
75 Ted Turner Drive, SW  
Atlanta, GA 30303

Dear Judge Ellis-Monro:

The Appellants-Movants write to inform the Court in regard to the following: Pursuant to Bankruptcy Rule 5005(a)(2), the undersigned statutory parties in interest, Mr. Ware and Group Management Corp. (“Group Management”), respectfully submit for your direct attention the

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<sup>5</sup> **(b) Sending Copies to the United States Trustee.**

(1) ***Papers Sent Electronically.*** All papers required to be sent to the United States trustee may be sent by using the court’s electronic-filing system in accordance with Rule 9036, unless a court order or local rule provides otherwise.

enclosed Rule 9013(a)(1)/11 USC §105(d)(1) judicial public record for provisional filing, docketing, and entry in the Chapter 11 Case No. 03-93031.

In accordance with 18 U.S.C. §§ 2071(a) and (b), we hereby respectfully request that the Court confirm receipt and provisionally **(pending receipt of a U.S. mailed copy)** file and docket this Bankr. Rule 9013(a)(1) request for an 11 USC § 105(d)(1) status conference via the PACER system, no later than January 31, 2025, as required by law. Should you have any questions regarding this or other judicial pleadings previously submitted for proper docketing and adjudication, please contact the undersigned, who will gladly elucidate every prior submission.

Additionally, we request written notice to all interested parties—filed on the official **03-93031** docket—of the scheduling of the mandatory **11 U.S.C. § 105(d)(1)** status conference, so that these proceedings may continue in a transparent and timely manner.

**RESPECTFULLY SUBMITTED,**

**For Appellants-Movants: GROUP MANAGEMENT and Ulysses T. Ware**

/s/ Ulysses T. Ware

**Submitted by:**

/s/ **Ulysses T. Ware**  
**The Office of Ulysses T. Ware**  
123 Linden Blvd., Ste 9-L  
Brooklyn, NY 11226  
(718) 844-1260  
[Utware007@gmail.com](mailto:Utware007@gmail.com)  
February 3, 2025

*For Appellants-Movants Ulysses T. Ware and Group Management*

Page **18** of **41**

Monday, February 3, 2025

(12-16) (Part 14-16) re U.S. Court of Appeals for Eleventh Circuit's Judicial Council re Request for Criminal Referral of Barbara Ellis-Monro, Ida Mae Townsend, Jeneane Treace, Wendy L. Hagenau, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, et al.

cc: U.S. Court of Appeals for the Eleventh Circuit, Office of the Judicial Council  
Administrative Office of the U.S. Courts, Executive Director  
Office of the U.S. Trustee, Region 21, (Ida Mae Townsend, Esq.)  
Financial Industry Regulatory Agency (FINRA) on behalf of the Securities and Exchange  
Commission (Marcia E. Asquith, Esq.)  
State Bar of Georgia, Office of the General Counsel (William D. NeSmith, III) on behalf of  
the Supreme Court of Georgia, Office of the Chief Justice, the Hon. Michael P. Boggs  
Edward T.M. Garland on behalf of Garland, Samuel, & Loeb, P.C. and affiliates  
Nall & Miller, LLP  
Kilpatrick, Townsend, & Stockton, LLP on behalf of its clients, the 02cv2219 (SDNY)  
plaintiffs, Unregistered broker-dealers Arie Rabinowitz on behalf of LH Financial Services  
Corp., Trailblazer Merger Corp., I  
Unregistered broker-dealers Frank V. Sica on behalf of Tailwind Management L.P., Colleen  
McMahon, and Michael S. Bertisch (see Ex. 10)

# Certificate of Service

I Ulysses T. Ware certify that I have this 3<sup>rd</sup> February 2025 served each of the below persons or entities with a copy of this pleading via their public email accounts and submitted the same to the U.S. Bankruptcy Court (NDGA) to the Chief Bankruptcy Judge, Ellis-Munto for immediate filing and docketing pursuant to 18 USC §§ 2071(a), (b), Bankr. Rule 5005(a)(2)<sup>6</sup> and 5005(b)(1) with the U.S. Trustee.<sup>7</sup>

cc: Office of the U.S. Trustee, Region 21 (Ida Mae Townsend)

U.S. Court of Appeals for the Eleventh Circuit, Office of the Judicial Council

Kilpatrick, Townsend, & Stockton, LLP (via CEO Wab Kadaba, Esq., J. Henry Walker, IV, Dennis S. Meir, and John W. Mills, III)

Arie Rabinowitz, Kenneth A. Zitter, Alpha Capital, AG, Stonestreet, L.P. Markham Holdings, Ltd., AMRO International, S.A., Trailblazer Merger Corp, I, LH Financial Services Corp., convicted felon Edward M. Grushko, Joseph Hammer, and Barbara R. Mittman via Kilpatrick, Townsend, Stockton, LLP (Wab Kadaba, Esq. and J. Henry Walker, IV).

Baker & McKenzie, LLP (via Lawrance B. Mandala, Esq., Robert Alberal, Esq. and Thomas A. Leghorn, Esq.)<sup>8</sup>

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<sup>6</sup> ***With a Judge of the Court.*** A judge may personally accept for filing a paper listed in (1). The judge must note on it the date of filing and promptly send it to the clerk.

<sup>7</sup> **(b) Sending Copies to the United States Trustee.**

(1) ***Papers Sent Electronically.*** All papers required to be sent to the United States trustee may be sent by using the court's electronic-filing system in accordance with Rule 9036, unless a court order or local rule provides otherwise.

<sup>8</sup> **Baker & McKenzie, LLP has primary liability in the sum certain amount of \$2.225 billion.**

William D. NeSmith, III, State Bar of Georgia; Office of the Chief Justice, Supreme Court of Georgia, the Hon. Michael P. Boggs (via Paula Fredrick and William D. NeSmith, III--statutory agents in fact); and

John F. King, Georgia Insurance Commissioner on behalf of (undisclosed identities) John Doe Insurance Companies ##1-5 (via William D. NeSmith, III, Wab Kadaba, J. Henry Walker, III, Michael D. Hostetter, Edward T.M. Garland, the State Bar of Georgia, Office of the General Counsel, and Wendy L. Hagenau, statutory agents in fact);

FINRA (via Robert W. Cook, Robert L.D. Colby, Sarah Jeffries, and Marcia E. Asquith) on behalf of the Securities and Exchange Commission (11 USC 1109(a) statutory party in interest); and

Acting Director of the FBI (via Ida Mae Townsend, Esq.)

**/s/ Ulysses T. Ware**

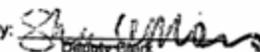
**February 3, 2025**

# Exhibit I—Dkt. 278

Case 03-93031-wlh Doc 278 Filed 01/27/25 Entered 01/27/25 17:14:42 Desc Main Document Page 1 of 1

Filed in U.S. Bankruptcy Court  
Northern District of Georgia  
Vania S. Allen, Clerk

JAN 27 2025

By:   
Vania S. Allen, Clerk

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
1431 United States Courthouse  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303

Chambers of  
**BARBARA ELLIS-MONRO**  
Chief Judge

Phone: 404-215-1030

January 27, 2025

Mr. Ulysses T. Ware  
123 Linden Blvd., Suite 9-L  
Brooklyn, NY 11226

Dear Mr. Ware:

I am in receipt of over one hundred emails from you received since May 29, 2024. In these numerous emails and attachments, you have requested, (i) an evidentiary show cause hearing for various reasons; (ii) reopening of the closed bankruptcy case 03-93031; (iii) vacating pleadings and orders; (iv) transferring the closed case to the Southern District of New York; (v) my recusal or resignation; (vi) filing of an Asset Recovery Plan; and (vii) investigations, contempt, sanctions and other relief as to judges, attorneys, individuals and law firms all in a case that was dismissed by consent in May 2003. The case has been closed since June 2003.

I write to reiterate the findings in the orders entered by now retired Judge Hagenau. Emails do not constitute filing with the Court [Doc. 256, p. 53]. Thus, none of the emails have been or will be docketed. Further, the Court has prohibited you from filing, sending, or otherwise delivering documents for filing in this case, except for notices of appeal and papers filed in connection therewith. [Doc. 275, p. 15]. Any notice of appeal or related papers must be properly filed, not emailed, to be docketed.

Each of the emails received to date has been and will be preserved.

This letter will be docketed. The case remains closed.

Sincerely,  
  
Barbara Ellis-Monro  
Chief United States Bankruptcy Judge

C: Clerk, USBC, NDGA

# F. Exhibits—

## Supplemental Record

Exhibit 1—Dkt. 65, Aug. 13, 2003, Sand, J.) (deceased), 02cv2219 (SDNY): Unappealed Judicial ruling (collateral, equitable, and judicial estoppel) of 15 USC §78p(b) statutory insider status (disgorgement of all profits requirement to the Chapter 11 estate) for each of KTS' unregistered broker-dealer clients (see Ex. 3, infra) with respect to the Chapter 11 debtor's, Group Management Corp.'s, publicly-traded equity securities.<sup>9</sup>

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<sup>9</sup> Judge Sand's Aug. 13, 2003, ruling, binding a lawful court order—(A) subject to enforcement against Hagenau, KTS, its client, et al., via civil and criminal contempt (18 USC §§401(2), 401(3)) absolutely binding on the 03-93031 Chapter 11 Bankruptcy Court (NDGA) (Hagenau, C.J.), which (B) conferred fiduciary duty status on all 18 USC §1962(d) racketeering to commit bankruptcy fraud unindicted coconspirators to wit, Hagenau, KTS, its partners, each of KTS' unregistered broker-dealer clients, et al.—that is, Hagenau, KTS, its partners, and its clients are subject to (i) an existing and extant and current equitable lien on their personal and individual assets, (ii) current and extant constructive trust impressed on their assets, (iii) and U.C.C. Article 1 encumbrance and lien on their assets in the amount of +\$522M plus interest running from the date of Judge Sand's 15 USC §78p(b) court order, August 13, 2003, (i.e., stolen and concealed property and assets of the 03-93031 Chapter 11 estate).

**Ex. 1**—(Dkt. 65, 02cv2219)—(18 USC § 1961(1) Racketeering Overt and Predicate Act) Aug. 13, 2003, Dkt. 65 02cv2219 (SDNY), Sand, J. (deceased) **binding judicial ruling and court order**—Judge Sand in ex parte communications found each KTS client to be a 15 USC § 78p(b) statutory insider of Group Management Corp, and therefore triggered the Section 16(b)/11 USC §542(a) disgorgement/turnover requirement, which was not appealed by KTS’ clients, and is therefore, **ipso facto, as a matter of law and fact res judicata and collateral estoppel against KTS, Kadaba, the SBGA, NeSmith, Fredrick, Hagenau, and the 03-93031 (BC NDGA) bankruptcy court pursuant to FRE 201(b) judicial notice.**

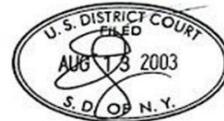
Appx 34-2—GX 24 (Dkt. 65, 02cv2219)—found each 02cv2219 plaintiff to be a 15 USC 78p(b) statutory insider of GPMT, and their and their agents required to disgorge back to GPMT +\$500 million in trading profits.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

ALPHA CAPITAL AKTIENGESELLSCHAFT, :  
AMRO INTERNATIONAL, S.A., :  
MARKHAM HOLDINGS, LTD., and :  
STONESTREET LIMITED PARTNERSHIP, :  
: :  
: :  
Plaintiffs, : 02 Civ. 2219 (LBS)  
: :  
-against- : **ORDER**  
: :  
GROUP MANAGEMENT CORP., :  
formerly known as IVG CORP., :  
formerly known as INTERNET :  
VENTURE CORP., :  
: :  
: :  
Defendant. :  
-----X

#65



SAND, District Judge.

In a telephonic conference on July 2, 2003, this Court ordered that Defendant Group Management comply with a conversion request by Plaintiff Stonestreet L.P., contingent on the provision by Plaintiff of an affidavit stating, inter alia, that Stonestreet beneficially owned less than 9.9% of Group Management's common stock, as well as an opinion letter stating that the conversion would therefore be in compliance with Rule 144(k). See Tr. July 2, 2003. Plaintiff subsequently provided an unsworn statement to the effect that Stonestreet's ownership was below the appropriate level; when Defendant still failed to honor the conversion request, the Court ordered on July 23 that i) Plaintiff provide a sworn affidavit, as required by July 2 Order; and ii) that Defendant honor the Stonestreet conversion request within two business days thereafter, on pain of contempt.

M I C R O F I L M  
-900AM  
AUG 14 2003

On August 1, 2003, the Court received from Plaintiff copies of an affidavit and opinion

**COPIES MAILED TO ALL PARTIES** 08 01/03

The conspiracy to commit securities and bankruptcy fraud by KTS during the In re Group Management Corp, 03-93031 (BC NDGA) Chapter 11 proceedings. KTS' clients' judicially admitted in ex parte communications with the 02cv2219 (SDNY) district court (Sand, J.) that KTS did in fact knowingly violated 18 USC 2, 157, 371, 924(c), 1201-02, 1341, 1343, 1503, 1951(a), 1956-57, 1958-59, 1961(6)(B) and 1962(d) by concealing and suppressing its clients' ownership of GPMT's stock.

letter relating not to Plaintiff Stonestreet, but rather to Plaintiff Alpha Capital. Plaintiff

explained, upon inquiry from Chambers, that Stonestreet in fact beneficially owned more than 9.9% of Group Management's stock.

Given the above facts, the Court observes that the conditions set in the July 2 Order regarding the Stonestreet conversion request have not been met, and that Defendant is therefore not in contempt of that Order, or of the follow-up Order of July 23. Nonetheless, pursuant to other orders of this Court, including the Order and Judgment of November 25, 2002, Defendant is still bound to honor appropriate conversion requests from Alpha Capital, and Plaintiff has submitted both an affidavit and opinion letter regarding the legality of the current Alpha conversion request. Accordingly, failure by Defendant to honor that request within <sup>four (4)</sup> ~~two~~ business <sup>AS</sup> days of this Order shall constitute contempt.

SO ORDERED.

Dated: New York, New York  
August 15, 2003

*MS*

  
U.S.D.J.

Exhibit 2--Dkt. 90 (Binding Final Judgment)—02cv2219 (SDNY) Prevailing Parties Chapter 11 Debtor Group Management and 11 USC §1109(b) statutory party in interest Ulysses T. Ware’s Final Judgment—December 20, 2007, Dkt. 90, Case No. 02cv2219 (SDNY), District Judge Leonard B. Sand, Fed. R. Civ. P. Rule 41(a)(2) voluntary, ex parte ***Dismissal with Prejudice*** of the 02cv2219 (SDNY) Lawsuit ***After the Statute of Limitation Had Run on All Claims Final Judgment conferred final judgment prevailing party status on Group Management and Ulysses T. Ware.***<sup>10</sup>

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<sup>10</sup> KTS’ ***unregistered broker-dealer clients’*** Dec. 20, 2007, ***voluntary*** Rule 41(a)(2) ***dismissal with prejudice*** of the 02cv2219 (SDNY) lawsuit—final judgment on the merits for the Chapter 11 debtor, Group Management, and 11 USC §1109(b) statutory party in interest Ulysses T. Ware, is currently and will be enforced against Hagenau, KTS, its clients, and each 18 USC §1962(d) unindicted coconspirator ***resisting*** the ***legal and equitable preclusive effects***—that is, the immediate 11 USC §542(a) turnover of all Chapter 11 estate assets, of the binding court order, see 18 USC §§401(2), and 401(3), and Fed. R. Crim. P. 42.

el

90

U. S. DISTRICT COURT  
FILED  
DEC 20 2007  
S. D. OF N. Y.

United States District Court  
Southern District of New York

Alpha Capital Aktiengesellschaft, Amro  
International, S.A., Markham Holdings, Ltd.,  
and Stonestreet Limited Partnership,

Plaintiffs,

-against-

Group Management Corp., formerly known  
as IVG Corp., formerly known as Internet  
Venture Group, Inc., Elorian Landers and  
Becky Landers,

Defendants.

Order of Dismissal  
Without Prejudice

02 Civ. 2219(LBS)

Pursuant to the provisions of Rule 41(a)(2) of the Federal Rules of Civil Procedure, upon  
request of Plaintiff Alpha Capital Aktiengesellschaft, this case is dismissed without prejudice.

DEC 20 2007 -12 00 PM

Dated: New York, New York  
December , 2007

**CERTIFIED AS A TRUE COPY ON**

**THIS DATE** 6/13/19

**BY** *[Signature]*

Clerk  
 Deputy

*[Signature]*

U.S.D.J.

12/18/07

Law Offices of Kenneth A. Zitter

By: *[Signature]*

Kenneth A. Zitter, Esq.  
Attorneys for Plaintiff  
Alpha Capital Aktiengesellschaft  
260 Madison Avenue - 18<sup>th</sup> Floor  
New York, New York 10016

**COPIES MAILED TO ALL PARTIES**

12-18-07

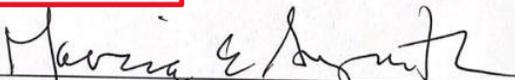
**Exhibit 3—FINRA’s May 17, 2021, binding regulatory factual finding of unregistered broker-dealer status for KTS’ clients who fraudulently appeared in the 03-93031 Chapter 11, see Dkt. 11, 15, and 16 via KTS’ lawyers Dennis S. Meir and John W. Mills, officers of the court, pursuant to and in violation of 18 USC §§ 2, 152, 157, 371, 1951(a), 1956-57, 1961(6)(B), and 1962(a-d)—a pattern of racketeering activities.**

CERTIFICATION OF NO FINRA BUSINESS RECORDS

I, Marcia E. Asquith, being first duly sworn, depose and state as follows:

1. I am the Executive Vice President, Board and External Relations. In that capacity, I oversee the functions of the Office of the Corporate Secretary at the Financial Industry Regulatory Authority, Inc. ("FINRA"). I am familiar with and am a custodian of FINRA business records, including interpretations, policies and rules adopted by the FINRA Board of Governors.
2. No documents related to the firms listed below were prepared, kept and maintained in the ordinary course of FINRA's business:

- a) Alpha Capital, AG
- b) Stonestreet, L.P.
- c) Markham Holdings, Ltd.
- d) Amro International, S.A.
- e) LH Financial Services

  
Marcia E. Asquith  
Executive Vice President, Board and External  
Relations and Corporate Secretary

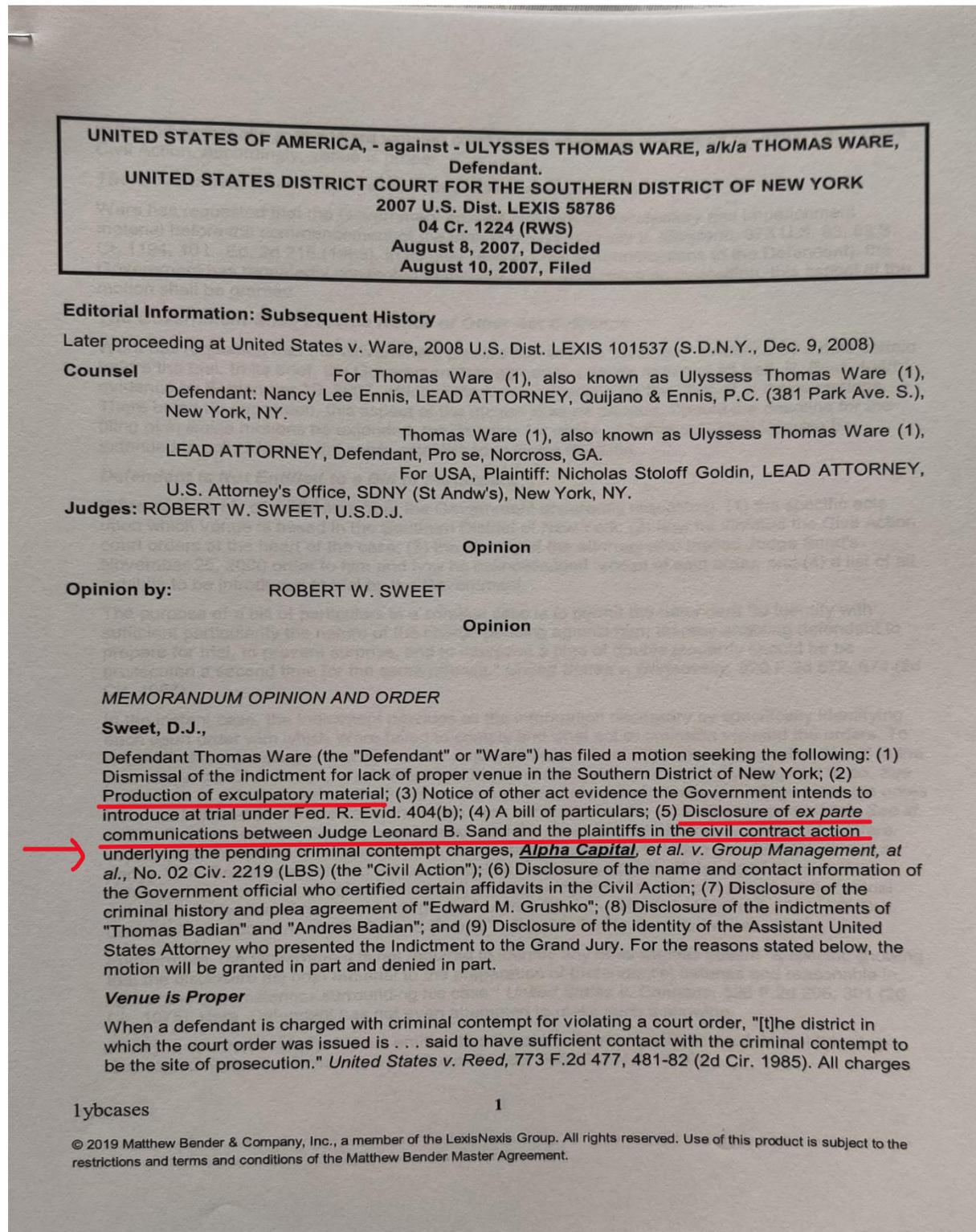
Subscribed and sworn to before me this 17<sup>th</sup> day of May, 2021.

Felix C.  
Notary Public, District of Columbia

My commission expires: 5/31



Exhibit 4—Sweet, J., *U.S. v. Ware*, 04cr1224 (SDNY) Brady disclosure court order, Dkt. 32.



in the indictment allege that Ware violated court orders entered in this district by Judge Sand in the Civil Action. Accordingly, venue is proper.

→ **The Government Shall Produce All Brady Material Prior to Trial**

Ware has requested that the Government provide him with all exculpatory and impeachment material before the commencement of the trial, pursuant to *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963). In its brief (and in prior communications to the Defendant), the Government has repeatedly consented to this request. There being no opposition, this aspect of the motion shall be granted.

**The Government Shall Provide Notice of Other Act Evidence**

Ware has requested that the Government provide him with all "other act" evidence by a date certain before the trial. In its brief, the Government has agreed to provide notice of all Fed. R. Evid. 404(b) evidence by September 19, 2007, which is the current deadline for the filing of *in limine* motions.

→ There being no opposition, this aspect of the motion shall be granted. Should the deadline for the filing of *in limine* motions be extended, the deadline for notice of "other act" shall likewise be extended to coincide with the newly established *in limine* deadline.

**Defendant is Not Entitled to a Bill of Particulars**

Ware seeks a bill of particulars from the Government apparently requesting: (1) the specific acts upon which venue is based in the Southern District of New York; (2) how he violated the Civil Action court orders at the heart of the case; (3) the identity of the attorney who mailed Judge Sand's November 25, 2000 order to him and how he acknowledged receipt of said order; and (4) a list of all exhibits to be introduced at trial by the Government.

The purpose of a bill of particulars in a criminal case is to permit the defendant "to identify with sufficient particularity the nature of the charge pending against him, thereby enabling defendant to prepare for trial, to prevent surprise, and to interpose a plea of double jeopardy should he be prosecuted a second time for the same offense." *United States v. Bortnovsky*, 820 F.2d 572, 574 (2d Cir. 1987).

In the instant case, the Indictment provides all the information necessary by specifically identifying each court order with which Ware failed to comply and what act or omission violated the orders. To wit, the Indictment alleges that each order required Ware to honor the conversion notes issued to the plaintiffs in the Civil Action, which Ware and his corporation were contractually obligated to do. See Indictment at 4-6. For each of the three orders discussed in the Indictment, it is alleged that the notes were not honored (or, in one case, the notes were honored after the court-imposed deadline). See *id.* at 5-8. Furthermore, the Government has advised the Court that it has already produced to Ware copies of all the relevant orders and other documents from the Civil Action (to which Ware was a party). "The Government should not be compelled to disclose additional details of its case if the defendant has received adequate notice of the charges against him and can prepare fully for trial through the exercise of reasonable diligence." *United States v. Martinez-Martinez*, 2001 U.S. Dist. LEXIS 17558, 2001 WL 1287040, at \*6 (S.D.N.Y. Oct. 24, 2001). Such is the case here.

Furthermore, the Government is not required to identify any of its witness absent "a specific showing that the disclosure [is] both material to the preparation of [defendant's] defense and reasonable in light of the circumstances surrounding his case." *United States v. Cannone*, 528 F.2d 296, 301 (2d Cir. 1975). Here, Defendant has not even attempted to make such a showing.

Finally, a criminal defendant is not entitled to a list of the Government's trial exhibits at this stage. See *United States v. Nachamie*, 91 F. Supp. 2d 565, 568 (S.D.N.Y. 2000).

lybcases

Accordingly, Defendant's motion for a bill of particulars will be denied.

**The Government Shall Produce Any Exculpatory Ex Parte Communications Between Judge Sand and the Plaintiffs in the Civil Action in its Possession**

Ware has not presented any justification, argument, or legal authority to support his request for the production of all ex parte communications between Judge Sand and the plaintiffs in the Civil Action. Furthermore, the Government has stated that if it discovers any relevant exculpatory material relating to this issue, it will produce such material to the Defendant. Accordingly, Ware's request will be granted only to the extent of requiring the Government to produce all exculpatory material to the Defendant.

**The Government is not Obligated to Disclose the Name and Contact Information of the Official who Certified Certain Affidavits in the Civil Action**

Again, Ware has not presented any justification, argument, or legal authority to support this request. The Government opposes this request because it amounts to identifying a witness in advance of the trial (and is not relevant). Because Ware has failed to make a showing that disclosure of the identity of this potential witness is both necessary and reasonable, the request will be denied. *See Cannone*, 528 F.2d at 301.

**The Government Is Not Required to Disclose Information about Unrelated Criminal Defendants**

Ware has sought disclosure of the criminal history and plea agreement of Edward M. Grushko and the indictments of Thomas Badian and Andres Badian. He has not presented any justification, argument, or legal authority to support these requests, nor has he identified who the persons are or how they are related to this case. Furthermore, the Government has stated that it is not aware of any relationship between the trial and these persons. In the absence of any basis for this request, it will be denied.

**The Government Is Not Required to Disclose the Identity of the Attorney Who Presented the Indictment to the Grand Jury**

Yet again, Ware has not presented any justification, argument, or legal authority to support this request. Under Fed. R. Cr. P. 6(e)(3)(E)(ii), "[t]he court may authorize disclosure [of grand jury proceedings] . . . at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury." Here, Defendant has not even attempted to make such a showing. Accordingly, this request will be denied.

**Conclusion**

For the reasons stated above, Defendant's motion will be granted to the following extent: the Government shall produce all exculpatory and impeachment evidence prior to trial and all Rule 404(b) evidence no later than the deadline for filing *in limine* motions. Defendant's motion is denied in all other respects.

It is so ordered.

New York, NY

August 8, 2007

ROBERT W. SWEET

U.S.D.J.

Exhibit 5—*U.S. v. Ware*, 04cr1224 (SDNY), Nov. 2007, Tr. 204-06, sworn testimony of KTS’ clients’ official agent, unregistered investment advisor and unregistered broker-dealer Arie Rabinowitz confessing to being unregistered broker-dealers.

**UNITED STATES v. WARE, CASE NO. 09-0851 (2D CIR.) (2010)  
ON APPEAL FROM UNITED STATES v. WARE, 04cr1224 (Sweet, J.)  
18 USC 401(3) CRIMINAL CONTEMPT PROSECUTION  
APPELLANT WARE’S OPENING BRIEF**

1 Moreover, being unregistered brokers-dealers operating in violation of 15 U.S.C.  
2 578o(a)(1), Tr. 204-05, Rabinowitz testified as follows at Tr. 204:

3

4 **ADMISSION OF BROKER-DEALER STATUS BY**  
5 **ARI RABINOWITZ UNDER CROSS EXAMINATION.**

6

7 **Mr. Ware: What is the name of your company?**

8 **Rabinowitz: LH Financial Services.**

9 **Mr. Ware: What business is that company?**

0 **Rabinowitz: We are in the private placement business.**

1 **Tr. 206**

2 **Mr. Ware: Approximately how many companies have you assisted Alpha Capital**  
3 **with over, let’s say, the last five years?**

4 **Rabinowitz: A good few hundred.**

5 **Mr. Ware: A good few hundred?**

6 **Rabinowitz: Yes.**

7 Rabinowitz’ testimony of being in the private placement business, and assisting  
8 Alpha Capital with “a good few hundred” transactions: pursuant to 15 U.S.C.  
9 §77b(a)(12) Rabinowitz and Alpha were “dealers” not eligible for any exemption  
0 under Title 15 Section 4, and thus not eligible for 17 C.F.R. §240.144(k)/(Rule 144(k)  
1 regarding the purchase of the Notes of IVG/GPMT (GX 1-4).

Page 4 of 12  
Appellant Ware’s Statement of Facts  
U.S. v. Ware, 09-0851cr (2d Cir.)  
Opening Appeal Brief

Page 33 of 41

Monday, February 3, 2025

(12-16) (Part 14-16) re U.S. Court of Appeals for Eleventh Circuit’s Judicial Council re Request for Criminal Referral of Barbara Ellis-Monro, Ida Mae Townsend, Jeneane Treace, Wendy L. Hagenau, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, et al.

Exhibit 6—02cv2219 (SDNY) plaintiffs' (KTS' clients') complaint's judicial admissions and confessions (res judicata and collateral estoppel) of 15 USC §77b(a)(11) statutory underwriters of Group Management's securities. Para. 12-13 pleaded KTS' clients out of the federal courts.

9  
20

✓  
12. Plaintiffs purchased the Notes pursuant to the terms of the Subscription Agreement (the "Subscription Agreement") entered into between and among the parties on or about February 2, 2001. Plaintiffs collectively paid \$1.1 million to IVG and each Plaintiff received a Note in proportion to its investment, as set forth in the paragraph 10.

✓  
13. Pursuant to Section 10.1(iv) of the Subscription Agreement, IVG was obligated to file on or before May 3, 2001, a form SB-2 Registration Statement with the United States Securities and Exchange Commission registering the stock underlying the Notes so that upon conversion the stock could be sold on the open market without restriction. IVG was obligated to

4

121

Case 1:02-cv-02219-GM Document 100-1 Filed 07/15/14 Page 12 of 12

✓  
have such registration statement declared effective on or before June 17, 2001. Thus Section 10.1(iv) of the Subscription Agreement provides:

✓  
"The Company shall file with the Commission within 90 days of the Closing Date (the 'Filing Date'), and use its reasonable commercial efforts to cause to be declared effective a Form SB-2 registration statement (or such other form as it is eligible to use) within 135 days of the Closing Date in order to register the Registrable Securities for resale and distribution under the Act. The registration statement described in this paragraph must be declared effective by the Commission within 135 days of the Closing Date (as defined herein)('Effective Date')."

IVG failed to comply with its obligations and to date has not had its registration statement declared effective.

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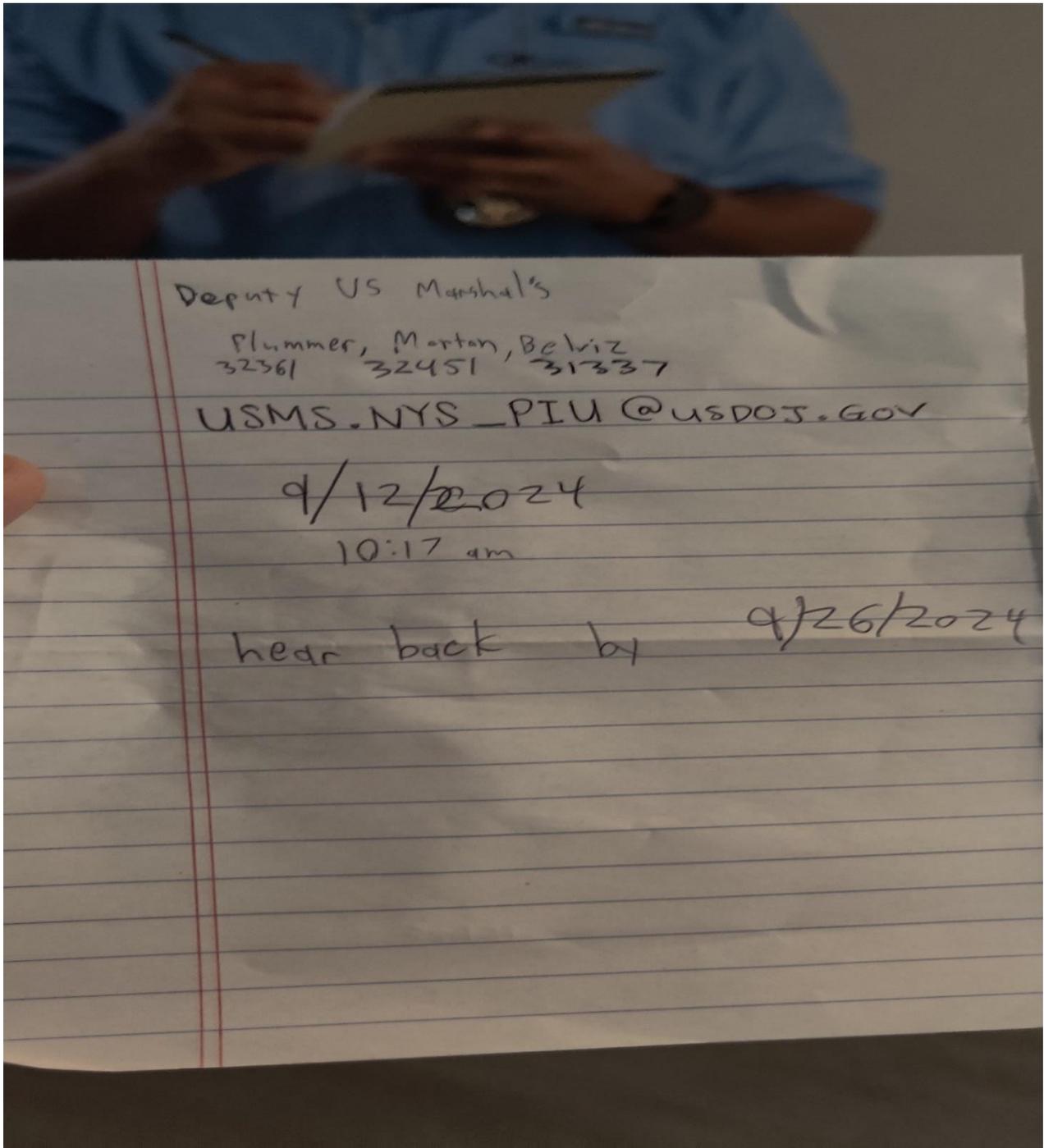
Monday, February 3, 2025

(12-16) (Part 14-16) re U.S. Court of Appeals for Eleventh Circuit's Judicial Council re Request for Criminal Referral of Barbara Ellis-Monro, Ida Mae Townsend, Jeneane Treace, Wendy L. Hagenau, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, et al.

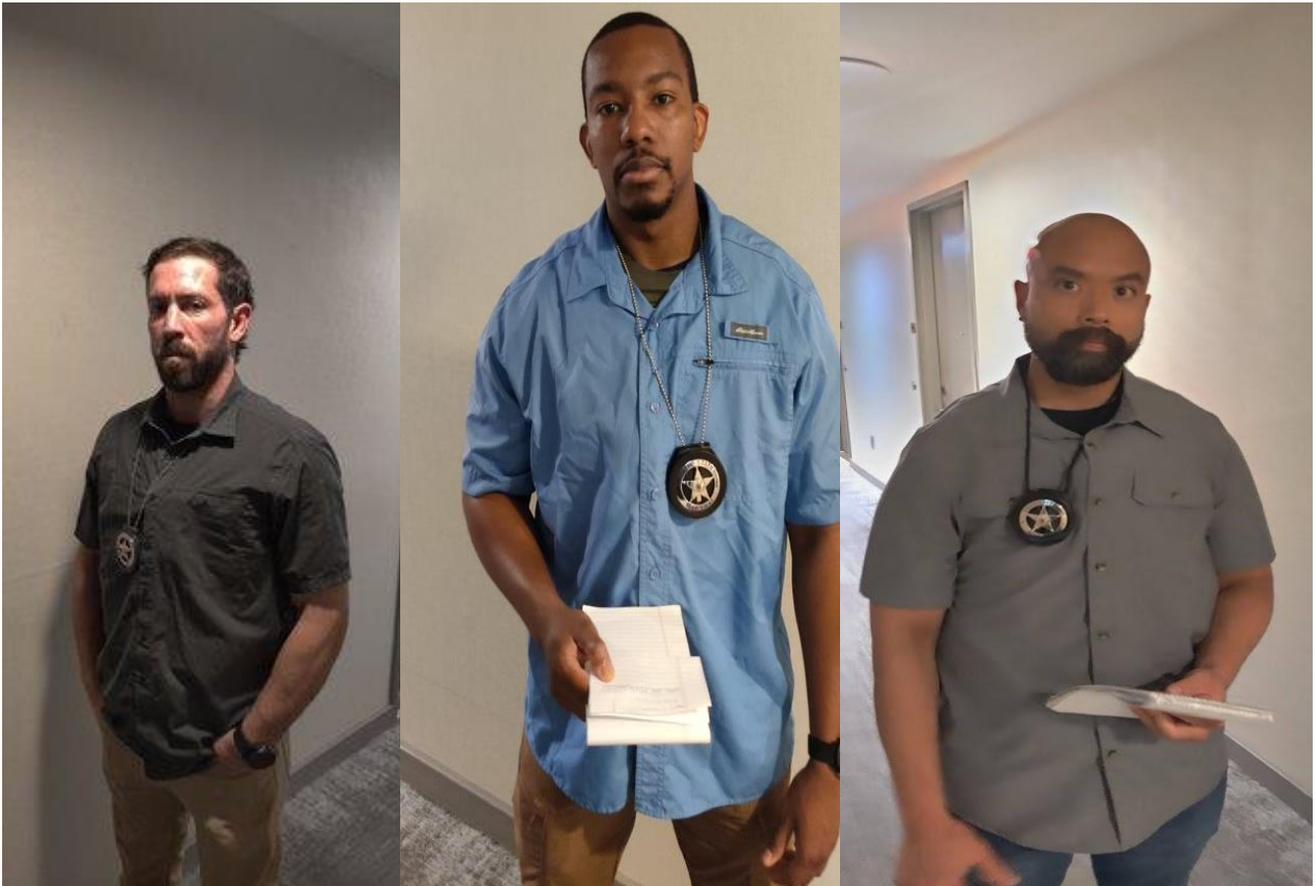
Exhibit 7—extreme armed and potentially deadly violence perpetrated against the Debtor and its agent in fact Ulysses T. Ware in furtherance to their conspiracy to collect criminal usury debts (GX 1-4) in violation of NYS Penal Law, section 190.40 and federal RICO law 18 USC §§ 1951(a), 1961(6)(B), and 1962(a-d)—a pattern of racketeering activities.

# Supplemental Appendices

**Appendix 1**—U.S. Marshals note given to Ulysses T. Ware on Sept. 12, 2024, in Brooklyn, NY at 10:17 AM, during the unlawful, armed, forced entry into Mr. Ware’s residence while the Marshals lacked a lawful search warrant, arrest warrant, or lawful legal process; aided, abetted, assisted, enabled, and facilitated by the property manager.



A. Sept. 12, 2024, 10:17 AM, Brooklyn, NY alleged U.S. Marshals (SDNY) Plummer, Morton, and Belriz outside of Mr. Ware’s residence regarding **a fraudulent referral** by former (SDNY) magistrate Judge Michel H. Dolinger and Colleen McMahon regarding a lawful Fed. R. Civ. P. Rule 11(b)(1-4) Prefiling Investigation concerning imminent RICO and 18 USC 1961(6)(B) unlawful, armed debt collection activities, related to *U.S. v. Ware*, 05cr1115 (SDNY), 04cr1224, and 02cv2219 (SDNY); and *In re Group Management Corp.*, 03-93031 (BC NDGA), to wit: GX 1, GX 2, GX 3, and GX 4—the NYS Penal Law, section 190.40, **null and void ab initio criminal usury unlawful debts**—the Marshals with the assistance of the property manager broke into Mr. Ware’s residence **while armed and without any warrant**, or lawful process—**a potentially deadly encounter**, to intimidate, bully, threaten, and force Mr. Ware into giving up and abandoning his and Group Management’s legal rights as 11 USC § 1109(b) statutory parties in interest.



B. Sept. 1, 2004, Atlanta, GA armed, forced, unlawful entry—potentially deadly, into Mr. Ware's law office **without any lawful warrant by persons impersonating U.S. Marshals**—Hobbs Act conspiracy to collect the criminal usury unlawful debts, GX 1, GX 2, GX 3, and GX 4—government trial exhibits in U.S. v. Ware, 04cr1224 (SDNY), and plaintiffs' exhibits in 02cv2219 (SDNY), and in *In re Group Management Corp.*, 03-93031 (BC NDGA) Chapter 11.

75. 9/1/04 Contempt of Court Atlanta, Georgia 10/15/04:  
Age: 44 Dismissed pursuant to order of Judge Leonard B. Sand

76. According to Sr. U.S. Probation Officer Atonya M. Craft of the Northern District of Georgia, on September 1, 2004, the defendant was arrested in the Northern District of Georgia in response to an order issued by the Honorable Leonard B. Sand, U.S. District Judge, Southern District of New York, in 02 CV 2219 (LBS). On December 22, 2003, Judge Sand ordered the defendants in this civil matter (which included the defendant) to deliver Silver Screen Studios, Inc. common stock to honor all of the conversion requests for Group Management Corp. or Silver Screen Studios, Inc. stock duly submitted by the plaintiffs. On June 21, 2004, Judge Sand issued a warrant for the defendant's arrest for contempt of court, for failure to obey the December 22, 2003, order. This arrest order indicated that the defendant was to be arrested by the U.S. Marshals Service and detained until the defendant purged himself of contempt by delivering the above-referenced



to Mr. Ware, " ... I will have Judge Sand throw your ass in prison, nigger, and you will never get out ... who do you think that you are fucking with ... I want that stock and those opinions, else I will have the marshals arrest your ass ... you better give them to us ... I'm not playing around with you ... don't do it and see what happens to you ..." (emphasis in original) (quoting Kenneth A. Zitter, Esq. in March 2003; see also the transcript of the September 1, 2004 illegal arrest (kidnapping) proceedings of Mr. Ware in Atlanta, GA on the admitted request of Zitter and Rabinowitz, by the U.S. Marshals (NDGA) held before District Judge Thomas W. Thrash, Jr.; cf. Doc. #88 order in 2219 (Sand, J.) ruling (Thrash and the Marshals lacked authority and jurisdiction to have entered Mr. Ware's law office in Atlanta, GA on September 1, 2004 demanding the issuance of bogus Rule 144(d) legal opinions and more than 10 million free-trading shares of GPMT's stock)!

States in 2002-2007 attempting to extort GPMT and Mr. Ware out of more than \$500 million dollars in

Rosenfeld, Goldman & Ware, Inc.  
Thomas Ware  
101 Marietta St.  
Suite 1070  
Atlanta, GA 30303  
(404) 522-1222 phone  
(404) 522-1447 fax

Sept. 1 kidnap of WARE

Original Message  
From: Norris, Jeffrey B.  
To: Thomas Ware  
Cc: Korotkin, Stephen J.; Webster, Stephen J.; Emper, Julia D.  
Sent: Tuesday, August 17, 2004, 3:56 PM  
Subject: RE: Deposition of Steve Webster

Mr. Ware:

If you are inclined to further undermine your credibility with the Court and incur further sanctions, then to quote the Duke of Wellington, "oublied and be f—ed." I remind you that the Court ruled in the July 29 Order that you are particularly liable to having a default sanction entered against you. I assure you that if you notice Mr. Webster's deposition—or act that can only be done in bad faith—my Motion for Protective Order will be accompanied by a motion renewing the Commission's request that the Court enter a default judgment against you and Rosenfeld, Goldman and Ware. I will not give you dates on which the Commission will make Mr. Webster available because, as I stated, I can envision no issue upon which he can offer relevant testimony. Your silence confirms my conclusion. I ask only that, should you make the mistake of attempting to schedule Mr. Webster's deposition, you schedule it no earlier than September 1, 2004.

Jeffrey B. Norris

# Sept. 1, 2004 kidnapping

WARE, ULYSSES THOMAS 15 P47014 - C. Tyler

common stock. On July 1, 2004, the defendant was arrested by the U.S. Marshals Service in the Northern District of Georgia. He appeared before the Honorable Thomas W. Thrash, Jr., in that district, refused to purge himself of contempt and offered no acceptable reason to prevent enforcement of the contempt order. On September 2, 2004, the Honorable Thomas W. Thrash, Jr., ordered the defendant to remain in the custody of the U.S. Marshals Service until he purged himself of contempt or was ordered released by either Judge Thrash or Judge Sand. The defendant's request for bond was granted, and he was released on September 3, 2004, after posting \$150,000 in cash and a \$100,000 bond, cosigned by two other individuals.

77. On September 28, 2004, the Honorable Leonard B. Sand vacated the June 21, 2004, order in part to the extent that it authorized the arrest of the defendant outside of the state of New York and more than 100 miles from the U.S. Courthouse located at 500 Pearl Street, New York, New York. The order remained in effect insofar as it could be served on the defendant in the state of New York or within 100 miles of the U.S. Courthouse located at 500 Pearl Street, New York, New York.

78. On October 7, 2004, the defendant moved to vacate and release the bail of \$250,000 set on September 2, 2004. On October 15, 2004, the defendant's motion was granted by the Honorable Thomas W. Thrash, Jr.; \$150,000 was refunded to the defendant, and the corporate surety bond was discharged.

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Draper, Julia D.

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Steven Peikin  
Co-Director  
Division of Enforcement

C. Actual innocent dispositive Brady exculpatory and impeachment evidence deliberately, intentionally, and in bad faith suppressed and concealed by AUSA Alexander H. Southwell, Steven D. Feldman, Nicholas S. Goldin, Maria E. Douvas, Sarah E. Paul, Katherine Polk-Failla, David N. Kelley, Michael J. Garcia, Robert W. Sweet, (deceased), Colleen McMahan, Leonard B. Sand, (deceased), William H. Pauley, III (deceased), Robert A. Katzmann (deceased), Jose A. Cabranes, Edgardo Ramos, Laura Talor-Swain, Amalya L. Kearse, Robert D. Sack, Damian Williams, Daniel Gitner, Won Shin, Andrea Griswold, Danielle Sassoon, Hagan Scotten, Jun Xiang, Michael H. Dolinger, and other Unindicted Coconspirators.

Draper, Julia D.

---

From: Norris, Jeffrey B.  
Sent: Wednesday, October 06, 2004 1:18 PM  
To: Alexander.Southwell@usdoj.gov  
Cc: Draper, Julia D.; Korotash, Stephen J.  
Subject: RE: Thomas Ware

Alexander:

Who raised the 100 mile limit argument? That is a specious argument with no legal basis. I have won that issue with a number of district courts where a person held in contempt was trying to avoid extradition. Based on orders from courts in the Northern District of Texas, I have had the Marshals arrest people in California, Washington, Wisconsin, Nevada and probably other jurisdictions that I can't remember. Several of these people have been incarcerated in Texas for more than a year. One person arrest in Washington state for civil contempt is still in prison in Texas after more than 2 years.

Read Federal Rule of Civil Procedure 4.1. It states that an order of civil commitment for a person held in contempt "may be served and enforced in any district." It goes on to state that other orders in contempt proceedings are subject to the 100 mile limit.

Whoever argued this matter didn't do his or her homework. Someone needs to file a motion for reconsideration and have him arrested again!

Jeffrey B. Norris  
Trial Counsel  
United States Securities and Exchange Commission  
Fort Worth Office  
Burnett Plaza, Suite 1500  
101 Cherry St., Unit #18  
Fort Worth, TX 76102  
Phone: (817) 978-6452  
Fax: (817) 978-4927  
E-mail: norrisj@sec.gov

-----Original Message-----  
From: Alexander.Southwell@usdoj.gov [mailto:Alexander.Southwell@usdoj.gov]  
Sent: Wednesday, October 06, 2004 1:04 PM  
To: 'NorrisJ@SEC.GOV'  
Subject: RE: Thomas Ware

He likely means when he was arrested on the civil contempt order. He was arrested in Atlanta and released the same day, which was somewhere around the beginning of September. As it turned out, a warrant on a civil contempt order cannot extend beyond 100 miles from the courthouse or in the same state, so he was improperly arrested (which he pointed out to Judge Sand, the wily guy that he is). So we are working on a criminal contempt charge which (confidentially) should happen within a week or two.

Alex

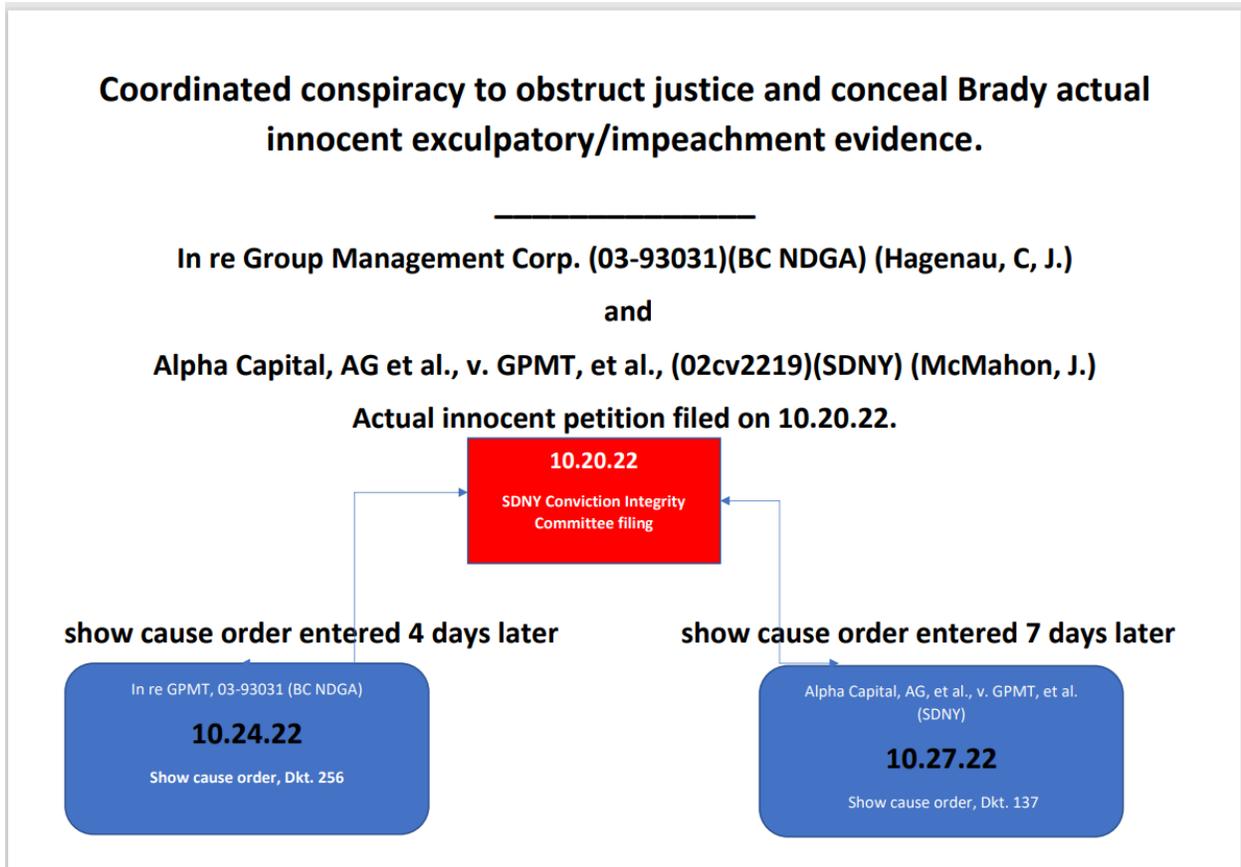
-----Original Message-----  
From: NorrisJ@SEC.GOV [mailto:NorrisJ@SEC.GOV]  
Sent: Wednesday, October 06, 2004 12:57 PM  
To: Southwell, Alexander  
Subject: Thomas Ware

Alexander:

Have there been any developments in the contempt prosecution of Thomas Ware since the beginning of September? I got a cryptic e-mail from

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**Appendix 2**—McMahon’s, Sica’s, Tailwind’s, Ramos, Taylor-Swain, DeArcy-Hall, Livingston, Cabranes, Kearse, Sack’s, Gitner’s, and Hagenau’s coordinated conspiracy to commit bankruptcy fraud and obstruct justice regarding 02cv2219 (SDNY), 03-93031 (BC NDGA), 04cr1224 (SDNY), and 05cr1115 (SDNY)—the Hobbs Act Unlawful Debt Collection Proceedings, to wit: 18 USC §§ 2, 156-57, 371, 924(c), 1201-02, 1341, 1343, 1344, 1346, 1503, 1951, 1956-57, 1958-59, 1961(6)(B), 1962(a-d), and 2071(a), (b), a pattern of racketeering activities.



**End of document**

Page **41** of **41**

Monday, February 3, 2025

(12-16) (Part 14-16) re U.S. Court of Appeals for Eleventh Circuit's Judicial Council re Request for Criminal Referral of Barbara Ellis-Monro, Ida Mae Townsend, Jeneane Treace, Wendy L. Hagenau, Wab Kadaba, J. Henry Walker, IV, Dennis S. Meir, John W. Mills, III, et al.