UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEOFF WINKLER, as court-appointed Receiver for J&J CONSULTING SERVICES INC., ET AL.,

Plaintiff,

v.

Warren Rosegreen,

Defendant.

Case No.: 2:22-cv-00612-CDS-EJY

Judicial Notice of Constitutional Objection to Unbonded Receivership, Elimination of Fiduciary Safeguards, And Resulting Separation of Powers Concerns

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To The Honorable Court:

Objection To Receiver's Exercise of Authority Without Bond, Surety, Or Adequate Accountability

Defendant specifically objects to the Receivership Order insofar as it purports to confer extraordinary powers upon the Receiver while simultaneously eliminating the traditional safeguards historically associated with fiduciary administration and the protection of private property rights.

The Receiver has been authorized to seize, possess, control, manage, transfer, liquidate, and otherwise exercise dominion over property and assets belonging to others, yet has been excused from posting any bond, surety, undertaking, or equivalent financial security. Such an arrangement improperly shifts the entirety of the risk of loss, mismanagement, negligence, error, wrongful disposition, or unauthorized conduct onto the affected parties while insulating the fiduciary from meaningful financial accountability.

Defendant objects to this arrangement as fundamentally inconsistent with the principles underlying fiduciary responsibility. A fiduciary entrusted with the property, rights, and interests of others must be accountable for the faithful performance of his duties. Where broad powers are granted, corresponding safeguards must exist. To grant extraordinary authority while eliminating traditional mechanisms of accountability creates an impermissible imbalance that places affected parties at substantial risk without adequate protection or remedy.

Defendant further objects on constitutional grounds. The separation of powers established by the Constitution does not permit the judiciary to enlarge its own authority or dispense with safeguards imposed by Congress. Where Congress has established requirements, procedures, fiduciary obligations, accountability mechanisms, or statutory protections, those requirements cannot be nullified, modified, or avoided through judicial decree, administrative convenience, equitable preference, or court-created immunity. To do so would constitute an exercise of legislative power by the judiciary and would undermine the constitutional structure that separates and limits governmental authority.

The Supreme Court has long recognized that governmental authority must be traceable to lawful delegation and that acts taken without lawful authority are void. The judiciary possesses no authority to create powers that Congress has not granted, nor may it extinguish protections that Congress has established for the benefit of the people. Equity follows the law and cannot be employed as a mechanism to circumvent statutory mandates, fiduciary duties, constitutional safeguards, or requirements of accountability.

Defendant therefore objects to any claim that an unbonded fiduciary may lawfully exercise dominion over the property, rights, assets, or interests of others while remaining substantially insulated from financial responsibility for the consequences of his actions. The combination of expansive authority, immunity protections, and the absence of bond or surety creates a structure in which power is exercised without corresponding accountability, contrary to the fundamental principles of due process, fiduciary responsibility, and constitutional governance.

Accordingly, Defendant demands strict proof of the Receiver's lawful authority, statutory basis, fiduciary capacity, accountability mechanisms, insurance coverage, surety protections, and all safeguards relied upon to justify the exercise of such extraordinary powers. Absent such proof, Defendant preserves and asserts objection to the Receiver's authority in its entirety and reserves all rights and remedies arising therefrom.

Reservation Of Rights Regarding Personal Liability

Defendant expressly objects to any exercise of authority that exceeds constitutional, statutory, or jurisdictional limitations.

To the extent any judicial officer, receiver, clerk, attorney, contractor, or other participant acts outside the lawful scope of delegated authority, exceeds jurisdiction, participates in fiduciary misconduct, authorizes unauthorized transfers of property, knowingly permits false representations, or acts in a non-judicial capacity, Defendant reserves all rights to pursue any remedies available under law and equity.

Defendant further reserves the right to seek discovery concerning bonds, insurance policies, indemnification agreements, risk-management coverage, fiduciary undertakings, and any other financial instruments that may provide security for damages arising from wrongful conduct.

Nothing herein shall be construed as a waiver of any claim arising from ultra vires acts, bad faith conduct, fraud upon the court, breach of fiduciary duty, deprivation of property without due process, or actions taken in the complete absence of lawful authority.

DATED: June 22, 2026

Respectfully submitted,

By: Warren Rosegreen

Warren Rosegreen
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