



1 **MOT**
LINDSEY LICARI
2 9564 SCORPION TRACK CT
LAS VEGAS, NV 89178
3 7025776657
LINDSEYLICARI14@AOL.COM

4
5 **DISTRICT COURT – FAMILY DIVISION**
6 **CLARK COUNTY, NEVADA**
7

8
9 LINDSEY SHARRON ANTEE,

10 Plaintiff,

11 v.

12 BOBBY DEE ANTEE,

13 Defendant.
14
15

CASE NO.: D-18-573154-D

DEPT. NO.: J

NO HEARING REQUESTED

16
17 **PLAINTIFF’S MOTION TO DISMISS DUE TO FRAUD ON THE COURT**

18
19 COMES NOW, PLAINTIFF, LINDSEY ANTEE , hereby files **PLAINTIFF’S**
20 **MOTION FOR FRAUD OF THE COURT**. This Motion is based upon and supported by
21 the following Memorandum of Points and Authorities, the pleadings and papers on file,
22 the affidavits and exhibits attached hereto.

23 DATED 24 September 2020
24

25 LINDSEY LICARI

26 Lindsey Licari

27 9564 Scorpion Track Ct

28 Las Vegas, NV 89178

1
2 **MEMORANDUM OF POINTS AND AUTHORITES**

3 **I. OPINION OF THE COURT**

4
5 HUGHES, FAMILY COURT JUDGE

6 In this case we decide weather the marital home of Bobby Antee and Lindsey
7 Antee was community property, in which the court ordered the home as
8 community property, was fraud upon the court.

9 In order to meet the necessarily demanding standard for fraud upon the
10 court we conclude that there must be (1) an Intentional Fraud; (2) by an
11 officer of the court; (3) which is directed at the court itself; and (4) in fact
12 deceives the court.

13 **1. Legal Argument**

14 The United States Court of Appeals for the Sixth Circuit has set forth five
15 elements of fraud upon the court which consist of conduct: "1. On the part of
16 an officer of the Court; 2. That s directed to the "Judicial Machinery" itself; 3.
17 That is intentionally false, willfully blind to the truth, or is in reckless disregard
18 for the truth; 4. That I a positive averment or is concealment when on is under
19 a duty to disclose; 5. That deceives the court."Demjanjuk v. Petrovsky, 10 F
20 3d. 338, 348 (6th Cir. 1993)

21 Although other United States Courts of Appeals have not articulated
22 express elements of fraud upon the court as the Sixth Circuit did, the doctrine
23 has been characterized "as a scheme to interfere with the Judicial machinery
24 performing the tasks of impartial adjudication, as by preventing the opposing
25 party from fairly presenting his case or defense." In re Coordinated Pretrial
26 Proceedings in Antibiotic Antitrust Actions, 538 F. 2d 180, 195 (8th Cir.1976)
27 (citations omitted); see also Rozier v. Ford Motor Co., 573 F.2d 1332, 1338
28 (5th Cir. 1978) (holding "only the most egregious misconduct, such as bribery

1 of a judge or members of a jury, or the fabrication of evidence by a party in
2 which and attorney is implicated, will constitute a fraud on the Court")
3 Additional, fraud upon the court differs from fraud on an adverse party in that
4 it "is limited to fraud which seriously affects the integrity of the normal process
5 of adjudication." Gleason v. Jandrucko, 860 F.2d. 556, 559 (2d Cir. 1998)

6 Other United States Courts of Appeals expressly require that fraud upon
7 the court must involve an officer of the Court. See Geo. P. Reintjes Co. v.
8 Riley Stoker Corp., 71 F.3d 44, 48.

9
10 We further conclude that a determination of fraud on the court may be
11 justified on by "the most egregious misconduct directed to the court itself,"
12 and that it "must be supported by clear, unequivocal and convincing
13 evidence." In Re Coordinated Pretrial Proceedings in Antibiotic Antitrust
14 Actions, 538 F.2d 180, 195 (8th Cir 1976) (citations omitted).
15 (1st Cir. 1995); Demjanjuk, 10 F.3d at 348. The Ninth Circuit noted that "one
16 species of fraud upon the court occurs when an "officer of the Court"
17 perpetrates fraud affecting the ability of the court or jury to impartially judge a
18 case." Pumphrey v. Thompson Tool Co., 62 F.3d 1128, 1130 (9th Cir. 1995)
19 see also Weese v. Schukman, 98 F.3d 542, 553 (10th Cir. 1996) (noting that
20 "fraud on the court should embrace only the species of fraud which does or
21 attempts to, subvert the integrity of the court itself, or is a fraud perpetrated by
22 officers of the court") (citation omitted); Kerwit Med. Prods., Inc. v. N. & H.
23 Instruments, Inc., 616 F.2d 833, 837 (11th Cir. 1980) (same)

24
25 Rule 60(b) abuse of discretion, see Pridgen v. Shannon, 380 F.3d 721, 725
26 (3d Cir. 2004) an independent action for fraud upon the court should be
27 review at least as deferentially. Fundamentally, this argument confuses
28 standard of review with burden of proof. We are quite capable of taking full

1 account of the narrow criteria for relief present in an independent action for
2 fraud upon the court without altering the Federal Rules of Civil Procedure.

3
4 Finally, Ms. Licari cites United States v. Buck, 281 F.3d 1336, 1342-1343
5 (10th Cir. 202), for the proposition that independent actions to reopen a
6 judgement based on fraud upon the court are reviewed for abuse of
7 discretion. We note initially Buck is not binding on this Court.

8 9 **2. Undisputable Facts**

- 10 1. Rena Hughes, Chris Tillman, Grayson Moulton, Jared Jennings, and
11 Logan Willson were all aware of the Deed of the Marital home was invalid
12 and allowed unnecessary litigation to continue and the abuse of Ms. Licari
13 to be ongoing for 3 years
- 14 2. Rena Hughes held a trial In February 2020, in which she has refused to
15 hear any motions filed by Ms. Licari, or correct her ruling that was
16 fabricated and based on no evidence.
- 17 3. Rena Hughes, allowed Grayson Moulton and Jared Jennings t remove all
18 of Ms. Licari's evidence out of the trial binder to enable her to ignore clear
19 and concise evidence of fraud and forgery.
- 20 4. Rena Hughes, allowed Linda Naw to testify, knowing there was pending
21 litigation against her, and she was using the same counsel as Mr. Antee,
22 imposing a clear conflict of interest.
- 23 5. Grayson Moulton and Bobby Antee fabricated a IRS debt and submitted it
24 to discovery, Ms. Licari notified the court of fraud in which Rena Hughes
25 refused to take any action.
- 26 6. Jared Jennings and Logan Wilson withheld evidence that was crucial to
27 the defense of Ms. Licari, knowingly misleading the court to manipulate a
28 ruling to favor Linda Naw and National Title Company.

1 7. Rena Hughes fabricated the entire Divorce Decree, based on no evidence
2 provided to her a trial, showing a clear bias in her ruling, and
3 discrimination against Ms. Licari and the justice process.

4 8. Ms. Licari went to trial in February 2020, in which Rena Hughes had 90
5 days to rule, in which she did not, but waited for Ms. Licari to refuse
6 settlement with National Title Company. When Ms. Licari refused to settle,
7 Rena Hughes issued her false, fabricated, and hurtful ruling bashing Ms.
8 Licari, her work, and her loss.

9 9. Rena Hughes was aware of the conflict of interest of opposing counsel
10 and allowed Grayson Moulton to continue to vexatiously litigate attacking
11 Ms. Licari and making her a victim again.

12 10. Rena Hughes has refused to hear every motion filed by Ms. Licari while
13 she knowingly lets Shumway Van, Jennings and Fulton, and Lipson
14 Neilson to use her fabricated ruling to dismiss their actions in civil court.

15 **3. Conclusion**

16 “Fraud upon the court” makes void the orders and judgements of that
17 court. It is also clear and well-settled Illinois law that any attempt to commit
18 “fraud upon the court” vitiates the entire proceeding. The People of the State
19 of Illinois v. Fred E. Sterling, 357 Ill. 365; 192 N.E. 229 (1934) (“The maxim
20 that fraud vitiates every transaction into which it enters applies to judgements
21 as well as to contracts and other transactions.”) Allen F. Moore v. Stanley F.
22 Sievers, 336 Ill. 316; 168 N.E. 259(1929) Rena Hughes has corrupted and
23 influenced and still attempting to influence and has not performed her judicial
24 function- thus where the impartial functions of the court have been directly
25 corrupted.” Rena Hughes is no longer impartial and cannot perform the tasks
26 of adjudging this case. The Court also stated that section 455(a) “Requires a
27 Judge to recuse herself in any proceeding in which her impartiality might be
28 reasonably questioned.” Taylor v. O’Grady, 888 F.2d 1189 (7th Cir. 1989). In

1 Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972) the Court stated that “It is
2 important that the litigant not only actually receive justice, but that she
3 believes that she has received justice. Ms. Licari has received no justice in 3
4 years for the crimes committed against her. Recusal under Section 455 is
5 self-executing; a party need not file affidavits in support o recusal and the
6 judge is obligated to recuse herself sua sponte under these circumstances, in
7 which Rena Hughes has failed to recuse herself on her own as legally
8 obligated by law. Judges are bound to follow the law, so if Rena Hughes
9 decides not to dismiss and recuse herself, will be a further example of “
10 appearance of partiality”, which, possibly, further disqualifies the judge.
11 Should a judge not disqualify herself, then the judge is in violation of the Due
12 Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d
13 842, 845 7th Cir. 1996) (“The Right to tribunal free from bias or prejudice is
14 based, not on section 144, but on the Due Process Clause.”) Should Rena
15 Hughes issue any order after she has been disqualified by law, and if the
16 party has been denied of any of her property, then the judge may have been
17 engaged in the Federal Crime of “Interference with Interstate Commerce”.
18 The Judge acted in the Judge’s personal capacity and not in the judge’s
19 judicial capacity. Ms. Licari was a non- represented litigant, and should the
20 court not follow the law as to non-represented litigants, then the judge has
21 expressed an “appearance of partiality” and, under the law, it would seem that
22 she has disqualified herself. The Supreme Courtt has also held that is a judge
23 wars against the Constitution, or if she acts without jurisdiction, she has
24 engaged in treason to the Constitution. If a judge ats after she has been
25 automatically disqualified by law, then she is acting without jurisdiction, and
26 suggest that she is then engaging in criminal acts of treason, and may be
27 engages in extortion and the interference with interstate commerce. Which
28 Rena Hughes has Cleary done. Courts have repeatedly ruled that judges

1 have no immunity for their criminal acts. Since both treason and the
2 interference with interstate commerce are criminal acts, Rena Hughes will
3 have no immunity to engage in such acts.

4 DATED 24 DAY OF September 2020

5 LINDSEY LICARI

6 Lindsey Licari

7 9564 Scorpion Track Ct

8 Las Vegas, NV 89178

9
10 CERTIFICATE OF SERVICE

11 Pursuant to N.R.C.P. 5(b), I hereby certify that I am Defendant, Lindsey Licari in proper person,
12 and that on the 24th day of September, 2020, I caused a true and correct copy of the foregoing
13 **PLAINTIFF'S MOTION TO DISMISS DUE TO FRAUD ON THE COURT**
14 to be served as follows:

15 _____ by depositing in the United States Mail, first-class postage prepaid, at Las Vegas,
16 Nevada, enclosed in a sealed envelope; or

17 _____ by facsimile transmission, pursuant to E.D.C.R. 7.26, as indicated below; or

18 X by electronic service, pursuant to N.E.F.C.R. 9 and Administrative Order 14-2, as
19 indicated below:

20 DATED this _19_ day of SEPTEMBER, 2020.

21
22 Pursuant to NRS 53.045, I declare under penalty of
perjury that the foregoing is true and correct.

23 MICHAEL C. VAN, ESQ.
24 Nevada Bar No. 3876
Grayson Moulton
25 **SHUMWAY VAN**
8985 S. Eastern Avenue, Suite 100
26 Ph: (702) 478-7770
Fax: (702) 478-7779
27 michael@shumwayvan.com
garrett@shumwayvan.com
28 Attorneys for Defendant

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28