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6 **In the United States District Court**
7 **for the District of Arizona**

8 John Doe #1, et al.,) Case No.: 2:13-CV-01300-SRB
9)
10) Plaintiffs)
11 v.) **SUPPLEMENT TO REQUEST FOR**
12) **ENTRY SIGNED FINAL JUDGMENT**
13) **PURSUANT FED. R. CIV. P. 54(b)**
14 Brent Oesterblad, et al.,)
15)
16) Defendants)
17) Hon. Susan Bolton
18)
19)

20 Pro per Defendant Brent Oesterblad (*hereafter*, “Oesterblad”) submits a Supplement
21 (*hereafter*, “Supplement”) to Request for Entry of Final Judgment (Doc. #461) (*hereafter*,
22 “Request”) by this Court for case no. 2:13-CV-01300-SRB pursuant to Federal Rule of Civil
23 Procedure (*hereafter*, “Rule”) 54(b). The Request detailed the good cause for the Court Order of
24 “final judgment” to be issued due to Oesterblad’s “pressing need” to seek legal remedies with the
25 United States Court of Appeals for the Ninth Circuit and addressing the malicious prosecution
26 and abuse of process associated with the Plaintiffs and their counsel’s conduct associated with
27 their filings in this case. Oesterblad predicted the malice demonstrated by the Plaintiffs
28 throughout the litigation process would continue to be directed toward him and could only be
thwarted by the pursuit of legal remedies that would be afforded with the issuance of the “final
judgment.” The Request was filed May 25, 2017, in the SEVEN (7) MONTHS awaiting this
Court’s decision some Plaintiffs have engaged in additional conduct of malice and abuse of
process by fraudulently utilizing the rulings by this Court as a judicial system hammer against
Oesterblad as he foretold would occur. The Supplement documents these new developments for
the Court’s review.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. Recap of Relevant Events Preceding the Filing of this Supplement**

3 The Plaintiffs counsel has previously claimed Oesterblad “requests that the Court issue a
4 ‘final judgment’ to assist him in pursuing retaliatory intentional tort claims against the individual
5 Plaintiffs and their attorney” (Doc. #462, pg. 1:21-23). The Plaintiffs assertion is absolutely
6 correct; Oesterblad has the right to pursue legal remedies with the United States Court of
7 Appeals for the Ninth Circuit to challenge the terms of the Order granting Permanent Injunction
8 obtained by Plaintiff David Michael Ellis (Doc. #452). Also, as discussed in the Request,
9 Oesterblad will be pursuing legal claims to expose the willful fraud perpetrated by the individual
10 Plaintiffs and their attorney in utilizing this Court to effectuate their malicious prosecution and
11 repeated abuse of process that occurred throughout this case. The Plaintiffs and their counsel
12 actively engaged in a conspiracy to enact an “agenda” to circumvent the First Amendment rights
13 of anyone even remotely associated with the Charles Rodrick websites providing profiles of the
14 factual criminal histories of an individual convicted of a sex crime(s). Oesterblad’s legal
15 objectives require a “final judgment” to proceed.

16 There is just cause to grant Oesterblad’s Request to have the case officially recognized
17 as fully adjudicated with the rendering of “final judgment” as all Plaintiffs’ claims against him
18 were dismissed by the Court (Doc. #287 and Doc. #320). All the remaining claims against
19 Charles Rodrick were dismissed by the Court (Doc. #371, Doc. #404 and Doc. #407) and/or
20 addressed at trial rendering jury verdicts on July 1, 2016 (Doc. #435). A full eighteen (18)
21 months has passed.

22 It has now been seven (7) months since Oesterblad filed the Request, which has been
23 fully briefed before the Court. This Court has completely ignored a pro per Defendant in its non-
24 responsiveness to Oesterblad’s Request. If a pro per Defendant is not entitled to the same
25 considerations as an attorney before a U.S. District Court and/or specifically this Court, such bias
26 should be disclosed to the general public. If Oesterblad’s Request was improperly filed and/or
27 lacking legal validity, the Court should simply render an Order stating the legal analysis and/or
28 validation in denying the Request. The previously unknown variables necessitating Oesterblad to

1 revisit this matter is David Ellis has initiated new fraudulent filings in the U.S. District Court
2 District of Nevada (Reno) for case no. 3:17-ms-00008 (*See*, Exhibit A). This new legal action
3 establishes another variation of abuse of process and malicious harassment in naming Oesterblad
4 as a “Party” and the sole “Defendant” with clear intent to misrepresent the outcomes associated
5 to the case before this Court as they relate to Oesterblad.

6 **II. Oesterblad Has Sought a “Final Judgment” in this Case to Thwart and/or Counter the**
7 **Inevitable Fraudulent Schemes of David Ellis.**

8 From the inception of the Original Complaint filed years ago on March 20, 2013 (Doc.
9 #1), Oesterblad has detailed with his filings that the basis of the lawsuit by the Plaintiffs and their
10 legal counsel was founded on malicious prosecution and that they employed tactics throughout
11 the litigation process constituting willful systematic abuse of process (Doc. #305, Doc. #317,
12 Doc. #319, Doc. #359, Doc. #362, Doc. #448, Doc. #449, Doc. #451, Doc. #455, Doc. #457,
13 Doc. #461, Doc. #463 and Doc. #466). These irrefutable documented facts have generally gone
14 ignored by this Court.

15 Specifically germane to the Supplement are assertions put forth by Oesterblad in his
16 Motion to Intervene filed August 4, 2016 (Doc. #448). Based on the multitude of experiences
17 over several years in dealing with David Michael Ellis’ propensity to not only lie, but brazenly
18 commit perjury under oath before courts portended continued retaliation was inevitable. There
19 was no doubt David Ellis would fabricate a false narrative of deceit concerning the Judgment
20 filed by the Clerk of the Court on July 1, 2016 (Doc. #411) (*hereafter*, “Judgment”) and
21 Permanent Injunction (Doc. #452). There was no doubt there would be further use of the courts
22 by David Ellis to falsely attack and harass Oesterblad in his quest for retribution against Charles
23 Rodrick. Oesterblad specifically forecast this eventuality by stating: “If the Injunction is granted
24 it will also be misinterpreted and misconstrued at a later date that the claims against Oesterblad
25 were ALL dismissed (twice) due to the Plaintiffs/David Ellis not responding to his very legally
26 sound arguments presented in his Motion to Dismiss” (Doc. #448, pg. 2:20-24). The Court
27 denied the Motion to Intervene in its Order of November 9, 2016 (Doc. #452). Furthermore,
28 Oesterblad addressed the continued malice of David Michael Ellis in his Request for

1 Clarification filed November 28, 2016 in stating: “The notion that David Ellis is some kind of
2 ‘victim’ here is absurd. There comes a point in which Oesterblad needs to protect his wife,
3 family and himself from the constant barrage of online attacks via social media and websites
4 doled out by David Ellis. He seems to believe that the court’s protection is a one way street.
5 Oesterblad has had all claims against him dismissed by this Court twice, and the Arizona
6 Superior Court once. Yet, David Ellis has exercised free reins to continue to disparage
7 Oesterblad and his family. One of many such post-trial attacks against Oesterblad is David Ellis’
8 continued false allegation of the Bellucci website to ‘extort,” and now has added ‘terrorist
9 racket’ along with a call upon the Bellucci sex offender following to put ‘Oesterblad in prison”
10 (Doc. #455, pg.4:22-28 & pg.5:1-2). Oesterblad is not clairvoyant as he was not exact in
11 identifying the scenarios utilized, but the general concept of continued attacks would in fact
12 occur. It is a simple matter of understanding the “nature” of David Ellis with the apropos calling
13 upon the fable of the Scorpion and the Frog.¹ Oesterblad fully documented with irrefutable
14 support evidence the true “nature” of David Ellis with his pursued further fraudulence directed
15 against Oesterblad just as predicted. Which was the impetus to filing this Supplement to obtain
16 the “final judgment” allowing Oesterblad to pursue the appropriate legal remedies associated
17 with this case and circumventing the continued repugnant agenda of David Michael Ellis Aka
18 Major David Ellis.

19 **A) David Ellis Incorporated the Judgment from this Case in U.S. District Court**
20 **District of Nevada (Reno) to Perpetrate a Fraudulent Scheme to Further Harass**
21 **Oesterblad.**

22 On September 1, 2017, attorneys Timothy D. Ducar of Scottsdale, Arizona and Marjorie
23 L. Hauf of Las Vegas, Nevada representing David Michael Ellis, filed an action in the United
24 States District Court District of Nevada (Reno) case no. 2:17-ms-00008 (*See*, Exhibit A). With a
25 simple review of the Civil Docket made available through the PACER system it is revealed the
26 actions taken by David Michael Ellis and his legal counsel. They filed the action captioning it as
27

28

¹ E.g. –The Scorpion and the Frog <http://www.aesopfables.com/cgi/aesop1.cgi?4&TheScorpionandtheFrog>

1 John Doe, et al. vs. Oesterblad with the specific designation of “Plaintiff David Ellis” and
2 “Defendant Brent Oesterblad.” The “Parties” listed by David Ellis only name Oesterblad as the
3 Defendant (*See*, Exhibit B). There is no mention of Charles Rodrick as being a Defendant.
4 Specifically, Charles Rodrick’s name does not appear in the PACER system as a
5 “Party,” “History” or “Related Transactions” (*See*, Exhibit C), nor does his name appear
6 anywhere in the caption or the nine (9) noted records when reviewing the Civil Docket (*See*,
7 Exhibit A).

8 To view this new David Ellis case filed in Nevada, is to find Oesterblad named as a
9 Defendant with what appears to be legally obtained Writ of Garnishment governed and validated
10 by the U.S. Federal Court system. It becomes easy to discern a stratagem intended to utilize
11 Oesterblad as a stooge in perpetrating a fraudulent scheme in the improper manipulation of the
12 judicial system. It is an abuse of process to intentionally improperly commit abuse of process by
13 naming Oesterblad as a “FAKE” Defendant. This is exactly the type of fraud and continued
14 harassment Oesterblad alleged David Ellis would continue to engage in to this Court in his
15 previous filings.

16 **B) The Nefarious Implementation in Filing the Documentation in a Manner to**
17 **Subject Oesterblad to Exposure of the Appearance of a Legal Obtained Writ of**
18 **Garnishment.**

19 With attorney Timothy D. Ducar having 25 years and attorney Marjorie L. Hauf 15 years
20 of experience, the discrepancy of creating a “FAKE” defendant in Oesterblad was NOT some
21 oversight. These experienced licensed lawyers actively engaged in facilitating a renewed effort
22 by David Michael Ellis to utilize the judicial system to once again make false and fabricated
23 claims against Oesterblad. The more accurate description is the planned strategy to give the
24 appearance that Oesterblad had a significant “Judgment” that garnered a Writ of Garnishment.

25 On June 26, 2017, David Ellis had obtained a “Clerk’s Certification of a Judgment to be
26 Registered in Another District” from the Clerk of the Court for the United States District Court
27 for the District of Arizona (*See*, Exhibit D). Again, the document is captioned as John Doe, et al.
28 vs. Brent Oesterblad, et al.; nowhere does Charles Rodrick’s name appear for review. There is an

1 attachment to the Clerk's Certification which is the Judgment document, where once again
2 Oesterblad's name appears prominently in the caption. In the body of the Judgment, Charles
3 Rodrick's name appears as responsible for 50% of a jury award in damages. If someone was
4 simply scanning these documents it would be easily missed in the body of the attachment it is
5 Charles Rodrick and not Oesterblad who the judgment involves.

6 To further this intentional rouse is the structuring of the filing listing Oesterblad as the
7 sole "FAKE" defendant and no mention of Charles Rodrick being inputted, thus the results of a
8 search of the PACER case locator system provides the desired fraudulent result. The result of
9 searching the case number or Oesterblad's name will return a link to the David Ellis filing (*See*,
10 Exhibit E). If one was to search Charles Rodrick's name, the PACER system does NOT provide
11 a link to the David Ellis filing by attorneys Timothy D. Ducar and Marjorie L. Hauf (*See*, Exhibit
12 F). The point of such a contrary approach was the objective to mislead any inquiry by obscuring
13 that the Writ of Garnishment had been issued in Nevada in regard to Charles Rodrick thus
14 creating a situation where its discovery would be highly unlikely. Naming Oesterblad as the
15 "FAKE" Defendant created the needed stooge necessary to implement such a plan. The strategy
16 would also potentially cause any number of problems, embarrassments, and/or confusion for
17 Oesterblad in his personal or business affairs, which is exactly what was predicted in the
18 Request would be the type of continued harassment and abuse of process of the judicial system
19 David Michael Ellis would employ. The Court's Order granting the Request will allow
20 Oesterblad to address such malfeasance in the proper legal venue.

21 **C) No Effort Was Made to Notify Oesterblad He Had Been Named a Defendant in**
22 **the Nevada Filings.**

23 As further support that the Nevada filings were intentionally structured to obfuscate their
24 true intent, no effort was procured to ever notify and/or serve Oesterblad the paperwork
25 associated with the Nevada case. After years of litigation, David Ellis is undeniably aware of
26 contact information for Oesterblad. Although attorneys Timothy D. Ducar and Marjorie L. Hauf
27 had access to the home address, cell phone number and an email address to reach Oesterblad,
28 providing actual notice would have nullified the true objective of David Michael Ellis' renewed

1 harassment using the judicial system. Oesterblad is not difficult to locate, unless someone
2 **DOESN'T** want to find him.

3 It has been conveyed to Oesterblad to no surprise that Charles Rodrick did NOT receive
4 any kind of notification and/or served any papers concerning the Nevada case as required. In
5 fact, the officially stamped Writ of Garnishments filed list an address in Reno, Nevada that has
6 never been a personal address of Charles Rodrick's. Again, there is no plausible explanation for
7 David Michael Ellis AKA Major David Ellis and/or attorneys Timothy D. Ducar and Marjorie L.
8 Hauf to not utilize the correct contact information for Charles Rodrick in Arizona that has been
9 used to exchange hundreds of legal documents over many years.

10 **D) The Current Fraudulent Scheme Implemented By David Ellis in Nevada is Only**
11 **the Continuation of Equally Dubious Conduct Demonstrated in the Case Before this Court.**

12 David Michael Ellis has repeatedly demonstrated a propensity to have no qualms in lying
13 and engaging in despicable conduct. Specific to Oesterblad, he has engaged in the repeated
14 attacks through the judicial system, false complaints with law enforcement (FBI), defamatory
15 online postings against him and his family members and blatant lies to main stream media
16 outlets. After having all claims against Oesterblad dismissed in the Arizona Superior Court, his
17 next efforts would be in joining the case before this Court in the submission of the Third
18 Amended Complaint (Doc. #236). Oesterblad had all of David Ellis' claims dismissed after filing
19 a Motion to Dismiss (Doc. #305) which would render the Court's Order (Doc. #320).

20 The Nevada case is just the continuation of the many David Ellis' lies, deceitful
21 misrepresentations and abhorrent conduct that was on full display during the entirety of the case
22 before this Court. Just a few of the more egregious examples of the disgraceful conduct that
23 Oesterblad has previously documented to the Court for review:

- 24 1) David Michael Ellis joined the lawsuit on March 3, 2015 with the filing of the
25 Third Amended Complaint (Doc. #236). He would knowingly make false
26 allegations including, but not limited to, Oesterblad had via Charles Rodrick
27 websites published accusations against David Ellis saying he "was convicted of a
28 sex-related offense" and "was required to register as a sex offender." David Ellis

1 utilized the Court and major news outlets to advance this completely fabricated lie
2 to discredit Oesterblad. These alleged posting never occurred and were the
3 knowing concoction of David Ellis and legal counsel Bellucci to create an apparent
4 salacious story. Oesterblad would obtain sworn deposition testimony from Plaintiff
5 Susan Galvez that such claims were all fabricated as an “agenda” of conspiracy that
6 was the fraudulent foundation to the lawsuit (Doc. #461, pg. 7:3-18).

7 2) On April 9, 2015 David Michael Ellis filed an Application for Temporary
8 Restraining Order (hereafter, “TRO”) claiming Oesterblad had “blatantly and
9 repeatedly published false information on a public website that Plaintiff David Ellis
10 has committed multiple frauds, including but not limited to, approval of faulty
11 untested aerospace parts at American Aerospace Technical Castings” (Doc. #259,
12 pg. 2:21-24). Once again, the claims against Oesterblad were willful lies by David
13 Ellis. It would be undeniably established David Michael Ellis was well aware that
14 derogatory online postings concerning American Aerospace Technical Casting did
15 not originate by either Oesterblad or Charles Rodrick. The sworn testimony
16 deposition of Holly Johnson-Oates, an ex-employee assistant to David Ellis,
17 verified she had “witnessed first-hand” and authored and posted the identified
18 content on RipOffReport.com (Doc. #449, Exhibit M). She would not only confirm
19 the validity of the falsified aircraft safety test results and digitally forged supervisor
20 digital signatures, but also two sexual harassment complaints against David
21 Michael Ellis by two female co-workers who would be fired by the company as
22 part of a cover up of the complaints filed. The accusations of Holly Johnson-Oates
23 were credible and would instigate a criminal investigation by both the Department
24 of Defense and the FBI (Doc. #449, Exhibit N). When David Ellis had filed the
25 TRO he knew full well Oesterblad was not responsible for the online postings in
26 question. Holly Johnson-Oates testified to David Michael Ellis having other
27 employees contact and threaten her to silence (Doc. #449, Exhibit M).

1 3) The trial occurred in late June of 2016. David Ellis would commit repeated
2 occurrences of blatant perjury before the jury. This fact is verified with a review of
3 a number of sworn depositions of David Michael Ellis, Lois Flynn and ex-wife
4 Margie Ellis (Doc. #449, Exhibit S, Exhibit T, Exhibit U and Exhibit V). It was
5 established through sworn testimony that David Ellis had engaged in a number of
6 infidelities during his 3 marriages, got drunk and hit his wife Margie, had a six
7 month affair with Margie after falsely claiming his “wife and daughter died in a car
8 crash in North Carolina,” supported his father after the conviction for child
9 molestation of David Ellis’ daughter, disgraced the U.S. Marine Corp by defying
10 the Code of Conduct of an Officer and admitted to including Oesterblad in the
11 Arizona Superior Court lawsuit not because of any of the alleged allegations but
12 solely due to the working business relationship with Charles Rodrick.

13 It is for these listed documented facts that Oesterblad has filed the Request, he has solid
14 legal and factual basis well established to seek legal remedies for the actions perpetrated by
15 David Ellis over several years and multiple court filings. The Nevada case is only the latest
16 infractions of abuse of process and active harassment of Oesterblad that was foretold in previous
17 filings and emphasizes the importance of obtaining the “final judgment.”

18 **III. The Plaintiffs Claim the Clerk of the Court’s Filing the Jury Verdicts on July 1, 2017**
19 **Constitutes “Final Judgment” in Regard to the Claims Dismissed Against Oesterblad**

20 It is a ridiculous assertion by the Plaintiffs citing three times in their Response that the
21 Judgment filed by the Clerk of the Court on July 1, 2016 (Doc. #411) constitutes this Court’s
22 Final Judgment. The only reference to Oesterblad that appears on this document is the caption
23 listing him as a Defendant along with “et al.” There is no rendering of a “Judgment” in any form
24 within this document as it would apply to Oesterblad. All Plaintiffs claims being dismissed by
25 the Court’s Orders of June 9, 2015 and September 4, 2015 (Doc. #287 and Doc. #320). Nothing
26 in this Judgment cited by the Plaintiffs addresses the dismissed claims against Oesterblad, let
27 alone mentions his name to constitute a “separate document” as the Request is seeking clarity
28 and confirmation.

1 The Judgment was filed by the Clerk of the Court pursuant F.R.C.P. 54(b)(1)(A) as
2 required. However, the Jury Verdicts documented in the Judgment have absolutely nothing to do
3 with Oesterblad’s circumstances associated to the case. It is NOT an Order signed by the Court
4 constituting “Final Judgment” that is required pursuant F.R.C.P. 58(a), “every judgment and
5 amended judgment MUST be set out in a separate document.” This has not occurred despite
6 Oesterblad’s Request and the inordinate time of seven (7) months awaiting the Court’s ruling.

7 Contrary to the Plaintiffs assertion that the Judgment entered on July 1, 2017 (Doc.
8 #411) constitutes “Final Judgment,” it does not meet the requirement of F.R.C.P. 54(b) that “a
9 district court must [] determine that it has rendered a ‘final judgment,’ that is a judgment that is
10 ‘an ultimate disposition of an individual claim entered in the course of a multiple claims action.’”
11 *E.g., Wood v. GCC Bend, LLC*. 422 F.3d 873, 878 (9th Cir. 2005) (quoting *Curtiss-Wright Corp.*
12 *v. Gen. Elec. Co.*, 445 U.S. 1, 7 (1980). The necessity for this requirement becomes self-evident
13 in complex cases involving multiple parties with distinctly different issues, outcomes and
14 potential for appeals such as the circumstances that have been before the Court with this case.

15 The filing of the Request by Oesterblad is merely the attempt by a pro per litigant to
16 abide by and have honored the dictates of the Rules; specifically those defined pursuant Rule
17 58(d). There is further clarification offered by “Committee Notes on Rules – 2002 Amendment²:

18 “New Rule 58(d) replaces the provision that attorneys shall not submit forms of
19 judgment except on direction of the court. This provision was added to Rule 58 to
20 avoid the delays that were frequently encountered by the former practice of directing
21 the attorneys for the prevailing party to prepare a form of judgment, and also to
22 avoid the occasionally inept drafting that resulted from attorney-prepared judgments.
23 See *11 Wright, Miller & Kane, Federal Practice & Procedure: Civil 2d*, §2786. The
24 express direction in Rule 58(a)(2) for prompt action by the clerk, and by the court if
25 court action is required, addresses this concern. The new provision allowing **any**
26 **party to move for entry of judgment on a separate document** will protect all
27

28

² E.G. – Rule 58. Entering Judgment: https://www.law.cornell.edu/rules/frcp/rule_58

1 needs for prompt commencement of the periods for motions, appeals, and execution
2 or other enforcement.”

3 **CONCLUSION**

4 **WHEREFORE**, based upon the foregoing, Oesterblad respectfully requests the Court
5 for an Entry of Signed Final Judgment as all the Plaintiffs claims against him were dismissed by
6 the Court thirty (30) months ago. Furthermore, all claims by the Plaintiffs were fully adjudicated
7 concerning all defendants resulting in the conclusion of the litigation process through a trial with
8 verdicts rendered almost eighteen (18) months ago. Even with the extended lapse of time since
9 the case was fully litigated before this Court, no Order of Final Judgment has been signed and
10 entered. Oesterblad continues to experience malicious prosecution and harassment as a direct
11 result of this case such as the misconduct detailed being perpetrated by David Michael Ellis in
12 the new filing in the U.S. District Court District of Nevada (Reno) by his attorneys Timothy D.
13 Ducar and Marjorie L. Hauf. The Court’s Signed Order of Final Judgment is warranted with
14 good cause.

15
16
17 **RESPECTFULLY SUBMITTED** this 21st day of December, 2017.

18
19
20 By: 

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1 **PROOF OF SERVICE ORIGINAL** of the foregoing filed this 21st day of December, 2017, to:

2 Clerk of the Court
3 United States District Court, District of Arizona
4 401 W. Washington Street
5 Phoenix, AZ 85003-2243

6 **ORIGINAL** of the foregoing was emailed this 21st day of December, 2017, to:

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18 I declare under penalty of perjury under the laws of the State of Arizona that the foregoing is true
19 and correct. Executed on this 21st day of December 2017, in Glendale, Arizona.

20 By:



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