

FAMILY DIVISION  
SUPERIOR COURT  
BURLINGTON CTY

August 5, 2014  
2014 AUG - 6 PM 2: 38

RECEIVED

Derek C. Sypniet  
Pro se litigant (Defendant)  
252 Fountain Ln,  
Lawrence Township, NJ 08648

**POSTAL SERVICE / Fed Ex:**

Family Division Clerk  
Superior Court of New Jersey, Chancery Division, Family Part (Burlington County)  
49 Ramocas Rd  
Mount Holly, NJ 08060

RE: Bischoff v. Sypniet  
Docket No.: FV-03-1154-14

Dear Clerk, Judge Bookbinder, Judge Call & Judge Tomasello

I am hereby withdrawing the motion mailed to the court previous to this motion (dated 7/29/2014 / 7/30/2014). This motion hereby replaces the aforementioned "previous motion".

I have enclosed three copies of the motion papers and "in lieu of writ" petition to the court for relief pursuant either court rules 4:50 and 4:49 AND/OR statutory rights under 2C:25-31 of the Prevention of Domestic Violence Act.

I hereby remind the court that I have a statutory right to have my immediate appeal from 3/1/2013 scheduled for a hearing before the court. The court has previously failed to serve notice to the litigants of a hearing date for the immediate appeal and it remains an open legal matter that needs to be addressed according to my statutory right to due process under 2C:25-31

Enclosed herewith please find three copies of the following:

1. Notice of Motion
2. Proof of Service
3. Certification of Defendant
4. Petition for Relief / "In Lieu of Writ" for Rule 4:49 / 4:50 relief (vacated order)
5. Exhibits Supporting Defendant's Pleadings (including previously filed motions from 3/1/2013, 6/7/2013, and 11/26/2013, which were not properly handled / decided by the court)

Please promptly stamp the enclosed first copy of these papers as received and process them for delivery to a Superior court judge for consideration and scheduling of this matter.

Please kindly respond in writing to confirm a hearing date for the matters presented in these moving papers.

**FIRST COPY OF THE MOTION:**

**SECOND COPY OF MOTION (ENCLOSED):**

Please STAMP RECEIVED AND DELIVER THE SECOND COPY TO: the Plaintiff pursuant the "Procedure Manual" for the Prevention of Domestic Violence Act.

**Deliver Plaintiff's Copy To:**

Kathryn Biscoff  
79 Wyncham Place  
Robbinsville, NJ 08691

Note: The court rules do not state that I am to be billed for the delivery of documents to the Plaintiff.

I presume the court will pay this cost due to the fact that the restraining order the court issue prevented me from sending this motion directly to the Plaintiff. My expectation is that the court will bare the cost of the redundant postage necessary to deliver these papers to the Plaintiff. If this is not the case please forward the papers to the Plaintiff by using the enclosed postage for delivery to the plaintiff.

**THIRD COPY OF MOTION (ENCLOSED):**

Please stamp this copy received.

Please either retain the third copy for my pickup at the clerks window when I am able to arrive at court. Alternatively please mail a copy of the stamped copy back to me.

Note: I would have delivered these copies by hand if not for Judge Bookbinder's court order prohibiting me from appearing in court. I therefore request the court either retain my copy in the clerks office or return the stamped copy via mail.

IMPORTANTLY:

Please note that the immediate appeal and the attached exhibits contained therein clearly show that that Plaintiff in this case presented fraudulent facts to the court for the purpose of obtaining a restraining order.

In the interest of Justice I believe the court must take action to protect the integrity of the court and the legal process. A man should not be found guilty due to acts of intrinsic or extrinsic fraud as is the case in the captioned matter before the court.

Further: It is clear from the record presented in my pre-trial motions that Judge Hoffman was not fit to issue the TRO because he was an adversary in an open legal matter involving myself at the time. It is also clear that Judge Hoffman was recused from my legal matters (see 11/26/2013 pre-trial motion and 8/20/2013 court order) due to his conflicts as a result the continuation and conversion of the TRO to an FRO was granted without consideration of the fact that Judge Hoffman lacked standing and had later recused himself due to a conflict of interest that pre-dated the issuance of the TRO.

I respectfully request to be heard on all of the aforementioned issues if the FRO is not summarily dissolved or vacated by the court upon receipt of my motion papers.

Kind regards,



Derek Sypniet  
Pro se Defendant

**Derek C. Sypniet**  
Pro se Litigant

Defendant: Superior Court of New Jersey Chancery Division  
252 Fountayne Ln,  
Lawrenceville, NJ 08648  
Phone: 609-936-0025

**KATHRYN BISCHOFF**  
Plaintiff

Derek Sypniet, Defendant pro se, citizen of United States, citizen of New Jersey	vs.	KATHRYN BISCHOFF Plaintiff
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**NOTICE OF MOTION & PETITION IN LIEU  
OF WRIT & PETITION FOR REDRESS OF  
GRIEVANCE:  
SUPPORTING:  
MOTION FOR NEW TRIAL  
ENFORCEMENT OF LITIGANT'S RIGHTS  
MOTION FOR VOIDING OF FINAL  
JUDGEMENT  
VACATING FINAL JUDGEMENT**

*Docket No.*  
FV-03-1154-14

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
BURLINGTON

RECEIVED

2014 AUG -6 PM 2:38

FAMILY DIVISION  
SUPERIOR COURT  
BURLINGTON CITY

**PLAINTIFF & PLAINTIFF'S COUNSEL:**

Kathryn Bischoff  
C/O Court Clerk,  
79 Wyndahm Place  
Robbinsville, NJ 08691

Clerk: Please Deliver The motion pursuant the Prevention of Domestic Violence Act and your prudential responsibility to complete my service of this motion at the court's cost. I maintain I am indigent and have been recognized as such by the court. Further it is due to the purported restraints of this court that I cannot complete service on my own. My understanding is that there are no fees for FV related motion / petitions / or pleadings, therefore I will do not believe I am obliged to pay for the courts completion of service which would be available to me at no cost (via hand delivery) if not for the restraints of the court.

PLEASE TAKE NOTICE that on Thursday the 4<sup>th</sup> day of September at nine (o'clock), in the forenoon, or as soon as counsel may be heard the undersigned Defendant Derek Sypniet will make an application



before the Superior Court of New Jersey, Chancery Division, Family Part, Burlington County, at the Mercer County Court House, 49 Ranocacas Rd., Mount Holly, New Jersey for an order which you received on about August 7, 2014. Please take notice that this motion will seek an order for:

1. PETITIONER'S DEMAND THAT ORAL ARGUMENTS BE ORDERED AND HEARD IN THIS MATTER.
2. PETITIONER'S DEMAND THAT THE COURT CLARIFY PRIOR ORDERS REFERENCED IN THE ATTACHED / ENCLOSED "LETTER BRIEF" / "IN LIEU OF WRIT" DOCUMENT.
3. PETITIONER'S DEMAND THAT THE COURT: Rule its final order in this matter to be null and void.
4. PETITIONER'S DEMAND THAT: The court issue an order declaring the 2/19/2013 trial of this matter a mistrial (as the process and procedures were adverse to the Defendant's rights to be heard at a meaningful trial).
5. me and place, and adverse to the Defendant's right to be "fully heard" with regard to this matter.
6. PETITIONER'S DEMAND THAT: The court properly schedule an immediate appeal pursuant to the petitioners prior motions for the same dated March 1, 2013, April 15, 2013, and December 11, 2013.
7. PETITIONER'S DEMAND THAT: The court entertain and schedule plenary hearings to address the legal arguments and positions put to the court in the motions filed with the court on March 1, 2013, April 15, 2013, and December 11, 2013.

8. PETITIONER'S DEMAND THAT: JUDGE TOMASELLO BE RECUSED FROM FURTHER PARTICIPATION IN THIS MATTER, DUE TO THE APPEARANCE THAT THE DEFENDANT WILL NOT RECEIVE A FAIR, UNBIASED TRIAL BEFORE JUDGE TOMASELLO GIVEN HIS PAST HANDLING OF THIS DOCKET.

9. PETITIONER'S DEMAND THAT: A NEW TRIAL BE SET FOR THIS MATTER AT A MEANINGFUL TIME AND PLACE AND THAT THE DEFENDANT BE PROVIDED EXPRESS PERMISSION TO APPEAR IN COURT TO CONDUCT WHATEVER DISCOVERY OR FOLLOW-UP WITH THE COURT THE DEFENDANT DEEMS NECESSARY IN ORDER TO ADVOCATE FOR HIS DEFENSE IN THIS MATTER.

10. PETITIONER'S DEMAND: That the court consider the Defendant's argument supporting his position that the Plaintiff's accusations represent a fraud upon the court due to the fact that her complaint is refuted by testimony and facts that the Defendant can put before the court.

11. PETITIONER'S DEMAND THAT: The court implements all procedural safeguards with regard to the Defendant's litigant's rights and privileges as defined by the Prevention of Domestic Violence Act / The Prevention of Domestic Violence Procedure Manual / and all applicable binding case law of higher courts of this jurisdiction.

12. PETITIONER'S DEMAND THAT: The court take judicial notice of the common law referenced in the Petitioner's legal brief and certification pursuant to N.J.R.E. 201 and other applicable court rules, procedure, process, and/or routines for the same.

13. PETITIONER'S DEMAND THAT: IF: the court does not dismiss the original complaint in this matter and subsequent orders as null and void due to the conflict of interest and recusal of Judge Hoffman subsequent to the petitioners prior motion filed with Robbinville Municipal Court, THEN: The court shall reschedule this matter for a new denovo trial date and time and that such time shall be at a meaningful time and a meaningful place as required by the Prevention Of Domestic Violence Act. Specifically:

relate to the underlying complaint and its factual inaccuracy.

PREVIOUSLY FILED MOTIONS WITH REGARD TO THE ELEMENTS OF ALLEGED FRAUD UPON THE COURT AS THEY  
VIOLENCE ACT 1991), AND THAT ALL OF THE PETITIONERS REQUESTS BE REVIEWED IN LIGHT OF THE PETITIONERS  
PURSUANT COURT RULE 4:50, 4:49, AND / OR 2C:25-29 (NEW JERSEY PREVENTION OF DOMESTIC

- b. PETITIONER DEMANDS THAT THE COURT CONSIDER THIS MOTION & PETITION  
GRIEVANCES SERVED UPON PARTIES PURSUANT TO THE NEW JERSEY CONSTITUTION (1947) PARAGRAPH 18.  
PURSUANT ALL APPLICABLE COMMON LAW OF THIS JURISDICTION WITH REGARD TO PETITIONS FOR REDRESS OF
- a. PETITIONER DEMANDS THAT: THE COURT CONSIDER THIS MOTION & PETITION;

WRITING. Specifically:

15. PETITIONER DEMANDS THAT THE COURT: REPLY TO THIS MOTION & PETITION IN  
AND GOVERNMENT RECORDS RELATED TO THIS CASE.

RELEVANT ISSUES RELATED TO THE UNDERLYING COMPLAINT, PROCEDURE,  
REGARD TO WRITTEN OR ELECTRONIC COMMUNICATIONS REGARDING

PLAINTIFF, ROBINSVILLE MUNICIPAL COURT, ROBINSVILLE POLICE DEPT, WITH  
14. PETITIONER INVOKES HIS RIGHT TO OBTAIN LIMITED DISCOVERY FROM THE

trial.

"litigation privileges" and / or is potentially prejudicial to the Defendants rights or privileges at  
fair trial is lost due to irregular procedure or unusual treatment of the Defendant that obstructs his

- c. The court shall ensure that the trial venue is not tainted in such a manner that the appearance of a  
least has the ability to be transported to the court.

- b. The court shall set a date and time for the trial on such date that Defendant confirms that he at  
provided Judge Bookbinder's civil restraints have not been vacated at such time) AND

- a. The court shall set a court date at a date and time where the Defendant has a meaningful  
opportunity to appear in the court facility (with express permission of a superior court judge,



c. PETITIONER'S DEMAND THAT THE COURT CONSIDER THIS MOTION & PETITION:

With regard to the "interest of justice" with regard to remedial action by this court to cure at least some of the procedural irregularities, the court's failure to uphold statutory procedural safeguards with regard to the previously filed (March 31, 2013) "Immediate Appeal", and subsequent motions to the court with regard to the conflict of interest of Judge Hoffman and the deficient initial hearing that spawned this complaint.

16. PETITIONER OBJECTS NUNC PRO TUNC to Judge Hoffman's prior handling of the initial complaint (2/8/2013) and requests the court provide a written response to this nunc pro tunc objection to Judge Hoffman's involvement in the issuance of the TRO and his ex-parte direct examination of the Plaintiff, despite being a legal Adversary of the Defendant.

17. PETITIONER OBJECTS NUNC PRO TUNC AND REQUESTS A WRITTEN DETERMINATION OF THE COURT WITH REGARD TO JUDGE HOFFMAN ASKING THE PLAINTIFF LEADING QUESTIONS DURING THE EX-PARTE HEARING ON 2/8/2013) and requests that all questions and records be stricken from the record and deemed inadmissible in this court.

18. PETITIONER REQUESTS A DETERMINATION REGARDING THE "APPEARANCE OF FAIRNESS" WITH REGARD TO THE TRIAL AND PRE-TRIAL PROCEEDINGS IN LIGHT

OF JUDGE BOOKBINDER'S CIVIL RESTRAINTS OF 2/6/2014, 2/19/2014, AND 3/10/2014, Whereby the Defendant's right to mercer county judges was restrained via oral order and the Defendant's ability to contact officers of the court (even for the purposes of discovery) via telephone was restrained in a manner which could prejudice the ability of the Defendant to advocate for his rights at a de novo trial or upon any future appeal or ancillary civil suit with regard to the apparent denial of the Defendant's constitutionally protected due process rights.



This written response shall be by affidavit or certification. (Affidavits and certifications are documents filed with the court. In either document the person signing it swears to its truth and acknowledges that they are aware that they can be punished for not filing a true statement with the court. Affidavits are notarized and certifications are not.) If you would also like to submit your own separate requests in a motion to the judge you can do so by filing a cross-motion. Your response and/or cross-motion may ask for oral argument. That means you can ask to appear before the court to explain your position. However, you must submit a written response even if you request oral argument. Any papers you send to the court must be sent to the opposing side, either to the attorney if the opposing party is represented by one, or to the other party if they represent themselves. Two copies of all motions, cross-motions, certifications, and briefs shall be sent to the opposing side.

"The response and/or cross-motion must be submitted to the court by a certain date. All motions must be filed on the Tuesday 24 days before the return date. A response and/or cross motion must

**NOTICE TO LITIGANTS: IF YOU WANT TO RESPOND TO THIS MOTION YOU MUST DO SO IN WRITING.**

Dated: June 29, 2014



By: Derek Sypnert  
Pro Se Defendant

matter:

**PLEASE TAKE NOTICE:** That the Defendant requests a plenary hearing and oral argument in this Motion.

**PLEASE TAKE FURTHER NOTICE:** that the Defendant will rely upon the the attached certification and exhibit delivered to the Plaintiff / Plaintiff's attorney on 4/7/2013 in support within the Notice of

19. PETITIONERS DEMAND THAT THE COURT: Take Judicial Notice of all common law citations contained in the petition and in the associated exhibits pursuant N.J.R.E. 201:AND FURTHER THAT THIS COURT BE BOUND BY ANY SUCH COMMON-LAW CITATIONS CONTAINED HERIN THAT REPRESENT BINDING COMMON-LAW OF THIS JURISDICTION; AND FURTHER THAT THIS COURT BE BOUND BY ANY LEGAL PRECEDENTS THAT FAVOR THE DEFENDANTS POSITION WHICH ARE NOT CITED HEREIN.
20. PETITIONER DEMANDS THAT THE COURT: PRODUCE THE ENTIRE FILE WITH REGARD TO THIS MATTER AT THE DATE AND TIME OF ORAL ARGUMENTS.

be filed fifteen days (Thursday) before the return date. Answers or responses to any opposing affidavits and cross-motions shall be served and filed not later than eight days (Thursday) before the return date. No other response is permitted without permission of the court. If you mail in your papers you must add three days to the above time periods.

"Responses to motion papers sent to the court are to be sent to the following address: above referenced address. Call the Family Division Manager's office at 609-518-2600 if you have any questions on how to file a motion, cross-motion or any response papers. Please note that the Family Division Manager's office cannot give you legal advice."

**Derek C. Sypnert**  
Defendant, Pro se Litigant, citizen of New Jersey, and citizen of United States of America,  
hereby invoking all applicable rights which are by right applicable to similarly situated  
persons.

252 Fountain Lane  
609-936-0025

RECEIVED  
2014 APR 23 12:38  
FAMILY DIVISION  
SUPERIOR COURT  
BURLINGTON CTY

KATHRYN BISCHOFF, Plaintiff	vs.	Derek Sypnert Defendant
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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
BURLINGTON

*Docket No.*  
FN-03-1154-14

PROOF OF SERVICE:

(PETITION) IN LIEU OF WRIT &  
PETITION FOR REDRESS OF GRIEVANCE &  
MOTION FOR RULE 4:49 / 4:50 RELIEF

SUPPORTING:

MOTION FOR NEW TRIAL  
ENFORCEMENT OF LITIGANT'S RIGHTS  
MOTION FOR VOIDING OF FINAL  
JUDGEMENT  
VACATING FINAL JUDGEMENT  
RELIEF PURSUANT COURT RULE(S) 4:49 / 4:50

A copy of the following has been filed with Superior Court of New Jersey, 49 Ranocas Rd,  
Mount Holly, NJ.

1. Petition for Relief / "In Lieu of Writ" for Rule 4:49 / 4:50 relief (vacated order)
2. Notice of Motion
3. Certification of Defendant
4. Proof of Service

SPECIAL DELIVERY REQUIREMENT FOR FV POST-TRIAL MOTION:

The aforementioned Documents have been delivered to the court via mail and pursuant to the  
Prevention of Domestic Violence Act Procedure Manual / and in light of the restraints

prohibiting my direct contact with Kathryn Bischoff (void or otherwise), I respectfully request

the court clerk provide a copy of this petition and motion papers for relief to the opposing

party, as she is no longer represented by Ed. Logan. I have included the necessary postage for the clerk's office to enable you to forward the motion papers to the plaintiff.

C/O Court Clerk Superior Court of New Jersey

For Delivery by the Court to:  
Kathryn Bischoff  
79 Wyndahm Place  
Robbinsville, NJ 08691

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Derek C. Sypbrett

DATED: August 6, 2014



**Derek C. Sypniet**  
Pro se Litigant  
Defendant: Superior Court of New Jersey Chancery Division  
252 Fountain Lane  
609-936-0025

KATHRYN BISCHOFF, Plaintiff	vs.	Derek Sypniet Defendant
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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
BURLINGTON  
*Docket No.*  
FV-03-1154-14  
**ORDER FORM**

**THIS MATTER** having been opened to the court by Derek Sypniet – Pro-se and the Plaintiff Kathryn Bischoff, Pro se, appearing, and the court having considered the pleadings for good cause shown. **It is on this day** \_\_\_\_\_ **of August / September, 2014, ORDERED: as follows:**

1. ORDERED: THAT ORAL ARGUMENTS BE ORDERED AND HEARD IN THIS MATTER.
2. ORDERED: COURT CLARIFY PRIOR ORDERS REFERENCED IN THE ATTACHED / ENCLOSED "LETTER BRIEF" / "IN LIEU OF WRIT" DOCUMENT.
3. ORDERED: Rule its final order in this matter to be null and void.
4. ORDERED: The court issue an order declaring the 2/19/2013 trial of this matter a mistrial (as the process and procedures were adverse to the Defendant's rights to be heard at a meaningful trial and place, and adverse to the Defendant's right to be "fully heard" with regard to this matter.

- 6. ORDERED: The court properly schedule an immediate appeal pursuant the petitioners prior motions for the same dated March 1, 2013, April 15, 2013, and December 11, 2013. The court shall also immediately take's judicial notice that the prior (forementioned) motions for such relief were filed stamped by the clerk of the court in Mercer County and such orders were stamped "RECEIVED" on approximately the three dates referenced in this paragraph.
- 7. ORDERED: The court entertain and schedule plenary hearings to address the legal arguments and positions put to the court in the motions filed with the court on March 1, 2013, April 15, 2013, and December 11, 2013.
- 8. ORDERED: JUDGE TOMASELLO BE RECUSED FROM FURTHER PARTICIPATION IN THIS MATTER, DUE TO THE APPEARANCE THAT THE DEFENDANT WILL NOT RECEIVE A FAIR, UNBIASED TRIAL BEFORE JUDGE TOMASELLO GIVEN HIS PAST HANDLING OF THIS DOCKET.
- 9. ORDERED: A NEW TRIAL BE SET FOR THIS MATTER AT A MEANINGFUL TIME AND PLACE AND THAT THE DEFENDANT BE PROVIDED EXPRESS PERMISSION TO APPEAR IN COURT TO CONDUCT WHATEVER DISCOVERY OR FOLLOW-UP WITH THE COURT THE DEFENDANT DEEMS NECESSARY IN ORDER TO ADVOCATE FOR HIS DEFENSE IN THIS MATTER.
- 10. ORDERED: That the court consider the Defendant's argument supporting his position that the Plaintiff's accusations represent a fraud upon the court due to the fact that her complaint is refuted by testimony and facts that the Defendant can put before the court.
- 11. ORDERED: The court implements all procedural safeguards with regard to the Defendant's litigant's rights and privileges as defined by the Prevention of Domestic Violence Act / The Prevention of Domestic Violence Procedure Manual / and all applicable binding case law of higher courts of this jurisdiction.

TO THIS CASE.

UNDERLYING COMPLAINT, PROCEDURE, AND GOVERNMENT RECORDS RELATED

COMMUNICATIONS REGARDING RELEVANT ISSUES RELATED TO THE

COURT, ROBINSVILLE POLICE DEPT, WITH REGARD TO WRITTEN OR ELECTRONIC

OBTAIN LIMITED DISCOVERY FROM THE PLAINTIFF, ROBINSVILLE MUNICIPAL

14. ORDERED: THE COURT WILL ENFORCE THE PREVIOUSLY GRANTED RIGHT TO

or privileges at trial.

obstructs his "litigation privileges" and / or is potentially prejudicial to the Defendants rights

of a fair trial is lost due to irregular procedure or unusual treatment of the Defendant that

c. The court shall ensure that the trial venue is not tainted in such a manner that the appearance

least has the ability to be transported to the court.

b. The court shall set a date and time for the trial on such date that Defendant confirms that he at

provided Judge Bookbinder's civil restraints have not been vacated at such time) AND

opportunity to appear in the court facility (with express permission of a superior court judge,

a. The court shall set a court date at a date and time where the Defendant has a meaningful

**Act. Specifically:**

meaningful time and a meaningful place as required by the Prevention Of Domestic Violence

reschedule this matter for a new denovo trial date and time and that such time shall be at a

the petitioners prior motion filed with Robbinsville Municipal Court, **THEN:** The court shall

orders as null and void due to the conflict of interest and recusal of Judge Hoffman subsequent to

13. ORDERED: **IF:** the court does not dismiss the original complaint in this matter and subsequent

process, and/or routines for the same.

brief and certification pursuant to N.J.R.E. 201 and other applicable court rules, procedure,

12. ORDERED: The court take judicial notice of the common law referenced in the Petitioner's legal

15. ORDERED: THAT THE COURT: REPLY TO THIS MOTION & PETITION IN WRITING.

Specifically:

a. ORDERED: THE COURT CONSIDER THIS MOTION & PETITION: Pursuant all

applicable common law of this jurisdiction with regard to petitions for redress of grievances served upon parties pursuant to the New Jersey Constitution (1947) paragraph 18.

b. ORDERED: THE COURT WILL THIS MOTION & PETITION PURSUANT COURT

RULE 4:50, 4:49, and / or 2C:25-29 (*New Jersey Prevention of Domestic Violence Act 1991*),

and that all of the petitioners requests be reviewed in light of the Petitioners previously filed motions with regard to the elements of alleged fraud upon the court as they relate to the

underlying complaint and its factual inaccuracy.

c. ORDERED: With regard to the "interest of justice" with regard to remedial action by this

court to cure at least some of the procedural irregularities, the court's failure to uphold

statutory procedural safeguards with regard to the previously filed (March 31, 2013)

"Immediate Appeal", and subsequent motions to the court with regard to the conflict of

interest of Judge Hoffman and the deficient initial hearing that spawned this complaint.

16. ORDERED: The court grants the Defendants's previous motions for dismissal of the underlying

TR0 and the petitioner's Nunc Pro Tunc to Judge Hoffman's prior handling of the initial

complaint (2/8/2013) and requests the court provide a written response to this nunc pro tunc

objection to Judge Hoffman's involvement in the issuance of the TR0 and his ex-parte direct

examination of the Plaintiff, despite being a legal Adversary of the Defendant.

17. ORDERED THE COURT WILL PROVIDE A WRITTEN DETERMINATION OF THE COURT

WITH REGARD TO JUDGE HOFFMAN ASKING THE PLAINTIFF LEADING QUESTIONS

DURING THE EX-PARTE HEARING ON 2/8/2013) and requests that all questions and records

be stricken from the record and deemed inadmissible in this court.



HON. JUDGE TOMASELLO

DATED: \_\_\_\_\_

MATTER.

20. ORDERED: THE COURT WILL PRODUCE THE ENTIRE FILE WITH REGARD TO THIS MATTER AT THE DATE AND TIME OF ORAL ARGUMENTS. S BE HEARD IN THIS DEFENDANT'S POSITION WHICH ARE NOT CITED HEREIN.

19. ORDERED: The court takes judicial Notice of all common law citations contained in the petition and in the associated exhibits pursuant N.J.R.E. 201; AND FURTHER THAT THIS COURT BE BOUND BY ANY SUCH COMMON-LAW CITATIONS CONTAINED HEREIN THAT REPRESENT BINDING COMMON-LAW OF THIS JURISDICTION; AND FURTHER THAT THIS COURT BE BOUND BY ANY LEGAL PRECEDENTS THAT FAVOR THE DEFENDANT'S POSITION WHICH ARE NOT CITED HEREIN.

18. ORDERED: THE COURT WILL PROVIDE A DETERMINATION REGARDING THE "APPEARANCE OF FAIRNESS" WITH REGARD TO THE TRIAL AND PRE-TRIAL PROCEEDINGS IN LIGHT OF JUDGE BOOKBINDER'S CIVIL RESTRAINTS OF 2/6/2014, 2/19/2014, AND 3/10/2014, Whereby the Defendant's right to mercer county judges was restrained via oral order and the Defendant's ability to contact officers of the court (even for the purposes of discovery) via telephone was restrained in a manner which could prejudice the ability of the Defendant to advocate for his rights at a denovo trial or upon any future appeal or ancillary civil suit with regard to the apparent denial of the Defendant's constitutionally protected due process rights.

**Derek C. Sypniet**  
Pro se Litigant  
Defendant: Superior Court of New Jersey Chancery Division  
252 Fountain Lane  
Lawrence, NJ 08648  
Phone: 609-936-0025

**KATHRYN BISCHOFF**  
(aka Katy Elizabeth)

Plaintiff

vs.

Defendant

Derek Sypniet,

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
BURLINGTON COUNTY

*Docket No.*  
FV-03-1154-14

**CERTIFICATION OF DEREK SYPNIET  
IN SUPPORT OF:**

**(PETITION) IN LIEU OF WRIT &  
PETITION FOR REDRESS OF GRIEVANCE &  
MOTION FOR RULE 4:49 / 4:50 RELIEF**

**SUPPORTING:**

**MOTION FOR NEW TRIAL  
ENFORCEMENT OF LITIGANT'S RIGHTS  
MOTION FOR VOIDING OF FINAL  
JUDGEMENT  
VACATING FINAL JUDGEMENT  
RELIEF PURSUANT COURT RULE(S) 4:49 / 4:50**

I, Derek Sypniet, of full age hereby certify the following:

I am the pro se litigant, and the indigent pro-se defendant for all matters related to

FV-11-887-13.

2. I am deeply frustrated by the courts failure to provide substantive due process and statutory due process with regard to my previous filing for an "immediate appeal" on 3/1/2013. I have not yet been granted an opportunity to be heard with regard to my immediate appeal. The court failed to send notice to either the Plaintiff or the Defendant with regard to the scheduling of the immediate appeal as is required under the court rules for service of process. This matter was raised with Judge Marbre and she agreed that I had a right to be heard with regard to my immediate appeal rights. The court concluded this matter without reviewing my pleadings in the immediate appeal as required by statute and the court did not consider my calendar motions, which were converted to motions in limine with regard to the Plaintiff's acts of extrinsic and intrinsic fraud.

3. Further the issuance of this TR0 was issued by a judge who later recused himself from this matter because he had a conflict of interest with the Defendant on the date the underlying TR0 was issued. Please take judicial notice of the 8/20/2013 Court order of Judge Hoffman which was submitted to the court on about 12/11/2013 by hand delivery, and prior to that date by U.S. Postal mail in a motion dated 11/26/2013. The court order of 8/20/2013 was attached as an exhibit to the Defendants in 11/26/2013 motion for relief and the court order was issued in response to the Defendant's demand that the Judge Hoffman be recused and vacate his issuance of the TR0 because he was a legal adversary of the Defendant on 2/8/2013 when the underlying TR0 in this matter was issued by Judge Hoffman. As a result the underlying TR0 is a legal nullity and according to common law it can not be converted into an FRO without a rehearing of the Plaintiff's original complaint. To that end I'd again direct the court to examine Exhibit D and the immediate appeal filing which show the Plaintiff's original complaint is replete with fraudulent accusations. Her position that she attempted to cease contacting me is in fact false. Further there is NO evidence of domestic violence or actions that go beyond simple domestic contempt.

4. I have submitted this pleading / motion primarily because my statutory rights to due process were violated AND IMPORTANTLY: because the Plaintiff's complaint was replete with intrinsic and extrinsic fraud (see the Plaintiff's 2/8/2014 complaint and Exhibit D). Exhibit C shows that the Plaintiff original complaint was fraudulent and that she induced these proceedings by creating a fraudulent narrative. Specifically the Plaintiff did not cease making unsolicited contact with me on about 1/15/2013. Instead the



Plaintiff actually continued contacting me via multiple channels including text messages with romantic overtones and facebook friend requests. The Plaintiff's contact continued into February of 2013. The Plaintiff's contact with me included a text wishing me a happy birthday on 1/24/2013; a facebook friend request on 1/26/2014; texts on 1/17/2014, etc.

**PLEASE NOTE**

**THE IMMEDIATE APPEAL IS IN ADMITTEDLY POOR FORM, DUE TO: THE FACT THAT I RUSHED TO PRESENT IT TO THE COURT AHEAD OF THE PRESUMED TRIAL DATE OF THE FRO HEARING. IT IS NOT AN EXAMPLE OF MY BEST LEGAL WORK, BUT INSTEAD A RESULT OF A HASTILY CRAFTED RESPONSE. THAT SAID THE IMMEDIATE APPEAL HAS IS NOT GOVERNED BY ANY COURT RULES FOR FORM, PAGE LENGTHS, OR CONTENT.**

**THE IMMEDIATE APPEAL IS UNIQUELY A CREATURE OF STATUTORY CREATION UNDER THE PREVENTION OF DOMESTIC VIOLENCE ACT.**

**OTHER ISSUES:**

5. **Extrinsic fraud** was also propounded upon the court by Judge Bookbinder's court orders prohibiting me from appearing in the court without EXPRESS permission from a judge. The definition of Extrinsic Fraud includes inducing a witness not to appear or respond to a legal matter. As a result the court orders of 2/6/2014 and 2/19/2014 represent acts of extrinsic fraud. I request the court take judicial notice of the aforementioned court orders.

6. I am currently suffering from Post Traumatic Stress Disorder (PTSD) as a result of the manner in which my legal matters have been handled by the Superior Court of New Jersey. This fact has been confirmed by the Social Security Administration. I have been granted permanent disability as a result of the emotional duress this case and my family dockets have caused me. I therefore request that the court accommodate my disability and provide the assistance of counsel as dealing with this matter has become a health concern. Reviewing documents and continuing to interact with the court has been identified as a stress



factor that impacts my health. As result I request the court grant relief by assigning counsel to ASSIST(only) in the preparation of further documents which may be necessary to resolve this matter justly (SEE EXHIBIT C FOR PROOFS OF DISABILITY).

7. Service & Summons of the court was defective with regard to the Summons issued by the Superior Court of New Jersey dated 1/31/2014.

8. The summons was defective in the manner described in the letter / petition included with this certification. The "place" or location of the trial was not accurate in the plain text of the summons. No complaint was attached to the summons issued by the Superior Court of New Jersey on 1/31/2014.

9. Civil Restraints existed by order of Judge Bookbinder that prohibited the Defendant from appearing at any Burlington County Court facility according to the plain text of Judge Bookbinder's court order and upon inquiry to the court on 2/19/2014 (the trial date) I was denied permission to participate telephonically at the trial for this above captioned matter. As a result the court failed to gain personal jurisdiction with regard to this matter. The court failed to provide substantive due-process under the law and instead issued process and judgments contrary to Court Rule 5:4-1.

10. The Defendant (I) was not properly served process by the court.  
11. The Defendant (I) purportedly subject to a court order of Judge Bookbinder of 2/6/2014 and / 2/19/2014 which denied me the right to appear at my own trial in this matter.

12. Both issues in the paragraphs immediately above violated my due-process rights under the 14<sup>th</sup> Amendment of the Constitution for the United States of America (original jurisdiction) as a result the court order issued declaring a default judgment is void. I hereby request the court to declare the order void.

13. Additionally a pre-trial Immediate Appeal was filed with the court on about 3/1/2013. An immediate appeal is a statutory right of the Defendant. The Immediate appeal was not considered and the pleadings were not ruled upon in the default judgment in this matter. This was a violation of my statutory due

process under the law and I demand that the immediate appeal be considered by the court and oral arguments be heard with regard to these constitutional issues.

14. If this court can not hear the constitutional issues raised in this certification and the previously filed and served immediate appeal I request the court declare its prior final judgement to be void and order that I have leave to file the constitutional issues before a court with jurisdiction to rule upon the same.

15. Given the appearance of bias by Judge Tomasello during the trial of FM-03-790-03 and FV-03-1162-03 I further request respectfully that Judge Tomasello recuse himself from any further action in this matter other than vacating or declaring his prior order void.

16. To support the above I certify that Judge Tomasello raised his voice at me and threatened to have me removed from the court in FV-03-1162-14 after making my first and only objection in that matter on April 1, 2014. Judge Tomasello violated my right to be fully heard in the trial of FV-03-1162-14 and demonstrated bias and discourtesy on that date. Additionally Judge Tomasello attempted to diagnose my mental condition on April 1, 2014 and / or made statements akin to the same by suggesting that my mental condition had deteriorated that date. Judge Tomasello had no scientific information or evidence before the court to support such a finding, and Judge Tomasello is not a licensed doctor in this state, as such his comments were improper, regrettable, and evidence of bias against the Defendant. If the court disputes this claim I reserve the right to subpoena Judge Tomasello and request the abbreviated transcripts of the audio file I've already purchased from the court with regard to the April 1, 2014 hearing in FV-03-1162-14.

17. Further I informed Judge Tomasello in writing and in person that he failed to hear the immediate appeal in this matter and he refused to take remedial action in the interest of justice as an honorable judge should have. This is further evidence that Judge Tomasello appearance in this matter lacks the appearance of impartiality.

18. Further on about 2/21/2014 Judge Tomasello stated that he did not know who Judge Marbrey was. Notably this was two days after ruling on the matter of FV-03-1154-14 which was previously docketed in Mercer County and presided over by Judge Marbrey. This creates the appearance that Judge Tomasello issued

a final order in this matter without reviewing the file, which creates the appearance that he is not competent and or prejudiced against the litigants rights to a fair trial.  
19. It is my position that in the interest of justice and in accordance with due-process under the law the final order in this matter should be vacated due to the procedural defects in process, and at trial as described above.

20. Please see the attached Exhibits which include Judge Bookbinders court orders of 2/6/2014, 2/19/2014, and 3/10/2014 along with the summons sent by the Superior Court of New Jersey dated 1/31/2014. NOTICE #1: please be advised that my name for the purposes of legal service is Derek Syphtett

not "DEREK SYPHRETT" I will not respond to mailings from the court in which I am summoned in the name of "DEREK SYPHRETT". While I am NOT a member of a sovereign citizen movement it is my well researched belief that the name "DEREK SYPHRETT" (all caps) is not a reference to myself in the flesh and blood but instead references the incorporated entity "DEREK SYPHRETT" which as far as I know only exists as a birth certificate, social security card, and drivers license. I do not represent the legal entity of "DEREK SYPHRETT". I represent the natural man "Derek Syphtett" and my legal interests in this matter as a jurts in persona / pro se litigant. I do not accept responsibility for the legal affairs of the incorporated entity "DEREK SYPHRETT".

22. NOTICE #2: I do not "understand" the court and that is a term that I do not use in courts. The legal meaning of this term according to Blacks Law Dictionary is literally to "give legal foundation" to matters that may not have a legal foundation. Therefore will not "understand" the court at anytime. Instead I demand that the court provide or reference appropriate legal foundation(s) for any and all matters the court asserts during this proceeding .

23. NOTICE #3: I hereby invoke all rights I am entitled to under the any constitution of original jurisdiction related to this matter, and New Jersey Statutes that provide the legal foundation for this matter. I waive none of my pre-trial, trial, or post-trial rights.

24. NOTICE #4: I also object nunc pro tunc to the entrance of the default judgement in this matter given that I had filed pleadings before the court in 3/2013, 4/2013, 11/2014. The legal basis for my nunc pro



tunc objection is that a default shall not be issued in a matter such as this when the Defendant has properly submitted written pleadings and personal jurisdiction and/or process was not properly obtained /sent by the court. I can produce and will produce stamped copies of these pleadings for the court at oral arguments if the court disputes this certified statement.

**CONCLUSION:**

25. There are procedural and statutory issues with regard to the Defendant's immediate appeal and his right to be fully heard at a meaningful date and time which the court must now address in the interest of justice by providing the Defendant relief and an opportunity to clear his name.

26. There are other interests of justice that the court must address with regard to the fact that the Defendant has been effectively found guilty via default despite the fact the Defendant responded to the complaint and filed numerous pleadings with the court, which the court has not timely scheduled for hearing or ruled upon. Open legal questions sit before the court and must be addressed in the interest of Justice with regard to the Defendants filing of:

a. An immediate appeal 3/1/2013

b. A motion for reconsideration of pretrial matters on 6/7/2014

c. A motion for dismissal on 11/26/2013

27. **A default should not have been entered in the interests of justice given:** the Plaintiff's statutory right to an immediate appeal filed pursuant to the 2C:25-31 statutes and the Defendants affirmative production of pleadings which were not addressed by the Plaintiff or the court on the purported trial date of 2/19/2014.

28. There are issues of extrinsic fraud that the court must now address with regard to:

a. The Plaintiff's fraudulent / false statements in the original complaint which misled an ignorant court with regard to the cause of action

b. The court orders denying the Defendant permission to appear as a witness on 2/19/2014, which fit the definition of extrinsic fraud.



not.

now be improperly advised that I have committed acts of domestic violence when in fact I have not and would domestic violence and I resent the fact that law enforcement personnel and members of my community may due process and allow me to be fully heard for the purposes of clearing my good name. I have not committed and smear my good name and for that matter I demand the court provide substantive due process, statutory when it comes to my conduct generally. That said the court ordered restraints limit my commercial activities conduct. I am not a man that allows himself to be coerced. I don't consider the courts restraints or court orders 31. For the record I would remind the court that it has no coercive power with regard to my

credible threat to the Plaintiff's well-being.

fact that the Defendant has not committed such crimes is indicative of the fact that the Defendant is not a are intent upon committing crimes of violence will not be deterred by court issued restraints. Therefore the harming others will simply do so and be held accountable for the same if they are caught. In general men who violence restraints to do not provide any real protection to any alleged victims as men who are intent on there is no evidence that he would attempt to harm the Plaintiff in the future. More importantly domestic needed to prevent any domestic violence by the Defendant. The Defendant has not contacted the Plaintiff and

30. The court should also note in the year since the restraints were issued the Restraints were not is no evidence before the court of acts of domestic violence or the need for domestic violence restraints.

threat to the Plaintiff's safety or that of her children. There may be evidence of domestic contempt, but there 29. Most importantly there is no credible evidence that the Defendant at anytime posed a real

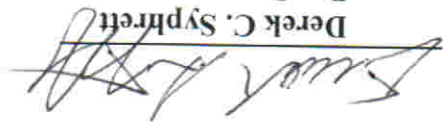
pre-trial process

with regard to whether the Defendant's constitutional rights to due process had been addressed by the court / there were open legal questions put before the court prior to the case being transferred to Burlington County c. The Plaintiff and the Plaintiff's counsel Ed Logan had a responsibility to inform the court that

I certify the foregoing statements are true to the best of my knowledge and I would avail myself to a jury trial and punishment under the law if these statements can be proven to be willfully false.

DATED: August 5, 2014

Derek C. Sypnietti  
Pro Se,  
Juris in Persona;  
Naturalis Homo in Carne



DATE: 7/29/2014

IN LIEU OF WRIT & PETITION FOR REDRESS OF GRIEVANCES FOR RULE 4:50 / 4:49 RELIEF

**FROM:**

Derek Sypbrett  
252 Fountayne Ln  
Lawrenceville, NJ 08648

**TO:**

State of New Jersey  
Dept. of Human Services  
Division of Family Development  
Office of Child Support Services – Administrative Enforcement Unit

Hon. Judge Tomassello, Hon. Judge John Call, Hon. Judge Bookbinder, Court Clerk, Greg Lambard, Probation  
Dept., Sharyn Sherman, Judge Grant, J.A.D., Chief Justice Rabner, A.C.J.C. Committee

Superior Court of New Jersey, Chancery Division, Family Part (Burlington County)

49 Rancocas Rd  
Mount Holly, NJ 08060

RE: LETTER BRIEF

RE: LETTER FROM BOOKBINDER DATED May 6, 2014; May 23, 2014; June 16, 2014 &  
RE: FINAL JUDGEMENTS OF JUDGE TOMASELLO IN FV-03-1154-14, FV-03-1162-14, FV-03-790-14

Your Honors and aforementioned addressees:

PLEASE TAKE NOTICE OF THE RELIEF CONTAINED IN THIS IN LIEU OF WRIT & PETITION

PLEASE ACCEPT THIS LETTER IN LIEU OF A FORMAL BRIEF SUPPORTING MY CLAIM TO RULE 4:50 / 4:49 RELIEF FROM JUDGEMENT (IN THE INTEREST OF JUSTICE).

PLEASE TAKE NOTE:

THAT NEW JERSEY STATUTES REGARDING CHILD-SUPPORT CONSTRUCTIVE THE SUBMISSION OF  
"PETITIONS", CONTRARY TO JUDGE BOOKBINDER'S PRIOR FALSE CLAIMS THAT THE COURT  
RULES DO NOT CONSTRUCTIVE TAKING NOTICE OF PETITIONS.

I THEREFORE ASSERT MY STATUTORY AND CONSTITUTIONALLY PROTECTED RIGHT TO  
PETITION THIS COURT FOR REDRESS OF THE GRIEVANCES DESCRIBED BELOW:

PLEASE KINDLY APPLY THE CIVIL LIBERAL CONSTRUCT TO THE PLEADINGS (ALSO LABELED  
REQUESTS, WHICH ARE CONTAINED IN THIS LETTER PETITION).

PLEASE KINDLY SHARE THIS LETTER WITH ALL NAMED ADDRESSEES AT YOUR AGENCY.



**I BEGIN THIS PETITION IMMEDIATELY BELOW:**

Given that Judge Bookbinder has stated (in his May 6, 2014) letter that under the court rules my prior petition for redress of grievance was not "cognizable" under the New Jersey Court Rules AND given Judge Bookbinder's false claims that he can not read my emails because of his prior orders and/or because the court rules do not construe receipt of correspondence via email I have provided this letter via mail.

**I. With Regard to Judge Bookbinder's claims that he can not review my prior emails for the reasons cited above please take legal notice of the following:**

1. The court rules do not prohibit the court's review of emailed correspondence. The fact that the court rules do not forbid emails from litigants effectively permits the same.

2. JUDGE BOOKBINDER'S MAY 23, 2014 EMAIL REFERENCES (AND I QUOTE): "the Court's practice of not accepting substantive legal documents via email"

(a) This statement is false. The court in fact did accept substantive documents from Ms. Millner via email on prior to April 1, 2014 in FM-03-790-14. Such email(s) were sent ex-parte to the court and Ms. Millner stated that her staff sent these emails to the court during the trial of the aforementioned docket.

(b) It is a fact that the court has accepted emailed correspondence from the Plaintiff's counsel in FM-03-790-14 despite the fact that Jennifer Millner was purportedly subject to the same restraints that I am purportedly subject to. This is a matter of court record in FM-03-790-14. As a result the court's position that it will not accept my emails is evidence of bias by the court favoring the Plaintiff.

3. JUDGE BOOKBINDER IS READING EMAILS I'VE WRITTEN, BUT FALSELY CLAIMING THAT HE HAS NOT:

(a) It is evident based on the correspondence from Judge Bookbinder to date that he has been reading and responding to the emails I've sent as his letters subsequent to emails (I've written) have frankly referenced the issues raised in the emails I've sent.

(b) Frankly it is fairly obvious that Judge Bookbinder's correspondence with regard to his ignorance of these emails is fraudulent.

(c) The pretense that these emails have not been read and considered by Judge Bookbinder is frankly very childish. This pretense frankly diminishes the integrity of the court and Judge Bookbinder's role as a neutral / honest intermediary.

(d)

4. WITH REGARD TO THE COURT RULES: There are a great many things the court rules fail to construe. For Example: The court rules don't explain how to use the bathrooms in the court house, but I presume the Judges and staff manage to use these facilities without guidance from the court rules. Likewise the court is perfectly capable of responding to emails (such as the ones I've written) or correspondence sent to the court for the purpose of efficient administration of due-process.



**II. REQUEST FOR CLARIFICATION REGARDING JUDGE BOOKBINDER'S CLAIM THAT JUDGE TOMASELLO'S COURT ORDERS IN FM-03-790-14, FV-03-1162-14, AND FV-03-1154-14 ARE LEGALLY VALID:**

1. Judge Bookbinder has repeatedly stated that the purported Final Order of Dual Judgement by Judge Tomaseлло in FM-03-790-14 is legally valid (and not void as I've stated). I request the court clarify on what grounds Judge Bookbinder reached this conclusion. Please note the following with regard to your written response to this request:

(a) Judge Bookbinder was not a first-person witness to the entire trial of FM-03-790-14 and so he certainly can not assess fully assess or claim to know if Judge Tomaseлло failed to act with proper jurisdiction, or delivered his order consistent with due-process under-the-law.

(b) I continue to maintain that AS A FIRST-PERSON WITNESS the majority of the trial in FM-03-790-14 that my constitutional right to due-process was in fact violated by Judge Tomaseлло when he among other-things took ex-parte testimony, denied me the right to cross-examine witnesses, denied me the right to present witnesses and evidence, and made findings based on facts and statements never put before the court by unnamed therapists purportedly from Connecticut.

(c) While Judge Bookbinder certainly could and should determine that Judge Tomaseлло's court order is void based on a review of the record or only parts of the record that clearly show that due-process was not provided at trial, Judge Bookbinder IS NOT IN ANY POSITION TO TELL ANY COURT STAFF THAT THE COURT ORDER OF JUDGE TOMASELLO IS LEGALLY VALID, BECAUSE JUDGE BOOKBINDER WAS NOT A FIRST-PERSON WITNESS TO THE ENTIRETY OF THE TRIAL.

(d) JUDGE BOOKBINDER CAN NOT CREDIBLY ASSERT THAT JUDGE TOMASELLO'S COURT ORDER IS LEGALLY VALID WITHOUT HAVING FULLY REVIEWED THE TRIAL RECORD IN FM-03-790-14.

(e) **THE MERE ISSUANCE OF A COURT ORDER DOES NOT MAKE IT LEGALLY VALID**

See the Following Legal Precedents affirming this statement:

*i. Johnson v Zerbst, 304 U.S. 458, 58 S.Ct. 1019 (1938) - Finding: Subject Matter Jurisdiction is lost when there is a violation of due process,*

**III. REQUEST FOR CLARIFICATION OF 2/6/2014, 2/19/2014, 3/10/2014 court Orders**

1. In paragraph 5 of Judge Bookbinder's 2/6/2014 court order and in paragraph 6 of Judge Bookbinder's 2/19/2014 court order it states that the Defendant (Derek Sypkrett) is:

"prohibited from appearing in person in any Burlington County Court facilities without any prior express permission from a Superior Court Judge"

GIVEN: that on 2/18/2014 & 2/19/2014 there were trial dates scheduled for FV-03-790-14, FV-03-1154-14, and FV-03-1162-14 (SEE ENCLOSURES); and

GIVEN: that express permission was not given by a Superior Court Judge To appear for these dates and the trials continued ex-parte without Mr. Sypkrett

GIVEN: That Mr. Sypkrett called the court and asked to participate via telephone on 2/19/2014 and Mr. Sypkrett's power of attorney faxed the court a request for telephonic participation in the trial of FV-03-1154-14, which was denied according to Tara (Judge Tomasello's law clerk)

**CAN YOU CLARIFY THE COURT ORDER AND EXPLAIN THE FOLLOWING:**

(a) HOW IT DID NOT BE DEFAULT DENY MR. SYPHRETT A MEANINGFUL OPPORTUNITY TO PARTICIPATE IN HIS OWN TRIALS ON THOSE DATES?

(b) CAN YOU PROVIDE ANY PROOF THAT EXPRESS PERMISSION WAS PROVIDED TO MR. SYPHRETT BY A SUPERIOR COURT JUDGE FOR MR. SYPHRETT TO APPEAR AT THOSE TRIAL DATES?

**IV. REQUEST FOR CLARIFICATION OF SUMMONS / PROCESS SERVICE IN FV-03-1154-14 AND FV-03-1162-14.**

**GIVEN THAT COURT RULE 5:4-1 STATES THAT IN ORDER FOR THE COURT TO PROCEED WITH SUMMARY ACTIONS IT MUST ISSUE A SUMMONS IN THE FOLLOWING MANNER:**

• "In every family action required or permitted by law or rule to proceed summarily, a summons shall issue either in addition to or in lieu of an order to show cause.

• "The summons shall comply with the requirements of R. 4:4-2 except that in lieu of requiring an answer it shall notify the defendant to appear at the time, date and place therein set forth to answer the complaint, a copy of which shall be annexed thereto.

• "It shall also notify the defendant that unless the defendant appears at the date, time and place set forth an order may be entered by default and, if appropriate, that a warrant may issue to compel the defendant's appearance. The summons shall be served in accordance with R. 4:4. "

[bullets, bolding, and underline added for emphasis]



CAN YOU, JUDGE TOMASELLO, OR THE COURT CLERK EXPLAIN / PROVE THE FOLLOWING:

1. THAT A SUMMONS WAS ISSUED ACCORDING TO THE COURT RULES; AND

2. THAT PERSONAL JURISDICTION TO PROCEED IN THE MATTER OF FV-03-1154-14 WAS LAWFULLY OBTAINED IN ACCORDANCE TO THE COURT RULES;

VERY IMPORTANTLY:

PLEASE TAKE NOTICE OF THE COPIES OF THE SUMMONS ENCLOSED WITH THIS LETTER.

The summons are defective for the following reasons:

1. The place of the hearings was purported to be "BEFORE JUDGE CALL" "JUDGE-PRE-" NOT JUDGE TOMASELLO. The summons does not match the record which shows Judge Tomasello presided over these matters without any amended summons being issued

2. THE COMPLAINT: was not attached to the summons

AS A RESULT OF THE ABOVE AND THE ATTACHED: It is clear that the court did not issue process / summons properly I maintain that personal jurisdiction was not established and process not served properly with regard to these matters.

Can the court prove otherwise. If not I demand the court vacate the domestic violence order in FV-03-1154-14.

Further given that the court did not provide express permission for me to appear in person for my own trials on these dates I demand that proper service be delivered and trial dates be reset for remand of the issues.

V. RE: JUDGE BOOKBINDER'S REPEATED UNFOUNDED ACCUSATIONS THAT I HAVE VIOLATED HIS COURT ORDERS VIA EMAILS TO THE COURT OR VIOLATED VALID COURT ORDERS IN ANYWAY WHATSOEVER;

1. I Dispute and reject Judge Bookbinder attempting to assert that I have violated any court orders without providing any evidence of the same and/or without a plenary hearing establishing the same – as no evidence of ANY violations of court orders has been properly put before the court.

2. Judge Bookbinder's prior letters to multiple recipients claiming that I have "violated" court orders are completely unfounded and without legal basis. I demand Judge Bookbinder retract such statements and issue amended statements with regard to his unfounded accusations.

3. Further please note that while I have stated that I have written emails to the court I have never once claimed that I have pushed the send button or delivered such emails to the court personally. The burden of proving that I have violated a court order is not mine to bear and I reject vehemently any such accusations.

4. Further I allege that prior, present, and/or future statements by Judge Bookbinder that assert that I have violated court orders by emailing the court or by asserting litigation privileges are tantamount to tortuous slander, defamation, and/or mail fraud. **I demand such statements be retracted.**

Please refer to the first enclosure as Exhibit A (Court Orders) and the second enclosure as "Exhibit B" (defective summons lacking, both place and attached complaints).

Very Respectfully,



Derek Syphrett

Juris in persona,

Naturalis homo in carne (natural man, in the flesh)

CC: E. Logan, Esq., K. Bischoff c/o Court Clerk J. Millner Esq.



**EXHIBITS**  
**SUPPORTING**  
**DEFENDANT'S PLEADINGS**

\*\*\*REFER TO ABOVE DOCKET NUMBER(S) ON ANY INQUIRIES IN THIS MATTER\*\*\*  
\*\*\*PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS \*\*\*  
\*\*\*PLEASE NOTIFY THE COURT AT LEAST ONE WEEK IN ADVANCE IF YOU  
REQUIRE AN INTERPRETER. CALL 609-518-2645 \*\*\*  
\*\*\*Llame al 609-518-2645 una semana antes  
si necesita que alguien le interprete \*\*\*

BARBARA SOPRONYI  
DIVISION MANAGER, FAMILY PART

DATED: 01/30/14

QUESTIONS ABOUT THIS NOTICE??  
CONTACT PROBATION OFFICER JENNIFER BLIGH, AT 609-518-2669 EXT.  
BRING THIS NOTICE WITH YOU WHEN YOU APPEAR

PLEASE BE ADVISED that the above captioned matter has been scheduled  
for (CONFERENCE WITH JUDGE-PRE), to be held at 49 RANCOCAS ROAD, COURT  
RM 5B, 5TH FL, MT. HOLTY, NJ, before HONORABLE JOHN CALL, on  
FEBRUARY 19, 2014 at 08:30 A.M.

Dear Litigant:

DEREK SYPHRETT  
252 FOUNTAINE LANE  
LAWRENCE, NJ 08648-2677

(50457148)  
EV-03-001152-14-X  
DOCKET NO.(S):

SYPHRETT DEREK, DEFN

VS

MALACE MARGARET, PLTF

CONFERENCE WITH JUDGE-PRE

NOTICE OF

FAMILY  
N057  
006  
JUSHB3

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
COUNTY OF BURLINGTON

EXHIBIT A

**EXHIBIT A**

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
COUNTY OF BURLINGTON  
006  
JUSHB3

\*\*\*\*\*  
WALFACE MARGARET, PLTF  
VS  
SYPHRETT DEREK, DEFN  
NOTICE OF  
CONFERENCE WITH JUDGE-PRE  
DOCKET NO. (S):

EW-03-001162-14-X  
(50457148)

DEREK SYPHRETT  
252 FOUNTAIN LANE  
LAWRENCE, NJ 08648-2677

Dear Litigant:  
PLEASE BE ADVISED that the above captioned matter has been scheduled for (CONFERENCE WITH JUDGE-PRE), to be held at 49 RANCOCHAS ROAD, COURT RM 5B, 5TH FL, MT. HOLTY, NJ, before HONORABLE JOHN CALL, on FEBRUARY 18, 2014 at 08:30 A.M.

QUESTIONS ABOUT THIS NOTICE??  
CONTACT PROBATION OFFICER JENNIFER BLIGH, AT 609-518-2669 EXT. BRING THIS NOTICE WITH YOU WHEN YOU APPEAR

BARBARA SOPRONI  
DIVISION MANAGER, FAMILY PART  
DATED: 01/30/14

\*\*\*REFER TO ABOVE DOCKET NUMBER(S) ON ANY INQUIRIES IN THIS MATTER\*\*\*  
\*\*\*PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS \*\*\*  
\*\*\*PLEASE NOTIFY THE COURT AT LEAST ONE WEEK IN ADVANCE IF YOU REQUIRE AN INTERPRETER. CALL 609-518-2645 \*\*\*  
\*\*\*Llame al 609-518-2645 una semana antes  
si necesita que alguien le interprete \*\*\*

\*\*\*PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS \*\*\*  
\*\*\*PLEASE NOTIFY THE COURT AT LEAST ONE WEEK IN ADVANCE IF YOU  
REQUIRE AN INTERPRETER. CALL 609-518-2645 \*\*\*  
\*\*\*Llame al 609-518-2645 una semana antes  
si necesita que alguien le interprete \*\*\*

\*\*\*REFER TO ABOVE DOCKET NUMBER(S) ON ANY INQUIRIES IN THIS MATTER\*\*\*

BARBARA SOPRONYI  
DIVISION MANAGER, FAMILY PART

DATED: 01/30/14

QUESTIONS ABOUT THIS NOTICE??  
CONTACT PROBATION OFFICER DENNIER BLIGH, AT 609-518-2669 EXT.  
BRING THIS NOTICE WITH YOU WHEN YOU APPEAR

609 518 2677

PLEASE BE ADVISED THAT THE ABOVE CAPTIONED MATTER HAS BEEN SCHEDULED  
FOR (CONFERENCE WITH JUDGE-PRE), TO BE HELD AT 49 RANCOCAS ROAD, COURT  
RM 5B, 5TH FL, MT. HOLLY, NJ, before HONORABLE JOHN CALL, on  
FEBRUARY 18, 2014 at 08:30 A.M.

Dear Litigant:

DEREK SYPHRETT  
252 POUNDKNEE LANE  
LAWRENCE, NJ 08648-2677

DOCKET NO. (S) :  
PV-03-001162-14-X (S0457148)

CONFERENCE WITH JUDGE-PRE

NOTICE OF

SYPHRETT DEREK, DEFN

VS

MALLACH MARGARET, PLIF

FAMILY  
N057  
006  
JUSMB3

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
COUNTY OF BURLINGTON

EXHIBIT A



\*\*\*PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS \*\*\*  
\*\*\*PLEASE NOTIFY THE COURT AT LEAST ONE WEEK IN ADVANCE IF YOU  
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\*\*\*Llame al 609-518-2645 una semana antes  
si necesita que alguien le interprete \*\*\*

\*\*\*REFER TO ABOVE DOCKET NUMBER(S) ON ANY INQUIRIES IN THIS MATTER\*\*\*

BARBARA SOPRONIY  
DIVISION MANAGER, FAMILY PART

DATED: 01/30/14

QUESTIONS ABOUT THIS NOTICE???  
CONTACT PROBATION OFFICER JENNIFER BLIGH, AT 609-518-2669 EXT.  
BRING THIS NOTICE WITH YOU WHEN YOU APPEAR

609 518 2677

PLEASE BE ADVISED that the above captioned matter has been scheduled  
for (CONFERENCE WITH JUDGE-PRE), to be held at 49 RANCOAS ROAD, COURT  
RM 5B, 5TH FL, MT. HOLLY, NJ, before HONORABLE JOHN CALL, on  
FEBRUARY 18, 2014 at 08:30 A.M.

Dear Plaintiff:

DEREK SYPHRETT  
252 FOUNTAIN LANE  
LAWRENCE, NJ 08648-2677

(S0457148)  
DOCKET NO. (s): FV-03-001162-14-X

\*\*\*\*\*  
MALLACE MARGARET, PLTF \*  
VS \*  
SYPHRETT DEREK, DEFN \*  
NOTICE OF \*  
CONFERENCE WITH JUDGE-PRE \*  
DOCKET NO. (s):

FAMILY  
N057  
006  
JUSHB3

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION, FAMILY PART  
COUNTY OF BURLINGTON

EXHIBIT A

# EXHIBIT B

FILED with the Court

FEB - 6 2014

Ronald E. Bookbinder, A.S.C.

Prepared by the Court

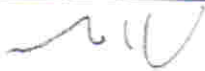
Plaintiff Margaret Wallace, Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FM-03-790-14	Defendant Derek Syphrett
Plaintiff Margaret Wallace, Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1162-14	Defendant Derek Syphrett
Plaintiff Kathryn Bischoff, Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1154-14	Defendant Derek Syphrett

It is on this 6<sup>th</sup> day of February 2014, ORDERED that:

1. Defendant Derek Syphrett is prohibited from filing any documents with the Court in any way that is contrary to the New Jersey Court Rules. This order applies to all cases presently pending in the Superior Court of New Jersey, and any cases subsequently filed.
2. Defendant is prohibited from calling any Judge, employee, or court officer of this court, including the undersigned. If Defendant is the victim of a crime, he may call my chambers at (609) 518-2984, between the hours of 8:30 AM and 4:30 PM, Monday through Friday, and may otherwise call Burlington County Central Communications at (856) 234-8300.
3. Defendant is prohibited from sending any faxes to any Judge, employee, or court officer of this court, including the undersigned.
4. Defendant is prohibited from sending any emails to any Judge, employee or court officer of this court, including the undersigned.

**Civil Action**  
TEMPORARY RESTRAINING ORDER

Ronald E. Bookbinder, Assignment Judge  
Superior Court of New Jersey



5. Defendant is prohibited from appearing in person in this Court, or in any Burlington County Court facilities, without express prior permission from a New Jersey Superior Court Judge.
6. Instructions to New Jersey Superior and Municipal Court Judges, employees and court officers:
  - a. If any telephone call is received from Mr. Sypkett, the clerk shall:
    - i. Instruct Mr. Sypkett to refer to this order, and
    - ii. Indicate that the call is thereby ended, and
    - iii. Hang up, and
    - iv. Immediately notify this judge of the time, date, and nature of the communication.
7. The above restraints do not apply to the Appellate Division of the Superior Court of New Jersey.
8. These restraints shall expire at 9:00 AM, on February 11, 2014.
9. Defendant may be held in contempt of court if Defendant does not fully comply with the terms of this order.

Ronald E. Bookbinder, A.J.S.C.

Superior Court of New Jersey  
 Chancery Division - Family Part  
 Burlington County  
 Docket #: FM-03-790-14  
**Civil Action**  
**RESTRAINING ORDER**

Plaintiff Margaret Wallace, Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1162-14	Defendant Derek Sypnert
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Plaintiff Kathryn Bischoff, Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1154-14	Defendant Derek Sypnert
---	----------------------------

Plaintiff State of New Jersey Superior Court of New Jersey Law Division - Criminal Part Burlington County System #: 13-3950-01	Defendant Derek Sypnert
---	----------------------------

It is on this 19<sup>th</sup> day of February, 2014, ORDERED that:

1. For the purposes of this order, the term "court officer of this court," shall not include members of the New Jersey State Bar with no other employment, volunteer, or authoritative connection to the New Jersey Judiciary.
2. Defendant Derek Sypnert is prohibited from filing any documents with the Court in any way that is contrary to the New Jersey Court Rules. This order applies to all cases presently pending in the Superior Court of New Jersey, and any cases subsequently filed.
3. Defendant is prohibited from calling any Judge, employee, or court officer of this court, including the undersigned, except as follows:



- a. If Defendant has reasonable, non-repetitive questions about the status of his cases, he may call Sharyn Sherman, Esq., at (609) 518-2681. Reasonable, non-repetitive questions do not include allegations of underlying facts, legal arguments, opinions about the validity of any Judge's decisions or orders, or statements of intended legal actions. If Sharyn Sherman does not answer her phone, then Defendant may leave a single voicemail with his name and phone number. If Sharyn Sherman does not return Defendant's call by 4:30 PM on the following business day, then Defendant may call Judge Bookbinder's chambers at (609) 518-2984.
  - b. If the outgoing message on the telephone of Sharyn Sherman indicates that she is absent from work, then Defendant may immediately call Susan Fortino at (609) 518-2734.
  - c. With express prior permission from a New Jersey Superior Court Judge.
4. Defendant is prohibited from sending any faxes to any Judge, employee, or court officer of this court, including the undersigned, except with express prior permission from a New Jersey Superior Court Judge.
  5. Defendant is prohibited from sending any emails to any Judge, employee or court officer of this court, including the undersigned, except with express prior permission from a New Jersey Superior Court Judge.
  6. Defendant is prohibited from appearing in person in this Court, or in any Burlington County Court facilities, without express prior permission from a New Jersey Superior Court Judge.
  7. Instructions to New Jersey Superior and Municipal Court Judges, employees and court officers:
    - a. If any telephone call is received from Mr. Sypniet, the clerk shall:
      - i. Instruct Mr. Sypniet to refer to this order, and
      - ii. Indicate that the call is thereby ended, and
      - iii. Hang up, and
      - iv. Immediately notify this judge of the time, date, and nature of the communication.
  8. In the above captioned matters, the firm of Fox Rothschild LLP, and Jennifer W. Millner, Esq., (hereinafter collectively "Millner") is prohibited from calling any Judge, employee, or court officer of this court, including the undersigned, except as follows:
    - a. If Millner has reasonable, non-repetitive questions about the status of his cases, she may call Sharyn Sherman, Esq., at (609) 518-2681. Reasonable, non-repetitive questions do not include allegations of underlying facts, legal arguments, opinions about the validity of any Judge's decisions or orders, or statements of intended legal actions. If Sharyn Sherman does not return Defendant's call by 4:30 PM on the following business day, then Millner may call Judge Bookbinder's chambers at (609) 518-2984.

- b. If the outgoing message on the telephone of Sharyn Sherman indicates that she is absent from work, then Millner may immediately call Susan Fortino at (609) 518-2734.
- c. With express prior permission from a New Jersey Superior Court Judge.

9. In the above captioned matters, Millner is prohibited from sending any faxes to any Judge, employee, or court officer of this court, including the undersigned, except with express prior permission from a New Jersey Superior Court Judge.

10. In the above captioned matters, Millner is prohibited from sending any emails to any Judge, employee or court officer of this court, including the undersigned, except with express prior permission from a New Jersey Superior Court Judge.

11. The above restraints do not apply to the Appellate Division of the Superior Court of New Jersey.

12. These restraints shall not expire absent an order by the Superior Court of New Jersey.

13. Defendant and Millner may be held in contempt of court if they do not fully comply with the terms of this order.

14. Defendant may bring a motion to vacate this order under R. 4:50-1, upon submission of any reason justifying relief from the operation of this order. Pursuant to R. 4:50-3, filing of such a motion will not suspend the operation of this order. Pursuant to R. 1:6-3, Defendant must file and serve notice of the motion to vacate no later than 16 days prior to the motion's return date.

*Handwritten signature*

Ronald E. Bookbinder, Assignment Judge  
Superior Court of New Jersey

Prepared by the Court

Ronald E. Bookbinder, A.J.S.C.

Superior Court of New Jersey  
Chancery Division - Family Part  
Burlington County  
Docket #: FM-03-790-14

**Civil Action**  
**INSPECTION ORDER**

Superior Court of New Jersey  
Chancery Division - Family Part  
Burlington County  
Docket #: FV-03-1162-14

Margaret Wallace,

Plaintiff

Derek Sypnert

Defendant

Margaret Wallace,

Plaintiff

Derek Sypnert

Defendant

Kathryn Bischoff,

Plaintiff

Derek Sypnert

Defendant

State of New Jersey

Plaintiff

Superior Court of New Jersey  
Law Division - Criminal Part  
Burlington County  
System #: 13-3950-01

It is on this 10th day of March, 2014, ORDERED that:

1. The Defendant previously having received permission to review his file provided by

Mercer County Family Case Management to Burlington County Family Case

Management, said inspection shall occur on Friday, March 14, 2014 during the hours of

9AM until 12:30 PM, and 1:30 PM until 4:30 PM under the following conditions.

FILED with the Court

MAR 10 2014

2. The Defendant shall not be permitted to bring anyone else to the inspection scheduled in Courtroom 5B of the Burlington County Courthouse. The only exception would be a lawyer licensed in the State of New Jersey who has entered his or her appearance to continue with the representation of the defendant at trial.
3. The Defendant will only be permitted to bring with him for purposes of inspection a writing implement, blank paper and the equivalent of post-it notes and page markers.
4. The Defendant's review of the file shall be conducted in an orderly manner and he will not be entitled to rearrange or disorganize the multiple file boxes during his inspection. The Defendant will not be permitted to remove any portion of the file from Courtroom 5B under any circumstances.
5. The Defendant shall utilize the post-its or their equivalent to mark any document that he wishes to have copied and provided to him. Following the completion of his inspection on March 14, an estimate will be obtained with regard to the cost of copying the designated documents and the estimate will be provided to the Defendant. The documents will be copied upon advanced payment of the estimate by way of cash or money order.
6. During the inspection both a Burlington County Sheriff's Officer and a law clerk will be present to ensure compliance with all of the provisions above. The Defendant shall not engage either the Sheriff's Officer and/or the law clerk in any type of communication. The Defendant is not permitted to seek any type of legal or procedural advice from the law clerk present.
7. The violation of any of the provisions set forth above will result in the immediate termination of the inspection and a hearing to be held immediately before either the Honorable Ronald E. Bookbinder or the Honorable John Tomaseillo.



Ronald E. Bookbinder, Assignment Judge  
Superior Court of New Jersey

*RM*

8. The opportunity provided to the Defendant on March 14, absent the most unusual circumstances will represent his only opportunity to inspect the file. Any further request to inspect the file must be made to the trial judge and will only be granted in the event the information or document sought are essential to the fair and just resolution of the case.

Prepared by the Court

Ronald E. Bookbinder, A.J.S.C.

FILED with the Court

MAR 10 2014

Plaintiff Margaret Wallace, v. Defendant Derek Sypniet  Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FM-03-790-14	Civil Action <u>RESTRAINING ORDER</u>
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Plaintiff Margaret Wallace, v. Defendant Derek Sypniet  Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1162-14	
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Plaintiff Kathryn Bischoff, v. Defendant Derek Sypniet  Superior Court of New Jersey Chancery Division - Family Part Burlington County Docket #: FV-03-1154-14	
---	--

Plaintiff State of New Jersey v. Defendant Derek Sypniet  Superior Court of New Jersey Law Division - Criminal Part Burlington County System #: 13-3950-01	
---	--

It is on this 10th day of March, 2014, ORDERED that:

1. As a result of the Defendant being required to appear for trial before the Honorable John

Tomasello Monday through Thursday the Court amends its prior Order and directs that

the Defendant is no longer permitted to contact the Assistant Division Manager Sharyn

Sherman or Sue Fortino for any purpose. On days that Defendant is scheduled for trial,

Defendant shall not call any Judge, employee, or court officer of this Court, including the

underassigned. Defendant may instead raise any issues in person before Judge Tomasello during the on-going trial. On days that Defendant is not scheduled for trial, he may call Judge Bookbinder's chambers at (609) 518-2984, with reasonable, non-repetitive questions about the status of his cases. Reasonable, non-repetitive questions do not include allegations of underlying facts, legal arguments, opinions about the validity of any Judge's decisions or orders, or statements of intended legal actions. Defendant may otherwise call only if given explicit and individualized permission by a New Jersey Superior Court Judge.

2. The previous paragraph supersedes and replaces paragraph three (3) of the February 19, 2014 restraining order. All other paragraphs of that order remain in full effect.

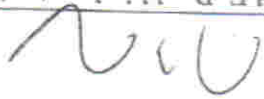
3. For the purposes of this order, and for the February 19, 2014 restraining order, Heshim Thomas, Esq., Ombudsman for Burlington County Court shall be considered an employee and court officer of this Court

4. As the Court is not in the position to store or secure the Defendant's documents, the Defendant shall not bring to Court more materials or documents than he can transport in one trip to the Courthouse. Neither the Family Division nor the Sheriff's Department shall be responsible for transportation of the Defendant's trial materials.

5. Neither the Court, Family Case Management, nor the Sheriff's Department shall be responsible for storing or securing any of the Defendant's trial material in the Burlington County Courthouse or any other location.

6. When not physically in Court, the Defendant shall be escorted throughout the Courthouse by a Sheriff's Officer.

Ronald E. Bookbinder, Assignment Judge  
Superior Court of New Jersey



7. Neither the Court, Family Case Management, nor the Sheriff's Department shall be responsible for Defendant's transportation to and from the Burlington County Courthouse for purposes of trial. Defendant is responsible for making his own transportation arrangements.
8. At the conclusion of the Court day, the Defendant shall promptly leave the Courtroom and exit the Courthouse with all of his materials.



# EXHIBIT C

## THREE (3) PRIOR PRE-TRIAL MOTIONS

### SUBMITTED TO THE COURT

1. IMMEDIATE APPEAL 3/1/2014

· Exhibits include proof Plaintiff's narrative is false see final pages of immediate appeal

2. MOTION FOR RECONSIDERATION 6/7/2013

· Never Scheduled for hearing or decided by the court

3. MOTION FOR DISMISSAL INCLUDING RECUSAL OF JUDGE HOFFMAN FILED BY MAIL AND HAND DELIVERY (dated 11/26/2013)

procedure is a legal, constitutional and court rule based as it implies citizens of the state may  
 guidelines for the format of or length of this document. Further the lack of a defined  
 litigants online or otherwise, per Doug Meckel (FV team leader). As there are apparently no  
 Chancery – Family Division has no published procedure available to the public / pro-se  
 court system within the Family Division. Further note New Jersey Superior Court –  
 Please note the “immediate appeal” process for the PVDA varies from in each county  
 reasons (I have used additional paper as was necessary):

I am asking for, requesting for / demanding this “Immediate Appeal” for the following  
 of an ex parte Temporary Restraining Order entered 02/08/2013, in Municipal Court (X).  
 I am the Defendant in the above captioned matter and make this request to Appeal the entry

**CERTIFICATION, DEMAND / REQUEST FOR “IMMEDIATE APPEAL” PURSUANT THE NEW JERSEY DOMESTIC VIOLENCE ACT 1991 (NJ PVDA) / N.J.S.A. 2C:25-28!**

RECEIVED  
 FEB 11 2013  
 COUNTY CLERK  
 FAMILY DIVISION

NAME: Derek C. Syprett  
 ADDRESS: 252 Fountain Ln, Lawrence Township, New Jersey 08648  
 Phone Home: (via mobile device) 732-698-8464 Work Number: None Available

**APPLICATION FOR APPEAL AND ORDER**

DOCKET NO: FV-11-887-13  
 SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION, FAMILY PART  
 COUNTY OF

**KATHRYN E. BISCHOFF  
 (AKA: KATHRYN BURKE  
 KATY ELIZABETH)**

**Plaintiff**  
 Vs.  
**DEREK C. SYPRETT**  
**Defendant**

NOT have equal rights and protections under the PVDA laws. If this is the case the law

violates the New Jersey State "Constitution"

**NOTE: VENDETTI v. MELTZMichelle VENDETTI, Plaintiff, v. Richard**

**MELTZ, Defendant, October 21, 2002**

In this domestic violence case, the court addresses the procedures applicable to a defendant's request for an immediate appeal, made pursuant to N.J.S.A. 2C:25-28i, from the issuance of a temporary restraining order (TRO) issued to a plaintiff under the provisions of the Prevention of Domestic Violence Act (the Act), N.J.S.A. 2C:25-17 to Moreover, the procedures. This is an issue of first impression. Moreover, the procedures applicable to these appeals are not covered by R. 5:7A;  vary from vicinage to vicinage; and are not delineated in the [PVDA]Act.

**I. INTRODUCTORY COMMENTS**

1. **Apologies for the Format and composition of this document:** First I apologize to the

court for the unpolished format of this "immediate" appeal and I apologize for not being able to write a better more concise document. However, given the constraints of my time and the short-notice for the initiation of this "Immediate Appeal" I have had to "rush" the production of this document. I apologize thoroughly for the resulting spelling, grammar, formatting errors, and for any poorly composed arguments or transitions within this document. All I can say is I didn't do my "best", but I have done my "best" - on short notice". Further note that most of my day was spent researching and writing motions for an unrelated FM matter - which is also due today. Notably please be advised I have requested an adjournment (below in the "procedural appeals section") if this matter can not be heard via oral arguments by 9:00am on 2/19/2013.

2. **Please note due to time constraints I was not able to include all of my requests for**

**appeal here and I reserve the right to submit additional appeals in writing.**

3. **Summary of Core Reasons for a dismissal to be granted:** I believe this matter should

be dismissed immediately based on the Defendant's certification ("Immediate Appeal" Form and associated exhibits) and due to the absence of any intent to harass, annoy, or alarm the

Judge Hoffman relied on false / inaccurate testimony of the Plaintiff. The Defendant believes well beyond 1/15/2013. Notably this means the Plaintiff's complaint and the finding of fact by ever-changing. The Plaintiff in fact persisted in contacting the Defendant without solicitation **litigants:** Notably the Plaintiff and the Defendant's relationship was (put kindly) dynamic and

5. Summary Overview of Contextual issues regarding the Relationship of the

the Plaintiff's well being, as the Plaintiff is known to suffer from a bi-polar disorder. The Defendant's communications and texts clearly show that the Defendant was concerned for Plaintiff, and the Defendant did not threaten the Plaintiff in any manner violently or otherwise position that no domestic violence act occurred the Defendant did not intend to harass, the

4. Further Reasons for Dismissal: Most importantly it is the Defendant's sincere

of domestic violence nor is the communication of one's informed concern for another reasons only: (1) I love the Plaintiff and (2) care for the Plaintiff's well being. Love is not act cared for each other subsequent to 1/15/2013. Contact by the Defendant continued for two simple mis-understanding between former lovers – who both admitted repeatedly that they supports the Defendant's position that no criminal harassment event occurred. Instead it was a "preponderance" standard can not be met by the Plaintiff's claims. The Defendant's evidence "friend requests" (of 1/26/2013). This means the factual basis is now disputed and the the Defendant well beyond 1/15/2013 by way of affectionate text messages and a Facebook MOST NOTABLY the mixed messages of the Plaintiff who continued unsolicited contact with (which is an element the 2C: 33-4 statute). Further given the context of the relationship AND stated that he did "not" wish to harass or alarm the Plaintiff. There is a clear lack of intent Plaintiff and he explicitly stated the same. Further the Defendant's text messages explicitly Plaintiff. The Defendant was clearly concerned for the well-being of the diagnosed "bi-polar"



requested a dissolution proceeding / modification proceeding as a result (see below

8. This Immediate Appeal Includes a Global dispute of the factual basis: I have

APPEALS" section of this immediate appeal.

especially pro-se litigants such as myself. Note: This appeal is reiterated below in the "LEGAL

failure of the court to ensure and /or provide "equal rights" to all citizens of the state –

County Jurisdiction. Further the lack of a publicly published "immediate appeal" results in a

are issued illegally and without "due-process" being afforded to the Defendants in the Mercer

County publishes the procedure for "immediate" appeals all TRO's issued in this jurisdiction

7. APPEAL / REQUEST / DEMAND: I move that until such time as the NJSC – Mercer

form" itself that describe the immediate appeals process here.

County informed me that there are no published documents other than the "immediate appeals

Notably Doug Meckel (team leader for the New Jersey Superior Court ("NJSC")) – Mercer

the Superior Court of New Jersey has advised that each county court has its own procedure.

provided equal protections under the law – because the law does not provide for this. In fact

disappointed that the PVDA laws lack any assurances that Defendant's across the state are

5.1 / 5.7(a) for appeals DOES NOT APPLY TO THE PVDA. Notably the Defendant is

provided a standard "immediate appeal process" – all that is known for sure is that court rule

be further advised that a short-coming of the PVDA process is that the legislature never

--PROCEDURAL APPEALS--, "PERSONAL APPEALS", and "LEGAL APPEALS"). Please

various sections listed, which have been categorized out of courtesy to the court as (such as:

Process. The issues regarding the lack of domestic violence will be discussed further in the

6. Layout of this "Immediate Appeal" Document / PVDA lacks a fully defined Appeals

re-apply for a TRO by providing an accurate description of the factual basis.

that at a minimal the Plaintiff's TRO complaint should be dismissed and the Plaintiff asked to

“Procedural Appeals”) The Defendant’s evidence with regard to the disputed factual basis and the significance of the Plaintiff’s falsely reported claims should result in a dismissal.

9. Some appeals have been made as a result of the Defendants political views

regarding the PVDA: The Defendant would like the court to know that the Defendant has

become a COMMITTED CIVIL LIBERTARIAN as the result of his past experience with the

Family Division as a successful pro-se litigant.

10. Results of the Defendants Political views & impact on this appeal: As a result of the

Defendant’s political views he has provided substantial legal arguments just in case this matter

is not dismissed, so that in the (unfortunate circumstance) that the Defendant must appeal

the application of the PVDA in this instance – the Defendant would at least be able to pursue

constitutional challenges to the PVDA and its incomplete list of rights afforded to defendants

(such as the lack of a defined appeals procedure that applies equally to all citizens of New

Jersey).

About the “Legal Appeals” Section of this Document: Please note that most of the

“Legal Appeals Section” has only been provided on a “just in case” basis and for the purposes of

allowing the Defendant to express his political views with regard to the PVDA. Ultimately the

Defendant believes it is a civic duty to participate in the legal process and help the courts to

improve the laws for all New Jersey Citizens

Defendant is a victim of past Domestic Violence and is sensitive and sympathetic to

“good cause” DV claims” The Defendant would also like the court to know that he is a survivor

of domestic violence and had his ex-wife charged with two crimes in two jurisdictions as the result

of acts of violence and harassment. As a result the Defendant would like the court to know that,

the Defendant is sensitive to and sympathetic to “real” victims of domestic violence and supportive

of limited and precise protections for such people.

Defendant has concerns regarding the apparent gender bias applied to this application & generally applied under the PVDA: Conversely, however, as I am well aware that

the PVDA is often applied in a manner that provides for an "unjust" "female privilege". By this I

don't mean to disregard female claims generally, as many women are deserving of the protections and have made claims that involve real proofs of threats, violence, or harassment. What I do take

objection is the apparent application of the PVDA in a manner where women are granted

protections on very flimsy evidentiary claims (such as are contained in this complaint), while men

are rarely granted protections when making similar claims.

By way of example (Gender Bias of PVDA): when I informed Judge Hoffman of a

complaint regarding the unsolicited touching of my genitals (while I was sleeping) by a woman I

was in a relationship and of an incident where the woman jumped on my back without any regard

for how shocking or alarming it was to me – Judge Hoffman suggested that no violation of my

person had occurred. Clearly these acts would have been unacceptable if a man had transgressed a

woman in this manner. Unless the PVDA is enforced equally for the protection of both men and

women in New Jersey (and somewhere near the level it is enforced on males behalfs) then I

believe the law will continue to result in frivolous charges such as this one.

Another previous experience regarding the gender bias of the PVDA: Additionally the

the Defendant was made further aware of the potential gender bias related to the PVDA by way of

the Defendant's has repeatedly denied TRO requests related to his ex-wife and this Plaintiff

despite providing more substantiated evidence and a much more consistent / accurate narrative

than the Plaintiff in this case has.



**III. APPEAL FOR DISMISSAL - DISPUTED FACTUAL BASIS - "GOOD CAUSES SHOWN"**

1. Please note I have been going through an EXTREMELY acrimonious divorce for 2.5 years and there is no end in sight. I have lost a business and a job as a result of the trial schedule. When Kathryn and I decided to begin a dating relationship in October of 2013 - Kathryn (Katy) was a welcomed addition to my life and I will always be thankful for the good times we had and the inspiration she provided.
2. Kathryn was at one point, one of the only true-friends and great supports in my life and based on her assertions to me I know she felt likewise not too long ago 1/6/2013.
3. As a result of the above and out of sincere respect and gratitude to the Plaintiff I will always wish her well and be grateful for the many good times we had. I am sincerely sorry for the circumstances that have brought us (or perhaps just me) to court on 2/19/2013. The circumstance is sincerely regrettable and I truly hope that it will not result in lasting feelings of resentment by either party.
4. The Plaintiff Kathryn E. Bischoff has a history of emotional distress / bi-polar disorder. It definitely affected our relationship, but I am sensitive to her unique circumstances and I do not wish to distress her via ANV pro-longed litigation
5. Again, please note the context of this relationship was (put kindly) "dynamic".

- a. I wish to resolve this dispute expediently if at all possible.
- b. I love and care for the Plaintiff, (Kathryn E Bischoff / Katy).
- c. Despite what was an unfortunate handling of our mutual decision to cease a romantic relationship. Again, while I do care for Kathryn E. Bischoff and I remain concerned for her well being. I wish her nothing but happiness and joy going forward.
- d. I do not wish to feel compelled to bring counter claims and criminal actions against my former love because of false statements contained in her complaint and certification, but I will if I have to clear my name and protect myself and my children from further exposure to the Plaintiff's behavioral irregularities and the collateral damage the Plaintiff's claims and false statements could have on my life and my children's lives.

**II. PERSONAL REASONS FOR THIS APPEAL:**

(Note: Defendant's Certification, paragraph numbering and double spacing: is resumed at the conclusion of "Section I" - i.e. Summary Pages)

1. Personal / Non-Legal / Judicial Reasons for Appeal



- viii. Plaintiff attempted to Friend Request the Defendant on 1/26/2013
- vii. Plaintiff sent affectionate text messages from 1/17/2013 thru 1/29/2013
- vi. Notably: 1/15/2013 is the date which the Plaintiff claims in her certification that she asked to cease contact with the Defendant – this is obviously FALSE!!!
- v. Notably the Plaintiff's communications were affectionate and contained phrases like (i) "I love you", hearts, and smiley symbols
- iv. This version of the factual basis is refuted by attached exhibits that show the Plaintiff continued unsolicited contact with the defendant through 1/29/2013 (about a week prior to her complaint)
- iii. This version of the factual basis is disputed
- ii. The Plaintiff asked the informed the Defendant that she wished to cease contact on 1/15/2013
- a. The Plaintiff TR0 application certifies:

**DISPUTED FACTUAL BASIS:**

- 9.
  - d. Confessing a desire to have a relationship with me and to continue communicating with me well past 1/15/2013.
  - c. feeling inadequate, being "infuriated" with her own actions as a girlfriend (1/22/2013)
  - b. Having Homicidal / fatalistic dreams (1/9/2013).
- 8. **As a result of the above history: Kathryn's actions and behaviors since around 12/24/2012 have concerned me greatly.** Exhibits will show that Kathryn has admitted and shared the following with me:
  - 7. Communication was generally continuous but similar instances of discord and mixed messages from Kathryn persisted from 12/25/2013 through 1/29/2013. It was frankly very confusing to the Defendant and it unfortunately resulted in the Defendant probing for answers and probing to find out if a woman the Defendant loved (the Plaintiff) was in need of emotional support.
  - 6. Put more plainly it was: a constant roller-coaster ride with constantly changing demands and desires expressed by Kathryn. One week she'd want to be "just friends", the next "lovers", the next "a committed romantic relationship with titles of boyfriend and girlfriend".

Me: 4th: I do care for you. I will always regardless. I do think what you've done is selfish, in that you've denied closure and claimed fear / being scared of someone who is not threatening you. I will keep this private... I would appreciate your courtesy and honesty and I would / and was certainly forthright with you. 7:10 PM

Me: 3rd: feel free to report me to the police if you feel I am being harassing - I hope and have aimed not to be but to reconcile for my peace of mind. With my current issues with my wife (which are very different from this situation) I am sure it that such action will be catastrophic for me - so shoot first if you want. I have very little to lose anyway. 7:08 PM

Me: 2nd: regardless of the messenger trust me you won't hear these things from a lawyer, but I've heard them from people who've been in court for 20+ years supporting custody issues. 7:05 PM

Me: 1st: Katy could you please be a regular person. I called solely to offer to share important divorce and custody information that I wish someone had shared with me a long time ago. 7:04 PM

TEXTS FROM DEFENDANT TO PLAINTIFF 2/8/2013 - DATE OF PLAINTIFFS COMPLAINT.

**IMPORTANT EVIDENCE OF NON-THREATENING COMMUNICATION (also see exhibits):**

2. Please see the exact quote from the Defendant's last text messages on 2/8/2013 Below
1. Notably the Defendant had no reason to expect that the Plaintiff or the police would act upon this advisement or the exaggerated and FALSE CLAIMS OF THE PLAINTIFF.
  - xi. In fact it was the Defendant - in an attempt to calm the Plaintiff's emotions - who suggested that the Plaintiff could call the Police if she felt it necessary.
  - x. More Specifically: The Plaintiff NEVER advised the Defendant as she stated in her TRO certification.
  - ix. Defendant's last texts on 2/8/2013 that He/1 "hoped and aimed not to be [harassing]

**xiii. MORE TO THE POINT: If the Plaintiff's true perception is That**

**she told the Defendant**

1. to cease contacting her on 1/15/2013, AND
2. then the Plaintiff proceeded to send me text messages ladened, hearts "<3", smiley's ":-)" all the way through 1/29/2013
3. Facebook Friend Request the Defendant on 1/26/2013 (a request which was notably NOT accepted by the Defendant)

4. THEN THE PLAINTIFF'S COMPLAINT suggests that her perspective and awareness of her own actions is HIGHLY QUESTIONABLE / VINDICTIVE and therefore so is her Complaint.

**NOTES TO DESIGNATED JUDGE:**

**Additional context with regard to the disputed factual basis & specifically relevant relationship issues**

Please note 2-weeks prior to the end of the romantic relationship the Defendant was harassed via shocking and alarming facebook messages that filled entire pages on his cell phone. The Defendant asked the Plaintiff to cease contacting him and she refused and instead continued sending facebook messages at unusual hours (1am - 2:30am).

The Defendant was so horrified that he told the Plaintiff he could not date her any longer because the emotional attachment and retaliation that she exhibited was too much for him.

Within 1-week immediately prior to the litigant's last "date" on 1/11/2013 the Plaintiff had requested that the Defendant remain in a friendly - yet ROMANTIC relationship and that the Defendant remain romantically "exclusive". The Defendant agreed.

Shortly thereafter the Defendant became aware that the Plaintiff had begun messaging an ex-boyfriend via Facebook and that she in fact had no certifiable intention to remain in an exclusive relationship!!!

I mention the four paragraphs immediately above for the express purpose of fuller disclosure the court of another issue impacting my communications with the Plaintiff. I was hoping to get closure with regard to what really caused the end of the relationship. Given the Plaintiff's affectionate messages through 1/29/2013, I thought that eventually the Plaintiff would grant me relief by explaining the emotions and issues that drove her out of the relationship.

Clearly I felt hustled by the Plaintiff romantically, and I did hope that in addition to being supportive of her well being, a collateral benefit would be that we'd both gain closure and be able to move on as friends.



Specifically please note: I was extremely disappointed to see an apparently FALSE certification attached to her "granted" application for a TRO.

As a result I do have concerns that I may have to explore legal recourse & discovery required to address ancillary legal issues created by the Plaintiff's **false statements, false reporting (2C:28-4)** in the underlying New Jersey Domestic Violence Civil complaint and Temporary Restraining Order ("Complaint") with criminal and civil actions of my own.

Frankly: I would like to resolve the matters amiably, but I reserve my right to protect my children, and my sincere belief that females who abuse males (as Mrs. Bischoff assuredly did) should expect to be held accountable and SHOULD NOT expect to have any "female" privilege afforded to them by the law. A TRO should not be granted when the cause shown by the Plaintiff is as false and misrepresented as the one attached to the underlying Complaint, in this matter.

e. I do not believe that the Plaintiff is a litigious person (based on my personal knowledge of her extremely amiable divorce negotiations) and I know that I am not litigious by nature, unless it is my only recourse (as it is in my ongoing divorce litigation). I do not wish to create a circumstance where either the Plaintiff or I become involved in needless litigation as a result of events that were not violent, NOR intended to be harassing or threatening. Plain & simple: the issues here do not merit any sustained litigation or restraints.

**Importantly Please Note:** regardless of the outcome I will always be generally supportive and hopeful of the Plaintiff's future with or without future contact with her. I feel in-debted to Kathryn for the emotional & romantic, inspiration she provided during our relationship and I sincerely regret that the combination of my actions and her mixed messages resulted, in civil litigation. It is a supreme disappointment and I hope we can both move beyond this, admit mistakes made, and move on peacefully. **PLEASE ALSO NOTE: I HAVE ADDRESSED THE DISPUTED FACTS AND CONCERNS IN MUCH MORE DETAIL BELOW AND VIA ATTACHED EVIDENCE**

**Legal, Procedural, Reasons For Appeal:**  
**Introductory Comments Regarding Legal Appeal:**

Please Be advised that the I have attempted to FIRST list the demands/requests of the Defendant with regard to the full enforcement of all applicable rights to relief that are specifically related to this complaint and a speedy dismissal of this matter.



Please, however, be further advised that the Defendant is a civil libertarian and as a result I have prepared numerous demands/requests as challenges to the "NJ PVDAs" law, its constitutionality and its apparently gender biased application in the State of New Jersey.

Given my very disappointing experience with the Mercer County Family Judge Catherine Fitzpatrick my views regarding the State of New Jersey's role in family type relationships and the personal affairs of citizens, I feel that as a public service I should raise all applicable appeal issues, in the unlikely event that this case should need to be appealed to the appellate division and I am committed to my political view that the NJ PVDAs is a poorly written and administered piece of legislation and the courts should address the mistakes the legislature chose not to.

2. Admission and / or judicial review of the Defendant's certification and evidence via this Immediate Appeal" form and the Defense's assertion of a "disputed factual basis". (Refer to Personal Reasons item "(c)" and the following certification and exhibits for this "good cause" for a finding by the court that the factual basis is disputed with good-cause and in good-faith.

3. Summary judgement that the related municipal court order for restraints be vacated upon good-cause shown by the Defendant **OR** that oral arguments be held immediately with the Plaintiff's consent or scheduled upon proper notice /service to the Plaintiff as a result of the Defendant's request, for oral arguments, in this matter.

- a. in the interest of the "common good"
- b. in the interest of a speedy resolution / dismissal of this matter, or ideally as a result of the Plaintiff's testimony via oral arguments relieving the Defendant's

concerns that the Plaintiff poses an ongoing threat to his well-being.

**IV. SPECIFIC APPEALS RELATED TO JUDGE HOFFMAN'S LACK OF IMPARTIALITY**

Please be further advised that the Defendant is appealing this original finding by Judge Hoffman because Judge Hoffman should have recused himself from this matter for the following reasons:

- 1. Judge Hoffman is hostile witness for the Defendant (as a result of his past denial of the Defendant's TRO complaints against his wife and related discovery for the Defendants (EM matter)
- 2. Judge Hoffman threatened the Defendant in front of court officers at 175 S. Broad Street, 4<sup>th</sup> Floor, on 12/12/12" upon receipt of the Defendant subpoena.

The Defendant is has court deadline's to meet with regard to an unrelated divorce matter. The Defendant must serve litigants related to FM-11-97-11K and provide the court notice of his motion for reconsideration by 4:30 this evening. As a result of these scheduling constraints and the Defendant's need to assemble the motion for delivery I kindly request the following:

1. I am affirmatively requesting hereby requesting an "immediate appeal" hearing and the dissolution / modification of the TRO constraints upon notice being provided to the Plaintiff for the same.

2. IF the TRO hearing can not be conducted within 30 minutes of the time for which the 8:30 hearing was scheduled that I move for the following relief so that I may fulfill concurrent responsibilities with regard to my FM-11-97-11K docket, that must be filed with the court today (20 days subsequent to the issuance of a disputed order).

3. I move that the "immediate appeal" be reviewed along with the associated exhibits and a summary judgment vacating the prior order / or dismissing the Plaintiff's complaint be entered by this court and that the Plaintiff be served notice of the same by this court - OR -

4. Alternatively I request an adjournment of this proceeding lasting not more than 7-days and not less than 2-days (as the Defendant has a motion due on 2/20/2013 in addition to an appointment with the Robbinston Municipal Court related to this matter and my desire to file a "false reporting" criminal complaint if this matter is not dismissed summarily); and

**V. PROCEDURAL APPEALS REQUEST:**

3. Judge Hoffman has entered an adversarial motion with regard to the Defendant's FM matter and did not even bother to provide proper service to the Defendant before contacting the Family Division in an attempt to quash the Defendant's subpoena!

5. In the event that an immediate dismissal of this action is not entered I further request oral argument be held with regard to the disputed factual basis and the Defendant's position hereby disputing the findings of Judge Hoffman that the Plaintiff provided a preponderance of facts supporting her claim.

a. Further Please note a Subpoena Testificandum and Duces was issued to the Officer Markowski of the Robbinsville Police department for the purposes of limited discovery with regard to (i) the Plaintiff's complaint, (ii) the disputed facts and (iii) all records, transcripts, and recordings related to the the Plaintiff's complaint. I also intend to call Officer Markowski as a witness of fact with regard to false statements provided by the Plaintiff in her complaint in the event that my request / demand for oral arguments is granted by this court.

6. Request for Limited Discovery:

a. The full record of the domestic violence complaint and/or application for the temporary restraining order including all written statements and transcripts of the ex-parte TRO hearing; b. Police investigative reports including, but not limited to, witness statements and photographs; c. The statement or recorded testimony of the plaintiff that was provided in support of the temporary restraining order; d. Tapes of 911 recordings and or calls to the Robbinsville Dispatcher on Duty at the date and time of the Plaintiff's call to the department; and e. Kathryn Bischoff's Medical records that are probative of injuries and/or lack thereof f. Kathryn Bischoff's Medical records affirming her diagnosis of a bi-polar disorder and issues regarding self-awareness, accountability, and her sanity in general. g. Specific Communications (copies thereof) believed to be "harassing" by the Plaintiff or Court. h. Plaintiff's Facebook messages to the Defendant (12/24/2012 – 2/08/2013) i. Plaintiff's text message records to and from Defendant.

i. Specifically those the Plaintiff asserts are harassing and



- ii. all other texts proceeding the allegedly harassing text messages within the prior and subsequent 48 hour periods and / or last prior date text were exchanged AND the next subsequent date texts were sent to or received from the Defendant.

7. **Request for transfer of underlying harassment charge to the Criminal Division:** In the event that the TRO is not dismissed via summary review of this "Immediate Appeal" OR as result of oral arguments held on or 7-days subsequent to 2/19/2013 the Defendant Requests / Demands: that this proceeding be transferred to the criminal division for a trial by jury of the harassment complaint and that the TRO restraints remain in place until such time as the criminal proceeding is concluded.

- a. Initially placed with the Robbinsville Police and reviewed ex-parte by a municipal judge. As such by court rule this matter of the harassment complaint was /is eligible to be heard by the criminal division

- b. The Defendant asserts his right to have matters heard by municipal court transferred to the criminal division. The defendant was deprived an opportunity to object to the transfer of this matter to the Family Division. The Defendant would prefer to enforce his rights in criminal court and by trial by jury with the assurances that a finding beyond "reasonable doubt" must be found.

- i. In the Event that a jury trial does NOT RESULT IN A GULTY VERDICT, in regards "harassment" 2C: 33-4, THEN

- ii. the Defendant demands that the TRO be dismissed immediately by the Family Division upon proof being shown to to the Law Division judge assigned to this matter that a "guilty verdict" was not rendered by the criminal court and jury with regards to the underlying complaint of harassment

8. Defendant Reserves the right to offer additional "immediate appeals" as a result of the short notice and time constraints that have not afforded the Defendant adequate time to prepare a full "immediate appeal" now.

## **VI. LEGAL APPEALS:**

1. I move that until such time as the NJSC – Mercer County publishes the procedure for "immediate" appeals all TRO's issued in this jurisdiction are issued illegally and in violation of:

- a. The United States Constitution 5<sup>th</sup> and 14<sup>th</sup> Amendment assuring all citizens equal rights, protections and "due-process" as, Defendants attached to PVDA actions in



Mercer County have no assurance or proof that their rights of “immediate appeal” are the same as other citizens of the state.

- b. “immediate appeal” process here in mercer county represents a failure of the court to ensure and /or provide “equal rights” to all citizens of the state - as a result the PVDA may violate constitutional rights protected by the United State’s Constitution Bill of Rights.

### OTHER APPEALS:

(Not due to time constraints and a lack of editing by the Defendant some of these appeals may be redundant – I am rushing to make it to court at this point)

#### 2. Motion for Jury Trial

- a. The initial proceeding in this matter was heard by Judge Hoffman of the Robbinsville Municipal Court in Robbinsville, NJ. The initial proceeding was ex-parte and the Defendant was not given an opportunity to request a jury trial at that time.
- b. The defendant asserts his rights now to be tried by jury for the underlying offense of harassment (2C: 33-4).
- c. Were the defendant present at the Robbinsville Police Department and had notification of the ex-parte hearing been given to the Defendant –the defendant asserts he would have requested the right to jury trial as is his right by state statute regarding 2C: 33-4 offenses.
- d. On “Immediate Appeal” the defendant asserts his right to a jury trial for the offense of “Harassment” / 2C:33-4. This request is consistent with NJSA “Court Rules”: R. 4:35-1, R.4:45-2, R.4:45-3, and R.4:45-4
- e. The Defendant disputes a municipal Judge’s constitutional authority to convert criminal offenses into civil offenses via an ex-parte hearing where the Defendant is unable to object, and / or motion for a trial by jury.

#### 3. Motion for Enforcement of New Jersey Court Rule 4:67

- a. **If a defendant decides to contest guilt, the defendant is entitled, by both the United States and New Jersey Constitutions,<sup>3</sup> to a trial by a jury. The right to a jury trial generally applies to all criminal acts where the penalty for the offense exceeds six months in**

confinement. The right to a jury trial can be waived by the defendant if the court approves. The defendant also needs the approval of the prosecutor to waive a jury trial in the sentencing phase of a capital case. If the judge grants such a request, the judge alone hears the case. See R. 1:8-1(a). This is known as a bench trial. In addition to the right to a jury trial, the defendant has the right to be present at every stage of a trial, including jury selection. See R. 3:16.

4. Defendant Objects to Plaintiff's assertion of "Good Cause" / Disputes Judicial Finding of "Good Cause Shown"

- a. The Plaintiff has not demonstrated evidence of violence, injury, or threats of a violent nature
- b. Plaintiff continued communication with Defendant beyond 1/15/2013 including multiple affectionate text messages 1/17/2013, 1/29/2013 (including hearts and smiley faces), a **Facebook "Friend Request"** – clearly unsolicited by Defendant, on 1/26/2013. Clearly if the Plaintiff had wished to cease contact with the Defendant she should not have continued messaging and confusing the Defendant who was notably concerned about her well being and child-custody issues. **SEE EXHIBITS SECTION for Texts and Facebook Requests.**
- c. Defendant disputes to claims that a disturbance was caused at 79 Wyndahm Place, Robbinsville NJ. Defendant demands evidence beyond the testimony / certification from the Plaintiff be produced (as the Plaintiff has shown herself to be dishonest with regard to her own unsolicited communication with the Defendant and "good cause" can not be found based on her word alone as it is obvious she has made false statements. **SEE EXHIBITS SECTION**
- d. Given the above items a,b,c, and Defendant Moves for Plenary Hearing, oral arguments to be heard, and limited discovery (Limited Discovery: as described below in this "immediate appeal".)

5. **Pursuant Rule 4:52 – Defendant request:**

- a. oral testimony be heard OR
- b. Order for Temporary Restraints to be vacated based on the "**good cause shown**" by Defense Exhibits (attached). Defense exhibits clearly create an inability for "reasonable" judge to find: reasonable cause, good cause shown, and/or a preponderance of evidence consistent with civil law / legal definitions for the same.

6. Motion for Dismissal by Summary Judgement for good cause shown OR upon review of Defendant's evidentiary submissions at the TRO Modification / FRO hearing scheduled for 2/19/2013:

- a. The Plaintiff's TRO complaint is absent any violent act or threat of the same. The **New Jersey Prevention of Domestic Violence Act** ("NJ PVDA") was created to protect "victims" from future violence (see *Carfagno v. Carfagno*, 288 N.J. Super. 424, 434)



I certify that the foregoing responses made by me are true. I am aware that if any of the foregoing responses made by me are willfully false, I am subject to punishment.

DATE: 2/8/13

SIGNATURE OF PLAINTIFF: *Kathryn Burchett*

CERTIFICATION

8 THE PLAINTIFF AND DEFENDANT:  PRESENTLY  PREVIOUSLY  NEVER REIDED TOGETHER

7 WHERE APPLICABLE LIST CHILDREN, IF ANY (INCLUDE NAME, SEX, DATE OF BIRTH, PERSON WITH WHOM CHILD RESIDES):

6 (A) THE PLAINTIFF AND DEFENDANT ARE 18 YEARS OLD OR OLDER OR EMANCIPATED AND ARE:  MARRIED  DIVORCED OR  SEPARATED  SINGLE  WIDOWED  SINGLE PARENT  SINGLE PARENT WITH CHILDREN  SINGLE PARENT WITH CHILDREN AND OTHER CHILDREN  SINGLE PARENT WITH CHILDREN AND OTHER CHILDREN AND OTHER CHILDREN  SINGLE PARENT WITH CHILDREN AND OTHER CHILDREN AND OTHER CHILDREN AND OTHER CHILDREN

5 (A) THE PLAINTIFF AND DEFENDANT HAVE HAD A DATING RELATIONSHIP:  YES  NO

4 HAS A CRIMINAL COMPLAINT BEEN FILED IN THIS MATTER? IF YES, ENTER DATE, DOCKET NUMBER, COURT, COUNTY, STATE:  YES  NO

3 ANY PRIOR OR PENDING COURT PROCEEDINGS INVOLVING PARTIES? IF YES, ENTER DOCKET NUMBER, COURT, COUNTY, STATE:  YES  NO

2 DOES DEFENDANT HAVE A CRIMINAL HISTORY? IF YES, ATTACH CHECK SUMMARY:  YES  NO

1 ANY PRIOR HISTORY OF DOMESTIC VIOLENCE REPORTED OR UNREPORTED? IF YES, EXPLAIN:  YES  NO

which constitute the following criminal offenses: (Check all applicable boxes. Law Enforcement Officer, Attach N.J.S.P.U.C.R.D.V.I. offense report(s))

ASSAULT  KIDNAPPING  IMPRISONMENT  FALSE CRIMINAL SEXUAL CONTACT  CRIMINAL SEXUAL MISCHIEF  CRIMINAL TRESPASS  STALKING

HOMICIDE  TERRORISTIC CRIMINAL RESTRAINT  CRIMINAL ASSAULT  SEXUAL LEWDNESS  BURGLARY  HARASSMENT

*Officer - Markowski*

The undersigned complains that said defendant did endanger plaintiff's life, health or well-being (give specific facts regarding past or threat of abuse and the date(s) and time(s) they occurred, specify any weapons):

Between 01/15/2013 and 02/08/2013 the accused harassed the victim. Specifically by sending her approximately (40) text messages, after the victim advised the accused to stop contacting her. On 02/06/2013 at approximately 7:00pm the accused arrived at the victim's house unannounced and created a disturbance by "banging" on the front door and yelling the victim's name. On 02/08/2013 the accused sent (10) text messages to the victim, when she advised the accused that she was going to call the police, he advised her that he had little to lose.

02/08/2013 09:22

*Newark*

*Clayton Hooper*

*False*

DEFENDANT INFORMATION

LAST NAME: *Syphrett* FIRST NAME: *Corey* INITIAL: *C*

DOB: *01/24/1976* SSN: *XXX-XX-0006*

HOME ADDRESS: *252 FourWay Lane* CITY: *Lawrence* STATE: *MS* ZIP: *05618*

WORK ADDRESS: *XXXX-XX-0006* HOME PHONE: *(732) 698-8484* WORK PHONE: *01/24/1976*

HAIR COLOR: *Black* EYE COLOR: *Black* HEIGHT: *5'07"* WEIGHT: *175* RACE: *Unknown* SCARS, FACIAL HAIR, TATTOOS, ETC: *Unknown*

DEFENDANT'S SEX:  MALE  FEMALE

PLAINTIFF INFORMATION

LAST NAME: *Burchett* FIRST NAME: *Kathryn* INITIAL: *B*

DOB: *02/21/1980* PLAINTIFF'S SEX:  FEMALE  MALE

PLAINTIFF'S DOB: *02/21/1980* PLAINTIFF'S SEX:  FEMALE  MALE

DOCKET NUMBER: *FV - I-2013-00305*

TRD  Amended TRD

Superior Court, Chancery Division, Family Part, County: *County* Municipal Court of: *Municipal Court*

Page 1 of 4 N.J.S.A. 2C:25-17 et seq.

*10000 - no evidence*

TR0 FRO GRANTED

**PART 1 - RELIEF - Instructions: Relief sought by plaintiff**  
**DEFENDANT:**

- 1.  You are prohibited from returning to the scene of violence.
- 2.  You are prohibited from future acts of domestic violence.
- 3.  You are barred from the following locations:  RESIDENCE(S) OR PLAINTIFF  PLACE(S) OF EMPLOYMENT OR PLAINTIFF
- 4.  OTHER (ONLY LIST ADDRESSES KNOWN TO DEFENDANT):  
 78 Wyndham Place Robbinsville, NJ 08821, 25 Leashin Lane E. Mankosk, NJ 08820

- 5.  You are prohibited from making or causing anyone else to make harassing communications to: Plaintiff
- 6.  OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES:  
 The victim's children: Dillian Blachoff DOB:03/25/2005 and Ella Blachoff DOB:04/05/2005
- 7.  You are prohibited from stalking, following or threatening to harm, stalk or follow: Plaintiff
- 8.  OTHER(S) - SAME AS ITEM 4 ABOVE OR LIST NAMES:  
 The victim's children: Dillian Blachoff DOB:03/25/2005 and Ella Blachoff DOB:04/05/2005

- 9.  You must pay emergent monetary relief to (describe amount and method):
- 10.  PLAINTIFF  DEFENDANT(S)
- 11.  You must be subject to intake monitoring of conditions and restraints:
- 12.  OTHER (evaluations or treatment - describe):
- 13.  Psychiatric evaluation:
- 14.  Other Weapon(s) (describe) N/A

- 15.  Prohibition Against Possession of Weapons: You are prohibited from possessing any and all firearms or other weapons and must immediately surrender these firearms, weapons, permit(s) to carry, application(s) to purchase firearms and firearms purchaser ID card to the officer serving this Court Order. Failure to do so may result in your arrest and incarceration.

- 16.  You are granted exclusive possession of (list residence or alternate housing only if specifically known to defendant):
- 17.  You are granted temporary custody of:
- 18.  Other relief for Plaintiff:
- 19.  Children:

- 20.  Defendant:
- 21.  Plaintiff:

**LAW ENFORCEMENT OFFICER:**  
 You are to accompany to scene, residence, shared place of business, other (indicate address, time, duration and purpose):

A violation of any section of this Order by defendant may result in arrest and incarceration. Only a Court can change this Order.



DOCKET NUMBER: FV - 0  
 DEFENDANT'S NAME: DEREK SYPHRETT  
 Page 3 of 4

**WARRANT TO SEARCH FOR AND TO SEIZE WEAPONS FOR SAFEKEEPING**

To any law enforcement officer having jurisdiction - this Order shall serve as a warrant to search for and to seize any issued permit to carry a firearm, application to purchase a firearm and firearms purchaser identification card issued to the defendant and the following firearm(s) or other weapon(s):

1. You are hereby commanded to search for the above described weapons and/or permits to carry a firearm, application to purchase a firearm and firearms purchaser identification card and to serve a copy of this Order upon the person at the premises or location described as:

2. You are hereby ordered in the event you seize any of the above described weapons, to give a receipt for the property so seized to the person from whom they were taken or in whose possession they were found, or in the absence of such person to have a copy of this Order together with such receipt in or upon the said structure from which the property was taken.

3. You are authorized to execute this Order immediately or as soon thereafter as is practicable;

4. You are further ordered, after the execution of this Order, to promptly provide the Court with a written inventory of the property seized per this Order.

**PART II - RELIEF DEFENDANT:**

TRO FRO GRANTED

1.  No parenting time / visitation until further ordered;  
 Parenting time / visitation pursuant to F \_\_\_\_\_ suspended until further order;  
 Parenting time / visitation permitted as follows:

2.  Risk assessment ordered (specify by whom, any requirements, return date):

3.  You must provide compensation as follows:

Emergent support for plaintiff;  
 For dependent(s);  
 Ongoing support for plaintiff;  
 For dependent(s);  
 Compensatory damages to plaintiff;  
 Punitive damages to plaintiff;  
 N/A  
 To Third Party(ies) (describe):  
 Medical coverage for plaintiff;  
 For dependent(s);  
 Rent  Mortgage payments (specify amount(s) and recipient(s));  
 You must participate in a batterers intervention program;

You are granted temporary possession of the following personal property (describe):

You are granted temporary possession of the following personal property (describe):

**COMMENTS:**

DOMESTIC VIOLENCE CIVIL COMPLAINT AND TEMPORARY RESTRAINING ORDER

DOCKET NUMBER: FV- DEFENDANT'S NAME: Sybil Drexel

TRD denied by Municipal Court, forwarded to Family Part for administrative dismissal.  TRD granted. The Court has established jurisdiction over the subject matter and the parties pursuant to N.J.S.A. 2C:25-17 et seq., and has found sufficient grounds and exigent circumstances that an immediate danger of domestic violence exists and that an emergency restraining Order is necessary pursuant to R. 5:7A(b) and N.J.S.A. 2C:25-28 to prevent the occurrence or recurrence of domestic violence and to search for and seize firearms and other weapons as indicated in this order.

ALL LAW ENFORCEMENT OFFICERS WILL SERVE AND FULLY ENFORCE THIS ORDER

The ex parte Domestic Violence Complaint and Temporary Restraining Order meets the criteria of the federal Violence Against Women Act for enforcement outside of the State of New Jersey upon verification of service of defendant. 18 U.S.C.A. 2255 & 2266

THIS ORDER SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE COURT AND SERVICE OF SAID ORDER ON THE DEFENDANT

02/08/2013 22:12 Judge Douglas Hoffman

DATE/TIME  VIA TELEPHONE HONORABLE COURT/COUNTY "Municipal Court"

NOTICE TO APPEAR TO PLAINTIFF AND DEFENDANT

1.  Both the plaintiff and defendant are ordered to appear for a final hearing on (date) 02/19/2013 at (time) 09:30 am at 175 South Broad Street, Trenton, NJ 08610

Note: You must bring financial information including pay stubs, insurance information, bills and mortgage receipts with you to Court.

2.  The final hearing in this matter shall not be scheduled until

3.  Interpret/needed. Language:

Upon satisfaction of the above-stated conditions notify the Court immediately so that a final hearing date may be set.

REPORT: The parties cannot themselves change the terms of this Order on their own. This Order may only be changed or dismissed by the Superior Court. The named defendant cannot have any contact with the plaintiff without permission of the Court.

NOTICE TO DEFENDANT

A violation of any of the provisions listed in this Order or a failure to comply with the directive to surrender all weapons, firearm permits, applications or identification cards may constitute criminal contempt pursuant to N.J.S.A. 2C:29-9(b), and may also constitute violations of other state and federal laws which may result in your arrest and/or criminal prosecution. This may result in a jail sentence.

You have the right to immediately file an appeal of this temporary Order before the Superior Court, Chancery Division, Family Part, as indicated above and a hearing may be scheduled.

RETURN OF SERVICE

Plaintiff was given a copy of the Complaint / TRD by: 02/08/2013 22:25

PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

Plaintiff hereby certifies that I served the within Complaint / TRD by delivering a copy to the defendant personally.

Plaintiff hereby certifies that I served the within Complaint / TRD by use of substituted service as follows:

PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

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PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

PRINT NAME: SIGNATURE / BADGE NUMBER / DEPARTMENT: TIME AND DATE

DEFENDANT MUST SIGN THIS STATEMENT: I hereby acknowledge the receipt of the restraining Order. I understand that pursuant to this Court Order, I am not to have any contact with the named plaintiff even if the plaintiff agrees to the contact or invites me onto the premises and that I may be arrested and prosecuted if I violate this Order.

SIGNATURE OF DEFENDANT: TIME AND DATE

THE COURTHOUSE IS ACCESSIBLE TO THOSE WITH DISABILITIES. PLEASE NOTIFY THE COURT IF YOU REQUIRE ASSISTANCE.

DISTRIBUTION: FAMILY PART, PLAINTIFF, DEFENDANT, SHERIFF, OTHER

**From:** Facebook (notification+kr4msreagb4n@facebookmail.com)  
**To:** syphtidd@yahoo.com;  
**Date:** Sat, January 26, 2013 11:00:12 PM  
**Cc:**  
**Subject:** Katy Elizabeth wants to be friends on Facebook

facebook



**Katy Elizabeth wants to be friends with you on Facebook.**  
Works at Hightstown High School · The College of New Jersey · Robbinsville, New Jersey  
9 groups

[Confirm Request](#)

[See All Requests](#)

This message was sent to syphtidd@yahoo.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.  
Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

*Facebook  
Contact After  
1/15/2013*





Me to Katy Elizabeth - Team NJ (732) 703-0046 - mobile 1/17/13 1:58 AM 3 weeks ago

Inbox

Me: good chat, sorry for outcome, but it was insightful 4:26 PM

Me: last words: my head is screaming aching. Down the road I hope u seriously review this for urself (only). The pet name and "loving attitude" things from last week to this really wreck my mind and make like zero sense... expecting. Me to adjust just from coldness or to expect u didn't want me near when u invited me over are all flat out mind blowing to me. 6:12 PM

Me: In the end I ended up not wanting to be near u and unable to recall good feelings from a week ago. Never been through anything like this before... I hope u ask urself if I treated u as I was treated "would that have been ok or understandable to u"... for urself I hope u explore that 6:15 PM

Me: Until u explore that good bye and thank u 6:15 PM

Me: Phone didn't ring... I see vms... no need to talk u r free kathy. That's all I got. 6:21 PM

Katy Elizabeth - Team NJ: Are you sure? It seems different from the messages. I don't mind talking. I'm not angry like I was this afternoon 6:24 PM

Me: If u want to send me a response and constructive advice for my growth - after thoughtful reflection some other day I'll read it... I just think like last time u need and I need to digest before saying things both may regret. I liked our convo earlier and the insight u gave me it explained a lot (though I don't understand ur logic for a great deal and I know I won't... communication was def poor and conflicted . my mind on that is set) 6:28 PM

Katy Elizabeth - Team NJ: I think maybe we could talk in person. Would you like to stop by for a little bit 6:28 PM

Me: I'll miss holding u for sure. 6:28 PM

Katy Elizabeth - Team NJ: I think maybe we could talk in person. Would you like to stop by for a little bit 6:28 PM

Me: Me and krissy had a moment like this and I said no. With u I want to but not for more of this. If u promised me no talking yes... but that is fantasy world on my part... I'll miss holding u for sure 6:30 PM

Katy Elizabeth - Team NJ: We are not going to completely understand each other and I think that is okay still I do not like how things left off. There was a lot of anger. 6:32 PM

Katy Elizabeth - Team NJ: I miss you holding me 6:33 PM

Me: Thank u for even entertaining that though, very positive happy thought and I wish I could know it wouldn't hurt either of us 6:33 PM

Katy Elizabeth - Team NJ: Well I want you to know that beneath the anger that emerged I care about you very much and I really don't want to hurt you. 6:47 PM

Katy Elizabeth - Team NJ: Relationships are never clean esp when problems emerge, lots of strong feelings, confused feelings. It's hard to know what is right. Ultimately I want health, happiness and peace for both of us Me: Thanks for the msgs... just too much going on here. Lots of change, then change on top of change and the pace was quickening in a way that made me nauseous 7:02 PM

Katy Elizabeth - Team NJ: There is so much toxicity. I want it cleansed 7:06 PM

Me: Maybe only time and intimacy can do that. But I feel "ughh". Tempted to suggest goodbye grind... I certainly could tie u up... u have not been a "good girl" in my opinion and my opinion is what matters within that construct 7:14 PM



Me: Out to dinner with my b 7:14 PM  
 Me: My old boss ed from the dealership at bills right now... he is an awesome guy I had wanted u to meet him really calm old soul...love him 7:15 PM

**Katy Elizabeth - Team NJ:** Sex is always tempting but I do not think that would be a good idea. I also think of how you spoke of your last time with Tara and it would make me feel badly to be viewd that way. 7:17 PM  
**Katy Elizabeth - Team NJ:** But I think a goodbye cup of tea and holding one another would be nice. I would like us to be on good terms, toxicity washed a bit, a good memory in its place 7:18 PM

**Katy Elizabeth - Team NJ:** Thank you for acknowledging that 10:37 PM  
 Me: ... watching playoff football (... get ur mind out of the gutter katey ;) 10:38 PM  
**Katy Elizabeth - Team NJ:** It's not funny. I'm upset right now with things on my mind. 10:39 PM  
 Me: Ok sorry, but not my problem going forward... no more penis jokes / comments... I hope tomorrow u determine the last one was funny (=) 10:41 PM

**Katy Elizabeth - Team NJ:** Please stop. Your comments are not sensitive right now. 10:42 PM  
 Me: Yeah bc I am over the drama. Its overdone. Ur a fine person with more than what u had when I met u. A new car, working tv, a cpu on the way, good romance, and a lifetime commitment from me (if u use it). U welcome, sorry it came with penis humor too, but overall I think u got more than u lost here and my track record of responsive sensitivity is pretty ok overall 10:47 PM

Me: Be happy kiddo 10:48 PM  
 Me: Its the playoffs! 10:49 PM  
 Me: Seriously though, celebrate the effort and the end and the beginning if u can. God knows we tried to do something good 10:50 PM

**Katy Elizabeth - Team NJ:** I think I shouldnt be in this conversation anymore, I told you I'm down and the tone or something of your reply is just not helping 10:52 PM  
 Me: Ok. I get where u r coming from, given past experience with u. Sorry not trying to hurt u ... trying to heal, but (seriously) I shouldn't given ur last comments. 10:56 PM

Me: Thanks for ur evening comments, they did help me along with my own reflection 10:57 PM  
**Katy Elizabeth - Team NJ:** Ill take care of myself just fine. The emotional state I'm in now is now not about you, but stuff with me that I'm working through. Enjoy your playoffs. I'm glad my comments this evening made you feel good. I meant them 11:02 PM

Me: The last of 2 games today is a blow out 45 to 24 and basically over now... going to go to a going away party for a friend joining the army in a bit. Not really all about it, but if he can do boot camp I can say hi... my cpu is still busted and my head slightly throbbing so minds well 11:22 PM  
 Me: If we r still communicating weeks from now and u want honest input let me know. I hope for the best for u obviously and I am sorry for any pain I caused u 11:24 PM

**Katy Elizabeth - Team NJ:** No thank you. You've already given me enough honest input. 11:28 PM  
 Me: Re: fb it was erroneous fat finger error: the message should have been. 11:42 PM  
**Katy Elizabeth - Team NJ:** Should have been what? 11:43 PM

Me: One of the best signs I ever saw was similar to that. Amazing how little ppl can inspire us big ppl to be more observant and sensitive, or to recognize our mutual vulnerabilities. I hope your shut out becomes a blow out katey. U have lots of ppl rooting for u and I hope u are victorious in your efforts before I am abk e to 11:44 PM

Me: Before I am able to say the same. Wishing u well! 11:45 PM  
 Me: Re: ceasing messages: ok. 11:45 PM  
**Katy Elizabeth - Team NJ:** Thank you that makes me feel a bit better. I appreciate it. And I wish you victory as well! 11:48 PM  
 Me: ok I love... stop trying to control that pls... its neither of our jobs... hearts love... I love my heart 11:58 PM


Me: We'll see. I have other concerns too. Let's just both recover. I am not healed, just moving on. 12:16 AM

Me: Ok guess I am a horrible person. So sorry. 12:43 AM

Katy Elizabeth - Team NJ: No I saw it earlier at dinner, just forgot to get back to it. I'm doing well, a lot of focus on work. Its a good thing; I'm delving back into researcher mode. Hope you're doing well and taking care of yourself 1:08 AM

Me: Yeah, night 1:56 AM

Me: Oh shoot do not want that to look like a typo... no typo... good night 1:58 AM

 Katy Elizabeth - Team NJ (732) 703-0046 - mobile 1/29/13 6:18 AM 11 days ago

Inbox

Katy Elizabeth - Team NJ: <3 10:15 PM

Me: <3 11:26 PM

Katy Elizabeth - Team NJ: :) 11:27 PM

Me: ok I called from landline... leaving soon... b-day celebration in progress 11:29 PM

Me: I ate argula - sea salt, lemon juice, plum tomato, and hard boiled egg with my friend Annie... and we celebrated your contribution to the evening. Bless you - you sweet child of nature 11:30 PM

Me: another good chat. Thankfully I am dating myself on facebook and so far - its stable and I understand it :) 11:33 PM

Me: u were fantastic though - I cant take that from you. I was floored end to end. 11:33 PM

Katy Elizabeth - Team NJ: <3 11:34 PM

Me: I hope we can talk soon when you are ready... but it has to be a pheonix relationship... the past is dead. I would love to get to know this you though. It might be worthwhile. Until then ... then 11:38 PM

Me: ok good chat. 11:52 PM

Me: <3 3:34 AM

Me: are you going to reply with any words or are you a symbol texter only now. This is a bit ... umm... unusual. I'd like normalization when you are able to progress there emotionally. <3 12:34 PM

Me: Ok another good chat... its like talking to a bo-weave!... a cute one... if I promise not to bite ur head off... could talk. Remotely lol... I know its a scary thought 5:41 PM

Me: Ok fine, no talking... just fuck me then... goodness gracious, just seeing your name in my phone makes me horny... this is satism, and it's just wrong lol :) <3 6:52 PM

Me: Sorry if you were offended btw. I took matters into my own hand last night - so everything went well. I am basically ignoring the weirdness here and hoping that works. Anyway i sent you a FB message regarding mustaches, reply or not as always good chat (your collected like it - or not) 5:08 PM

Me: you're collected like it - or - not... sorry for poor grammar - that was rude of me. 5:09 PM

Me: also you cant complain bc u sent 2 hearts and a smiley - so take them back before you complain... Thank you. 5:11 PM

Katy Elizabeth - Team NJ: I'm sorry. I wasn't trying to reach open communication. just that I felt guilty ignoring you. I just tried to communicate little as possible still let you know that even though we're not talking and I don't want a relationship, I don't think of you negatively and I care about you as a person. but I am enjoying being on my own and having time to myself 10:18 PM

Katy Elizabeth - Team NJ: re open 10:19 PM

Me: well I certainly don't begrudge your time to yourself. But that you think I am worthless as a friend is



frankly (please understand I am just being unfiltered me) - is insulting. I am appropriately hurt, but I appreciate your answer above 10:21 PM

**Me:** I certainly don't want to be a HUGE PAIN... a minor pain... yeah I have meant to have done that. Anyhow would you like to reconvene for a status update in lets say 30 days and benefit from 30 days of silence from this end as you continue your self-discovery 10:22 PM

**Me:** I thought I had explained to you - that you have been collected... and whether or not you like it you'll always be my something... at the least my friend. 10:23 PM

**Me:** oh AND u will be at my freaking funeral... yeah u will... so write that down. 10:25 PM

**Katy Elizabeth - Team NJ:** no Derek no. I'm moving on. please let me do that. 10:26 PM

**Me:** maybe. u welcome. 10:27 PM

**Me:** fine - yes. But you know where to find me. I'll finish the social media decoupling - that I was too weak to do earlier if that is what you want. I don't know how you've made sense of this on 1/6/2013 I get a text "I love you" (pls come over I'll get my work done first etc) and 2 days or whatever later its omg Derek u r satin... when u figure that out pls do me the courtesy of bringing me up to speed LOL 10:29 PM

**Me:** OOPS Derek your Satan... not satin... satin is soft (though not as enjoyable as high thread count cotton oddly) 10:30 PM

**Me:** anyway <3 -) 10:31 PM

**Me:** u know what eff it by the way... defriend me. I can't. Its your decision - you do it. I care too much to bc I understand the scarcity issues here. u do it. 10:38 PM

**Katy Elizabeth - Team NJ:** you have a good heart Derek. you are just too much for me. I can't be friends with you. I'm sorry. 10:51 PM

**Katy Elizabeth - Team NJ:** the end 10:53 PM

**Me:** I have faith that you'll grow and be confident and not scared. I'm pretty sure I grow too. bye on text 10:53 PM

**Me:** geez. I said I was a strong cup of tea... how come nobody listens... geez. like I am talking to myself... try to be transparent and up front and still... geez (sorry mind blown now) bye, bye, bye, bye with love <3 (& yes I am annoyed to have said bye so many times - but it is my fault for trying not to) 10:57 PM

**Me:** sunny day: <http://www.youtube.com/watch?v=IbU1E-R91Q4:01> PM

**Me:** ONo response pls: just saying this to be supportive - your heart is sooo good. Your hands r sooo full: I won't let this be about me... bless u and those kids this morning. Seriously bless u kate. Seriously good luck.. hopefully someday (when ur super old like me) u'll understand why I said this. Hang in there sweetheart... (ur a shitty friend, but u have a great heart) ur amazing. 6:16 AM

**Me:** I have to sleep now... had a long night of being awesome ;) 6:18 AM

**EXHIBIT B**

Seriously - Read her <sup>poor</sup> own comments on Dreams killing <sup>her</sup> or being killed

EXAMPLE OF UNUSUAL TEXTS FROM PLAINTIFF - CAUSED CONCERN FOR HER MENTAL STATE & FURTHER DETERIORATION



Me to Katy Elizabeth - Team NJ (732) 703-0046 - mobile 1/9/13 3:03 AM 5 weeks ago

I am seriously scared!!!  
Inbox

Me: I understand honey, your an amazing survivor ... but who wants top just survive 2:33 PM

Me: soooo much 6:45 PM

Me: I luv u 6:46 PM

Katy Elizabeth - Team NJ: Luv you baby!! Kiss! Hug! 6:47 PM

Katy Elizabeth - Team NJ: I'll call after girls are asleep:) 7:39 PM

Katy Elizabeth - Team NJ: Omg Dan drives me nuts 7:56 PM

Me: really ... sorry honey... ugh ... why can't it be simple 8:29 PM

Me: hey r u in sleepy land 11:04 PM

Me: ok I am turning my wi-fi off... and will go to sleep feeling unloved like you have wished me too :- ) luv u

Me: ... all day & every day! 11:23 PM

Katy Elizabeth - Team NJ: I called eralier Google voice, no pick up, I love you honey, just had a

nightmare very strange that I did something horrible don't know if it was murder or something else

bad then someone came for revenge and stabbed me to death but at that point I wasn't me I was

someone else who knew me and I heard it happen. We were escaping on a two story boat that was more

like a bunk bed, I heard myself murdered on the bottom tier/bunk, but it was very quiet then Ella came

looking for me so "I" (the mystery friend) had to clean up my dead body and all these other random objects

like teacups while some other person distracted her so she wouldn't see the bloody scene 3:03 AM

Me: I did but think u'd be able to call me but if you would set up a FREE skype account we could talk that

way briefly at least 4:38 AM

Me: sorry about your nightmare... but at least it was interesting 4:38 AM

Me: I miss u and hope we can both make enough progress to have a few moments of dignity together 4:39

AM

Me: sweet... I just figured out how to call for totally free... GROOVE IP lite... I just tested it tip call u and it

worked ... sorry though I think u are now asleep ... didn't mean to wake u hope I didn't 4:50 AM

Me: my new number is (my vingme biz number) : 732-698-8464 PLEASE SAVE IT YOUR CONTACTS...

YAY! 5:01 AM

Me: you can still text me on the 860 941 8946 # 5:09 AM

① A L A R M I N G T E X T S  
1/19/13

② T E X T S A F T E R  
1/15/2013

From K. B. Scholtz



**From:** Facebook (update+kr4msreagb4n@facebookmail.com)  
**To:** syphttd@yahoo.com;  
**Date:** Tue, January 22, 2013 7:44:49 PM  
**Cc:**  
**Subject:** Katy Elizabeth also commented on her status.

facebook



**Katy Elizabeth also commented on her status.**  
 Katy wrote: "I think I would become infatuated with me, but I'm pretty sure I'd reject myself...man."

Reply to this email to comment on this status.

[See Comment](#)

This message was sent to syphttd@yahoo.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.  
 Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

January 22, 2013 at 9:18 pm

Derek Syphrett-Sales



January 22, 2013 at 9:17 pm

1 person likes this

Derek Syphrett ANYWAY I AM NOW IN A FACEBOOK RELATIONSHIP WITH MYSELF VIA MY (close friends / family / customers - FB Account)... I am dating myself on Facebook: I talked to both my roommates about this. We imagine it would work like this: we'd (me's) wake up happy and embrace, we'd then make a plan for the day and check in with each other, then at night we'd discuss the day and support each other vigorously and remind ourself that we're not perfect so our daily failures are just the price of life. Then we'd embrace and stay in most nights dancing and singing and therefore save tons of money to see the world together... cursed tho it will never be a REAL RELATIONSHIP!!!... GOT THE IDEA FROM MY EX-GIRLFRIEND WHEN SHE ASKED US TO BE HONEST - WOULD WE DATE OURSELVES IF WE COULD? SHE HONESTLY WOULDNT... I WOULD, SO I AM FOLLOWING MY WORDS WITH ACTION... DATING MYSELF UNTIL SOMETHING BETTER COMES ALONG

January 22, 2013 at 10:40 pm  
 Rebecca Lawrence Your profile picture is my profile picture! Awwww!!

2 people like this  
 Derek Syphrett-Sales Well - who is better than us together... It's been my pleasure dear - I'll text it too you later

January 22, 2013 at 8:12 pm  
 Derek Syphrett-Sales special shout out to my man Garrett Taylor - He has supported more than anyone outside my family emotionally and financially... unbelievable roommate!!! Great Friend. Sure our home life is a freaking sit-com now, but at least we are the stars!!!

January 22, 2013 at 8:04 pm Friends  
 Derek Syphrett-Sales Thank you for the Birthday Wishes here and in my main account... I have less friends than a week ago... and more time for friends who've been with me through thick and thin... and sadly some of you have only been around for the thin - you've been great and I love you all dearly!  
 January 22, 2013 at 7:32 pm Friends  
 2 people like this

Nicole Gaynor Happy birthday baby cakes!

January 22, 2013 at 8:09 pm

ED Korenz Hey old man you're catching up to me

January 22, 2013 at 8:39 pm

Derek Syphrett-Sales Ummm Ed I am not sure it works that way... ahhh... nevermind... Yep!

January 22, 2013 at 8:42 pm

Derek Syphrett-Sales Nicky Freaking McGuirk-Nicole Gaynor Get over here baby cakes - we need to talk... don't ever set me up on a date with your cousin (sure she was hot) in the

**From:** Facebook (notification+kr4msreagb4n@facebookmail.com)  
**To:** syphrettd@yahoo.com;  
**Date:** Tue, January 22, 2013 7:14:55 PM

**Cc:**  
**Subject:** Katy Elizabeth updated her status: "Passing on a great question: Would you, date you?"

facebook



**Katy Elizabeth**

Katy Elizabeth updated her status: "Passing on a great question: Would you, date you?"

You are receiving this email because you've listed Katy Elizabeth as a close friend. Change Close Friend Notifications.

[View Post](#)

This message was sent to syphrettd@yahoo.com. If you don't want to receive these emails from Facebook in the future, please unsubscribe.  
Facebook, Inc., Attention: Department 415, PO Box 10005, Palo Alto, CA 94303

- except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."
- c. Defendant maintains that the PVDA is a criminal action "quasi criminal" - is criminal. Therefore U.S. Amendment 6 applies:
- i. Right to Speedy Trial, Confrontation of Witnesses. Ratified 12/15/1791.
  - ii. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."
  - iii. Defendant asserts right to jury trial under U.S. and New Jersey Constitution.
  - iv. Defendant requests the hearing be transferred to the New Jersey Superior Court Criminal division as a result.
- d. Defendant maintains the PVDA violates U.S. Constitution Amendment 7 - Trial by Jury in Civil Cases. Ratified 12/15/1791.
- i. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.
  - ii. Defendant further asserts that his costs related to this suit exceed \$20 by way of printing costs at staples, travel costs to Robbinville police department and municipal court for the purposes of serving Subpoena's and retrieving related records, printing supplies for home office, legal consultation with a law firm, and mileage to the Superior Court for related follow-up.
  - iii. Defendant asserts that the Plaintiff must be ordered to reimburse the Defendant for related costs given the frivolous and false nature of her complaint. Defendant maintains and certifies his costs are in excess of \$80 dollars.
- e. Does not contain any specific procedures for "immediate appeals" in the legislation; AND
- i. New Jersey Appellate court has repeatedly stated that the procedure for an "immediate appeal" varies from vicinage to vicinage (County to County) within the Superior Court system. Therefore there is no assurance / no transparency ensuring the rights of New




Jersey citizens with regard to "immediate appeals" and "due process" are in fact the same across the state; AND

ii. Mercer county has no published immediate appeals process made available to the public per Doug Meckel, Family Violence Team Leader, State of New Jersey Superior Court, Mercer County. The county simply has an appendix of related forms and simply provides a appeals form with no instructions or guidelines attached regarding the deadlines for filings, the format, or the procedure for applying for an immediate appeal; AND

iii. The Mercer County Ombudsman Gina Goldstein is unfamiliar with the term "immediate appeal" and was unable to provide procedural guidance when it was requested by the Defendant in this case.

I CERTIFY THAT THE FORGOING STATEMENTS ARE TRUE. I FURTHER CERTIFY IF ANY OF THE FORGOING STATEMENTS ARE KNOWINGLY FALSE I AM PUNISHIBLE BY LAW.

Signature:   
Date: 3/1/2015  
Derek C. Sypnert

---

DEFENSE EXHIBITS

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Home > For Everyone > Criminal Law > **New Jersey Statutes 2C:28-4 - False reports to law enforcement authorities**

### Criminal Law

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## New Jersey Statutes 2C:28-4 - False reports to law enforcement authorities

*New Jersey Statutes > Title 2C > Chapter 28 > § 2C:28-4 - False reports to law enforcement authorities*

Current as of: 2009  
Check for updates

a. Falsely incriminating another. A person who knowingly gives or causes to be given false information to any law enforcement officer with purpose to implicate another commits a crime of the fourth degree.

b. Fictitious reports. A person commits a disorderly persons offense if he

(1) Reports or causes to be reported to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) Pretends to furnish or causes to be furnished such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident

L 1978 c 95 s 2C:28-4, eff. Sept. 1, 1979

Prev | Next

### Questions & Answers: Criminal Law

◀ Is it a 15 571 & retroactive and will it effect act 572

◀ How can one parent break the law court order degree on keeping a child from the other parent and there is nothing the other parent can do t file charges or get his time back with

◀ Is there any law specific to the following situation? A semi-truck hits me and stated that he NEVER called 911 (unlockers did) and the truck driver never checked on me while I

◀ A family member committed grand theft on me in 2006. She was ordered to pay back the \$300,000 in restitution but I haven't seen a PENNY! What can I do about this? She work for

◀ I have a consignment agreement goods have been sold owner wont pay what can I do

◀ My violation running red light right turn without stopping # 2541300005353 pin# 4124

See also

View it. What's your opinion?

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Computer Crimes

Abortion

Criminal Law

Topics A-Z

Derek Sypshrett  
252 Fountayne Ln.  
Lawrence Township NJ, 08542

**Derek Sypshrett**  
Pro-se Litigant

# FAX: COURTESY COPY OF IMMEDIATE APPEAL - PART 4 ~~(Remaining Defense exhibits)~~ *first 9 pages*

**To:** Judge Marbrey  
Fax: 609-571-4874

**From:** Derek Sypshrett

**Re:** Kathryn E. Bischoff v. Derek C. Sypshrett  
Docket Number: FV-11-000887-13

**CC:** Kathryn Bischoff /  
Plaintiff (at discretion of  
Judge Marbrey)

1. COURTESY COPY OF IMMEDIATE APPEAL - PART 4 (Remaining  
Defense Exhibits) - *first 9 pages*

### COMMENTS:

Sent in a manner to conform with page limit restrictions for facsimiles sent to chambers (10 pages per fax).

Please note given the delayed (but timely) filing of an immediate appeal this copy has been provided in the interest of showing the court courtesy and effectuating a expedient proceeding.

**NOTICE:** This message is intended only for the personal and confidential use of the designated recipient(s) named above. If you are not the intended recipient of this message you are hereby notified that any review, dissemination, distribution or copying of this message is strictly prohibited.



Derek C. Sypnert  
Pro se litigant (Defendant)  
252 Fountayne Ln,  
Lawrence Township, NJ 08648

June 7, 2013

**VIA HAND DELIVERY:**

Family Division Clerk  
Mercer County Courthouse  
209 South Broad Street  
Trenton, NJ 08650-0068

RE: Bischoff v. Sypnert  
Docket No.: FV-11-887-13

Dear Clerk:

Enclosed herewith please find an original and two copies of the following:

1. Notice of Service
2. Proposed Order Form
3. Proof of Service
4. Certification of Motion

Kindly file same return a filed copy and stamp a copy for immediate return to the Defendant at the Clerk's window. Thank you.

Kind regards,



Derek Sypnert  
Pro se litigant, allegedly abused spouse of the Plaintiff, and Defendant

RECEIVED  
JUN 11 7 11 AM '13  
MERCER COUNTY  
FAMILY DIVISION

**Derek C. Sypniet**  
Pro se Litigant  
Defendant: Superior Court of New Jersey Chancery Division  
252 Fountain Lane  
732-698-8464

KATHRYN BISCHOFF (aka Katy Elizabeth), Plaintiff	vs.	DEREK SYPNIET, Defendant
--	-----	-----------------------------

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
MERCER COUNTY

*Docket No.*  
FV-11-887-13

**Notice of Motion**

**PLEASE TAKE NOTICE** that on Friday the 15<sup>th</sup> day of April at 12:00 AM, in the forenoon, or as soon as counsel may be heard the undersigned Defendant Derek Sypniet will make an application before the Superior Court of New Jersey, Chancery Division, Family Part, Mercer county, at the Mercer County Court House, 175 South Broad Street, Trenton, New Jersey for an motion which you received on April 15, 2013.

**PLAINTIFF'S COUNSEL:**  
Edward C. Logan  
3490 U.S. Route 1 N, Suite 7B,  
Princeton (West Windsor), NJ 08540

Kathryn Bischoff  
79 Wyncham Place  
Robbinsville NJ, 08691

**Please take notice that this motion will seek an order for:**

1. **DEFENDANT'S REQUEST FOR:** The Plaintiff will provide the limited discovery requested by

the Defendant by the following date. Specifically the Plaintiff will provide to the Defendant the text

message purported to state that the Plaintiff intended to call the police. The Defendant can not

confirm receipt of the same and therefore discovery must be provided to the Defendant as he has no

other means to obtain this record \_\_\_\_\_.

2. **DEFENDANT'S REQUEST FOR:** That the Plaintiff will provide Facebook records or request

the same from Facebook Inc. With regard to facebook messages communications between the

Defendant and the Plaintiff during the period of 1/15/2013 to 2/8/2013. The Defendant has shown

good cause that he has no ability to retrieve these records himself as memorialized on the record

4/25/2013.

3. **DEFENDANT'S REQUEST FOR:** The order of Judge Hoffman dated 2/8/2013 is vacated.

null / voided, due to proofs submitted by the Defendant that Judge Hoffman was a current legal

adversary of the Defendant as of 2/8/2013. Further the court finds that the Judge Hoffman's

involvement was not "absolutely necessary" pursuant N.J.S.A. 2C:25-28a. In fact, on 2/8/2013 the

Plaintiff had an opportunity to be heard in Lawrenceville township because a Temporary Restraining

Order application can be made in any of four jurisdictions predicated within the New Jersey

Prevention of Domestic Violence Act (1991), these include: (1) the Municipality where the alleged

victim resides; (2) the jurisdiction where the alleged suspect resides; (3) the Municipality where the

predicated acts of alleged domestic violence occurred; OR (4) at any Superior Court of the Chancery

Division containing a domestic violence team / hearing officers. This determination is consistent

with an accurate application of case law as prescribed by Rivers v. Cox Rivers (New Jersey

Appellate Division).

Further: this court emphasizes here: that the appearance of an impartial judiciary is a pillar of the court system and maintaining such appearances is in the best interest of all parties to this litigation and the public interest.

4. **DEFENDANT'S REQUEST FOR:** The Defendant's immediate appeal will be set for an evidentiary hearing as the Defendant was denied due process per the procedures published by this court. The Defendant was not provided a hearing date after timely filing of his immediate appeal. Specifically the Defendant's motion is granted because:

a. The Defendant was not informed that his immediate appeal application had been granted by court staff prior to being brought before Judge Warshaw.

b. The court did not provide the Defendant an opportunity / time to contact the opposing party after granting the filing for the immediate appeal hearing.

c. The only reason cited for Judge Warshaw's decision to deny the immediate appeal via an ex-parte hearing with the Defendant (only) was that the opposing party had not been notified of the hearing date. The Defendant had, in fact, served the opposing party the immediate appeal and notified the opposing party that he intended to provide discovery of the hearing date. Instead, neither party, received written notice of the hearing date. The Defendant wasn't advised that his appearance before Judge Warshaw would in fact be a hearing at all.

d. No hearing should have been conducted with out adequate notice to both parties of the scheduled hearing date – which the court never provided to the litigants after the timely filing of an "Immediate Appeal" by the Defendant.

e. The Denial of the Immediate Appeal was not issued pursuant the procedural manual for the New Jersey Prevention of Domestic Violence Act (1991) – procedure 4.8.4.

5. **DEFENDANT'S REQUEST FOR:** The Defendant's motion for dismissal on the grounds the Plaintiff's complaint did not contain evidence of the Defendant's intent to harass, nor was diligent



Defendant's motion will be granted in its entirety by default.

Plaintiff has not provided opposition to any of the Plaintiff's prior motions in this matter) that the

7.

**DEFENDANT'S REQUEST FOR:** That if the Plaintiff does not respond to this motion (as the

not find probable cause on such grounds.

circumstance can this be perceived as a threat by reasonable people and therefore this court can

shoot first" was a metaphor for acknowledging the Plaintiff's rights to file a complaint. Under no

retaliation if the Plaintiff, in fact, "shot first". Further, it is clear to this court that the phrase "you can

threat. There were no fire-arms involved, neither party owns a fire-arm, there was no threat of

police and "shoot first" if she wanted to was simply not a phrase in this context that amounts to a

the purported text message whereby the Defendant advised the Plaintiff she could contact the

the form of a question, but instead was direct testimony offered on behalf of the Plaintiff. Further

provided by Judge Hoffman and not the Plaintiff. Judge Hoffman's statement / testimony wasn't in

anything at all. The testimony which cited a purported threatening text of the Defendant was

Obviously you felt threatened by that", prior to the Plaintiff stating that she was threatened by

Plaintiff's TR0 application direct examination was not appropriate. Judge Hoffman stated "And

behalf of the witness violated court rule 605 – the Judge acted as a witness. Specifically during the

6.

**DEFENDANT'S REQUEST FOR:** Judge Hoffman's use of leading questions and testimony on

evidence of a third parties purported / unsubstantiated intent.

threat of future domestic violence the court can not find probable cause simply based on hearsay

state of mind /intent. Absent clear evidence of actual domestic violence, or evidence of an actual

the present or the future, no substantiation was provided to the court with regard to the Defendant's

provide proofs of harassment. Further with regard to the Defendant's intent to harass the Plaintiff in

phone and Judge Hoffman had the opportunity to request the same – neither party attempted to

communications. The Plaintiff had an opportunity to read the text messages verbatim over the

fact finding conducted by Judge Hoffman to confirm the contents of the Defendant's alleged

June 7, 2013

By: 

Derek Sypniet  
Pro Se Defendant

**PLEASE TAKE NOTICE:** That the Defendant requests oral argument in this matter.

**PLEASE TAKE FURTHER NOTICE:** that the Defendant will rely upon the **DELIVERED TO THE PLAINTIFF'S COUNSEL on 4/15/2013** in support within the Notice of Motion and the Defendant's motion for immediate appeal filed with the court on March 1, 2013 and provided to the Plaintiff's counsel subsequently by Judge Marbery.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

form of:

10. **DEFENDANT'S REQUEST FOR:** Reasonable and equitable relief to the Defendant in the

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for June 13, 2013 or \_\_\_\_\_ to accommodate the logistics required given either (a) Defendant's right to have an immediate appeal per his timely filing of an application for the same or (b) to provide the Plaintiff time to produce discovery per the Defendant's request or (c)

9. **DEFENDANT'S REQUEST FOR:** The court further orders that the trial date will be scheduled

8. **DEFENDANT'S REQUEST FOR:** That the Plaintiff's failure to reply to the Defendant's previous motion / this motion allow this court to issue default findings in the Defendant's favor.

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
MERCER COUNTY

*Docket No.*  
FV-11-887-13

**PROOF OF SERVICE:**

**MOTION TO ENFORCE LITIGANTS  
RIGHTS, MODIFICATION OF RESTRAINTS  
& EQUITABLE RELIEF**

Plaintiff	KATHRYN BISCHOFF (aka Katy Elizabeth)
vs.	
Defendant	DEREK SYPHRETT,

**Derek C. Sypthrett**  
Pro se litigant  
Defendant: Superior Court of New Jersey Chancery Division  
252 Fountain Lane  
Lawrence, NJ 08648  
732-698-8464

A copy of the following has been filed with Superior Court of New Jersey, Justice Center, 175

Broad Street, Trenton, NJ.

1. Notice of Service
2. Proposed Order Form
3. Proof of Service
4. Certification of Motion

A copy of the aforementioned served by email & hand delivery on the Plaintiff.

**PLAINTIFF'S COUNSEL:**

Edward C. Logan  
3490 U.S. Route 1 N, Suite 7B,  
Princeton (West Windsor), NJ 08540

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: June 7, 2013

Derek C. Sypthrett



RECEIVED  
2013 JUN -7 PM 1:17  
MERCER COUNTY  
FAMILY CASE NO. 13-0213

**Derek C. Sypniet**  
Pro se Litigant  
Defendant: Superior Court of New Jersey Chancery Division  
252 Fountain Lane  
Lawrence, NJ 08648  
732-698-8464

Plaintiff	KATHRYN BISCHOFF (aka Katy Elizabeth)
vs.	DEREK SYPNIET,
Defendant	

**CERTIFICATION OF DEREK SYPNIET**  
**IN SUPPORT OF:**  
**MOTION TO:**  
**ENFORCE LITIGANTS RIGHTS, FOR**  
**EQUITABLE RELIEF, & FOR**  
**RECONSIDERATION**  
*& MODIFICATION OF TRO*

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: FAMILY PART  
MERCER COUNTY  
*Docket No.*  
FV-11-887-13

1. I am the pro se litigant, and the indigent pro-se defendant for all matters related to FV-11-887-13.

2. If Judge Marbrey is unable to hear this motion prior to the scheduled FRO trial date, I request it be this motion be transferred / converted to a motion "*in limine*" and the issue be argued prior to the commencement of discussions related to the circumspet / substantive issues related to the Plaintiff's complaint.

3. Particularly in regard to my request that Judge Hoffman's involvement in the issuance of the TRO be vacated. Please strongly consider the following:

4. A citizens rights to a "fair trial" are among the most sacred duties of the court. The court can not risk allowing a decision from an ex-parte hearing by a Judge who should have been disqualified to stand. Such a decision diminishes citizen's confidence in the court's themselves.

5. Regardless of whether Judge Marbrey chooses to grant probable cause just as Judge Hoffman did, Judge Hoffman's involvement can not be sanctioned by any court in New Jersey, because



binding case law forbids the same. The lack of an impartial / ex-parte hearing demands redress by the court and the Defendant invokes his right to see this done properly.

6. Additional proofs (exhibits and case law) have been provided that solidly support my request for the same.

7. This motion is both a request for enforcement of litigant's rights, equitable relief and a response to the Court Order of June 5, 2013.

8. This motion has been filed to enforce litigant's rights and preserve litigant's rights for appeal, for relief, and equitable justice (visa vi: a "fair" trial and "fair" pre-trial proceedings).

9. The Defendant maintains that as a civil libertarian he is entitled to consideration of his civil rights as provided by the United States Constitution. Further while the Defendant asserts constitutional sovereignty, the Defendant does not either ratify / dismiss the application of the court's rules upon the Defendant. The Defendant does however, expect the court, and officer's of the Court, such as Ed Logan and Judge Marbrey to fully abide by the court rules and/or exercise "reasonable" discretion with regard to the court rules. The Defendant further asserts the court is bound to apply the doctrine of the "liberal civil construct" to ensure the Defendant's access to the Court as an indigent, pro-se litigant, with a confirmed weekly income of \$0 as of 6/6/2013.

**SECTION II:  
DEFINITIONS & LEGAL TERMS:**

*I. N.J.S.A. 2C:25-28a: referred to both as noted by this heading and as "NJ PVDA" or "PVDA"*

*II. New Jersey Prevention of Domestic Violence Act (1991):* Heretofore: referred to as "NJ PVDA", or "PVDA", or "N.J.S.A. 2C:25-28a".

*III - Rivers v. Cox-Rivers, 346 N.J. Super. 418, 421, n.1. 788 A. 2d 320 (App Div. 2001):* Referred to both as the aforementioned heading & "Rivers' Case"

hostility.

preponderance of evidence that Judge Hoffman has shown the Defendant past discourtesy, bias, and witnesses to support my certification if Judge Marbrey will not accept my sworn testimony as a Ombudsman's office secretary what had occurred). I will gladly call these people into this court as after I informed other witnesses (Judge Fitzpatrick's court officer – who was later in the lobby, and the the lobby on the 4<sup>th</sup> floor including the officer who was present in the lobby at that time. Shortly, there saying that I could "never talk to [him] in public again". This incident was witnessed by several people in Judge Hoffman, yelled at me on 12/12/12 simply for serving him a subpoena and he threatened me by shown me discourtesy prior to the issuance of the TRO before this court. While acting as an attorney 13. I again reiterate that in addition to being a legal adversary, Judge Hoffman has repeatedly only 3-days prior to the Plaintiff's ex-parte hearing / complaint before Judge Hoffman.

Hoffman's initiation of a legally adversarial relationship with the Defendant on or prior to 2/5/2013 and 12. The Letter from Judge Hoffman and sent to Judge DeBello, memorializes that: Judge

**EXHIBIT A.**

Defendant – memorialized via a letter received from Judge DeBello, dated February 5, 2013 - **SEE** Hoffman's familiarity with the Defendant and Judge Hoffman's adversarial relationship with the familiarity was confirmed by evidence (NOW BEFORE THIS COURT) that clearly show's Judge DeBello stated on the record that he had familiarity with the Defendant. Further Judge Hoffman's

11. Contrary to the court order findings included in the order of this court on 6/5/2013: Judge (g) and the judicial Cannon's with regard to the impartiality of a Judge participating in legal matters. Hoffman's participation in the ex-parte TRO decision represents an obvious violation of court rule 1:12- currently viewed to be a valid ruling per the discretion of the Honorable Judge Marbrey). Judge Judge Hoffman's decision to issue the TRO must be invalidated (even if the decision is subsequently / 10. I request the court clarify the record with regard to Judge Hoffman's issuance of a TRO.

**SECTION III:**  
**REQUESTS & LEGAL ARGUMENT:**

- JUDGE HOFFMAN'S DECISION MUST BE VACATED, REGARDLESS OF JUDGE MARBREY'S VALIDATION OF THE SAME. THERE IS A REQUIREMENT FOR NULLITY HERE.  
- THE PROBABLE CAUSE DECISION OF JUDGE MARBREY, MUST BE CLARIFIED PER ESTABLISHED CASE LAW REGARDING THE "NJ PVDA"

REQUESTS / DEMANDS TO THE COURT:

shown

diligent review of the legal issues and subsequently grant part or all of this motion for "good cause

19. I feel confident Judge MarbreY will continue to exercise her unusual (in this vicinage)

of higher courts in this jurisdiction.

additional action visa vi binding case law and "bright line" exceptions explicitly provided by the case law

18. Below I have provided detailed legal arguments that unfortunately require the court to take

5, 2013 ruling.

17. That said, have found significant and material legal grounds to oppose portions of the June

detail. I continue to be thoroughly impressed with her Honor's conduct and diligent work.

refreshing to see a Judge in this vicinage that is capable of producing a Court order of this quality and

putting forth such effort, and providing clarity with regard to the aforementioned order. It is quite

Judge MarbreY for the detailed findings provided in her order of June 5, 2013 and I commend her for

before her via my prior motion. Further, without any implicit or explicit attempt to gain favor I: commend

16. Please note: I sincerely appreciate the efforts of Judge MarbreY to research the issue put

in this regard.

review and consideration by this court. I have also attached exhibits supporting my cause of action

15. Below I've provided an outline of legal my legal argument, which requires further

LEGAL ARGUMENT / REPLY TO COURT ORDER OF JUNE 5, 2013:

the existence of the TRO order.

witnessed Judge Hoffman's actions or received my comments regarding the same nearly 2-months prior to

between myself and Judge Hoffman in reaction to the Plaintiff's TRO. The witnesses listed above either

14. Further, note that there is no possible way that I could be making up the interactions



Although the principle on which we rely was applied in *Kettles* and *Nobel* in criminal prosecutions, see also *State v. Tucker*, 264 N.J. Super. 549, 554-55 (App. Div. 1993), cert. denied, 135 N.J. 468 (1994); *State v. Horton*, 199 N.J. Super. 368, 374-77 (App. Div. 1985); *Mustafoski v. State*, 867 P.2d 824, 835-36 (Alaska Ct. App. 1994), the

as valid." the prior representation occurred, any action taken by the judge as a result of the proceeding cannot be recognized over a matter in which a former client is involved, especially where the current adversary is the party against whom that the conflict is non-waivable by the parties, either expressly or implicitly. If a judge is precluded from presiding U.S. 1118, 103 S. Ct. 3086, 77 L. Ed. 2d 1348 (1983) (alteration in original)). We hold further, as we did in *Kettles*, (App. Div. 2001) (slip op. at 5) (quoting *United States v. Nobel*, 696 F.2d 231, 235 (3d Cir. 1982), cert. denied, 462

confidence in the integrity of the judicial process, which in turn depends on a belief [by litigants and the general public alike] in the impartiality of judicial decisionmaking," *State v. Kettles*, N.J. Super. the proceedings before an order enters or reasonably soon following the conclusion of the matter after an order has been entered. See N.J.S.A. 2A:15-49b; R. 1:12-1(c), (f). That result is required by the need "to maintain public matter before him against the other, any judicial action taken is a nullity, whether the conflict comes to light during Except when required by the rule of necessity,<sup>11</sup> where a judge has previously represented one of the parties in a

"We vacate the February 23, 2001 order because of the need to apply a bright-line rule:

**See These Rivers v. Cox-Rivers, 346 N.J. Super. 418, 421, n.1, 788 A.2d "Rivers' Case" Citations:**

DEFENDANT'S FAVOR:

CITED CASE LAW INCLUDED IN THAT CASE WHICH APPLIES IN THE

"Rivers' case" that is not applicable to this matter as was cited in the June 5, 2013<sup>11</sup> - I HAVE Honor's presumed good-faith effort to address these issues<sup>11</sup> by citing a portion of the

Judge Marbrey simply erred in her citation of *Rivers v. Cox-Rivers* ("Rivers' case"). Despite her

20. I too cite the comprehensive case law within *Rivers v. Cox-Rivers*. However, Note: I believe

o The Case Law cited below makes it clear that a Judge Should be disqualified whether or not the same Judge can recall his past legal involvement as a legal advocate / adversary in the past. o A Judge whom can not recall his legal adversaries within 3-days of announcing a legal action against an adversary (like Judge Hoffman), with all due respect, may not even be fit to be on the bench in the first place. o No Judge who chooses to be a legal adversary to a litigant (as Judge Hoffman did) should be allowed to act as judge when such action is not necessary by law.

NATURE.

- IF JUDGE HOFFMAN'S TRO ISSUANCE IS NOT VACATED BY JUDGE MARBREY AS A RESULT OF THIS FILING AND ASSOCIATED PROOFS SUBMITTED - THEN - I REQUEST LEAVE TO FILE AN APPEAL, SO THAT THE APPEALATE COURT CAN RULE ON THIS ISSUE AND ADDRESS THE NEED FOR BINDING CASE-LAW ADDRESSING MATTERS OF THIS NATURE.

- THE DEFENDANT WILL ACCEPT A PROBABLE CAUSE FINDING BY JUDGE MARBREY, BUT NOT BY JUDGE HOFFMAN - GIVEN THE BRIGHT LINE'S ESTABLISHED BY THE HIGHER COURTS WITH REGARD TO JUDICIAL CONDUCT.



public policy imperatives are the same in civil cases. See, e.g., Sharp v. Howard County, 607 A.2d 545, 551 (Md. 1992) ("When a judge has appeared as counsel in an earlier stage of the same adversarial proceeding, there is no question that the judge has advocated the client's cause, and recusal is automatic because of the danger of an appearance of partiality."); Murray v. Murray, 424 N.Y.S.2d 50, 51 (App. Div. 1980) (Where a party had previously consulted the judge as a practitioner about "marital difficulties and child support," but had not retained her, the judge was nevertheless required to disqualify herself from presiding over a divorce case involving the same parties.); Cummings v. Christensen, 439 N.Y.S.2d 825 (Fam. Ct. 1981) (Where the judge had previously been involved as law guardian for the children in a marital custody proceeding, disqualification was required in a subsequent suit involving the same parties. Neither disclosure nor consent could cure the conflict and the required recusal.). To the extent Bonnet v. Stewart, 155 N.J. Super. 326 (App. Div.), cert. denied, 77 N.J. 468 (1978), can be read to stand for a different result, we regard it as distinguishable on its facts. In Bonnet, there was no identity of both parties in the litigation at hand with both parties in the prior proceeding. Here, not only are the parties identical but the underlying subject matter is the same, i.e., the marriage and the parties' rights stemming therefrom. Even if waiver of the conflict had been possible in the instant matter, there was no at-length discussion of the problem in the trial court proceeding before us, as there had been in Bonnet with a resolution on different factual dynamics that could be taken as a waiver by both parties of their rights to invoke the disqualification imposed by N.J.S.A. 2A:15-49b and R. 1:12-1(c), (f)."

a. The citations above make it clear that a Judge that has been /is legally involved in separate

litigation should not then later preside over matters involving that litigant.

b. Further: it is common for part-time judges to recuse themselves from matters involving only

1-party which they have been involved in past/present litigation with.

i. In addition to the above: Judge Hoffman is a current legal adversary of mine.

ii. In addition to the above: Judge Hoffman elected to become my legal adversary rather

than being thrust into that position by an adversarial action on my part.

iii. In addition to the above: In most of the cases cited above the court has made it clear

that past or present adversarial relationships, or simply a familiarity with a litigant by

way of ex-parte consulting is grounds for disqualification of a Judge from a

proceeding.

iv. In addition to the above: Judge Hoffman has previously been involved with a

domestic violence complaint which I filed against my wife in 2010.

v. In addition to the above: Judge Hoffman was aware that I am deeply disturbed at his

failure to issue a TRO given the recordings of my wife hitting me in my home and

attempting to harass me for over an hour. My wife was subsequently charged with

harassment and I was damaged after the TRO was denied.

participated in an ex-parte TRO hearing before a different Judge. If Judge Hoffman had

Kathryn Bischoff could have filed her complaint in Lawrenceville, NJ, 08648 and

b. In the case of Bischoff v. Syprett, THIS CLEARLY AND UNEQUIVOCALLY MEANS:

alleged predicated acts, OR in the jurisdiction of the alleged suspect.

Plaintiff. Note that the NJ PVDA allows complaints to be filed in the jurisdiction of the

proceed with a complaint in one of two jurisdictions. This pathway was available to the

a. In fact, under the "NJ PVDA" / N.J.S.A. 2C:25-28a; there is a pathway and potential to

SPECIFIC TO N.J.S.A. 2C:25-28a proceedings (see below):

proceeding" IS FALSE. THIS PROFFER BY THE COURT IS REFUTED BY FACTS

was "absolutely necessary" and that "by disqualification there would be no means of

Marbery. SPECIFICALLY: The court's assertion, here, that Judge Hoffman's participation

(App Div. 2001) is clearly well-intended, but IT IS NOT not applicable to the case before Judge

21. Judge Marbery's citation of: Rivers v. Cox-Rivers, 346 N.J. Super. 418, 421, n.1, 788 A. 2d 320

that I am present and able to address the issue with the court.

for Judge Hoffman's order to be ruled null / vacated is the appropriate remedy now

he heard the matter put before him. This is unfair, my objection and requested relief

PVDA I was unable to raise my objection to Judge Hoffman's participation until after

viii. In addition to the above: Due to the peculiar use of ex-parte hearings via the NJ

disqualification of the a Judge as soon as was practicable.

objection in any hearing, the Defendant in this case has raised the issue of

vii. In addition to the above: While the moving party in the Rivers' case did not raise an

relative).

there has been no direct legal connection between Judge Hoffman and the accused

over traffic offenses involving the RELATIVES of people he's represented (when

vi. In addition to the above: I've seen Judge Hoffman disqualify himself when presiding



not a legal adversary of the Defendant as Judge Hoffman was as of 2/8/2013 (and earlier).

e. Lawrenceville's Judge is the Honorable Judge Kevin Nerwinski, AND Judge Nerwinski is

*(g) given the circumstances in Bischoff v. Sypnert.*  
**"reasonable" litigant would NOT have "reasonable" concern (pursuant court rule 1:12-**  
*the court's application of case law that is materially different than this legal matter. (6) No*  
*differences between the Cox v. Cox-Rivers case and this one requires the court to reconsider*  
*initiation of any legal action between the parties in Bischoff v. Sypnert. (5) The material*  
**INITIATION OF ANY LITIGATION BETWEEN THE PARTIES IN THIS CASE to the**  
*Adversarial relationship between the Judge and the Defendant existed. PRIOR TO THE*  
**DEFENDANT** *about 3-days prior to issuing an decision adverse to the Defendant. (4) The*  
*and one of the litigants. Judge Hoffman elected to become LEGAL ADVERSARY OF THE*  
*divorce matter. Instead in Bischoff v. Sypnert there is a "current conflict" between a Judge*  
*"a judge serving as an attorney for one of the two litigants involved". (3) It is not a post-*  
**exclusive jurisdiction over the matter before the court"; (2) the issue in this case is not one**  
**Further Note Also:(1) In this matter, there was no court rule necessitating Judge Hoffman's**

*facts of the matter before this court (Bischoff v. Sypnert).*  
**Note:** *The underlined portions in the above quote were added by the Defendant, to*  
*emphasize substantial differences between the Cox v. Rivers-Cox case than presented by the*

unrecalled by the judge, did not come to light until a motion for reconsideration was made."  
the disqualifying conflict, in a single court appearance more than thirteen years before  
plenary hearing is vacated and the matter remanded for consideration by another judge where  
order has been entered. A post-divorce-judgment order entered on February 23, 2001 after a  
before an order enters or reasonably soon following the conclusion of the matter after an  
judicial action taken is a nullity, whether the conflict comes to light during the proceedings  
has previously represented one of the parties in a matter before him against the other, any  
"We apply a bright-line rule: Except when required by the rule of necessity, where a judge

d. Also - in Cox v. Rivers-Cox: The issues were summarized by the court in the following manner:

**nature.**

**the applicable statute – N.J.S.A. 2C:25-28a covering the jurisdiction for a complaint of this**

**Sypnert): a proceeding before Judge Hoffman was NOT an "absolute necessity" under**

legal issue "absolute necessity" proffered by Judge Marbey. *In this case of Bischoff v.*  
basis in that case differs materially from the factual basis in this matter with regard to the

c. In Cox v. Rivers-Cox, the parties lived within the same jurisdiction and therefore the factual  
and presumably impartial Judge in the Lawrenceville jurisdiction.

instructed the Plaintiff to do so, then a proceeding could have been held before an un-related

**DEFENDANT, WHEN HE PRESIDED OVER A MATTER INVOLVING THE**

**AGAIN: JUDGE HOFFMAN: IS & WAS A LEGAL ADVERSARY OF THE**

a. There was NOT ANY "absolutely necessary" involvement required of Judge Hoffman as a result of the above legal argument. Judge Marbre's findings with regard to her citation that there was an "absolute necessity" for Judge Hoffman's involvement are thereby completely refuted, and Judge Marbre's assertion is legally flawed.

**THIS MATTER:**

**CONCLUSION WITH REGARD TO RIVERS V. COX-RIVERS APPLICATION TO**

23. The quote is actually from from the case: Downs v. Mayor & Common Council of the City of South Amboy, 116 N.J.L. 511, 515 (E. & A. 1936), it also did not involve litigation related a "quasi-criminal" proceeding pursuant to N.J.S.A. 2C:25-28a, in which, the Plaintiff's had the ability to be heard in one of three defined jurisdictions either: 1. The jurisdiction in which she lived; 2. the jurisdiction in which the accused lived, 3. The jurisdiction where the predicated act occurred. Effectively, the Plaintiff's complaint afforded her at least two distinct jurisdictions, and possibly a third if she was traveling in a third jurisdiction when in she received of the alleged communications, from the Defendant

22. Regarding the citation of the quote included on: in paragraph 1, page 5, of the June 5, 2013 Court Order attributed to: Pyatt v. Mayor and Council of Dunellen, 9 N.J. 548, 557 (1952). This quote was cited in the above referenced matter (1952) – a non-domestic violence, "non-Superior Court – Family-Part" case. The quote was in fact a reference to a case heard in 1936 prior to the advent of the N.J.S.A. 2C:25-28a. The quote was only cited in Pyatt v. Mayer (et Al) and was originally issued in relation to a different matter which was also unrelated to an application of jurisdiction visa vi the NJ PVDA.

f. None of the cases three cases related to the specific quote cited by the court in Cox v. Cox-Rivers address: the concurrent and duplicate jurisdictional pathways available to the Plaintiff in Bischoff v. Sypbrett, visa vi N.J.S.A. 2C:25-28a.

24.

23.

22.



HIS PROCEEDING – THIS WAS DEFINITELY IMPROPER FOR DIRECT

b. JUDGE HOFFMAN DID ASK LEADING QUESTIONS OF THE PLAINTIFF DURING

recollection his role as a legal adversary requires his order to be vacated.

Regardless the case law cited above makes it clear that regardless of Judge Hoffman's

played the audio and it is not conclusive to my ears exactly what Judge Hoffman said.

a. was familiar with my name. However, upon receipt of Judge Marbre's court order I've re-

with my name. Initially, upon my first hearing of the recording I was certain that he said he

discernable to my ears with regard to whether or not Judge Hoffman claimed to be familiar

WITH THE DEFENDANT'S NAME: I have listened to the recording and believe it is not

a. JUDGE HOFFMAN'S PURPORTED STATEMENT OF "NOT" BEING FAMILIAR

made on the record during the 2/8/2013 ex-parte hearing:

25. With regard to Judge Marbre's findings regarding Judge Hoffman and the Plaintiff's statements

*exclusive or necessary jurisdiction to address the matter before him.*

*DIFFERENT THAN THE ISSUES IN Cox v. Cox-Rivers. Judge Hoffman enjoyed no*

e. *The circumstance in Bischoff v. Sypheff is CLEARLY & SUBSTANTIALLY*

conflict of interests between Judge Hoffman and the Defendant.

typically profits from economically while working as an attorney. This is definitively a

in Judge Hoffman NOT being required to appear in court, during hours that Judge Hoffman

litigation, as any diminished ability of the Defendant to prepare for trial, could possibly result

d. Judge Hoffman has an economic interest in the Defendant's inability to address the pending

demands of the litigation between Judge Hoffman and the Defendant, which is still pending.

Judge Hoffman's legal position as an adversary as it distracts the Defendant from the

c. The resulting litigation spawned by Judge Hoffman's involvement, definitively benefits

**AGAINST THE DEFENDANT.**

**DEFENDANT AND THREATENED THE DEFENDANT PRIOR TO ISSUING A TRO**

**DEFENDANT. JUDGE HOFFMAN HAD DIRECT CONTACT WITH THE**

EXAMINATION: Ms. Bischoff did not state that she was threatened by my comments

regarding her legal right to file a complaint with the police. With regard to this matter the Defendant stated "... shoot first". The Judge then "led" the Plaintiff by saying "and

obviously you felt threatened by that". The Plaintiff replied "yes". It was not the Plaintiff who asserted she felt threatened, but Judge Hoffman. Further within the context of the

Defendant's purported statement there was no predicated / reasonable threat to

i. The Plaintiff. The Defendant had simply agreed that the Plaintiff could file a police

complaint "shoot first". Given that neither the Plaintiff or the Defendant possess any

fire arms it is unclear to a reasonable lay person, how this statement can be construed

as a threat.

ii. Frankly, I am shocked and alarmed that either the Plaintiff or this court would suggest

the phrase "you can shoot first" is in anyway threatening. I've been in business

meetings where this phrase has been used by others and it hasn't once frightened me

when people like Jonatan Simon of JP Morgan Asset Management said to me "so, Mr.

Syphrett would you like to shoot first or would you like us to".

!!! In a context where fire arms are not mentioned, present, or a implicitly available such

a phrase is certainly a clear metaphor for "take action". Suggesting that the Plaintiff

was free to take action as suggested by the Defendant was not a threat at all. It was an

acknowledgement of the Plaintiff's legal right to complain to the police. Any

representation otherwise is frankly outrageous and beyond the context of the

Plaintiff's complaint or my actual statement.

### OTHER LEGAL ARGUMENTS SUPPORTING DISMISSAL OF TRO / AN ORDER

#### VACATING ONLY JUDGE HOFFMAN'S FINDING OF PROBABLE CAUSE

26. With Regard to the Plaintiff's claims that she felt threatened by my communications post-romantic

break-up. These claims are not reasonable because at no time did the Plaintiff cite any specific threat

of future domestic violence. The Presumption that a woman will be violated in the future without such

threats are not credible and such presumptions are not appropriate within the court room or elsewhere.

There was no history of past "domestic violence", while the Plaintiff is free to argue there was

domestic discord, typical of many post-romantic relationships, any claims that there was a credible

unaddressed in the Plaintiff's complaint.  
PVIDA". This question / legal issue remains unaddressed by the TRO hearing and remains harass her. Let us not forget that intent is also a required element for both 2C: 33-4 and the "NJ

2C:33-4. The Plaintiff offered no testimony or specific proffer with regard to the Defendant's intent to argument for "domestic violence". Even then it is unlikely the Plaintiff has a valid legal claim visa vi Plaintiff clearly has a better legal argument to pursue harassment charges via 2C: 33-4, than a legal assaulted and battered – it was not intended to be applied to post-romantic domestic discord. The regard to the purpose of the NJ PVIDA. The NJ PVIDA was intended to protect people from being 29. Let us not forget the serious intent of the legislature (per Silver v. Silver and State v. Hoffman) with

become a victim of domestic violence based on the statements attributed to the Defendant.  
28. Even if all the Plaintiff's statements are accepted as true, there is no evidence that she was likely to

the Defendant's conduct and any pedicated act of domestic violence related to the children. There is no explanation given by the Plaintiff for her irrational fears for her children's well-being or been present or how the text messages or phone calls represented a threat to the Plaintiff's children. Defendant's alleged presence at the Plaintiff's front door, could have harmed her children had they "crafts and art projects" with her children in the past, and Christmas tree shop. It is unclear how the harmed by the Defendant. Further the Plaintiff was quite comfortable having the Defendant create reasoned concern: While the Plaintiff is aware just as the Defendant is that the children were never

27. With Regard to the Plaintiff's concerns for her children, she again here did not cite any specific or alleged victim.

has an intent to harass the alleged victim, or that the accused is likely present a future threat to the "domestic violence" can not be predicated upon harassment if there is not evidence that the accused (1998) to become familiar with the New Jersey Supreme Court's binding guidance that acts of

domestic violence. To this point the court should again review Silver v. Silver and State v. Hoffman Hoffman suggest a fearful state of mind of the Plaintiff, it is not corroborated by an actual threat of threat to her well-being is certainly not specified in her complaint. While the Plaintiff and Judge



30. Granted the Plaintiff allegedly became fearful of the Defendant. That is frankly, not grounds for a restraining order lacking the other required elements of harassment / a predicated act associated with the NJ PVDA.
31. HEARSAY & THE INAPPROPRIATE ADMISSION OF THE SAME BY JUDGE HOFFMAN:  
 Regardless of the legislatures overly generous allowance for ex-parte hearings prior to the issuance of a TRO, it remains a fact that hearsay regarding another person's intent without the testimony of an expert witness is legally suspect per the N.J.R.E. rules 801-808. It is frankly a poorly explained aspect of the NJ PVDA. How can one prove intent / or even suggest probable cause of intent from text communications that explicitly stated "I do not want to harass you" – not withstanding the Plaintiff excluded that part of the texts from her complaint – but still without an overt act of domestic violence and / or threats of future domestic violence the Plaintiff's and Judge Hoffman's presumptions about the Defendant's intent are simply unsupported hearsay.
32. WHERE IS THE EVIDENCE: While the Plaintiff provided sworn testimony, she provided no authenticated text messages, and no non-authenticated evidence to support her testimony. I've frankly, yet to be in a court room where the verbatim statements contained in a email or text were accepted to be true simply on the word of a lay-person witness. In this case it is more troubling because apparently neither the police or Judge Hoffman bothered to ask the Plaintiff to read the text messages verbatim, or provide the text messages which were presumptively on her person while she was at the police station. I've never sent the Plaintiff go anywhere without her cell phone, nor did she state that she didn't have it with her at her home or at the police station when the police were present on 2/8/2013.
33. The lack of fact finding by Judge Hoffman further undermines the finding. This court's acceptance of these deficiencies sets a dangerous precedent for all the men of this jurisdiction who are in romantic relationships. If the court doesn't demand evidence from alleged victims when they make complaints (as is typically required of other litigants), then we've lost the rule of law in this jurisdiction and we've created the potential for rampant abuse of this legal process.



appeal". See Exhibit B / "Page N-8" of the manual procedures 4.8.1 - 4.8.4.

37. In fact the Prevention of "Domestic Violence Procedural Manual" does not require litigants to provide the date and time of the hearing. In fact the procedure manual says that after an Immediate Appeal is filed the court is supposed to advise both parties of the date and time for the hearing. It was never my responsibility per the NJ PVDA procedure manual to advise the Plaintiff of the date and time for the immediate appeal hearing. It was actually Judge Warsaw's responsibility to respond to my "immediate appeal" by setting a hearing date, rather than holding an ex-parte hearing to dismiss the "immediate

36. I request Judge Marbrey review the transcript of Judge Warsaw's denial of the TRO immediate appeal. I served the Plaintiff a copy of the Immediate Appeal prior to requesting a hearing through the domestic violence team. Judge Warsaw stated that I had to notify the Plaintiff of the date and time of the Immediate Appeal hearing.

OBJECTION TO THE DENIAL OF MY IMMEDIATE APPEAL

35. The court was simply expedient and simply wrong. TRO the court was simply expedient and simply wrong. The courts are required by rule to be both expedient and diligent. In the case of the issuance of the fact finding with regard to the actual communications underlying the issuance of this TRO. review the actual text messages and instead found it easier to simply issue a TRO without any diligent evidence supporting a Plaintiff's claim. In, again in this case the court and police didn't even bother to proofs or SIGNIFICANT allegations of actual threats, or confirmation of any readily available anytime they are stopped by police, the court should do so with prudent discretion and after receiving as myself with TRO's that are broadcast far and wide via electronic databases that impact the accused my brother's wedding in Dallas Texas. If the court is going to insist on inconveniencing litigants such my children". It has constrained my ability to travel freely and shortened my scheduled attendance at and my custody litigation. It has taken time that should have been reserved for the "Best interests of liberty, in fact, in this case it most certainly has been. This TRO has been a massive distraction for me 34. I'll conclude by saying while the issuance of a TRO is not considered to be a serious deprivation of

38. Additionally, please note that Judge Warshaw did not follow any of the procedures contained here. He

did not (1) set a date after both parties had been notified of the granting of the Immediate Appeal AND

(2) He did not issue a denial on the ex-parte "Appeal of Ex-parte hearing" Order Form.

39. If this vintimage has decided to deviate from the NJ PVDA manual than the Mercer County vintimage

needs to publish the local court rules for litigants – especially pro-se litigants who are not made

familiar with the local rules via experience or Bench Bar Association meetings.

40. I therefore request my immediate appeal be heard prior to the trial date, as I wish to preserve my legal

rights, and have every right to expect the court to follow proper procedure.

41. **PREMATURE CONCLUSION REQUIRED BY COURT RULES:** At this point please note that

the Court rules for page limits have constrained my ability to fully address my pleas related to my

proposed order form. I therefore request: oral argument to address the other proposed orders attached

to this certification. In what space is left I further assert that my plea for amended discovery requests

be granted pursuant Crespo v. Crespo (New Jersey Supreme Court). Note of course: the certifications

page limit is 15 pages by court rule for a motion filed in the Superior Court, Chancery Division,

Family Part.

42. Lastly, please be advised that I am well aware that my cautious, prudent, and diligent advocacy of my

rights – IN ADDITION TO – my principled practice of a conservative form of civil libertarianism,

results in atypically intensive litigation. I maintain that is my right and responsibility and I hope the

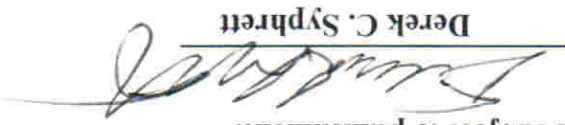
court respects my position albeit unusual. I mean no disrespect to the court or my adversary. I also

refuse to show disrespect to my own civil rights by conceding legal arguments, simply to appease

presumed expectations of the Court or the Plaintiff that my rights are less important than a quick

resolution of the proceeding. My rights and enforcement of them remains my sole concern.

I hereby certify that all of the foregoing statements above are true. I am aware that if any of the foregoing statements are willfully false that I am subject to punishment.

  
Derek C. Sypbrett

DATED: June 7, 2013

**SUPERIOR COURT OF NEW JERSEY**  
**MERCER VICINAGE**

*Exhibit A*

Mercer County Courthouse  
P.O. Box 8068  
Trenton, NJ 08650-0068



February 5, 2013

Lawrence P. DeBello  
Judge  
(609) 571-4312  
(609) 571-4313

Lindsay Burbage  
Township Attorney  
Hamilton Township Department of Law  
2090 Greenwood Avenue  
Hamilton, N.J. 08650

Re: Wallace vs. Sypkret  
Docket No. FV-11-625-13

Dear Mr. Burbage:

This will acknowledge receipt of your Motion to Quash Subpoena served on Hamilton Township Municipal Court Judge R. Douglas Hoffman. Please be advised that, at this time, your motion is not being scheduled, since the trial date of the domestic violence matter has not been rescheduled at this time. The degree of Mr. Sypkret's participation in that trial is also undetermined at this time. When a trial date is scheduled, your motion will be scheduled advance thereof.

Very truly yours,

Lawrence P. De Bello, Judge  
Superior Court of New Jersey

LPD/ejk  
cc: Derek Sypkret



4.8 APPEALS OF EX PARTE ORDERS

- 4.8.1 N.J.S.A. 2C:25-28(i) provides that any TRO is immediately appealable by plaintiff or defendant for a plenary hearing *de novo*, not on the record below, before any Superior Court, Family **Bart** Judge in the county where the TRO was entered if that judge issued the temporary order or **has** access to the reasons for the issuance of the TRO and sets forth on the record the reason for the modification or dissolution.
- 4.8.2 Upon receipt of a request for an emergent appeal, staff shall obtain the reasons for the request of appeal and assist the appealing party in completing the "Appeal of Ex Parte Order" (See Appendix 8), and present the request with the file to the judge for consideration.
- 4.8.3 If the application is granted, an emergent hearing will be scheduled with adequate notice to both parties as to the purpose of the hearing and the issues to be addressed. The judge must place the reasons for continuing, modifying or dissolving the TRO on the record.
- 4.8.4 If the application is denied, the reasons shall be set forth by the judge on the "Appeal of Ex Parte Order" form and the FRO hearing will proceed as initially scheduled.

- 4.7.3 When an order must be served on a defendant who is out-of-state, the law enforcement officer or agency or court staff should contact the State Police or Family Court in the other state to determine the procedures for service in that state (Appendix 29 and 30).
- 4.7.2 Once service on the defendant is attempted, successfully or unsuccessfully, the return of service portion of the TRO must be filled out by the sheriff's department or other designated law enforcement agency and immediately faxed or returned to the Family **Bart** prior to the scheduled final hearing date.
- 4.7.1 The return of service should then be faxed back to the sheriff's department or other designated law enforcement agency in the issuing county, which in turn must immediately deliver or fax the return of service to the Family **Bart** in the issuing county.
- (2) immediately bring or fax the order and related documents to the sheriff or other designated law enforcement agency in the municipality in which the defendant resides or works so that it can execute service accordingly.
- (1) execute service on the defendant, or

EMBAR



A True Copy

*Sue Regan*

SUE REGAN  
Deputy Clerk of Superior Court  
SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION - FAMILY PART  
MERCER COUNTY

DOCKET NO. FV-11-000887-13

ORDER

Kathryn Bischoff,	Plaintiff,
Derek Sypniet,	Defendant.

This Matter having come before the Court, the Honorable Janetta D. Martrey, J.S.C. presiding, on the motion made by the defendant, Derek Sypniet, a self-represented litigant, to dismiss the Temporary Restraining Order entered on February 8, 2013; and the Court having considered the arguments made in support of the dismissal; and the Court having reviewed the audio and documentary evidence in support of the dismissal; and for good cause shown;

IT IS on this 5th day of March, 2013; ORDERED as follows:

1. Defendant's motion to dismiss the Temporary Restraining Order entered on February 8, 2013 is DENIED.

2. The Temporary Restraining Order entered on February 8, 2013 remains in full force and effect pending the Final Restraining Order hearing.

*[Signature]*  
JANETTA D. MARRREY, J.S.C.

CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
RECEIVED AND FILED  
JUN 05 2013  
*Sue Regan*  
SUE REGAN  
DEPUTY CLERK OF SUPERIOR COURT

PREPARED BY THE COURT

*Exhibit C*

LETTER TO CLERK & COURT

November 26, 2013

Derek C. Syphert  
The se litigant (Defendant)  
252 Fountain in  
Lawrence Twp NJ 08648

Via U.S. Mail

Court clerk of Judge J. Marbey  
175 Se Broad Street  
Trancon NJ 08609

RE : FV - 11-887-13 - Motion for Dismissal & Relief.

Dear Clerk of Judge Marbey:

Please be advised of the following:

Court Clerk:

Enclosed herewith please find an original and one copy of the following:

1. Notice of Service/Motion
2. Proposed order form
3. Certification
4. Proof of Service

RECEIVED

2013 DEC 11 PM 4:06

MERCER COUNTY  
FAMILY CASE MANAGEMENT

Kathryn Biscoff Plaintiff	v.	Derek Syphert Defendant
------------------------------	----	----------------------------

Kindly file the same. Please return a stamped copy for return to the Defendant via U.S. mail. Please mail the copy to: Derek Syphert, PO Box 7500 (make 2)

West Trancon NJ 08628-0500 OR Fax a copy to me at 609 a 92-559 and

Judge Marbey: Retain the original stamped copy for pickup by myself or my power of attorney

Please be advised I remain very concerned that you have not set a trial date and that on indefinite continuance has been allowed to develop due to actions of the court and the apparently biased Presiding Judge of the Family part - Catherine Fitzpatrick. I demand that this motion be considered promptly and that this matter be summarily dismissed upon receipt of this motion and consideration of these papers and any opposing papers.

Fax to: (800) 452 8245

Derek C. Sypniet  
Pro Se Defendant  
252 Fountain Ln  
Lawrence NJ 08648

Kathryn Bischoff  
Plaintiff  
vs:  
Derek Sypniet  
Defendant

Superior Court of New Jersey  
Chancery Division, Family Part  
Proof of Service  
Docket # FU-11-857-13

A copy of the following has been filed with the Superior Court of New Jersey,  
County of Mercer, at 175 S. Broad Street, Trenton NJ 08609:

- 1) Notice of Service/Motion
- 2) Proposed Order Form
- 3) Certification
- 4) Letter to Clerk
- 5) Proof of Service

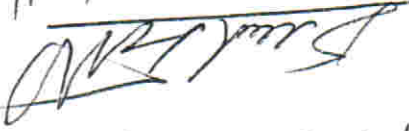
A copy of the aforementioned was served via mail to the Plaintiff's Counsel /

Plaintiff:

Edward Logan  
3490 U.S. Rt 1, Suite 7B  
Princeton NJ 08540 (West Windsor)

I hereby certify the foregoing statements made by myself are true to the best of my knowledge. I am aware it can be proved that these statements are willfully false that I may face criminal prosecution.

Dated November 26, 2013

  
Derek C. Sypniet

P.S. Courtesy copies have been sent via facsimile to both parties



Derek Syphert  
pro se litigant/Defendant  
252 Fountain Ln  
Lawrence NJ 07454

Kathryn Bischoff  
vs  
Derek Syphert  
Defendant

Plaintiff's Counsel:

Edward Logan  
349 U.S. Route 1, Suite 7B  
Princeton NJ 08540

Please take Notice that on the schedule of the court TBD, in the forenoon, or as soon as counsel may be heard. The undersigned Defendant, Mr. Derek C. Syphert will make an application before the Superior Court of New Jersey, which you have received on about November 30th.

Please take notice that this motion will seek an order for:

in addition to the following:

- ① A dismissal of FV-11-887-13 due to the binding case law of *Raves v. Cox-Rives* which clearly states that all orders, findings, etc (such as Judge J. Douglas Hoffmann's - in this matter) are legal nullities. As such the complaint for this matter has not yet been properly filed, heard, as there was an apparent conflict of interest by the judge (R.D. Hoffmann) who issued the initial TRO order from which this matter/docket number was spawned from.
- The plaintiff can therefore not enjoy the fruit of a poisonous tree "or benefit from the apparent denial of due process provided to the Defendant.
- The dismissal shall be with prejudice as the Plaintiff had complete notice of Judge Hoffmann's apparent conflict and she chose not to file a valid complaint before an impartial judge.
- ② The court will immediately schedule case management hearing and set a trial date.
- ③ The court will convert the motion in Limine regarding the Defendant's demand for a Dismissal based on Judge Hoffmann's apparent conflict of interest

Notice of Motion #1

The court will convert the motion in Limine regarding the Defendant's demand for a Dismissal based on Judge Hoffmann's apparent conflict of interest

Superior Court of New Jersey, Chancery Division, Family Part  
Docket #: FV-11-887-13  
Notice of Motion for Dismissal & Relief - or -  
For Scheduling / Change of Venue

to a calendar motion to be heard within about 30 days from the filing date of this motion.

④ The court will report on the status of its purported research regarding issues related to Judge Fitzpatrick's attempt to provide judicial notice regarding the Defendant legal competence.

Notably it has been about 275 days since this matter was opened and the current adjournment was not a result of either the plaintiff's or the Defendant's actions, but rather actions of Judge Fitzpatrick and Judge Marbury.

As a result both the plaintiff and Defendant are being denied access to an expedient hearing due solely to actions of this court.

The Defendant is entitled to an Free hearing and an opportunity to clear his name and an opportunity to deprive the Plaintiff of the ability to have the Defendant jailed via any future fraudulent complaint against the Defendant. Such a hearing is commanded to occur at a "meaningful" time by law. Yet with each day the court renders the Defendant's right to be heard less and less meaningful.

⑤ Given the Apparent conflict between the Presiding Judge of the Family Court Judge Fitzpatrick and the Defendant the defendant requests the court explain how this matter can be heard in Mercer County and/or if the court believes the matter should be set for trial in an alternative venue (preferably a neighboring county - given the defendant's limited ability to travel distance in his acute mobile).

Note Judge Fitzpatrick is being investigated by the ACTC upon the Defendant's request, shortly after the Defendant's complaint was filed with the ACTC by Judge Grant J. A.D. Judge Fitzpatrick participated in a comment Complaint against the Defendant. Judge Fitzpatrick also attempted to issue a default decision against the Defendant in



(page 304)  
A FV docket on 8/16/2013. Apparently Judge Fitzpatrick read an email from the Defendant dated 8/9/2013. This email was not purported to be a "death threat" on 8/16/2013, "on the record" yet on 8/16/2013 it was purported to be a death threat.

This means on 8/16/2013 Judge Fitzpatrick appears to have served as a partial judge - and - issued an adverse ruling against the Defendant.

Also notably: on 8/14/2013 the Defendant Reported Judge Fitzpatrick to the ACCJC, Judge Grant, and Judge Mabrey for violating the Defendant's due process rights by issuing a default in an "FV" docket on 8/16/2013. At 9:30 am 8/19/2013-

about 30 minutes after the defendant contacted the court about these issues - the defendant received an Amendment to Judge Fitzpatrick's 8/16/2013 order for default. The Amendment stated the FV default was not intentional and was nullified by amendment (purported to be amended 8/16/2013).

However transcripts of the 8/16/2013 case management hearings in FM-11-97-11K / FV-11-625#13 clearly demonstrate Judge Fitzpatrick declared a default in the FV matter intentionally.

Given all of the above issues related to the partial judge apparent partiality of Judge Fitzpatrick: it may be prudent for this court to transfer this matter out of Mercer County if the case is not dismissed due to the legal nullities (see Rivers v. Cox Rivers) that spawned this Superior Court docket number.



Other Relief

- 1) For an order commanding enforcement of subpoenas for limited discovery of electronic discovery related to this case - pursuant to Crisp v Crisp.
- 2) For an order commanding enforcement of subpoenas with regard to his partiality and adversarial relationship with the Defendant.
- 3) For an order commanding the attendance of Judge Heffman as a witness with regard to his partiality and adversarial relationship with the Defendant.

By: Derek Syphrett  
 Derek Syphrett  
 Pro se Defendant  
 November 25, 2013

actions.  
 Derek Syphrett for reporting the Judges' illicit/unjust misconduct" and has for some time been retaliating against say that it appears Judge Fitzpatrick has committed official misconduct" and has for some time been retaliating against  
 - on 9/19/2013 an officer of the court Steven Zarowich Esq went on the record in prosecutor's case # 13-2502 to  
 all submissions by the Defendant.  
 - The defendant requests the court apply the civil liberal construct to the fullest extent possible in relation to written motions at this time  
 - The defendant does not have the ability to produce type in this matter.

Please take Notice: the defendant requests oral argument delivered to the plaintiff by mail on about November 28, 2013 will reply upon the certification and other motion papers  
 Please take Further Notice: that the Defendant  
 (page 4 of 4)

Please take Notice: the defendant requests oral argument

Superior Court of New Jersey, Chancery Division, Family Part  
Docket #: FV-11-887-13

ORDER

Kathryn Bischoff Plaintiff	vs.	Derek Syphrett Defendant
-------------------------------	-----	-----------------------------

Derek Syphrett - Pro Se  
252 Fountain Ln  
Lawrenceville NJ 08648

This matter having been opened to the court by Derek Syphrett and the court having considered the pleadings for good cause shown; It is ordered; the court will accept handwritten motions from Derek Syphrett in all dockets.

1. It is ordered: That FV-11-887-13 is hereby dismissed with

prejudice. Given the court has found that Judge Hoffman's recusal

based on issues closely related to the binding case law of Rivers v. Cox

Rivers, 346 N.J. Super. 421, 1758 A.2d (App. Div. 2001), supports the defendant's

motion to have the prior orders of Judge Hoffman ruled to be a nullity in all dockets.

As a result this matter has not been properly transferred or brought before

the Superior Court.

This matter is dismissed with prejudice because the plaintiff and her

counsel were made aware of Judge Hoffman's conflict and the plaintiff

did not seek to remedy the issue by timely filing a complaint in the

proper jurisdiction. At this point and time the plaintiff can not

make a valid claim that the defendant acts/perpetrated acts of about

1 year ago / 7275 days ago represent a recent/credible threat to her

well being.

Further as the Defendant noted in his communications to this court the

Plaintiff can not credibly claim the defendant has violated the existing TRO.

Notably such a claim was made by the plaintiff, but the plaintiff's

case was dismissed by this superior court (with prejudice).

For all of the above reasons this matter is hereby dismissed with

prejudice.

ALTERNATIVELY:

3) The court will immediately set a trial date and/or case management hearing for this date (5)

OR/AND

3) This court will convert the motion in limine (originally filed as a calendar motion) to a calendar motion with regard to the Defendant's pleadings for the dismissal of this matter pursuant to *Rivers v. Cox Rivers* and court rule 1:12-1g; OR/AND

FURTHER ORDERED

4) Court will provide a written status report regarding its research of Judge Fitzpatrick's judicial Notice regarding her unusual request that the trial judge in this matter deem me legally incompetent without any prior motion of the trial judge, my adversary in this case, or myself.  
- Notably the Defendant has been successfully filing motions in this matter and other civil matters for over 3 years, so his legal competence is demonstrable.

And the court will provide its findings if any with regard to the propriety or impartiality of Judge Fitzpatrick's attempt to provide legal notice of my legal competence without producing an expert or pending the Defendant an opportunity to cross-examine the expert pursuant to court rule 5:3-3.1. OR/AND

5) The court will order a change of venue if necessary to preserve the appearance of impartiality, due to Judge Fitzpatrick's role as presiding judge of the Mercer County Family part and her role in a Criminal Complaint filed against the Defendant. A change of venue is/ may be deemed necessary because the presiding Judge is involved in administering and preserving the adherence to court rules pursuant 1:3-3 and is therefore a party to this matter.



Defendant

Hon. Judge Saundra Maskey

2013

[Redacted area]

8) Other Relief:  
 Further ordered communications alleged to have been sent to/from the plaintiff, and applicable to this matter with regard to discovery of electronic the right to limited discovery vis a vis Crespo v. Crespo is affirmed

9) FURTHER ORDERED:  
 This court hereby orders Judge Hoffman to appear at the trial of this matter pursuant to the subpoena submitted and delivered Judge Hoffman in his official capacity, as the defendant is entitled to question Judge Hoffman about his partiality and his adversarial relationship with the Defendant.

(ORDER - 3 of 3 pages)

Derek Syphert  
Defendant - Pro se litigant  
252 Fontaine Ln  
Lawrence NJ 08648

Kathryn Bischoff  
vs.  
Derek Syphert  
Defendant

Superior Court of New Jersey, Chancery Division,  
Family Part  
Docket # FV-11-887-13  
Certification in support of motion  
for Dismissal & Relief - or - for  
scheduling/Change of Venue.

Derek C. Syphert of full age hereby certifies the following

1) I am currently located at a state facility awaiting a hearing after  
successfully being evaluated for legal competence related to a bizarre  
criminal complaint by Judge Fitzpatrick. Due to what appears to  
be a thorough violation of my 4<sup>th</sup> and 14<sup>th</sup> Amendment rights I have  
been unable to freely communicate with the court or obtain writing  
materials necessary to respond to important matters pending in  
this civil court.

(Note: I was arrested at my home 8/18/2013. I posted bail lawfully 8/18/2013.  
Yet oddly I was arrested on 8/19/2013 at the Family Part while  
attempting to attend a hearing scheduled by Judge Fitzpatrick for that same  
date. I was arrested without a valid warrant or probable cause. The 8/15/2013  
arrest warrant was then amended by a colleague of Judge  
Fitzpatrick in a manner that resulted in me being incarcerated again  
without any manner of due process or fact finding.

Subsequently I have been held by a Doctor working for the State of New Jersey  
that it appears I am legally competent and that I did nothing wrong  
on 8/19/2013 or 8/19/2013. In short it appears that I may be the  
victim of official misconduct and/or Judicial Misconduct (retaliation)  
related to my reporting of apparent violations of the law by the court  
rules by Judge Catherine Fitzpatrick.

2) Given the aforementioned issues and my nightmarish experience with an apparently intentionally obstructive Judiciary in Mercer County, please accept this hand written motion and apply the "civil liberal construct" to the fullest extent possible.

3) Please take note of the Notice of Motion requests included with this motion. Also take note of the letter that I've appended on the following pages as part of this Certification

4) As I've indicated in the Notice of Motion I believe this matter must be dismissed due to Judge Hoffmann's prior involvement in the initiation of this proceeding.

"Judge Hoffmann was a legal adversary of mine at the time late of the plaintiffs ex-parte hearing before Judge Hoffmann (via telephone). As a result his pro order for a TRO can not accept the transfer of the TRO matter to the superior court, given that the initial TRO hearing was a legal

App. Div 2001. The bright line rule of the Supreme Court of NJ clearly states that the actions of Judge Hoffmann must be viewed as a legal nullity.

5) Further: contrary to the well intentioned position of Judge Mackery the rule of necessity "does not apply to Judge Hoffmann presiding over the TRO complaint at the heart of this matter because there was another judge available to the plaintiff at the

plate and time of her complaint. Pursuant the N.J.S.A. 2C:25-28a statute Judge Hoffmann should have directed the plaintiff to the Lawrenceville jurisdiction where she received

allegedly harassing communications, or the family part. Ideally the Judge in Lawrenceville (where the accused lived) would have been best suited to deal with the complaint on 2/8/2013 and



constitution,

the 14th Amendment (due process) clause of the United States  
The Defendants wish and right to relief pursuant  
as part of this certification. That letter more fully explains

7) Please see the appended letter (appended to this certification)

referred therein.

Jury requires pursuant Rivers v. Cox-Rivers and all the cases

then declared legal nullities as common law in New

rulings of Judge Hoffman to stand rather than have

to the Defendant and the court itself by allowing

action to remedy the damage / potential damage done

neither the Plaintiff or the court has taken appropriate

of Judge Hoffman in this dispute (as a judge) and yet

the Defendant well founded objection to the involvement

6) Both the court and the Plaintiff have been aware of

and many other developed notions,

which is viewed as an ~~pillar~~ pillar of the rule of law in this country

that judge could have maintained the appearance of impartiality

(Certification page 3 of 6)

To Judge Marbery

From Decker Synnott  
P.O. Box 1500  
East 2nd St  
West Trenton 08628

RE: FV-11-887-13

lot 3  
4 of 6  
on certification

cc: Ed Logan  
cc: Melissa Synnott Board of Attorney  
cc: Tamara Synnott Peace Attorney  
cc: Federal Civil Rights Office  
cc: ACOC

Please take Judicial Notice Pursuant Court Rule N.J.R.S. 201  
of the attached court order from <sup>(the)</sup> R. Douglas Hoffman.

Please not R. Douglas Hoffman recused himself as a result of my motion  
and citation of Rivers v. Cox-Rivers due to the fact that prior to  
issuing a TRO against me Hon. R Douglas Hoffman had become a  
legal adversary in Fm-1197-111c and/or FV-11-625-13.

Judge Hoffman became a legal adversary on 2/5/2013 when he  
had his legal representatives file an adversarial motion which is still  
pending before the family part of Mercer County.

I believe pursuant Rivers v. Cox Rivers that all legal actions, orders,  
and findings of Judge Hoffman related to the initiation of  
FV-11-887-13 must therefore be ruled to be legal nullities  
pursuant ~~Rivers v. Cox-Rivers~~ and the binding case law  
cited therein.

I further believe Your Honor must therefore Dismiss the  
Charge / Case in FV-11-887-13 sua sponte.

As you know this case appears to be frivolous and devoid of  
admissible evidence - as such the court must - for all the reasons  
cited above - dismiss this case at the earliest point possible  
as it is an unnecessary distraction for both myself and the court.

4 of 6

2013 on 5 of 6 - certification

I hereby request the court / your Honor reply in writing to provide a status update regarding FV1187-13 in response to this letter

I further request: If a dismissal is not granted see space

shortly after your receipt of this letter, THEN:

A case management shall be scheduled immediately to address

the court's progress toward setting a trial date in FV-11-857-13

and rendering decisions upon the two motions submitted to

your honor's court over 100 days ago.

Please also note FRO hearings are supposed to occur within

10 days of a TRO Being issued. However in this case I have been

patiently & civilly awaiting a trial date / trial for over ~ 275 days

A TRO is a serious matter and it is patently unfair that my civil rights have been suspended with little or no explanation from the court other than the court began researching a minute legal issue over 100 days ago.

I reiterate my position that my legal competence to stand trial in a civil

matter remains demonstrable given my success via previous submissions

of legal work and appearances before your honor whereby your

Honor never ~~never~~ questioned my legal competence as a result of legal arguments

or my behavior submitted to your court - see also Kelsey v. Cohen and

Veronica v. Green Acres Inc. for my legal basis for proclaiming my competence.

5 of 6



Again please reply in writing with regard to this letter and the status of docket # FV-11-887-13.

Please also note that this case has been an emotionally harmful input to my life and my ability to focus on my family affairs. I do not mean this too casually, but rather as a blatant attempt at retaliation by the plaintiff which was intended to disrupt my personal life and financial affairs. Both myself and my children deserve an opportunity to have justice prevail and the court must expediently enforce my due process rights and my right to a speedy trial/dismissal of this matter.

Lastly as the court noted during my last appearance (per your Honor) this delay in the proceeding is not my fault and it is the court's burden to expedite this case and bring it to a conclusion. Given the attached legal document evidencing Judge Hoffmann's own rulings that he was unfit to preside over my legal affairs this court should now be persuaded to nullify Judge Hoffmann's prior orders and dismiss this matter.

I certify the foregoing statements are true to the best of my knowledge and I recognize I may be held in contempt if any of these statements are proven to be willfully false in a criminal proceeding.

Date: 11/25/2013

Perak C. Sypniet

6 of 6

6 of 6 certification

3 of 3

Ex. A

Letter & Court Order

MEMORIALIZING JUDGE HOFFMAN'S REQUEST

- JUDGE MARBREY MUST TAKE JUDICIAL NOTICE &  
DISMISS FV 11 857-13



ROSELLI GRIEGEL LOZIER & LAZZARO, PC

Attorneys at Law

1337 Highway 33 • Hamilton Square, NJ 08690  
Phone (609) 586-2237 • Fax (609) 586-2176

August 27, 2013

Hon. Roger E. Haley, P.J.M.C.  
Ewing Township Municipal Court  
2 Jake Garzio Drive  
Ewing, NJ 08638

Re: State v. Derek C. Sypniet  
Summons Nos. RD-2352 to -2357

Dear Judge Haley:

This office represents Robbinsville Township.

We have received a copy of the August 20, 2103 Order of the Hon. R. Douglas Hoffman, J.M.C., referring the above matter to Your Honor (copy enclosed). Although it is not entirely clear what relief Mr. Sypniet is seeking, the Township would respectfully request the opportunity to file an appropriate application concerning any effort by Mr. Sypniet to improperly seek to subpoena Judge Hoffman's testimony. *See generally, Grant v. Shalala*, 989 F.2d 1332 (3d Cir. 1993). To that end, we would ask that the Court/Your Honor provide notice to our firm of any future Court hearings concerning the subject case.

Please call me with any questions. Thank you.

Respectfully,

ROSELLI GRIEGEL LOZIER & LAZZARO, PC

By:

Paul R. Adezio, Esq.

PRA/tbg  
Encl.

c: Hon. R. Douglas Hoffman, J.S.C. (w/encl)  
Mr. Derek C. Sypniet (w/encl)



Attorney for Defendant/Complainant

Defendant/Complainant

I acknowledge receipt of a copy of this ORDER. I understand it and I agree to abide by its provisions.

Date

Signature of Judge

For failure to comply with any of the terms of this order a warrant will be issued for your arrest and you will be charged with contempt of court.

*This entire case has been transferred to the Honorable Judge R. Douglas Hoffman. I will handle this case.*

8. Other:

Appear or mail by

Appear or mail by

Appear or mail by

7. Proof of

6. Defendant to submit to urinalysis for CDS on or before \_\_\_\_\_, 20\_\_\_\_ and present laboratory results to the court on or before \_\_\_\_\_, 20\_\_\_\_

C. Other: \_\_\_\_\_

B. Restitution: \_\_\_\_\_

5. Length and Special Conditions of Bail, Sentence, and or Probation Term: A. Defendant is to attend Catholic Charities 16 week Anger Management Program and provide written proof of successful completion or enrollment by: \_\_\_\_\_

4. State is to provide **DISCOVERY** to Defense Counsel within \_\_\_\_\_ days.

3. No further adjournments will be granted to  Defendant  State  Complainant

2. All defendants and complaining witnesses are further **ORDERED** to notify this court in writing immediately of any change in address.

1. Appear for new court date on *notification will be given*

IT IS HEREBY ORDERED that the (  defendant  complainant) do the following:

State of New Jersey vs. *Derek J. Smith* (s) No.(s) *RD-2357* ~~RD 2357~~

**ORDER OF THE COURT**

MUNICIPAL COURT  
TOWNSHIP OF ROBINSVILLE  
1117 ROUTE 130, Robbinsville, New Jersey 08691  
609-259-3522 • FAX 609-208-2563

*Paul*

Ex-B

Copy of Notice of Motion  
for Recusal of Judge Hellman  
written by Derek Syphrett

DS fax 11

**Derek C. Sypniet**  
Pro se Litigant  
Defendant: Robbinsville Municipal Court  
252 Fountain Lane  
Lawrence, NJ 08648  
732-698-8464

State of New Jersey	Plaintiff
DEREK SYPNIET,	Defendant
vs.	

ROBBINSVILLE MUNICIPAL COURT  
Municipal Court Docket No related to:  
The Superior Court Docket: FO-11-131-13  
&  
Summons No.  
RD02352 RD02353, RD02354, RD02355,  
RD02356, RD0235,

**NOTICE OF MOTION**

**PLAINTIFF'S COUNSEL:**  
Mercer County Prosecutor's Office - Robbinsville Prosecutor:  
Address: 1117 Route 130, Robbinsville, NJ 08691

PLEASE TAKE NOTICE that on per the schedule of the court TBD, in the forenoon, or as soon as counsel may be heard the undersigned Defendant Derek Sypniet will make an application before the Robbinsville Municipal Court for an motion which you have received on 6/11/2013 and per a motion made orally during the Defendant's last appearance before Judge Hoffman.

Please take notice that this motion will seek an order for:



ESTER - b

**THIS MATTER** having been opened to the court by Derek Sypthert – Pro-se and the Prosecutor's Office of Mercer County, New Jersey and the court having considered the pleadings for good cause shown:

1. **IT IS REQUESTED THAT:** That Judge Hoffman is disqualified from serving as himself as a

judge with regard to the Defendant. Proofs submitted by the Defendant show that Judge Hoffman is a current legal adversary of the Defendant as of about 2/5/2013. It would therefore be inappropriate and unseemly for Judge Hoffman to preside over a matter which potentially impacts the Defendant's finances and the Defendant's ability to litigate the matter involving Judge Hoffman. Further: Judge Hoffman's participation could indirectly economically benefit Judge Hoffman's interests in the foreseeable event that any related sanctions from this proceeding affected the Defendant's financial or physical ability to be present for his other litigation involving Judge Hoffman.

2. **IT IS REQUESTED THAT:** Judge Hoffman's finding of probable cause with regard to the

2/23/2013 warrant for the Defendant's arrest was inappropriate and the finding must be considered a nullity / be vacated by this court. The court finds that the Judge Hoffman's involvement was not required per the "rule of necessity" with regard to the in the ex-parte decisions of Judge Hoffman and/or probable cause findings related to FO-11-131-13. Notably pursuant N.J.S.A. 2C:25-28a the Plaintiff / complaining witness(es) had an opportunity to be heard in Lawrenceville township, or by way of any of other courts of jurisdictions predicated within the New Jersey Prevention of Domestic Violence Act (1991), including: (1) the jurisdiction where the alleged suspect resides; (2) the Municipality where the predicated acts of alleged domestic violence occurred; OR (3) at the Superior Court of the Chancery Division – Family Part (Mercer County). This determination is consistent with an accurate application of case law as prescribed by:

a. Rivers v. Cox-Rivers, 346 N.J. Super. 418, 421, n.l. 788 A. 2d 320 (App Div. 2001). ;

b. Kettles and Nobel in criminal prosecutions,

"We vacate the February 23, 2001 order because of the need to apply a bright-line rule: Except when required by the rule of necessity," where a judge has previously represented one of the parties in a matter before him against the other, any judicial action taken is a nullity, whether the conflict comes to light during the proceedings before an order enters or reasonably soon following

***Rivers and the court's bright line application of the Kettle principles:***

with in prior litigation, legal consultation, etc. See the following excerpt from *Rivers v. Cox*

SHALL NOT preside over matters involving 1 or 2 of the litigants the judge was associated

clear that a Judge who has in the past been either an advocate or an adversary to a litigant

applied in both *Kettle* and *Rivers v. Cox-Rivers* as binding upon this court. This rule makes it

The court notes all of the above case law and specifically cites the that in the "bright line" rule

i. *Bonner v. Stewart*, 155 N.J. Super. 326 (App. Div.), cert. denied, 77 N.J. 468 (1978).

the conflict and the required recusal.)

required in a subsequent suit involving the same parties. Neither disclosure nor consent could cure been involved as law guardian for the children in a marital custody proceeding, disqualification was

h. *Cummings v. Christensen*, 439 N.Y.S.2d 825 (Fam. Ct. 1981) (Where the judge had previously

involving the same parties.);

the judge was nevertheless required to disqualify herself from presiding over a divorce case

the judge as a practitioner about "marital difficulties and child support," but had not retained her,

g. *Murray v. Murray*, 424 N.Y.S.2d 50, 51 (App. Div. 1980) (Where a party had previously consulted

partiality.");

advocated the client's cause, and recusal is automatic because of the danger of an appearance of

in an earlier stage of the same adversarial proceeding, there is no question that the judge has

f. *Sharp v. Howard County*, 607 A.2d 545, 551 (Md. 1992) ("When a judge has appeared as counsel

e. *Mustafoski v. State*, 867 P.2d 824, 835-36 (Alaska Ct. App. 1994), the public policy imperatives;

d. *State v. Horton*, 199 N.J. Super. 368, 374-77 (App. Div. 1985);

c. *State v. Tucker*, 264 N.J. Super. 549, 554-55 (App. Div. 1993), cert. denied, 135 N.J. 468 (1994);

DC 11-13-8

(f) That result is required by the need "to maintain public confidence in the integrity of the judicial process, which in turn depends on a belief [by litigants and the general public alike] in the impartiality of judicial decision making."

State v. Kettles, \_\_\_ N.J. Super. \_\_\_, \_\_\_ (App. Div. 2001) (slip op. at 5) (quoting United States v. Nobel, 696 F.2d 231, 235 (3d Cir. 1982), cert. denied, 462 U.S. 1118, 103 S.Ct. 3086, 77 L.Ed.2d 1348 (1983) (alteration in original)). We hold further, as we did in Kettles, that the conflict is non-waivable by the parties, either expressly or implicitly. If a judge is precluded from presiding over a matter in which a former client is involved, especially where the current adversary is the party against whom the prior representation occurred, any action taken by the judge as a result of the proceeding cannot be recognized as valid."

Although the principle on which we rely was applied in Kettles and Nobel in criminal prosecutions, see also State v. Tucker, 264 N.J. Super. 549, 554-55 (App. Div. 1993), cert. denied, 135 N.J. 468 (1994); State v. Horton, 199 N.J. Super. 368, 374-77 (App. Div. 1985); Musiatoski v. State, 867 P.2d 824, 835-36 (Alaska Ct. App. 1994), the public policy imperatives are the same in civil cases. See, e.g., Sharp v. Howard County, 607 A.2d 545, 551 (Md. 1992) ("When a judge has appeared as counsel in an earlier stage of the same adversarial proceeding, there is no question that the judge has advocated the client's cause, and recusal is automatic because of the danger of an appearance of partiality."); Murray v. Murray, 424 N.Y.S.2d 50, 51 (App. Div. 1980) (Where a party had previously consulted the judge as a practitioner about "marital difficulties and child support," but had not retained her, the judge was nevertheless required to disqualify herself from presiding over a divorce case involving the same parties.); Cummings v. Christensen, 439 N.Y.S.2d 825 (Fam. Ct. 1981) (Where the judge had previously been involved as law guardian for the children in a marital custody proceeding, disqualification was required in a subsequent suit involving the same parties. Neither disclosure nor consent could cure the conflict and the required recusal). To the extent Bonner v. Stewart, 155 N.J. Super. 326 (App. Div.), cert. denied, 77 N.J. 468 (1978), can be read to stand for a different result, we regard it as distinguishable on its facts. In Bonner, there was no identity of both parties in the litigation at hand with both parties in the prior proceeding. Here, not only are the parties identical but the underlying subject matter is the same, i.e., the marriage and the parties' rights stemming therefrom. Even if waiver of the conflict had been possible in the instant matter, there was no at-length discussion of the problem in the trial court proceeding before us, as there had been in Bonner with a resolution on different factual dynamics that could be taken as a waiver by both parties of their rights to invoke the disqualification imposed by N.J.S.A. 2A:15-49b and R. 1:12-1(c), (f)."

j) Further: this court emphasizes here: that the appearance of an impartial judiciary is a pillar of the court system and maintaining such appearances is in the best interest of all parties to this litigation as well as the public's interests

3. IT IS REQUESTED THAT: That if the Plaintiff does not respond to this motion (after the scheduling of a return date, and after being provided time to reply in accordance with court rules), then this



- 9. **IT IS FURTHER REQUESTED:** This matter shall be transferred to another near by court (Chandeb in Venue), other than Hamilton New Jersey, where Judge Hoffman serves as a presiding Judge.
- 8. **IT IS REQUESTED THAT:** The Plaintiff will provide proofs that they have been damaged by the actions of the Defendant and require remedial / punitive damages as a result of the same. If the Plaintiff can not show monetary damages, then no monetary award or fine is merited, unless the court believes that such monetary award would somehow serve as a necessary remedial action.
- 7. **IT IS REQUESTED THAT:** Judge Hoffman must appropriately vacate all decisions related to my legal affairs subsequent to his decision to officially become a legal adversary of mine. Such conflict results in the necessity for all prior orders to be vacated as nullities as they diminish the public trust in the courts.
- 6. **IT IS REQUESTED THAT:** This matter shall be tried under constitutional law rather than via the laws of "admiralty". The Defendant is a citizen of the United States and is entitled to the same at the court's discretion. Given, that this matter is not a naval matter or related to an act of war, it is more appropriate for the proceeding to be governed by constitutional law rather than by the rules / laws of "admiralty".
- 5. **IT IS REQUESTED THAT:** The Defendant's previous request for a Public Defender is granted.
- 4. **IT IS REQUESTED THAT:** The court will address the Defendant's concerns regarding his arrest was, unnecessary as the Defendant had posted bail for the Warrant on or about 2/26/2013. Defendants money paid in relation to the bail that was posted for an arrest and imprisonment that bond provided by "Chase" Evans on behalf of the Defendant and request that Mr. Evans return the required the Defendant to post-bail for on two occasions. Further: The court will annul the prior bail internal communications of court staff with regard to the now quashed warrant, that this court related to the above incident and provide the Defendant with all related paperwork, including constitutional law regarding due process / pursuant court rules regarding "expedient" courts.

10-5-2013-9

Derek Sypniet

10. ALTERNATIVELY: If the above motions are not granted the Defendant's request to be granted leave of the court to file an appeal is granted.

11. Other reasonable, equitable, relief is granted in the following manner:

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PLEASE TAKE FURTHER NOTICE: that the Defendant will rely upon the DELIVERED TO THE PLAINTIFF'S COUNSEL on 6/11/2013.

PLEASE TAKE NOTICE: That the Defendant requests oral argument in this matter.

Derek Sypniet  
Pro Se Defendant

By: 

June 11, 2013

# EXHIBIT D



## Social Security Administration

Date: June 23, 2014  
Claim Number: XXX-XX-0006A

DEREK SYPHRETT  
252 FOUNTAINE LN  
LAWRENCEVILLE NJ 08648-2677

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

### Information About Current Social Security Benefits

Beginning December 2013, the full monthly Social Security benefit before any deductions is \$2,078.30.

We deduct \$0.00 for medical insurance premiums each month.

The regular monthly Social Security payment is \$2,078.00.

(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

### Information About Past Social Security Benefits

From April 2013 to November 2013, the full monthly Social Security benefit before any deductions was \$2,047.60.

We deducted \$0.00 for medical insurance premiums each month.

The regular monthly Social Security payment was \$2,047.00.

(We must round down to the whole dollar.)

### Type of Social Security Benefit Information



You are entitled to monthly disability benefits.

**Date of Birth Information**

The date of birth shown on our records is January 24, 1976.

**If You Have Any Questions**

We invite you to visit our web site at [www.socialsecurity.gov](http://www.socialsecurity.gov) on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local office at 866-964-0026. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY  
ROEBLING MARKET  
635 S CLINTON AVE  
TRENTON, NJ 08611

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

*Social Security Administration*

**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
Important Information

Office of Central Operations  
1500 Woodlawn Drive  
Baltimore, Maryland 21241-1500  
Date: July 4, 2014  
Claim Number: 042-74-0006A



0001476 GARM77 IA 0470  
DEREK SYPHRETT  
252 FOUNTAYNE LN

LAWRENCEVILLE NJ 08648-2677

We are writing to you about court order number CS91036973A concerning your responsibility for child support, alimony or court ordered victim restitution.

**What We Plan To Do**

We have been ordered to take a different amount of money out of your monthly payments.

We have been ordered to take \$1,360.66 from each monthly payment you are due to pay your obligation for child support, alimony or court ordered victim restitution. We withheld \$1,350.70 from the payment you will receive around August 1, 2014. After that we will withhold \$1,350.70 each month. You will receive another letter showing the payment amount you will receive.

**If You Disagree With The Decision**

If you disagree with the decision of the court that issued the garnishment order, you will need to contact them directly or have a lawyer do it for you.

*Social Security Administration*



Social Security Administration

Retirement, Survivors and Disability Insurance

Important Information

SOCIAL SECURITY

ROEBLING MARKET

635 S CLINTON AVE

TRENTON, NJ 08611-1831

Date: June 24, 2014

Claim Number: 042-74-0006A

DIBNET

DEREK SYPHRETT

252 FOUNTAINE LN

LAWRENCEVILLE, NJ 08648-2677

Dear DEREK SYPHRETT

Please call our office before July 9, 2014 and ask for Mrs. Dougherty. The telephone number is 866-365-3037 Ext. 18437. We need to talk to you about information on your Social Security disability application.

You listed two minor children, Benjamin Sypkrett and Vanessa Sypkrett. We need more information as they may be entitled to auxiliary benefits. These benefits do not affect you in any way.

When you call our office, please have this letter with you. It will help us to serve you more quickly.

*Social Security Administration*

EXHIBIT D