

SUPERIOR COURT OF NJ
 CIVIL DIVISION
 ESSEX COUNTY

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<p>CAROLYN BAILEY</p> <p style="text-align: center;">PLAINTIFF</p> <p style="text-align: center;">-against-</p> <p>ZUCKER, GOLDBERG & ACKERMAN, LLC; (A New Jersey Law Firm)</p> <p>MICHAEL S. ACKERMAN, ESQ. In His Role As Managing Partner for Zucker, Goldberg & Ackerman, LLC, And In His Individual Capacity</p> <p>JOHN DOES 1-100</p> <p style="text-align: center;">DEFENDANTS</p>	<p style="text-align: center;">SUPERIOR COURT OF NEW JERSEY LAW DIVISION, ESSEX COUNTY</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">DOCKET NO. ESX-L-8231-13</p> <p style="text-align: center;">CERTIFICATION IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS</p> <p style="text-align: center;">(ORAL ARGUMENT REQUESTED)</p>
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I, CAROLYN BAILEY, hereby respond as follows to the captioned matter, in my individual capacity, and in my role as a Private Attorney General, on behalf of the general and investing public, and the Clerks of the Courts of New Jersey. ("Plaintiff") I hereby enter my Objection to the two Motions to Dismiss filed by Defendants, request those Motions be denied, and that the Defendants and their Attorneys be sanctioned for intentionally and flagrantly attempting to mislead this Court:

1. The allegations in Plaintiff's Complaint both have local and national implications. It is worthy of note that should the two Defendants' Motions to Dismiss be denied, I will file a Motion to Suspend Discovery. **The State of Texas Office of Attorney General et al have recognized sufficient merits in my various allegations re "Deep-6ing" and "Ta-Da" documents to conduct an investigation.** The suspension of discovery would permit governmental agencies, and various public interest organizations sufficient time to determine whether they wish to intervene in this case. The allegations being investigated form the crux of the RICO counts and are elaborated on via Plaintiff's web site – **www.HurtingHomeOwners.com**

(See Exhibit A, "Deep-6" Diagram.)

2. The Defendants doth protest too much ! And their legal representatives would do well to attend more closely to details. Instead of discrediting the Complaint, the contents in Defendants' Motions to Dismiss have enhanced and fortified it.

3. The Complaint was filed on October 21, 2013, **NOT** November 12, 2013 (See Exhibit B, CIS Form) Defendants' "Ta-Da" sham transfer of Plaintiff's property was recorded on October 22, 2009. That recording with the Essex County Clerk's office would be the earliest available public notice to Plaintiff, the general and investing public, and the Clerks of the Courts of New Jersey. Since Plaintiff filed the Complaint in this case against Defendants Zucker Goldberg and Michael Ackerman on October 21, 2013, it falls within the four year window recognized by State and Federal precedent. This Court has access to all of the original filed documents and can verify these dates. This Court can also demand to review US Bank's closing documents, if any, associated with the 2009 sham recorded transfer of Plaintiff's property. (See Exhibit C, Wells Fargo Bank's October 19, 2009 sham Assignment, recorded October 22, 2009.)

4. The fact that Zucker Goldberg & Ackerman, LLC (“Defendants”) filed a January 4, 2012 Amended Complaint on Wells Fargo Bank’s behalf against me, and that this Amended Complaint was dismissed on July 5, 2013 for lack of prosecution, is news to me ! I was never served with copies of that Amended Complaint or the Notice of Dismissal. (See Exhibit D, the ACMS Public Case Document List which was included as an exhibit to Defendants’ Motion to Dismiss.)

How many 1000’s of similar Amended Complaints were filed by Zucker Goldberg and improperly served ???

5. As if that were not bad enough, on October 19, 2009 Defendant Michael S. Ackerman “transferred” title to the property by Assignment from Wells Fargo Bank to “US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1”.

So how is it that Defendants then filed the Amended Complaint on Wells Fargo Bank’s behalf more than two years later ???

(See Exhibit C, Assignment recorded October 22, 2009.)

6) It gets worse. It has come to my attention that there is a “Corrective” Assignment filed by Wells Fargo Bank/Zucker Goldberg that adds fuel to the fire, muddies the waters, etc. (See Exhibit E, Wells Fargo Bank’s Corrective Assignment dated September 14, 2012 and recorded October 9, 2012.)

This “Ta-Da” Corrective Assignment highlights the fatal flaws and missing links in a purported, fragmented chain of title so distorted that it could be tied into the shape of a pretzel !

One might be tempted to ponder and opine: “Who’s on 1st?”, or “Will the real Assignment please stand up !” Below is that excerpt:

*This corrective assignment of mortgage is intended to correct the assignment of mortgage recorded in Essex County on 10/22/2009 as Document No. 9091043, Book 12223 and Page 5080 as it relates to the name of the assignee and also replaces the assignment of mortgage recorded in Essex County on 05/29/2007 as Document No. 7069776, Book 12058 and Page 8263 **AS THAT ASSIGNMENT IS INVALID DUE TO COLUMBIA HOME LOANS NOT HAVING STANDING TO ASSIGN IT** per document No. 7063512, Book 12054 and Page 8583. [Emphasis added.]*

Just how did Wells Fargo Bank purportedly gain good title to “Deep-6” to US Bank when clearly Wells Fargo’s own “Ta-Da” Corrective Assignment admits that Columbia Home Loans’ various purported Assignments of my property to Wells Fargo Bank were INVALID ???

Is this RICO, or what ?

Did someone say something about “malicious prosecution” ?

You can’t make this stuff up !

7. I hereby request this Court to demand that on the Hearing date for their Motions to Dismiss, that Defendants’ attorneys, Connell Foley LLP, produce Defendants’ alleged January 4, 2012 Proofs of Service (Sewer Service, 21st Century style) to me, along with someone from Zucker Goldberg & Ackerman who can “explain” how I did **NOT** receive service, and respond to any additional concerns of this Court regarding various “Ta-Da” documents, etc. And in the alternative, if Connell Foley refuses or fails to do so, be held in contempt of Court.

I am learning of all this damaging evidence by happenstance and “on the fly”. But as a prominent law firm, Connell Foley’s research since October/November 2013 has or should have uncovered where all the bodies are buried. Connell Foley is choosing to attempt to pull the wool

over this Court's eyes. Thus, Connell Foley is not functioning as an Office of the Court but as a co-conspirator with Zucker Goldberg, thereby becoming a part of the problem and pattern of deceit attributed to Defendants in Plaintiff's Complaint.

8. Defendants represent Wells Fargo Bank, "US Bank National Association, as Trustee for Credit Suisse first Boston Mortgage Securities Corp., HEAT 2006-1", and numerous other predatory lenders as debt collectors. Thus Defendants are covered and subject to various Consumer Fraud laws.

9. An Affidavit of Merit is **NOT** required for a debt collector.

10. An **Affidavit of Demerit**, if one is sought, would elicit more appropriate responses. One could readily obtain such an Affidavit by interviewing the 1000's of homeowners disserved by Defendants over the years. A jury of my peers will be able to relate to such a document.

11. The Interrogatories and Document Production requests sent to me by Defendants' attorneys were based on an erroneous assumption of attorney malpractice and therefore inappropriate and invalid based on the pleading in this case. My refusal to complete and return them is therefore justified. Defendants have the option of serving properly drafted discovery documents.

12. The Complaint, "as is", is sufficiently well pled to withstand Defendants' Motions to Dismiss. Nonetheless, I hereby request leave of the Court to Amend the Complaint to add RICO Counts relating to the Sewer Service of Defendants' fraudulent January 4, 2012 Amended Complaint for Wells Fargo Bank, Wells Fargo/Defendants "Ta-Da" "Corrective" Assignment, Defendants' role as debt collectors, and other related and relevant issues.

13. The issue of the role of a Pro Se litigant as a Private Attorney is not as open-and-shut as Defendants' Motion to Dismiss might imply. The Pro Se status in this instance or in a similar one may well become a novel law case for consideration by the New Jersey Supreme Court.

14. The method for determining damages and the amounts, etc., can await another day, or be calculated by a jury of my peers.

Pursuant to R. 1:6-2(d), the undersigned requests oral argument for reasons contained within this Certification.

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

Date: May 27, 2014

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General

CERTIFICATION OF SERVICE

I certify that on May 27, 2014 I sent a copy of Plaintiff's Certification in Opposition to Defendants' Motions to Dismiss, to Andrew C. Sayles, Esq. and Steven A. Kroll, Esq., the Attorneys for the Defendants, by:

Certified mail # 7010 0290 0002 8296 5711

Andrew C. Sayles, Esq.

Steven A. Kroll, Esq.

Connell Foley LLP

85 Livingston Avenue

Roseland, New Jersey 07068

Date: May 27, 2014

Signature: _____

Carolyn Bailey, Plaintiff and Private Attorney General

CAROLYN BAILEY

PLAINTIFF

-against-

ZUCKER, GOLDBERG & ACKERMAN, LLC;

(A New Jersey Law Firm)

MICHAEL S. ACKERMAN, ESQ.

In His Role As Managing Partner for
Zucker, Goldberg & Ackerman, LLC, And
In His Individual Capacity

JOHN DOES 1-100

DEFENDANTS

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ESSEX COUNTY**

Civil Action

DOCKET NO. ESX-L-8231-13

ORDER

THIS MATTER having been opened to the Court on Defendants' Motions to Dismiss,
and objected to by Plaintiff, _____

IT IS ON THIS _____ **DAY OF** _____, 2014

ORDERED that _____

J.S.C.