



Amendments of the United States Constitution, and as protected under Ohio state law.

2. The plaintiff, a Pro se litigant, in pursuit of what is defined in the Federal Rules of Civil Procedures 8(f) as substantial justice, takes steps to make the Court aware of the following:
3. The courts provide pro se parties wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires.
4. Pro se litigants' Court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submission, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements.

### **JURISDICTION AND VENUE**

5. Plaintiff claims federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to cases arising under the U.S. Constitution.
6. Plaintiff brings this suit pursuant to Title 42 U.S. Code § 1983 for violations of certain protections guaranteed to him by the First, Eighth and Fourteenth Amendments of the federal Constitution, by the defendants under color of law in his/her capacity as a judge in the Superior Court of Warren County.

7. Venue is proper in this Court under 28 U.S.C. § 1391, which allows for an action to be brought in the district and the state where the defendants reside or where the cause of action arose. All events occurred in the Southern District of Ohio.

### **PARTIES TO THE ACTION**

8. Plaintiff, Stephen R. Lilley is an individual adult citizen, whose residence is located at 2900 South Waynesville Road, Morrow, County of Warren, State of Ohio, with a postal zip code of 45152, phone number: 513.535.7330.
9. Defendant David Sunderland is a judge (by assignment) presiding at Warren County Court of Common Pleas and was acting under color of state law during all times relevant to this Complaint. He is being sued in his official and individual capacity. Honorable David Sunderland is a resident of the State of Ohio, with his home address located at 7600 Beldale Ave., Dayton, County of Montgomery, State of Ohio, with a postal zip code of 45424.
10. Defendant Michel E. Powell is a judge presiding at Warren County Court of Common Pleas (Probate Division) and was acting under color of state law during all times relevant to this Complaint. He is being sued in his official and individual capacity. Honorable Michael Powell is a resident of the State of Ohio, with his presiding address located at 570 Justice Drive, Lebanon, County of Warren, State of Ohio, with a postal zip code of 45036.
11. Defendant Brenda N. Dunlap is a judge (Chief Magistrate) presiding at Warren County Court of Common Pleas and was acting under color of state law during all times relevant to this Complaint. She is being sued in her official and individual

capacity. Brenda Dunlap (Chief Magistrate) was also acting an Administrator and Lawyer for the Estate of Marion G. Lilley and is a defendant in the lawsuits Lilley vs. Dunlap and Lilley vs. Suttman. Mrs. Dunlap is a resident of the State of Ohio, with her presiding address located at 500 Justice Drive, Lebanon, County of Warren, State of Ohio, with a postal zip code of 45036.

### **STATEMENT OF FACTS**

12. G. Randall Lilley, (deceased December 1991) father of Christopher, Stephen, and Pamela.
13. Marion G. Lilley, (deceased January 1997) mother of Christopher, Stephen, and Pamela.
14. Pamela Lilley, heir to the estates of Marion G. and G. Randall Lilley, client of Attorney Brenda Dunlap; Defendant on Case Numbers: 06CV66195 and 07CV69736.
15. Jackson C. Hedges, attorney for the Estate of G. Randall Lilley (1991 to 2004), interim Co-administrator and attorney of the Estate of Marion G. Lilley (1997 to 1999), Co-administrator and attorney of the Estate of Marion G. Lilley (1999 to 2008); Defendant on Case Numbers: 06CV66195 and 07CV69823.
16. Patricia A. Suttman, guardian of Marion G. Lilley from March 1995 to January 1997; Defendant on Case Numbers: 06CV66195 and 07CV69736.
17. Brenda N. Dunlap, private attorney for Pamela Lilley, interim Co-administrator and attorney of the Estate of Marion G. Lilley (1997 to 1999), Co-administrator and attorney of the Estate of Marion G. Lilley (1999 to 2008), Judge (magistrate)

- for Warren County Court of Common Pleas and Judge (chief magistrate) for Warren County Court of Common Pleas (1999 to present); Defendant on Case Numbers: 06CV66195, 07CV69736, and 07CV69823.
18. Jack McGowan, private attorney for Stephen R. Lilley; Defendant on Case Numbers: 06CV66195 and 07CV69890.
  19. Judge Michael Powell, presiding over the Estates of G. Randall and Marion G. Lilley from April 2000 to 2008.
  20. Judge David Sunderland, on assignment presiding over the lawsuits in Warren County Court of Common Pleas, Case Numbers: 06CV66195, 07CV69736, 07CV69823, and 07CV69890.
  21. Judge David Sunderland legal assistant: Warren County Judge (magistrate) Page A. Crossley-Tate and other Warren County Court of Common Pleas employees.
  22. December of 1991, G. Randall Lilley passed away creating the Estate of G. Randall Lilley, by the will with his son Stephen R. Lilley as Executor of the Estate who hired Attorney Jackson Hedges as Estate Attorney.
  23. March 9, 1995 Attorney Patricia Suttman was appointed as Marion G. Lilley's Guardian
  24. January 10, 1997, Marion G. Lilley passed away creating the Estate of Marion G. Lilley, by the will with her son Stephen R. Lilley to be Executor of the Estate.
  25. Judge Mark Clark appointed Hedges and Dunlap as interim Co-administrators without the approval of all heirs.

26. On 1/10/1997, Stephen R. Lilley was entitled the original Certificate of Deposit (CD-4591) in the names of Marion G. Lilley and Stephen R. Lilley with rights of survivorship in the face amount of \$100,000.00 with expectancy.
27. On 1/10/1997, Christopher R. Lilley was entitled the original Certificate of Deposit in the names of Marion G. Lilley and Christopher R. Lilley with rights of survivorship in the face amount of \$50,000.00 with expectancy.
28. Christopher died seven years after (9/17/2003) he was entitled to receive his misappropriated survivorship account, never to receive his entitlement.
29. Interim Co-administrators Dunlap and Hedges had received the personal property of Stephen and Christopher in the amount of \$150,000.00
30. The \$150,000.00 of non-probate assets had been converted and comingled with probate assets for the benefit to themselves and to others.
31. Interim Co-administrator Dunlap falsified the accountings to cover-up the conversions of the non-probate assets.
32. April 1999, Judge Mark Clark ruled in a clarification that the \$150,000.00 that had been converted were not probate assets and that Stephen R. Lilley was entitled to the original C.D. of \$100,000.00 and Christopher R. Lilley was entitled to the original C.D. of 50,000.00.
33. December 2003, the Estate assets were illegally distributed; there was never a hearing for the Final and Distributive Account, the non-probate assets were never removed from estate inventory, the accountings were never amended, objections to the accounting have not been addressed, other estate issues had not been addressed, the decision from the Court of Appeals has not come back yet, the Co-

- administrators had not returned their over payment of fees, the over payment of taxes from the conversion of non-probate assets had not been recovered, and tax documents had not been amended as they included the \$150,000.00 of non-probate assets.
34. The 12<sup>th</sup> District Court of Appeals had also affirmed that Stephen R. Lilley was the entitled owner of the original C.D. #4591 in the amount of \$100,000.00.
  35. Co-administrator/Estate Attorney/Judge (Chief Magistrate) Dunlap claims that Plaintiff Stephen R. Lilley received \$40,000.00 of his personal non-probate property through the distribution of Estate Assets.
  36. All of the Estate Accountings were fraudulent to cover-up the misappropriated funds and do not reflect an accurate accounting of the Estate Assets or the Co-mingled non-probate assets, they were just numbers on a piece of paper.
  37. On 5/09/2006, trial attorney Roger D. Staton, attorney for Plaintiff Stephen R. Lilley filed a lawsuit in the Warren County Court of Common Pleas against Defendants Brenda Dunlap, Jackson Hedges, Patricia Suttman, Pamela Lilley, and Jack McGowan for Professional Tort, Misappropriation of Property and Funds, Civil Conversion, Negligence, with Discovery Request Attached, and Jury Demand.
  38. The lawsuit was assigned to Judge Bronson with Case Number 06CV66195.
  39. On 7/27/2006, Judge Bronson Made Entry of Recusal for all Warren County Judges and for the Supreme Court to assign a judge to preside over this case.
  40. On 8/07/2006, Roger D. Staton filed motion to withdraw as Attorney for Plaintiff, claiming he had received major retaliation from the judges as a result of his

involvement in these cases and his continued involvement in this case would be detrimental to me.

41. On 10/18/2006, an entry was made for Certificate of Assignment (of Judge Sunderland).
42. On 12/05/2006, Entry Granting Motion to Withdraw as Attorney for Plaintiff.
43. On 2/27/2007, Plaintiff Stephen R. Lilley hired F. Harrison Green as his attorney to continue with the Lawsuit.
44. On 3/30/2007, Scheduling Ordered Filed, Notice of Jury Trial Scheduled Sent, for Case Number 06CV66195, for a Pretrial on March 14, 2008 and a Two Week Trial from March 24<sup>th</sup> to April 4<sup>th</sup> 2008
45. On 4/30/2007, Application for Reconsideration Filed with the Estate of Marion G. Lilley; Dunlap and Hedges stated in this application that they formerly served as Co-Administrators and are no longer co-fiduciaries in this estate, nor would it seem appropriate to so appoint them, given the pending actions against them. It also states that I have filed civil action in the Common Pleas Court and grievances against them, therefore appears untenable for Dunlap and Hedges to perform any duties as fiduciaries in this estate. Signed: Jackson C. Hedges, Former Co-Administrator, Brenda N. Dunlap, Former Co-Administrator.
46. 5/18/2007, Decision and Entry; Application for reconsideration is denied; fiduciaries shall prepare and file the amended final and distributive account not later than 30 days from the date of journalization of this entry; The court's decision states; that to amend and file the final account is primarily an exercise in

mathematics. The entry further states; this estate has been pending for more than 10 years.

47. On 7/31/2007, Entry Approving and Settling Account by Judge Powell for the Estate of Marion G. Lilley.
48. On 7/31/2007, Motion for Summary Judgment was filed by Defendant Pamela Lilley (Judge Chief Magistrate Dunlap's Client).
49. On 8/01/2007, Motion for Summary Judgment was filed by Defendant Brenda Dunlap and Jack McGowan.
50. On 8/20/2007, Motion for Vacation of Order Settling Account was filed by Plaintiff Stephen R. Lilley on both the Estate of Marion G. Lilley and the Estate of G. Randall Lilley.
51. On 8/21/2007, Entry Approving and Settling Account by Judge Powell for the Estate of Randall G. Lilley, I am the executor of this Estate, it was closed entirely without my involvement, approval, and signature; the estate had been hijacked.
52. On 11/7/2007, the Plaintiff Stephen R. Lilley's attorney, F. Harrison Green filed the complaint with case number 07CV69736, Plaintiff Stephen R. Lilley vs. Defendants Suttman, Dunlap, and Lilley; with Cause of Actions: Tortious Interference with a right of expectancy, Common Law Fraud, and Conversion.
53. On 11/15/2007, the Plaintiff Stephen R. Lilley's attorney, F. Harrison Green filed the complaint with case number 07CV69823, Plaintiff Stephen R. Lilley vs. Defendants Dunlap, and Hedges; with Cause of Actions: Tortious Interference with a right of expectancy, Common Law Fraud, and Writ of Mandamus.

54. On 11/21/2007, the Plaintiff Stephen R. Lilley's attorney, F. Harrison Green filed the complaint with case number 07CV69890, Plaintiff Stephen R. Lilley vs. Defendant McGowan; with Cause of Actions: Legal Malpractice for Failure to Properly Prosecute Claim, and Legal Malpractice for negligent handling of a legal matter.
55. On 3/14/2008, Defendant Brenda Dunlap responded to Plaintiff's First Request for Production of Documents, refusing to hand over any documents requested.
56. On 4/01/2008, Notice of Jury Trial Schedule Sent for Case Number 06CV66195, the Two Week Trial that was set for April was rescheduled for a Pretrial on September 19, 2008 and a Two Week Trial for October 13<sup>th</sup> to the 24<sup>th</sup> of 2008.
57. On 6/23/2008, Defendant Brenda Dunlap responded to Plaintiff's Second Request for Production of Documents, refusing to hand over any documents requested.
58. Defendant Brenda Dunlap also refused to give her Deposition.
59. On 7/21/2007, I received an e-mail from Harrison Green "Per the rules of discovery and rules of professionalism, we have sent a letter to counsel prior to filing a motion to compel, which the rules of discovery require. The judge will order counsel to deliver the documents should they fail to provide them."
60. On 7/25/2008, Decision and Order to Consolidate Case Number 07CV69890 with Case Number 06CV66195 but Case Number 07CV69736 and Case Number 07CV69823 were not Consolidated with Case Number 06CV66195.
61. On 9/04/2008, Decision and Entry to Sustain Jack McGowan's Summary Judgment.

62. On 9/12/2007, I received an e-mail from Harrison Green “documents you have requested from Dunlap cannot be compelled... We may take Dunlap’s deposition pending rulings by Judge Sunderland”
63. Plaintiff Stephen R. Lilley was denied all discoveries, no documents, no interrogatories, no depositions, and no discovery of any kind.
64. The opposing parties also never conducted any discovery.
65. On 9/19/2008, At the Pretrial Hearing for Case Number 06CV66195, Decision and Orders were made to Sustain Summary Judgments for Dunlap, Hedges, Suttman, and Pamela.
66. The Decision and Entry for Dunlap and Hedges states that the Probate Court shall have the effect of a judgment and may be vacated for fraud if a motion was filed within one year and that time has passed as the final accounting settlement order was filed on August 21, 2007.
67. On 8/20/2007, a Motion for Vacation of Order Settling Account was filed and there should have been a hearing on this issue.
68. There was no discovery presented at the pretrial what so ever; no documents, no interrogatories, no depositions, and no witness list.

### **NATURE OF CAUSE**

69. On January 10, 1997, Plaintiff Stephen R. Lilley was entitled to the original Certificate of Deposit (CD-4591) with the face value of \$100,000.
70. Plaintiff Stephen R. Lilley’s personal property in the amount of \$100,000 was taken by Civil Conversion (a common law tort).

71. Plaintiff Stephen R. Lilley was also entitled to other Probate Assets which he did not receive.
72. Plaintiff Stephen R. Lilley's was denied recovery of his entitlement of \$100,000 plus, misappropriated funds for more than thirteen years.
73. Plaintiff Stephen R. Lilley has attempted to recover his personal property for more than thirteen years only to be met with an absolute failure in our judicial system.
74. Plaintiff Stephen R. Lilley, deprived of rights under United States Constitution Fourteenth Amendment by deceptions and trickery, ignored evidence, twisted rules and procedures, obstructed the record, manufactured facts and ignored others, allowed infirm claims and dismissed valid ones, circumvented ethical rules and laws, suborn perjury, mischaracterized pleadings, engaged in ex parte communication, misapplied the laws, and denied admission of evidence prejudicial to their favored parties.
75. Plaintiff Stephen R. Lilley and his wife have suffered irreparable damages as a result of the conversion of Stephen's personal assets and the thirteen years of gross failure of Due Process of Law.
76. The partisanship, politics, conflict of interest, favoritism, bias, prejudice, friends, and colleagues make it impossible for these civil cases to be heard in the Court of Warren County or any State of Ohio Court.
77. A Change of Venue will be warranted to Federal Jurisdiction in order to continue with Due Process of Law and Fair Process in Legal Proceedings.

## **FIRST CAUSE OF ACTION**

### **Violation of Right to Due Process of Law' Constitutional Rights**

*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Dunlap and Powell)**

78. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
79. Plaintiff alleges that the distribution of the Estates was illegal, that the Defendant Powell and Dunlap did not obey statutory laws for distribution and impermissibly infringed on the Plaintiff's Due Process Rights.
80. Plaintiff alleges that Defendant Powell was conducting his judiciary under arbitrary authority rather than under the rule of law.
81. Defendants Powell and Dunlap had distributed Estate assets while Court of Appeals and Objections were still pending and knowing that the Estate inventory still contained non-probate assets and the final accounting was fraudulent.
82. Defendants Powell and Dunlap had infringed on the Plaintiff's life, liberty, and property without Due Process of Law
83. Defendants Powell and Dunlap are both judicial officers and must comply with his/her oath to the Constitution, both judges have engaged in acts against the Constitution and infringed on the Plaintiff's rights under the Constitution.
84. Defendants' actions undermined Plaintiff's constitutional right under Fundamentals of Fairness.
85. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, Fourteenth Amendment.
86. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

## **SECOND CAUSE OF ACTION**

### **Violation of Right to Equal Protection of the Law' Constitutional Rights**

*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Dunlap and Powell)**

87. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
88. Plaintiff alleges that the partisanship between Defendant Judge Dunlap acting as Co-administrator and Defendant Judge Powell acting as Probate Judge that the Plaintiff was not treated equally violates the plaintiff's Equal Protection Rights.
89. Plaintiff alleges that Defendants were Biased and Prejudiced and that the Defendants had infringed on the Plaintiff's Equal Protection Clause.
90. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, Fourteenth Amendment.
91. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

## **THIRD CAUSE OF ACTION**

### **Violation of Right to Freedom of Speech' Constitutional Rights**

*42 U.S.C. § 1983; First and Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Dunlap and Powell)**

92. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
93. Plaintiff alleges that Defendant Powell would only permit fiduciaries who were lawyers in the Fiduciary Status Conference but not fiduciaries who were non-lawyer.

94. Plaintiff alleges as an Executor of the estate he was denied his rights and privileges as a participant and to converse at the Fiduciary Status Conference and that the Defendant Powell had infringed on the Plaintiff's Freedom of Speech Clause.
95. Defendants' actions thus constitute a violation of Plaintiffs' rights under the Freedom of Speech Clause of the First Amendment to the United States Constitution as incorporated and applied to the states through the Fourteenth Amendment.
96. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

#### **FOURTH CAUSE OF ACTION**

##### **Violation of Right to Freedom from Cruel and Unusual Punishment' Constitutional Rights**

*42 U.S.C. § 1983; Eighth and Fourteenth Amendment to the U.S. Constitution*  
**(Defendants: Dunlap and Powell)**

97. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
98. Plaintiff alleges that he was a victim Psychological Torment and (CID) Cruel, Inhuman, and Degrading Treatment by the Defendants.
99. Plaintiff alleges that the Infringement on the Plaintiff's Constitution Rights, continuous stalling, rescheduling, arbitrary decisions, and the refusal to return to the Plaintiff his rightful entitlement for more than ten years was a means of Psychological Torment, CID Treatment which has infringe on the Plaintiff's Cruel and Unusual Punishment Clause.

100. Defendants' actions were detrimental to the Plaintiff's Liberty, Property, and Pursuit of Happiness
101. Defendants' actions thus constitute a violation of Plaintiffs' rights under the Cruel and Unusual Punishment Clause of the Eighth Amendment to the United States Constitution as incorporated and applied to the states through the Fourteenth Amendment.
102. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

### **FIFTH CAUSE OF ACTION**

#### **Violation of Right to Due Process of Law' Constitutional Rights**

*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Sunderland, Dunlap, and Powell)**

103. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
104. Plaintiff alleges that the closing of the estate while civil actions were pending against the Administrators and the breaching of statutory laws was in violation of the Plaintiff's rights to Due Process of Law.
105. Plaintiff alleges that Defendant Sunderland was conducting his judiciary under arbitrary authority rather than under the rule of law.
106. Plaintiff alleges that the impermissible closing of the estate while civil actions were pending, filing of summary judgments, rescheduling the pretrial date, and sustain summary judgments were all part of a ploy by the Defendants for the Defendants of the civil lawsuits to evade civil actions.

107. Defendants Powell and Dunlap had disregarded the Court of Appeals opinion remanding the case for further proceedings according to the law and consistent with the opinion, violated the Plaintiff's Due Process of Law rights.
108. Defendants Powell and Dunlap had infringed on the Plaintiff's life liberty and property without Due Process of Law clause.
109. Defendants Sunderland, Powell, and Dunlap are all judicial officers and must comply with his/her oath to the Constitution, all judges have engaged in acts against the Constitution and infringe on the Plaintiff's rights under the Due Process of Law clause.
110. Defendants' actions undermined Plaintiff's constitutional right under Fundamentals of Fairness.
111. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, Fourteenth Amendment.
112. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

### **SIXTH CAUSE OF ACTION**

#### **Violation of Right to Equal Protection of the Law' Constitutional Rights**

*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Sunderland, Dunlap, and Powell)**

113. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
114. Plaintiff alleges that the partisanship between Defendant Judge Dunlap acting as Co-administrator, Defendant Judge Powell acting as Probate Judge, and Judge

Sunderland as presiding judge that the Plaintiff was not treated equally violates the plaintiff's Equal Protection Rights.

115. Plaintiff alleges that Defendants were Biased and Prejudiced and that the Defendants had infringed on the Plaintiff's Equal Protection Clause.
116. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, Fourteenth Amendment.
117. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

### **SEVENTH CAUSE OF ACTION**

#### **Violation of Right to Freedom of Speech' Constitutional Rights**

*42 U.S.C. § 1983; First and Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Sunderland, Dunlap, and Powell)**

118. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
119. Plaintiff alleges that Defendant Powell had denied access of the Plaintiff as an Executor of the Estate of G. Randall Lilley to the Final and Distributive Hearing.
120. Plaintiff alleges as Executor of the estate, he was denied his rights and privileges to participate and converse at the Fiduciary Status Conference following remand by the Court of Appeals for further proceedings and that the Defendant Powell had infringed on the Plaintiff's Freedom of Speech Clause.
121. Plaintiff alleges that Defendant Sunderland did not hold a conference to allow Plaintiff to address Discovery issues.
122. Defendants' actions thus constitute a violation of Plaintiffs' rights under the Freedom of Speech Clause of the First Amendment to the United States

Constitution as incorporated and applied to the states through the Fourteenth Amendment.

123. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

### **EIGHTH CAUSE OF ACTION**

#### **Violation of Right to Freedom from Cruel and Unusual Punishment' Constitutional Rights**

*42 U.S.C. § 1983; Eighth and Fourteenth Amendment to the U.S. Constitution*

**(Defendants: Sunderland, Dunlap, and Powell)**

124. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.

125. Plaintiff alleges that he was a victim Psychological Torment and (CID) Cruel, Inhuman, and Degrading Treatment by the Defendants.

126. Plaintiff alleges that the Infringement on the Plaintiff's Constitutional Rights, continuous stalling, rescheduling, arbitrary decisions, and the refusal to return to the Plaintiff his rightful entitlement for nearly four years was a means of Psychological Torment, CID Treatment which has infringe on the Plaintiff's Cruel and Unusual Punishment Clause.

127. Defendants' actions were detrimental to the Plaintiff's Liberty, Property, and Pursuit of Happiness.

128. Defendants' actions thus constitute a violation of Plaintiffs' rights under the Cruel and Unusual Punishment Clause of the Eighth Amendment to the United States Constitution as incorporated and applied to the states through the Fourteenth Amendment.

129. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

### **NINTH CAUSE OF ACTION**

**Violation of Right to Due Process of Law' Constitutional Rights**  
*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*  
**(Case Numbers: 06CV66195, 07CV69890)**

130. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
131. Plaintiff alleges that the partisanship between Defendant Judge Dunlap acting as Co-administrator and Defendant Judge Powell acting as Probate Judge, Defendant Sunderland acting as Presiding Judge and the opposing parties in the Civil Lawsuits; Judge Dunlap, Atty. Hedges, Atty. Suttman, and Atty. McGowan invaded by gross political influence in favor of the opposing parties infringe on the Plaintiff's rights to the Fundamentals of Fairness, Due Process of Law, Equal Protection of the Law.
132. Plaintiff alleges that the impermissible closing of the estate, filing of summary judgments, rescheduling the pretrial date, and sustain summary judgments were all part of a ploy by the Defendants for the Defendants of the civil lawsuits to evade civil actions.
133. Plaintiff alleges he was deprived of his rights under United States Constitution Fourteenth Amendment by deceptions and trickery, ignored evidence, twisted rules and procedures, obstructed the record, manufactured facts and ignored others, allowed infirm claims and dismissed valid ones, circumvented ethical rules and laws, suborn perjury, mischaracterized pleadings, engaged in ex parte

- communication, misapplied the laws, and denied admission of evidence prejudicial to their favored parties.
134. Plaintiff alleges that he was denied the rights and privileges to discovery; Production of Documents and Things, Interrogatories, and Depositions in order to steer the case to a predetermined decision, violating the Plaintiff's Rights to the Fundamentals of Fairness, Due Process of Law, Equal Protection of the Law.
135. Plaintiff alleges that the Deprivation of Constitutional Rights, the Denial of Due Process of Law, the Arbitrary Decisions, the Continuous Rescheduling, and Long Delays the lasted nearly four years was a means of Psychological Torment and (CID) Cruel, Inhuman, and Degrading Treatment to force the Plaintiff into Submission, an infringement on the Plaintiff's Rights under Cruel and Unusual Punishment Clause.
136. Defendant Dunlap had refused to cooperate with discovery; refused to comply with the rules for the Production of Documents and Things and refused to give Deposition.
137. Defendants impermissibly infringe on a fair process in a legal proceedings.
138. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, First, Eighth, Fourteenth Amendments.
139. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Article I §1, §5, §16.
140. As a result of Defendants' conduct, Plaintiff suffered damages and expenses.

**Relief from Complaint on Case Number: 07CV69890**

**WHEREFORE, Plaintiff Stephen R, Lilley, hereby respectfully requests that this Court enter judgment in his favor and against all defendants as follows:**

- A. That Plaintiff Stephen R. Lilley be awarded compensatory and special damages from Defendant Jack C. McGowan in the First Cause of Action.
- B. That Plaintiff Stephen R. Lilley be awarded compensatory and special damages from Defendant Jack C, McGowan in the Second Cause of Action.
- C. That plaintiff is awarded punitive damages from the defendants in this action.
- D. That the plaintiff recovers his damages and all other equitable relief to which he may be entitled.
- E. That the plaintiff is awarded his costs and attorney fees in this matter and interest on any award from the date of filing this complaint.

### **TENTH CAUSE OF ACTION**

**Violation of Right to Due Process of Law' Constitutional Rights**  
*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*  
**(Case Number: 07CV69736)**

- 141. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
- 142. Plaintiff alleges that the partisanship between Defendant Judge Dunlap acting as Co-administrator and Defendant Judge Powell acting as Probate Judge, Defendant Sunderland acting as Presiding Judge and the opposing parties in the Civil Lawsuits; Judge Dunlap, Atty. Hedges, Atty. Suttman, and Atty. McGowan invaded by gross political influence in favor of the opposing parties infringe on the Plaintiff's rights to the Fundamentals of Fairness, Due Process of Law, Equal Protection of the Law.
- 143. Plaintiff alleges that the impermissible closing of the estate, filing of summary judgments, rescheduling the pretrial date, and sustain summary judgments were

- all part of a ploy by the Defendants for the Defendants of the civil lawsuits to evade civil actions.
144. Plaintiff alleges he was deprived of his rights under United States Constitution Fourteenth Amendment by deceptions and trickery, ignored evidence, twisted rules and procedures, obstructed the record, manufactured facts and ignored others, allowed infirm claims and dismissed valid ones, circumvented ethical rules and laws, suborn perjury, mischaracterized pleadings, engaged in ex parte communication, misapplied the laws, and denied admission of evidence prejudicial to their favored parties.
145. Plaintiff alleges that he was denied the rights and privileges to discovery, Production of Documents and Things, Interrogatories, and Depositions in order to steer the case to a predetermined decision, violating the Plaintiff's Rights to the Fundamentals of Fairness, Due Process of Law, and Equal Protection of the Law.
146. Plaintiff alleges that the Deprivation of Constitutional Rights, the Denial of Due Process of Law, the Arbitrary Decisions, the Continuous Rescheduling, and Long Delays the lasted nearly four years was a means of Psychological Torment and (CID) Cruel, Inhuman, and Degrading Treatment to force the Plaintiff into Submission, an infringement on the Plaintiff's Rights under Cruel and Unusual Punishment Clause.
147. Defendant Dunlap refused to cooperate with discovery; refused to comply with the rules for the Production of Documents and Things and refused to give Deposition.

148. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, First, Eighth, Fourteenth Amendments.
149. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.
150. As a result of Defendants' conduct, Plaintiff suffered damages and expenses.

**Relief from Complaint on Case Number: 07CV69736**

**WHEREFORE, Plaintiff Stephen R, Lilley, hereby respectfully requests that this Court enter judgment in his favor and against all defendants as follows:**

- A. AN AWARD against defendants, jointly and severally, for plaintiff's damages in the first, second, and third causes of action herein, along with interest and costs thereon.
- B. AN ORDER that all money and property converted and misappropriated by defendants, all proceeds thereof, be impressed with a constructive trust in favor of plaintiff.
- C. AN AWARD against defendants, jointly and severally, of punitive damages and exemplary damages of \$1,000,000.
- D. As to defendants, an accounting of all monies handled by them from the plaintiff or on behalf of plaintiff, or received for the plaintiff by the defendants.
- E. AN AWARD against defendants, jointly and severally, for judgment of fraudulent conduct in an amount in excess of \$1,000,000.
- F. Plaintiff further prays that this Court grant to its any and all further relief, equitable and at law, to which it may be entitled as found to be fair, equitable and appropriate.

## **ELEVENTH CAUSE OF ACTION**

### **Violation of Right to Due Process of Law' Constitutional Rights**

*42 U.S.C. § 1983; Fourteenth Amendment to the U.S. Constitution*

**(Case Number: 07CV69823)**

151. Plaintiff hereby re-alleges all matters set forth in the preceding paragraphs of this Complaint and incorporate them herein.
152. Plaintiff alleges that the partisanship between Defendant Judge Dunlap acting as Co-administrator and Defendant Judge Powell acting as Probate Judge, Defendant Sunderland acting as Presiding Judge and the opposing parties in the Civil Lawsuits; Judge Dunlap, Atty. Hedges, Atty. Suttman, and Atty. McGowan invaded by gross political influence in favor of the opposing parties infringe on the Plaintiff's rights to the Fundamentals of Fairness, Due Process of Law, Equal Protection of the Law.
153. Plaintiff alleges that the Deprivation of Constitutional Rights, the Denial of Due Process of Law, the Arbitrary Decisions, the Continuous Rescheduling, and Long Delays the lasted nearly four years was a means of Psychological Torment and (CID) Cruel, Inhuman, and Degrading Treatment to force the Plaintiff into Submission, an infringement on the Plaintiff's Rights under Cruel and Unusual Punishment Clause.
154. Defendant Dunlap refused to cooperate with discovery; refused to comply with the rules for the Production of Documents and Things and refused to give Deposition.
155. Plaintiff alleges that the impermissible closing of the estate, filing of summary judgments, rescheduling the pretrial date, and sustain summary judgments were

all part of a ploy by the Defendants for the Defendants of the civil lawsuits to evade civil actions.

156. Plaintiff alleges he was deprived of his rights under United States Constitution Fourteenth Amendment by deceptions and trickery, ignored evidence, twisted rules and procedures, obstructed the record, manufactured facts and ignored others, allowed infirm claims and dismissed valid ones, circumvented ethical rules and laws, suborn perjury, mischaracterized pleadings, engaged in ex parte communication, misapplied the laws, and denied admission of evidence prejudicial to their favored parties.

157. Plaintiff alleges that he was denied the rights and privileges to discovers; Production of Documents and Things, Interrogatories, and Depositions in order to steer the case to a predetermined decision, violating the Plaintiff's Rights to the Fundamentals of Fairness, Due Process of Law, Equal Protection of the Law.

158. Defendants' actions thus constitute a violation of Plaintiffs' rights under the United States Constitution, First, Eighth, Fourteenth Amendments.

159. Defendants' actions thus constitute a violation of Plaintiffs' rights under the State of Ohio's Constitution, Inalienable Rights, Article I §1, §5, §16.

160. As a result of Defendants' conduct, Plaintiff suffered damages and expenses.

**Relief from Complaint on Case Number: 07CV69823**

**WHEREFORE, Plaintiff Stephen R, Lilley, hereby respectfully requests that this Court enter judgment in his favor and against all defendants as follows:**

A. AN AWARD against defendants, jointly and severally, for plaintiff's damages in the first and second causes of action herein, along with interest and costs thereon.

- B. AN ORDER that all money and property converted and misappropriated by defendants, all proceeds thereof, be impressed with a constructive trust in favor of plaintiff.
- C. AN AWARD against defendants, jointly and severally, of punitive damages and exemplary damages of \$1,000,000.
- D. The Plaintiff prays that a writ of mandamus be issued to Defendants Dunlap and Hedges recover and distribute the monies owed to Plaintiff Stephen R. Lilley under their powers and duties of the administration of the Estate of Marion G. Lilley.
- E. AN AWARD against defendants, jointly and severally, for judgment of fraudulent conduct in an amount in excess of \$1,000,000.
- F. Plaintiff further prays that this Court grant to its any and all further relief, equitable and at law, to which it may be entitled as found to be fair, equitable and appropriate.

**INJURY**

- 161. Loss of converted \$100,000 (CD-4591)
- 162. Loss of use of converted \$100,000 (CD-4591) since January 10, 1997
- 163. Irreparable damages to Wellbeing
- 164. Irreparable financial damages
- 165. Irreparable damages to the loss of business
- 166. Irreparable damages to retirement funds
- 167. Irreparable damages to the freedom of happiness and enjoyment of life

- 168. Irreparable damages to the freedom of liberty
- 169. Irreparable damages to the loss of tangible property
- 170. Irreparable damages from the defamation of character
- 171. Other Irreparable damages
- 172. Thirteen years of mental and emotional anguish and distress

### **PREVIOUS LAWSUITS**

May 9, 2006, Plaintiff Stephen R. Lilley filed a Complaint for Professional Tort, Case Number 06CV66195; Lilley, Stephen R. vs. Dunlap, Brenda... with Jury Demand. **(Pending)**

Plaintiff: Stephen R. Lilley  
Vs.  
Defendants: Brenda Dunlap  
Jackson C. Hedges  
Patricia Suttmann  
Pamela Lilley  
Jack C. McGowan

November 7, 2007, Plaintiff Stephen R. Lilley filed a Complaint for Civil Professional Tort, Case Number 07CV69736; Lilley, Stephen R. vs. Suttmann, Patricia ... with Jury Demand. **(Pending)**

Plaintiff: Stephen R. Lilley  
Vs.  
Defendants: Patricia Suttmann  
Brenda Dunlap  
Pamela Lilley

November 15, 2007, Plaintiff Stephen R. Lilley filed a Complaint for Civil Professional Tort, Case Number 07CV69823; Lilley, Stephen R. vs. Suttmann, Patricia... with Jury Demand. **(Pending)**

Plaintiff: Stephen R. Lilley  
Vs.  
Defendants: **Brenda Dunlap**, individually, and as Co-  
Administrator of the Estate of Marion G. Lilley,  
Deceased  
**Jackson C. Hedges**, individually, and as Co-  
Administrator of the Estate of Marion G. Lilley,  
Deceased

November 21, 2007, Plaintiff Stephen R. Lilley filed a Complaint for Civil Professional Tort, Case Number 07CV69890; Lilley, Stephen R. vs. McGowan, Jack C. ... with Jury Demand. (**Consolidate with Case Number 06CV66195**)

Plaintiff: Stephen R. Lilley  
Vs.  
Defendants: Jack C. McGowan

### **PRAYER FOR RELIEF**

**WHEREFORE, Plaintiff Stephen R, Lilley, hereby respectfully pray that this Court enter judgment in his favor and against all defendants as follows:**

- A. That this Court issue injunctive relief commanding Defendants to immediately cease further actions to the Plaintiff in the Warren County Court of Common Pleas.
- B. That this Court Issue declaratory relief as this Court deems appropriate just.
- C. That this Court declare that Defendants' actions violated the First, Eight, and Fourteenth Amendment rights of Plaintiff;
- D. That this Court grant Change of Venue (Case Numbers: 06CV66195 and 07CV69890) to Federal authority and award Plaintiff relief as described in Ninth Cause of Action;

- E. That this Court grant Change of Venue (Case Numbers: 07CV69736) to Federal authority and award Plaintiff relief as described in Tenth Cause of Action;
- F. That this Court grant Change of Venue (Case Numbers: 07CV69823) to Federal authority and award Plaintiff relief as described in Eleventh Cause of Action;
- G. That this Court award Plaintiffs' costs and expenses of this action, including reasonable attorneys fees, in accordance with 42 U.S.C. § 1988 and other applicable law; and,
- H. Plaintiff further prays that this Court grant to its any and all further relief, equitable and at law, to which it may be entitled as found to be fair, equitable and appropriate.

I hereby certify under penalty of perjury that the above petition is true to the best of my information, knowledge and belief.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of April, 2010

By: \_\_\_\_\_  
Stephen R. Lilley, *pro se*  
2900 S. Waynesville Rd.  
Morrow, OH 45152  
514.535.7330  
E-mail: [steverl@embarqmail.com](mailto:steverl@embarqmail.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of April, 2010, I caused a true and accurate copy of the foregoing to be served in the manner specified on the following by certified U.S. Mail.

Richard Cordray, Attorney General of Ohio  
State Office Tower  
30 E. Broad Street, 17th Floor  
Columbus, OH 43215-3428  
(614) 466-4320

The Honorable David Sunderland, Presiding Judge  
7600 Beldale Ave  
Dayton, Ohio 45424

The Honorable Michael Powell  
570 Justice Drive  
Lebanon, Ohio 45036

Brenda Dunlap, Chief Magistrate  
500 Justice Drive  
Lebanon, Ohio 45036

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