

of the enterprise within the meaning of *Reves*, 507 U.S. 170, and its progeny. The above stated Defendants agreed to further the endeavor, which if completed, which they have done, would satisfy all the elements of a substantive RICO offense, and agreed that at least one member of the conspiracy would commit at least two racketeering acts in furtherance of the enterprise's affairs.

FACTUAL BASIS FOR CLAIMS

A. Background

89. This intentional scheme was set into motion on or about August 11, 2011 in North Dakota South Central District Court and North Dakota Supreme Court, the above stated individual defendants, being persons employed by and/or associated with the enterprise, as described more fully herein, which these individuals acted as an association-in-fact enterprise and was engaged in and the activities of which affected, interstate and/or foreign commerce, did unlawfully and knowingly conduct and participate directly and indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity, as set forth below. This racketeering activity and conspiracy to commit racketeering activity is still in motion to this very moment. The conspirators have corrupted the Judicial process to extort money and property from Hansen and by so doing have effectively shut down her business. These schemes were accompanied by record-setting violations of substantive and procedural state and federal laws. The documented combination of civil and constitutional violations were combined with criminal obstruction of justice and criminal retaliation against Hansen, seeking to hide the fact and halt exposure activities and to inflict great personal and financial harm upon her as a part of their ongoing scheme.

90. These lines of attack are distinct attempts to pressure Hansen into an unfair position, by ways of unlawful force and intentional known, willful and malicious misstatements made by

Dieterle, Pagel and Reich. Hansen has had money and property extorted from her by the RICO Defendants barbaric tactics.

Initial Actors Begin Conspiracy

91. Defendants Shannon Dieterle, with his attorney at that time, Ben Pulkrabek, Dieterle began a conspiracy against Hansen launching an absolute plethora of malicious, intentionally harmful lies. Shortly after the beginning of the proceedings, Dieterle hired Rodney Pagel, a belligerent, Rambo style unethical attorney as counsel. Upon introducing Pagel into this matter, Dieterle and Pagel began their collusion of win-at all-costs, no-holds-barred assault on Hansen and things only escalated at an alarming rate. Defendants and co-conspirators have sought to extort, defraud, and otherwise maliciously and tortuously injure Plaintiff and injured party Hansen by means of a plan they conceived and have executed to completion in North Dakota.

92. This Amended Complaint details how a group of North Dakota individuals, lawyers, together with co-conspirators, set about fraudulently and corruptly set about exploiting Hansen by their criminal, subversive activities in order to extort money, property, the life of a child from Hansen in a criminal scheme through what started as and is a civil procedure. The RICO Defendants have many lines of attack: One, to intimidate or corrupt the court and obtain fraudulent and void judgments against Hansen on false manufactured supposed evidence and intentional fraudulent misstatements. Two, collude with additional co-conspirators to procure a sham of sanctions which they bring forth as if criminal in civil court against Hansen. Three, conduct a massive and public campaign designed to spread false and misleading information about Hansen. The RICO Defendants lead by Dieterle, Pagel and the co-conspirator Reich have used the threat of force, intimidation, manipulation against Hansen and have unlawfully confiscated and disposed of Hansen's assets,

property and money by forced enforcement of the fraudulent and void judgments. Dieterle and Pagel have taken legal fees and other bogus charges from Hansen.

Conspiracy of Malicious Fraudulent Litigation, Witness Tampering and Concealment of Evidence

93. Their collective efforts to block, impede, deny and violate Hansen's lawful activities and continual abuse of process and abuse by the defendants towards Hansen. These corrupt and criminal activities implicated in a series of gross attempts to cause irreparable harm to Hansen. Hansen has been the victim of many criminal and treasonous activities as a result of the wrongs committed against her by the defendants. The quotations included in this Amended Complaint come directly from the RICO Defendants and their co-conspirators own emails, letters, transcripts and other documents.

94. On or about August 11, 2011 Dieterle and initial co-conspirator Pulkrabek bring forth a civil divorce case wherein Hansen was named as Defendant. Shortly after, Dieterle replaced Pulkrabek with attorney Rodney Pagel as his counsel. Because of the abuse from Dieterle to Hansen, Hansen was given a protection order against Dieterle in September 2011, and in which she was granted custody of the seventeen (17) month old baby girl. An interim hearing was held on October 19, 2011, wherein Hansen was again granted custody of the baby girl in this order after a full hearing and the right to live on the ranch, Dieterle was given 10 days to vacate the ranch. When Dieterle left the ranch he took multiple items which Hansen needed to operate the ranch, to run her business and to provide wood heat for the home.

95. This was the beginning of the spiral of deceit, malicious lies, and acts of intentional fraud and numerous abuses against Hansen. This was also the beginning of what much later Hansen would learn were severe and multiple violations by Rodney Pagel working in concert with

Dieterle and readily aided by first Jorgensen for the first nineteen (19) months and Reich for the remainder of the now six (6) years of extreme unlawful conduct and abuse of process.

Conspiracy to Defraud & Extort Litigant through Malicious Vexatious Litigation

96. The RICO Defendants extensive, and wide ranging scheme defraud, extort and commit conspiracy to defraud and extort Hansen, as described in this Amended Complaint, has already had a lasting, far reaching and irreparable effect on Hansen and her children. The RICO Defendants false and misleading statements have been relied on by the North Dakota Courts, U.S. State government agencies and individuals, potential business associates/ buyers, others in government, as well as personal friendships, by means of its acceptance of Defendants and misrepresentations and omissions and its failure to take meaningful corrective action. Further the RICO Defendants false and misleading statements have caused Hansen substantial damages. Hansen has had to expend thousands upon thousands of dollars in attorney's fees and costs defending herself in the sham litigation the RICO Defendants and their co-conspirators have prosecuted in North Dakota, and exposing the conspirators pervasive fraud in this proceeding as well as attempts to in priors in North Dakota courts. The facts and evidence presented in this Amended Complaint are the result of many thousands of hours of work by Hansen and others, and have been assembled at extraordinary cost.

97. Diererle including additional co-conspirators began their fraudulent malicious scheme against Hansen. In fact, Hansen has in her possession copies of emails of Dieterles' where he had told these same people to leave him and Hansen alone due to their abuse. Then, out of nowhere he asks these same abusive people to draft affidavits in support of him in opposition of Hansen, people who he had nothing to do with because of the harm they had inflicted upon he and Hansen and the malicious lies began. These affidavits were perjured documents by incompetent

third hand people who did not possess any competent knowledge current circumstances between Dieterle and Hansen, and the smear campaign began while aided by Pagel to cause complete devastation to Hansen.

98. From onset it was Dieterle's plan to intentionally and unjustly withhold and conceal Hansen's youngest daughter from her, leave her homeless and penniless. By early 2012 Dieterle and Pagel worked in collusion to bring harm to Hansen in an effort to begin extorting money, assets and the child from Hansen with their lies and repeated violations of due process. Along with this they had already begun their premeditated scheme to improperly influence the judge against Hansen with their lies. Twice within eight (8) months Dieterle unjustly attacked Hansen claiming contempt; this was and is all fraud and deceit in a direct attempt to further their scheme.

99. Dieterle and Pagel were knowingly beginning the wrongful and intentional influence over the current judge by beginning his intentional multiplication of frivolous and vexatious proceedings against Hansen. Pagel stating scathing personal remarks against Hansen in his motions and briefs, plus personal statements made to the court, time and again. Their efforts worked to irritate and influence the judge in a negative manner turning him against Hansen to further their conspiracy to cause Hansen severe and irreparable harm. Pagel continued to make personal statements against Hansen, of which he did not possess any first hand competent knowledge to make such discourteous and disparaging statements.

Judge Becomes Embroiled with Attorney during an Official Proceeding

100. At a hearing on April 5, 2012, Dieterle and Pagel together manipulated Judge Jorgensen by their intentional misstatements. Pagel coerced Jorgensen in unjustly siding with him against Hansen, Jorgensen and Pagel collectively denied Hansen her right to a defense. Jorgensen allowed the intentional misstatements of Pagel against Hansen. Hansen was deprived her right to

equal and fair access to the court and her rights to defend against her accuser. It was clear that Pagel had influenced Jorgensen who failed to allow Hansen to provide testimony, evidence or witnesses, instead he knowingly became embroiled. The embroilment of Pagel and Jorgensen in matters was palpable; Jorgensen permitted himself to become personally embroiled with Dieterle and Pagel. For one reason or another, Jorgensen failed to impose his moral authority upon the proceedings.

101. The behavior of Jorgensen precluded that atmosphere of authority which should especially dominate a civil trial and which is indispensable for an appropriate sense of responsibility on the part of the court, counsel or parties. During the course of litigation, Jorgensen improperly thrust himself into the middle of case settlement negotiations by demanding that he meet alone with the attorneys in his chambers and therefore abandoned his role as neutral arbitrator. Upon returning from chambers, Jorgensen denied Hansen to provide testimony or evidence to support her defense against allegations made against her. This was an intentional act of witness tampering, coercion and obstruction of justice. These Defendants conspired to conduct the affairs of the enterprise through a pattern of racketeering activity.

102. At any given time he seemed to fill the role of judge, jury, defense counsel, prosecutor, psychiatrist, social worker, and Dieterle's personal advocate. Instead of granting Hansen the right to submit her calendar to decide matters, Jorgensen denied Hansen this right and instead merely accepted Pagel's submission. Pagel acting as an attorney in a judicial proceeding is an officer of the court, and as such has an absolute ethical duty to tell judges the truth, including avoiding dishonesty or evasion, instead of upholding this duty; Pagel took full advantage of the situation causing intentional harm to Hansen. This failure happens time and time again over the next four (4) years. Because of Pagel's continued intentional wrongful influence over the

judge(s) it is as if Hansen doesn't even exist, Hansen is routinely ignored by the Court and continually deprived Due process, equal access and equal protections of the Court and every time this is seriously detrimental to Hansen and her children.

103. Defendants Dieterle, Pagel and Jorgensen, with Jorgensen acting in his individual capacity, worked in concert to conceal the conspiracy and fraud, including intentionally, willfully, and knowingly committing acts of obstruction of justice against Hansen time and again. Dieterle and Pagel have also engaged in intentional, wrongful, unlawful and tortious acts, the effects of which they each knew and intended would be felt in North Dakota and the United States.

104. Due to the lies and wrongful influence over judge Jorgensen and his bias obvious towards Hansen due to the deceit and collusion by Dieterle and Pagel, Hansen had been set up to lose everything. Dieterle and Pagel acted in collusion to anger the judge against Hansen for their benefit. Dieterle and Pagel began in with their bogus claims of contempt against Hansen and continual attempts to deprive Hansen of her daughter.

Judges Embroilment Increases

105. Time and again Jorgensen ignored and in fact concealed Hansen's documents, witnesses, affidavits, etc. Pagel continued his malicious attack against Hansen. Pagel refused proper discovery, worked to artificially reduce and conceal financial information and assets, including Dieterle's 401K, wherein Jorgensen implicated himself again in matters by stating on the record that the "vast majority of the retirement account was earned prior to marriage," this is also completely false. Instead Dieterle and Pagel worked in concert to conceal the fact that Dieterle still owned the home in Harvey, which can be proven by providing this Court with the deed on

the home, showing dates of the actual sale, which he claimed at the hearing on June 19/ 20, 2012 that he had sold, and in fact Jorgensen stated in his memorandum that Dieterle had sold the home “prior to marriage,” which is false. Jorgensen further proved his aid in the conspiracy against Hansen by making additional intentional misstatements against Hansen, he made allegations that Hansen’s court ordered protection order against Dieterle was to “discolor the court’s opinion,” when actually, after a full hearing by a separate judge in that matter. Hansen’s testimony and that of her children were found to have evidence to support the issuance of a permanent protection order against Dieterle.

106. Due to the malicious intent of Dieterle and Pagel, Hansen’s attorney was forced to file a Motion to Compel for information. Dieterle intentionally concealed assets, lied about values of assets and went so far as to state he had sold items without providing evidence of such in violation of Rule 8.4. And together with Pagel they committed a pattern of racketeering Activity including civil conspiracy. They engineered a wide-ranging campaign of public attacks based on intentionally false and misleading statements, which they sought to harm Hansen by bringing forth criminal level penalties against her.

Manufacturing Evidence, Harassment and Implementing Pressure Tactics

107. They manufactured false evidence through false statements, several fraudulent civil judgments in an abuse of process and in malicious prosecution, and ongoing harassment and disruptions of business operations and have extorted large sums of money from Hansen and the loss of over two-hundred thousand dollars, plus, loss of income... unjustly in their scheme of extortion. Hansen is able to provide the Court with transcripts to prove personal malicious statements made against her in the effort to cause her harm. Dieterle and Pagel set about manufacturing evidence, implementing pressure tactics and colluding with a public servant.

Pagels's obvious malicious scheme became more and more obvious. He had already violated numerous codes, statutes and several amendments, violated Hansen's right to due process, and violated his oath of office as well as a multitude of the ABA's Model rules of professional conduct.

108. On June 19 and 20 of 2012 Pagel once again behaved in his belligerent, abusive manner towards Hansen and made multiple personal attacks against Hansen in his premeditated attempt to smear her name and reputation and to cause her irreparable harm in front of this judge. Pagel forced and coerced Hansen into releasing private health and mental records for her and her children, against her will. He mocked her and even sneered at her while she gave testimony. His overall candor and demeanor was a nightmare and in violation of a multitude of his oath sworn ethics, and the ABA model rules of professional conduct. He continued to make intentionally false allegations against Hansen, calling her a manipulator, saying she was abusive, and demanded to have access to private protected information, which he used to twist information from and make horrible statements against her. At the same time he would knowingly and intentionally lead his client, all of this happening in front of Judge Jorgensen, who did not rein in this attorney. Hansen's attorney was ineffective and failed to defend Hansen. Pagel and Dieterle ran rough-shod over Hansen with their malicious lies and intentional deceit.

109. Defendants conspired to terminate Hansen's civil rights and acted in concert with government officials by entanglement and racketeering, and were responsible for violating requirements to comply with Hansen's constitutional due process. This entanglement is a form of abuse of process. For example, Pagel stated that the child was not found to have separation anxiety disorder or attachment issues. Pagel supports this intentional knowing misstatement by

twisting facts of who said what yet again. Fact remains that it was Valerie Myers who stated this and Pagel lies to the court regarding a fact.

Disparaging and Discourteous Utterances and Errors of Fact by Judge

110. In the initial decree, there are no less than 40 utterances of disparaging and discourteous statements, including errors of fact and multiple personal statements made by Pagel which were then restated by South Central Judicial District judge Jorgensen against Hansen in this Memorandum Decision. These intentional malicious misstatements by attorney Pagel in the hearings and in his documents are inadmissible hearsay and were intentional attacks against Hansen to poison the judge against her and to cause her great harms by such statements. As such, these statements are discourteous, disparaging and based purely on utterances of an attorney and his client, yet, are unsubstantiated inadmissible hearsay. Such utterances include complete transparent errors in numerous ways. There is no retraction sufficient to undo the harm of these utterances and these errors. Jorgensen clearly indicates an animus inconsistent with judicial objectivity which was later carried out throughout the course of proceedings by Reich, orders and any hearings that were held, plus repeated statements made by Pagel and Dieterle continued to restate these utterances and the errors time and time again. Jorgensen and Reich clearly, openly displayed an animus toward Hansen inconsistent with judicial objectivity.

111. Judge Jorgensen was clearly aware of Pagel's behavior and candor towards Hansen and malicious statements, calling Hansen a "manipulator" "abusive" and other violations against Hansen, and yet he failed to rein in this attorney. Jorgensen and Pagel were working together with Dieterle in tandem, and denied Hansen the right to proper defense, denial of due process again. The malicious accusations made by Pagel were clearly and improperly accepted by Jorgensen, Pagel's personal statements against Hansen in his effort to sway the judge in his

favor, however, his statements were not supported by any actual evidence. By this time in matters the above stated Defendants agreed to further an endeavor, satisfying all the elements of a RICO offense. With Dieterle, Pagel and Jorgensen committing at least two acts of racketeering in furtherance of the enterprise's affairs.

112. In fact, the only evidence given was more than adequate to disprove the lies of Dieterle and Pagel; however Jorgensen intentionally ignored Hansen's evidence. This was also accompanied by competent affidavits and the testimony of Hansen and her witnesses. Jorgensen refused to consider any of the factual evidence which was submitted by Hansen. Dieterle's own testimony contradicts itself, and yet, he and Pagel had wrongly influenced Jorgensen who then made a personal decision against Hansen, Hansen was not allowed a full and fair meaningful hearing. Instead it was a condensed hearing, like the others, of which, not enough time was set for this hearing. Pagel led his client in every statement, and convinced Jorgensen to ignore the testimony and evidence which clearly supported Hansen's testimony.

113. The Addendum was clearly established in complete violation of due process and to the benefit of Dieterle without any regard to the rights of Hansen or the child, which further proves the influence Pagel had over Jorgensen. Furthermore this Addendum has errors of who is the Plaintiff and the Defendant, and who had what work schedule, plus, Jorgensen can't even state correctly the name of the parenting coordinator which he assigned to establish a parenting plan. Not only did Jorgensen incorrectly delegate a judicial duty to a parenting investigator, he also inappropriately delegates the creation of a parenting plan to a parenting coordinator. Also, as is evidenced by emails, Jorgensen had inappropriate ex parte communications with the parenting coordinator, of which Hansen has access to these and is able to provide as evidence. The Addendum which was entirely created one hundred percent in favor only and purely of Dieterle,

minus any and all rights of Hansen, was based upon ONLY Dieterles' schedule, this also proves the bias of Jorgensen against Hansen Doc Id # . 266, App 175-176.

Violations of Due Process, Civil and Human Rights Due to Fraud

114. A judgment is void if it is not consistent with due process of law. A judgment reached without due process of law is without jurisdiction and thus void. Everything was centered on the benefit of Dieterle to the full detriment of Hansen and even in violation of her and her children's rights. Violations of human rights, of a child's rights are a serious offense. When an attorney wrongly influences a judge to make personal scathing remarks against a litigant and the opposing fails to provide evidence, this is a grave miscarriage of justice against that litigant. Jorgensen made discretionary determinations and consideration in a statutorily defined cause and deprived Hansen of a fundamentally fair process.

115. Jorgensen intentionally, knowingly, and willfully failed to interpret the facts fairly; ignoring any contrary evidence (even undisputed evidence) proves that some of the court conclusions to be unjustified and totally without merit, failed to cite specific findings of fact. Jorgensen also made intentionally false statements of fact to support his biased decision. Jorgensen's own personal statement is on record that he decided Hansen and her twelve year old daughters were not credible, transcripts page 3, APP 136, and therefore, he refused to believe Hansen or her witness's testimony and intentionally elected to ignore her evidence. Jorgensen demonstrated palpable bias against Hansen by his refusal to consider her or her children credible and by deciding the case applying only two of the thirteen best interest factors.

Attorney uses Position to Unjustly Influence by Pressure Tactics

116. Pagel and Dieterle together were able to wrongly influence court appointed Barb Oliger, acting in a conspiracy with Pagel to influence Jorgensen. Hansen was deprived the right to address her accusers whom Ms. Oliger relied upon. In fact, to this day motions brought forth by Hansen to Jorgensen have not been answered. Dieterle had added co-conspirators who he barely knew and barely had any relationship with accompany him in his campaign of deceit against Hansen. Pagel used intentional misrepresentation of information against Hansen, is guilty of malicious prosecution and abuse of process. Dieterle and Pagel implemented pressure tactics and colluded with public servants to further their scheme. Jorgensen forced Hansen to give up the property, even though both parties stated she could purchase it. Furthermore he made knowingly and intentionally false statements of fact against Hansen, one such statement made was that all protection orders were terminated by the issuing court, Transcripts 435, this is an intentional deceitful statement, and there is no evidence to support this statement. Truth is the orders issued were made permanent, in fact one such order being demanded in place by that judge for two full years, due to the lethality of the perpetrator. Another fact, this had no bearing on this case, and thus, further evidence of the inadmissible hearsay that had flooded the court by Dieterle and Pagel. This is 100 % hearsay and is inadmissible and not relevant to this case, however, like other similarly situated instances and statements were allowed by Jorgensen.

117. The jeopardy that Hansen and her children have faced as a result of this fraudulent judgment is compounded by the fact that the RICO Defendants continue to have access to significant funds to continue to carry out their criminal scheme... to silence Hansen... so that they do not realize any accountability for the harm they have caused her and her children.

Violations of Rights Causes Severe Irreparable Harm

118. Hansen was refused the right to address any of the fraudulent statements offered up against her. The use and abuse of a parenting coordinator is an inappropriate delegation of the judicial function, impediment to court access, and denial of due process. The parenting coordinator concept encroaches on family liberty interests, bringing the government behind the closed doors of people's lives, this third party is not in any way more capable of knowing the day to day of the family. Parenting coordinators are a made-up, make-work field that has been invented by the corrupt system. There are no studies indicating that parenting coordinators make good decisions, improve the lives of children or parents, or improve child wellbeing. States have sought to ban parenting coordinators due to the fact that they have caused harm to families. The parenting coordinator concept is an infection that causes all of the problems that custody evaluators and GALs bring into the family court system, and then some.

119. Other states have in fact concluded that it is improper to delegate such roles to a parenting coordinator or other third persons. A recent review of the law is found in a recent Iowa decision: It is well established that the district court is the only entity that can modify a custody or visitation order, subject to the review of the appellate courts. In *Re Marriage of Brown*, 778 N.W..2d 47, 54 (Iowa Ct. App. 2009); This obligation to modify a decree cannot be delegated to any person or entity because that person or entity has no jurisdiction to render such a decision.

Judge, Attorney & Abusive Spouse Collude to Continue Conspiracy

120. Jorgensen perpetrated violations of a multitude of federal titles and codes plus several amendments against Hansen working in collusion with Dieterle and Pagel. Due to the fraud and deceit running rampant because of Pagel and Dieterle, Dieterle was given custody of the baby girl, who he did not share an interest in prior to the divorce proceedings, and instead only wanted to take custody as a form of continued coercive control and another act of interpersonal violence

against Hansen. The state court deprived Hansen of the proper custodial relationship with her minor child which is among the most drastic actions that a state can take against an individual's liberty interest, shifting custody from Hansen to Dieterle and denying Hansen's due process guarantees and never providing a fair post deprivation judicial review. This was an act of coercive control on the part of Dieterle. Dieterle agreed that he did not want the ranch but Hansen did and she wished to purchase it instead Jorgensen abused his discretion and acted in violation of 42 U.S.C. § 1982.

121. These 40 instances of unsubstantiated statements, errors of fact and multiple personal statements made by Jorgensen in the memorandum decision were intentionally and knowingly placed into the findings of fact and conclusions of law by Pagel. Such disparaging, discourteous and defamatory language by Pagel was an intentional tactic against Hansen; these acts by Pagel are acts of intentional attorney deceit and attorney misconduct. These statements are unsubstantiated, inaccurate, and even personal opinions of Jorgensen are interjected, clearly due to the wrongful intentional influence of Pagel on Dieterle's behalf.

Judge Intentionally Ignores Evidence & Testimony Based upon Personal Opinion

122. Jorgensen blatantly ignored the factual material evidence of Hansen, in fact the affidavits, and other information was not added on to the record until three (3) full months after the hearing, another reason to question his health, mental stability and the very fact that he made his decision without the evidence on the record. In fact, this evidence was concealed and later found in his desk. It is clear Jorgensen bought into Dieterle and Pagel's lies and intentionally chose for Dieterle in spite of the actual evidence and testimony of Hansen and her witnesses. Due to errors in Jorgensen's documents, Hansen questions his mental ability at this time in matters.

Furthermore, the Memorandum decision has language used by Pagel against Hansen, and there is

no evidence to support these statements. This alone shows the fact that Pagel did wrongfully influence Jorgensen against Hansen, which had been a part of his scheme with Dieterle for several months. A judge should be careful not to throw the weight of his judicial position into a case, either for or against a defendant.

123. Hansen's attorney, Mr. Boughey, failed in demanding that the language in the memorandum decision be corrected. When, as in this case, the trial court persists in making discourteous and disparaging remarks to a defendant or about a defendant, to discredit the cause of the defense, it has transcended so far beyond the pale of judicial fairness as to render a new trial necessary.

124. Hansen was entitled to a fair trial on the facts and not a trial on the temper or whimsies of the judge who sits in his case, the verdict came from the conduct of the judge and not from the evidence. Furthermore, this clearly shows Jorgensen's evident emerging hostility and bias towards Hansen due to the lies spewed by Dieterle and Pagel against Hansen. This is evidence of Pagel's influence over Jorgensen. When a judge sides for one party and against the other, due to his personal opinion in the situation, this is a violation of his oath of office and a violation of due process. The very fact that Jorgensen states Hansen obtained a protection order to "discolor the court's opinion" of Dieterle, shows his clear departure of law and fair fact finder and where he instead chose to form an opinion against Hansen, further proving his obvious bias against her.

Attorney and Judge work in Collusion to Intentionally Poison the Record

125. Judge Jorgensen explicitly departed from the requirement that if prejudice is shown reversal is required because the appearance of judicial bias and unfairness colors the entire record. The record is in fact unjustly discolored against Hansen by the personal and

unsubstantiated statements of Pagel and Jorgensen. Jorgensen clearly became embroiled and abandoned the judicial role. He surrendered the role of impartial fact finder/ decision maker and joined the fray brought on by Dieterle and fed by Pagel.

126. The record is persuasive that, instead of representing the impersonal authority of law, the trial judge permitted himself to become personally embroiled with Dieterle and Pagel. There was an intermittently continuous wrangle on an unedifying level between the three. For one reason or another, Jorgensen failed to impose his moral authority upon the proceedings. His behavior precluded that atmosphere of authority which should especially dominate a trial and which is indispensable for an appropriate sense of responsibility on the part of the court and counsel.

127. “A court commits misconduct if it persistently makes discourteous and disparaging remarks so as to discredit the defense or create the impression it is allying itself with the prosecution.” *People v. Santana* (2000) 80 Cal. App. 4th 1194, 1206-1208. “By belaboring points of evidence that were clearly adverse to [defendant], the trial court took on the role of prosecutor rather than that of impartial judge.

128. By continuing these adversarial and discourteous statements, including errors regarding material facts, for 8 pages with over 40 errors, the trial court created the unmistakable impression it had allied itself with the Plaintiff and his counsel in the effort to cause irreparable harm to Hansen. The defendant did not have the fair trial guaranteed to her by law and the constitution, which is a miscarriage of justice. “When a judge becomes a trier of fact as well as of the law, the defendant is entitled to the same presumption of innocence and the same right to present a defense that he would have if he were being tried by a jury. In the instant controversy, the judge without perhaps specific intention to do harm deprived Hansen of such rights.

129. Jorgensen intentionally, knowingly, and willfully failed to interpret the facts fairly; ignoring any contrary evidence (even undisputed evidence) proves that some of the court conclusions to be unjustified and totally without merit. When a judge brings ridicule to a parent and child(ren) that judge brings disrespect to the judiciary and destroys public confidence in our system. Time and time again Pagel knowingly submitted deceptive supporting documents to his malicious motions.

130. Dieterle and assisted by Pagel, violated an extreme multitude of titles, codes and amendments. Attorney Pagel and south central judicial district court judge Jorgensen placed Hansen under moral Duress in breach of their fiduciary obligation under their individual oaths of office and caused damage to Hansen. Due to ineffective assistance of counsel and Pagel's intentional and fraudulent statements posed against Hansen, documents which were available to be presented were not offered as evidence, but instead were knowingly concealed. Dieterle and Pagel were amply aware of one such piece of evidence in Hansen's favor and yet they intentionally concealed its existence for their benefit. This was a protection order in favor of Hansen and against Dieterle. Dieterle and Pagel continued to knowingly conceal Hansen's evidence from the court.

Judge makes Decision based upon Inadmissible Hearsay and Personal Opinion

131. Jorgensen made his decisions based purely upon hearsay and his own personal opinion of Hansen, which was influenced to him through Dieterle and Pagel's fraudulent and deceitful statements in paperwork and in hearings. Furthermore there are other issues of fact with this memorandum, which makes Hansen question if Jorgensen even paid attention to the hearing there were multiple attacks based only on hearsay by Dieterle and these were bought by Jorgensen and used fully against Hansen, yet, were not supported by any evidence. Derogatory

statements when not supported by evidence are purely hearsay and must be stuck and cannot be relied upon. Pagel's defamatory remarks against Hansen do not provide any material evidence and are inadmissible hearsay, and are in fact violations of numerous codes, statutes and amendments.

132. Jorgensen allowed free rein to Pagel and Pagel took full advantage of this. Once again Dieterle and Pagel acting in collusion were attempting to intentionally manufacture fraudulent evidence and implemented pressure tactics and were colluding with Jorgensen who is a public servant.

133. **Combining Civil Rights and Due Process violations with obstruction of justice**, all the above are violations of 42 U.S.C. 1981, 1982, 1983, 1985, including violations of 18 U.S.C. 1961, 1962, etc, the entire proceedings, documents and statements made by Dieterle and Pagel to date were and are based solely upon deceit, fraud and a conspiracy to defraud. Fraud upon the nature and cause of the action becomes void and null for lack of jurisdiction and want of jurisdiction. Hansen states the entire proceedings and statements of Dieterle knowingly aided by Pagel were based upon fraud and deceit, "Fraud vitiates everything" [U.S. v. Throckmorton [98 U.S. 61(1878)]]. Hansen alleges that North Dakota Dieterle case is void and null. Not merely voidable, but is void. Time and again, Pagel intentionally committed acts of witness tampering and concealment of evidence. In fact, during Hansen's appeal to the North Dakota Supreme Court, Pagel complains of evidence that was not on the record, that Hansen wanted to add to the record. This statement by Pagel is a twisted version of the truth. The fact is, he intentionally concealed this evidence which Hansen tried to explain to the Supreme Court in her appeal.

134. All of the above stated facts form a pattern of racketeering which only increased over time. The concealment of Hansen's evidence, affidavits, witness testimony, a pattern of extortion and fraud had been put into place. Dieterle and Pagel were well aware of Hansen's evidence and sought to conceal it and acts of witness tampering. They were aware that Hansen did in fact possess even additional material evidence and they sought to keep it from the record, even when filed they knowingly and intentionally chose to deny its existence and used acts of intentional trickery upon the judge and the court to further their scheme. All of this is an abuse of legal process, malicious and damaging persecution, malicious denial of due process, tortious interference with rights and fraudulent misrepresentation. In fact, Hansen's appeal

135. The scathing language of personal opinion against Hansen stayed throughout the proceedings; a court "may not directly express its opinion of the ultimate factual issue of the accused's guilt or innocence." *People v. Cook* (1983) 33 Cal. 3d 400, 413. Jorgensen indicates an animus inconsistent with judicial objectivity. It is crystal clear that Pagel's intentional malicious misstatements of fraud and deceit had poisoned the waters against Hansen, in violation of 18 U.S.C. 1962(c) and (d).

Judge Improperly Influenced due to Fraud by Attorney

136. Jorgensen clearly had decided for Dieterle, due to the lies of Pagel. Fact of the matter remains, the brief submitted by Pagel makes dozens upon dozens of factual allegations and conclusory statements, but fails repeatedly to provide any basis for the allegation or assertion, he fails to cite docket numbers, documents, exhibits, or transcript pages. Dieterle made repeated negative assertions of fact and negative conclusion about Hansen, which was NOT supported by the record, the lower court ignored the evidence actually received, and bought into the unsupported allegations and misstatements of fact. And ruled as such, a lower court's decision is

supposed to be made based on facts and not the recitation of bald faced lies and innuendo.

Defendant's contrived hearsay testimony based on personal opinion, not on fact or law resulted in Hansen's loss of custody of a minor inflicting grave and irreparable injury.

137. "A due process violation occurs when a state-required breakup of a natural family is founded solely on a "best interests" analysis that is not supported by the requisite proof of parental unfitness." Hansen confronted her attorney, Mr. Boughey, about the fraud and deceit by Dieterle and Pagel, of which he had no real concern. Hansen asked her attorney to clear up the scathing language in the memorandum decision, and the following order, however, he failed to do so. Thus, Mr. Boughey is guilty of ineffective assistance of counsel; Hansen relied on the court to be fair and just, however, it was not, and acted with open bias against Hansen, which is detrimental reliance.

138. Dieterle intentionally concealed assets and also intentionally under-valued many of the assets that he claimed as his and over-valued all of Hansen's assets. These are knowingly acts of fraud, deceit, and theft by Dieterle, of which Pagel and even Jorgensen were aware of. Jorgensen intentionally concealed the exhibits and in fact these were found in his personal desk three months after the hearing. This further proves that he was wrongly influenced by Dieterle and Pagel and acted out in pre-meditated bias against Hansen due to their lies.

Judge and Attorney Conspire to Violate 42 U.S.C.1981 and 1982

139. Dieterle, Pagel and Jorgensen committed acts of coercion and extortion against Hansen from the onset. Dieterle and Hansen had agreed that Hansen could purchase the ranch; however, Jorgensen violated this agreement between the parties and stated that the ranch must be sold. Both specifically set schemes to defraud Hansen as the victim of their schemes to coerce and

extort tangible and intangible property from Hansen. Hansen can provide the transcripts, motions and additional paperwork to the court to prove these facts. As a result of the underlying corrupt, criminal, and subversive activities, there is more than ample evidence of their efforts to block, impede, deny and violate Hansen's lawful activities and lawful rights. Dieterle and Pagel conducted a fraudulent scheme that intentionally substantially decreased the divorce settlement, all of which inflicted extreme duress upon Hansen.

140. Hansen's amended complaint for RICO charges and damages alleges continuing violations, and for proximate damages caused thereby, as outlined below. In order to conform to FRCP Rule 8, and not burden the Court, this complaint contains only statements, together with documentation, of a small number of predicate acts that are required under RICO and Hobbs in order to void the anticipated motion to dismiss on the bases of insubstantiality. Some of the supporting documents mentioned in this Claim/Complaint have already been filed with this Court, see Hansen's Exhibits already on file in this case, Exhibits labeled as A- N.

Conspiracy to Commit Predicate Acts, Extortion, Mail & Wire Fraud, Kidnapping, Witness Tampering, Concealment of Evidence, Violations under RICO and Hobbs Act

141. Hansen alleges that the "predicate acts" of extortion, mail and wire fraud, kidnapping, witness tampering, alteration and concealment of evidence and fraud under both RICO and Hobbs, do establish a pattern of racketeering, and extortion, by Defendants which constitute the Association-in-fact "Enterprise".

142. A "pattern of Racketeering activity" is defined to be a pattern that has both continuity and relationship. This pattern began on or about August 11, 2011 and only gravely increased, with Defendant Dieterle's multiple malicious and fraudulent statements in his documents as a part of his criminal scheme to cause harm to Hansen; this continues to this moment and have only

gained in gravity against Hansen, and there is certainly a threat that such activity will continue, and there is no evidence available to Hansen that even suggests discontinuance of these activities. Continuation of this pattern by Defendant's is also a continuation of damages to Hansen.

143. Hansen further alleges that this pattern contains a sequence of events, over years, that all have the same and common purpose, and that purpose is one of egregiously deliberate, calculated and malicious, fraud and extortion which is a "pattern of racketeering activity." The particular complaints of RICO and Hobbs violations, i.e., instances of predicate and explicitly prohibited acts, against Hansen, as documented assertions, are as follows:

Duo of Conspirators Obstruct Justice and Commit Tortious Acts

144. Dieterle and Pagel have effectively set into motion their scheme against Hansen.

Working in concert as an association-in-fact committing acts of obstruction of justice and multiple instances of violating her right to due process, against Hansen. Dieterle and Pagel have also engaged in intentional, wrongful and tortious acts, the effects of which they each knew and intended would be felt in North Dakota and in the Unites States.

145 By this time Pagel was guilty of violation of numerous attorney deceit statutes by his acting in collusion, acts of deceit, malicious prosecution of Hansen, conduct involving fraud in his statements, fraud upon the court. Pagel has made numerous knowingly false allegations against Hansen, knowingly making false assertions of fact. "Fraud upon the court" is fraud that "does or attempts to, subvert the integrity of the court itself," or that is "perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudicating cases that are presented for adjudication."

146. Similarly, Model Rule 3.3(a)(3) prohibits a lawyer from knowingly submitting false evidence, including submitting deceptive or fraudulent supporting documents in connection with the filing of motions. Model Rules of Professional Conduct R. 3.3(a)(3); see, e.g., *Am. Airlines, Inc v. Allied Pilots Ass'n*, 968 F.2d 523(5th Cir. 1992) (finding violation where lawyer submitted deceptive documents in support of motion).

147. Significantly, neither of these rules requires that the intended audience of the false statement actually relies on the statement to his or her detriment. The offenses are complete upon the making of the false statement of fact to a tribunal- regardless of whether it is material-is actionable. Additional violations by Pagel include but are not limited to violations of Rule 4.1, 42 U.S.C. § 1983 and 42 U.S.C. § 1985. Combining these violations with violations of 18 U.S.C. § 1961 and 1962 along with 18 U.S.C. §241 and 18 U.S.C. §242. Since onset and as can and will be seen by the multiple malicious filings of Dieterle and Pagel, the pair had enlisted a no-holds-barred win-at-all-costs scheme of collusion against Hansen.

Judge Resigns Due to Health, is then Reassigned

148. On 10/24/2012, Judge Donald Jorgensen filed a letter to resign, with the reason stated being due to his health, this, further causes Hansen to question his health prior to and during the hearing on June 19 and 20 of 2012, as it was stated in public that Judge Jorgensen was suffering from a serious medical condition. On 11/09/2012 Judge Feland was assigned to the case; however on 12/07/2012 Judge Jorgensen was reassigned to the case. Matters during this time of Jorgensen's on and off again, were not tended to, but were just neglected by the court.

Judge and Attorney Conceal Evidence of Litigant

149. On 11/20/2013 Hansen submitted an expert report of a forensic psychotherapist and an expert report and documented expert study conducted by Autumn Ascano, with these were also

medical records, an affidavit of a nurse practitioner and ample material evidence in Hansen's favor, plus another forensic expert report submitted on December 19, 2013 and January 18, 2014, all of which Dieterle, Pagel and Jorgensen worked in concert to keep concealed. To date, there is no mention acknowledging this evidence by Pagel or Jorgensen, which was and is material evidence in support of Hansen. These documents were more than adequate evidence to dispose of Dieterle and Pagel's malicious intentionally and knowing lies against Hansen, however, at no time were these records ever mentioned by Jorgensen or later by Reich, nor the North Dakota Supreme Court, this is intentional concealment by all involved. On January 18, 2014 an Affidavit of Ms. Autumn R. Ascano, J.D. was filed in support of Hansen, again this was intentionally concealed by Pagel and Jorgensen.

New Assignment of Judge

150. On or about February 10, 2014, Jorgensen was removed from the case and David E. Reich was assigned to the Dieterle case by Gail Hagerty, and since that time there is also no mention of this material evidence by Reich either, thus further proves his aid in concealment of Hansen's evidence.

151. When Reich was assigned to the case, Pagel obviously ramped up his efforts to intentionally and maliciously distort Reich's opinion of Hansen, the same technique he used to turn Jorgensen against Hansen. The obvious abuse continued against Hansen by Dieterle and Pagel and now was aided and abetted by Reich. The RICO Defendants and their co-conspirators knowingly, willfully and intentionally made fraudulent statements both stated in sham hearings and in documents, affidavits, motions and briefs, which were mimicked by Reich in his malicious judgments against Hansen. These were all stated to corrupt all other individuals

against Hansen to create further acts of retaliation against Hansen and to infect any and all future proceedings against Hansen so as to further their scheme.

Witness Tampering

152. Pagel and Reich collectively and separately are guilty of witness tampering and intentional concealment of evidence. During yet another frivolous hearing on May 13, 2014 commencing at 9:08 a.m. brought forth by Pagel, expert witness Ms. Autumn Ascano appeared to testify in defense of Hansen against Dieterle's malicious statements and Pagel once again bullied the court, abused the time allotted, in fact, the transcript reads that Pagel used up one hour and fifty minutes of the allotted two hours. He further violated proper due process and intentionally and knowingly deprived Hansen the right to have a competent witness provide evidence on her behalf and defend against the malicious fraudulent allegations of Dieterle and Pagel. Pagel continued his intentional manipulation of the court by his mechanisms of intentional fraud and deceit, and once again Pagel knowingly and intentionally supporting Dieterle in acts of fraud against Hansen and knowingly and intentionally dragging out his frivolous and malicious prosecution against Hansen.

153. Pagel used threats to extort from Hansen tangible and intangible items, including the right of honest services. Collectively Dieterle, Pagel and Reich used force, intimidation, fear and coercion in demanding that Hansen to give up property rights and her parental rights. Dieterle and Pagel were using force and coercion to attempt to extort Hansen's parental rights from her and to deprive her of time with her child.

Judicial Misconduct and Attorney Deceit Run Rampant in Official Proceeding

154. On page 3 of the transcripts for this hearing, Judge Reich lines 24-25 “Before we start today, I am a little curious why we are exactly here,” A judge who comes to a hearing and isn’t sure why he is there, but during this hearing clearly aligns himself with Dieterle and Pagel is a cause for concern. Reich commits acts of judicial misconduct throughout this proceeding. He allows Dieterle to submit in his testimony hearsay of A. Mahoney, page 37, line 18 on. Hansen’s attorney failed to object to these multiple hearsay statements made by Dieterle to align Reich with Dieterle and Pagel. These hearsay statements were knowingly allowed by Reich and led by Pagel in his questioning. Dieterle and Pagel restate the multitude of errors in the initial decree which is severely harmful to Hansen, yet this conduct is allowed time and again.

155. Page 40, Hansen’s attorney finally objects, Ms. Chisholm, “Is this a testimony by Mr. Pagel or is this a question for Mr. Dieterle.” Judge Reich’s reply is rude as he states line 22, “Well, I don’t know, because he hasn’t finished his question. I think he is prefacing his questions by referring to an Order from the Court that’s been already issued and so until he finished his question, I won’t know, you may proceed.” This is a rude and vicious attack on Hansen’s attorney, proven by the transcript. Here Reich openly states he “thinks” the attorney is “prefacing” his question. This is speculative and further evidence of Reich’s alignment with Dieterle and Pagel. This was the first hearing in front of Judge Reich, which he already was demonstrating impatience, rude behavior and misconduct.

156. Dieterle makes intentional fraudulent misstatements to the court in an attempt to manipulate the court against Hansen. Transcripts, page 64, lines 1-4, Dieterle as witness: “Originally the judgment – she got her two weekends a month and then two weekdays a month and then anytime I couldn’t take care of B.L.D./// because I was employed, then she got first opportunity to provide care,” For one, this is an intentional misstatement to attempt to confuse

the judge, as the Addendum to the decree specifically spells out the parenting time for Hansen. Two, this Addendum was created by Jorgensen, proving his favoritism for Dieterle and his bias against Hansen, wherein a judge makes a parenting plan schedule one hundred percent based solely upon his favoritism of Dieterle only, and completely overlooking the rights of Hansen and her child. Doc ID # 266, APP 175-176 of Boughey's Paperwork in Appeal.

Judge Shows Hostility towards Litigant and her Attorney in Official Proceeding

157. Hansen's attorney page 82, line 10 "Does your honor, wish to have me start?" Page 82, lines 15 – 20 THE COURT : "well, you know how long the hearing is. I don't have any information about your client basically on what her circumstances are. In developing a parenting plan, I need some information so I suggest we take the 15 minutes we have and get some information so I can try to put together a parenting plan." Judge Reich not only interrupts Hansen's attorney, but abuses his position and uses coercion, he clearly states he doesn't know about Hansen as a litigant in these matters, wherein if he would have read Hansen's documents which were filed ahead of the hearing in response to the motion brought forth against her, he would have known. Furthermore due to his tactic Judge Reich deprives Hansen from having an expert witness testify. Page 82 of the transcripts lines 21 -23, Hansen's attorney "Well, that's my concern, your honor that's where Ms. Ascano [sic] comes into play here. She completed a parenting - -."

Judges Open Bias against Litigant and her Attorney

158. THE COURT "It's my – if you need more time, make arrangements before the nearing, Okay? You have two hours and you know that." Ms. Chisholm: "And I apologize, your honor, I did not schedule the hearing. Mr. Pagel did." THE COURT: "I didn't schedule it either. I just show up and my computer says I have a hearing at 9:00 a.m. and I have a hearing at 11:00 a.m.

so I know we need to be done before 11:00.” Judge Reich speaks directly to Pagel: “So I assume there was a listing price and that Mr. Dieterle agreed to and signed the agreement; is that right?” Mr. Pagel: “I would assume so, your honor.” Reich doesn’t care that Hansen just stated that she had not seen this agreement as stated on page 95 line 3 “No, I haven’t seen anything of it.”

Judge Turns Prosecutor in Official Proceeding

159. Judge Reich then turns to the position of prosecutor in directly examining Hansen he interrupted Hansen’s attorney and Hansen during this hearing. Court was adjourned at 10:59 a.m. Hansen’s witness was intentionally deprived to testify and Hansen was given less than 15 minutes of this two hour hearing.

160. On August 26, 2014 Hansen filed on the record an Affidavit of R.P. Ascano, once again this was ignored and in fact concealed by Reich and Pagel. Hansen had several witnesses who were available to testify and who filed affidavits on the record, and each of these was ignored, not one of the orders of the court ever mentions any of Hansen’s evidence.

161. Then due to the manipulations of Pagel upon the court the May 13, 2014 hearing had to be continued to September 4, 2014. At this hearing, Reich even stated on the record that he was uncertain why we were there that day. Page 3 lines 17 – 18, THE COURT: “Okay. There are a number of pending motions.”

162. Page 9 Line 4, Judge Reich interrupts questioning of Hansen by her attorney. Hansen testifies that Dieterle changed the listing price of the ranch, yet, Jorgensen and Reich both have violated Hansen’s right to her property and have any say in price, etc.

Judge Displays Multiple Acts of Rude Behavior Trickery and Coercion towards Litigant in Official Proceeding

163. Judge interrupts Hansen's testimony... THE COURT... page 41, line 12 & 13, "ma'am, you just need to answer the question. Okay?" Hansen, line 14 "Okay". Line 15 -17, THE COURT: "Because we're not going to get finished here if you go off and try to explain everything. Listen to the question; answer the question is asked. Okay?" Hansen line 18 "Yes." Again Reich interjects during Hansen's testimony. Line 19 & 20, THE COURT:... "Keep going on and I'm either going to cut you off or I'm going to have you take a seat." Hansen line 21 "Okay." This is an act of bias, hostility and attempted trickery and coercion by Reich against Hansen. In each hearing he continually interrupts Hansen and her attorney. Reich intentionally and knowingly committed acts of conspiracy to aid and abet Dieterle and Pagel. His overall tone, tenor and candor were hostile towards Hansen.

164. Pagel continued his abusive malicious disparaging questioning of Hansen and Reich did absolutely nothing to address Pagel's discourteous outrageously rude aggressive behavior towards Hansen. Pagel tells Hansen to force her four year old daughter to walk instead of carry her. Pagel intentionally and knowingly lies to the court, Page 53 of the transcripts line 21: Pagel states "And Judge Jorgensen found that protection order was not valid?" This is not true, in fact after a full and fair hearing Hansen was granted the protection order because of the abuse from Dieterle to Hansen and her girls. Here is another example of Pagel's ongoing malicious lies in an effort to continue the scheme of conspiracy against Hansen. The continued physical abuse from Dieterle to Hansen was again testified to at this hearing. Page 54 line 21 Mr. Pagel states: "And during that exchange, you alleged that he pushed you off of his semi-truck?" Hansen, line 23 "Yes, he did." Pagel continued to manipulate the court. He used scatter tactics, when one thing didn't go his way he would scatter off to another malicious knowingly false statement against Hansen.