

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS , NORTHERN DIVISION

STEPHEN WARD

PLAINTIFF

V. Case No. 3:22-CV-00250-LPR

HAROLD COPENHAVER, et al.

DEFENDANTS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 29 2024

TAMMY H. DOWNS, CLERK
By: *[Signature]*
DEP CLERK

PLAINTIFF’S MOTION TO STRIKE LISA TREVATHAN’S MOTION TO DISMISS & AND AFFIRMATIVE DEFENSES & BRIEF IN SUPPORT.

Comes now Plaintiff Stephen Ward in human capacity in this court of record in his **PLAINTIFF’S MOTION TO STRIKE LISA TREVATHAN’S MOTION TO DISMISS & AND AFFIRMATIVE DEFENSES & BRIEF IN SUPPORT.**

1. On April 19, 2024 , The Attorneys for Lisa Trevathan filed a MOTION TO DISMISS & BRIEF DOCKET # 31 & DOCKET #32
2. On March 25, 2024 Judge Lee Ruofsky signed an ORDER which denied the Plaintiff’s ability to pursue his full case even though this is a Jury Trial.

DOCKET #14

STATEMENT OF THE PLAINTIFF

3. In Judge Rudofsky’s Order, he made many unprofessional and biased statements which were sent a signal to the Defendants that the Judge was

planning to dismiss the case which caused statements from Defendant Simrit Kaur (Alias) “ That's why you've been told it will be dismissed” .

4. In the Plaintiff’s view, Judge Rudofsky had every intention of ignoring all the evidence provided and breaking the Plaintiff’s case into segments that would make it impossible for the Plaintiff to pursue.
5. In the Plaintiff’s view, Judge Rudofsky had no intention of allowing Plaintiff Stephen Ward to actually obtain a fair trial as Judge Rudofsky only wanted to present the illusion of fairness in hopes that the Plaintiff would not notice, or understand the miscarriage of Justice.
6. The Plaintiff’s exercises his First Amendment Right of the United States Constitution which guarantees the Plaintiff’s right to freedom of Speech and Under the Under Federal Rules of Civil Procedure rule 10 which states in pertinent part that the only requirements are as follows:
 7. (a) CAPTION; NAMES OF PARTIES. Every pleading must have a caption with the court's name,a title, a file number, and a Rule 7(a) designation. The title of the complaint must name all the parties; the title of other pleadings, after naming the first party on each side, may refer generally to other parties.(b) PARAGRAPHS; SEPARATE STATEMENTS. A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.

8. The Plaintiff's Prima Facie **MOTION TO STRIKE LISA**

TREVATHAN'S MOTION TO DISMISS IS clearly is within Rule 10 guidelines with everything else being simply a matter of style. The Plaintiff specifically brings up Judge Rudofsky's miscarriage of Justice and biases as a matter of free speech under the First Amendment of the United States Constitution and as a matter of style so that he provides a very clear picture of why the Plaintiff would have to overcome the challenges presented by the Judges ORDER on March 25, 2024 and acted on by Attorneys for Lisa Trevan's "Motion to Dismiss" which state now that she should be dismissed because there are only state claims involved since Judge Rudofsky denied the Plaintiff his right to pursue her in all conspiracy references and all other COUNTS.

9. In the Plaintiff's view it a shame that he have to protect himself against an abuse of power from someone who is acting as agate to prevent the Plaintiff from equal access to public accommodation and who violated the Plaintiff's 14th Amendment rights Of the United States Constitution that states the Plaintiff is equal under the law.

10. Based on the decisions , statements and ORDERS of Judge Rudofsky, The Plaintiff's pleadings are at times OBTUSE (stupid) and MUCK (manure).

11. Based on the decisions , statements and ORDERS of Judge Rudofsky, The Plaintiff is not Equal under the law and does not deserve an equal opportunity to present his case to a Jury of his peers.
12. The Plaintiff has asked that Judge Rudofsky be disqualified for his biased and inappropriate statements.
13. The Plaintiff discussed with the eighth circuit that Judge Rudofsky should not be Judge of the Plaintiff's "MOTION TO DISQUALIFY". The Eighth circuit recommended that I request the Chief Judge to Rule on the Motion.
14. The Plaintiff immediately called the Judge's clerk Heather and asked that the Chief Judge rule on the Motion. Heather informed the Plaintiff that She needed it in writing. The Plaintiff asked to fax, email or electronically his request and Heather said No however the Judge was out for the rest of Thursday, and will not be back till Mon. The Plaintiff stated that he could have it writing and would simply overnight the request.
15. Shortly thereafter Judge Rudofsky ironically clocked back in so to speak so that he could personally decide whether or not he should disqualify himself. What an honorable Judge to come back from his time off to rule on only my MOTION to Disqualify.
16. Predictively he denied the Plaintiff's Motion as can be seen in DOCKET # 25 where he stated "This is a TEXT ENTRY ONLY. *There is no pdf*

document associated with this entry.) ORDER: To the extent Doc. 23 is asking for me to recuse myself from this case, that request is denied. Nothing in the Motion (or outside of it) requires my recusal under the recusal statute or the applicable judicial cannons. To the extent this document is a request for me to transfer this case to the Supreme Court, that request is denied as wholly meritless. To the extent this document is a request for me to grant an interlocutory appeal, it is denied as failing to meet the requirements for such an appeal. To the extent this document is a request for action addressed to the Chief Judge of the Eastern District of Arkansas, the Eighth Circuit, or the Supreme Court (as opposed to requesting action from me), it is not appropriate for my comment at this time. Signed by Judge Lee P. Rudofsky on 4/11/2024. (hml) (Entered: 04/11/2024)”

17. In response to Judge Rudofsky’s invitation for the Plaintiff to have a PRO BONO Attorney. That invitation is DENIED. The Plaintiff is well aware that the Judge would only use my PRO BONO Attorney to further deprive the Plaintiff of equal access and a fair Jury trial. Together the Judge, My Attorney along with all of the Defendant Attorneys would put on an all star performance of the illusion of justice, and No one will ever say anything about all the violations of the Judges and Attorneys violations of the rules of professional conduct.

18. With that being said the Plaintiff will attempt to challenge Lisa Trevathan's Motion to Dismiss because even though the Plaintiff is fighting against the odds created by Judge Rudofsky. The Motion to Dismiss should still be denied as a matter of law.

19. The Motion to Dismiss from Lisa Trevathan is in fact a " Motion for Summary Judgement" since the request is to dismiss the case entirely against Lisa Trevathan. The Defendants pleadings have not reached the level of particulars required by FRCP rule 56- Summary Judgement, such as Affidavits , or show that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

20. Paragraph 1 should be denied as a matter of law because the Defendant's attorneys have failed to follow FRCP rule 8 which states:

(a) CLAIM FOR RELIEF. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

And Therefore should be denied because Lisa Trevathan's Attorneys not only failed to provide a short and plain statement showing that the court had jurisdiction. In fact they claimed that the court did not have jurisdiction.

21. Paragraph 2 should be denied as a matter of law because the Defendant's attorneys have failed to state which Federal Law that "requires a party to be protected", and then after building his straw man unsupported Federal Law claim he states "consequently" that the Motion should be decided prior to requiring her to ANSWER or appear for any discovery. Lisa Trevathan could have produced a "PROTECTIVE ANSWER" but chose not to. And Therefore should be denied.

22. Paragraph 3 is the result of Judge Rudoifsky's biased and Judicial misconduct and is the very thing that Judge Rudofsky anticipated would happen when he dismissed Lisa Trevathan from all other Counts. The Plaintiff insist that Lisa Trevathan not be dismissed from this case based on the State Claims only approach because the State Claim is still included in

this case and will likely need to stay since Defendant Wannda Turner is involved in both the Federal and The State claims which will prevent it from being dismissed as a matter of law. Since it has not and may not be dismissed then its premature to speculate that it may be dismissed. Unless we factor in the inconvenient truth that Judge Rudofsky signaled to the Defendants that it the court may decline to take up the state claim. With Wannda Turner being a part of The Federal and State claims and the fact that Lisa Tevathons and Wannda Turner's activities were a group effort and deeply intertwined within each other. It would be impossible to fully pursue Wannda Turner and the other Defendants if we severed the State Claims. This would also be inappropriate because it would leave Wannda Turner being sued in Stated and Federal Court for the same group of activities. And Therefore should be DENIED.

23.Paragraph 4 should be denied as a matter of law because Lisa Trevathan was served by Lisa Trevathans's supervisor who is someone over 18 years old
FRCP rule 4 states that Service can be provided by:

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

And if additional service is needed the Plaintiff has 90 days to serve the Defendant according to FRCP rule 4m. If the Court finds that Lisa Trevathan

was not served then the Plaintiff does not know why the US Marshall service would have not served Lisa Trevathan properly. However now that it has been brought to the Plaintiff's attention the Plaintiff request that Lisa Trevathan and her Attorneys make arrangements to be properly served. Additionally since Lisa Trevathan has not been served properly he Motion to Dismiss should be DENIED in its entirety since Lisa Trevathan has no standing to ask the case to be dismissed as she is not at this moment an actual party to this case. Defendant Lisa Trevathan's Attorneys appear to be stating that Lisa Trevathan should not be required to do anything because she hasn't been served, but then at the same time asks the court to make rulings in her behalf as if she is a party. Therefore Paragraph 4 should be DENIED. Additionally, On April 3, 2024 ,Lisa Trevathan was sent a Rule 4 Waiver of the Service of Summons.as prescribed by FRCP rule 4 (d) 1. And Lisa Trevathan failed to sign or respond to the request at all. As stated in FRCP rule 4 (d) 2 Lisa Trevathan is required to pay the expense of the service.

24. Paragraph 5 should be denied as a matter of law because Lisa Trevathan's Attorney makes only conclusory statements that are unsupported by any evidence other than the facts the Lisa Trevathan's Attorney made the claim. He refers to post and phones calls but fails to quote, identify or give anyone

any indication of what quotes, who made the phone calls, what the entire context of the phone calls were, what the complaints were about ETC. Lisa Trevathan's Attorney just blurts these things out as if his word is gospel. Well its not. Under FRCP rule 8 (2), Defendants Lisa Trevathan's Attorney has failed to support his claims and therefore is not entitled to a dismissal based upon his claims. Paragraph 5 should be DENIED as requested by the Plaintiff.

25. The Plaintiff MOTION TO STRIKE Lisa Trevath's "MOTION TO DISMISS" should be GRANTED as a matter of law based on FRCP reule 12f due its insufficient ,immaterial, impertinent,defenses .
26. The Defendant Lisa Trevathan's Attorney has used this poorly constructed Motion as a replacement for an ANSWER and did not provide an ANSWER or PROTECTIVE ANSWER at all as required by FRCP rule 12
 - (a) TIME TO SERVE A RESPONSIVE PLEADING.
 - (1) *In General.* Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is as follows:
 - (A) A defendant must serve an answer:
 - (i) within 21 days after being served with the summons and complaint;

27. Lisa Trevathan's Attorney has failed to state with particularity any of his main defenses that entitle Lisa Trevathan to a dismissal.
28. Affirmative defenses may be challenged by motions to strike them from the pleadings under FRCP Rule 12(f).

Wherefore, for the reasons stated in Paragraphs 1-28 The Plaintiff asks that his Motion to Strike Lisa Trevathan's Motion to Dismiss and Affirmative Defenses be Granted and Lisa Trevathan's Motion to Dismiss and Affirmative Defenses be removed from the record and DENIED. The Plaintiff asks this court to STRIKE any future pleadings because Defendant Lisa Trevathan's Attorney has failed to provide an ANSWER and or PROTECTIVE ANSWER and as a result she has waived her right to further plead as the Plaintiff is entitled to Summary Judgement. The Plaintiff asks that if the court finds that additional service is required that the Plaintiff be granted 90 days to provide service. The Plaintiff requests that Defendant Lisa Trevathan be required to pay for the expenses or service since she failed to respond to the Plaintiffs request to waiver service. The Plaintiff also request that the US Marshall's service attempt to serve Lisa Trevathan at the time and place designated by Lisa Trevathan's Attorneys within the specified time.

Respectively submitted

Stephen Ward



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