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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

BRANDON JOE WILLIAMS®, Plaintiff, v. UNITED STATES SMALL BUSINESS ADMINISTRATION, Defendant.	No. 2:24-cv-09553-RGK-SK **Plaintiff's Response in Support of Plaintiff's Motion and In Opposition to Defendant's: "UNITED STATES SMALL BUSINESS ADMINISTRATION'S OPPOSITION TO PLAINTIFF'S 'MOTION FOR RECONSIDERATION'" [DKT. 29]** Honorable R. Gary Klausner United States District Judge

Plaintiff's Response in Support of Plaintiff's Motion and In Opposition to Defendant's: "UNITED STATES SMALL BUSINESS ADMINISTRATION'S OPPOSITION TO PLAINTIFF'S 'MOTION FOR RECONSIDERATION'" [DKT. 29]

1. First of all, this is not a "motion for reconsideration." It is a motion for exactly what it is and not anything else. I'm not sure sure why Mr. Ferrall is attempting to be my counsel by attempting to tell me what I'm filing but it's a waste of this court's time.

2. On page 2, the defense states: **"Plaintiff's Motion for Reconsideration is procedurally and substantively meritless. Procedurally, Plaintiff failed to meet and confer with counsel for the SBA within the meaning and purpose of Local Rule 7-3."**

   REBUTTAL: The judge had mentioned in his order that the plaintiff failed to respond to the original motion to dismiss. The plaintiff thought that the motion to take the case back to State court needed to be addressed first and that he should wait to respond to the motion to dismiss until the motion to remand was adjudicated.

   Obviously, that was an incorrect assumption and the original filing associated with this reply was to remedy that and to simply reply in opposition to the motion to dismiss.

   We already had a previous meet and confer as regards to the original motion to dismiss and, since the plaintiff was simply replying to that, it seemed as though that overall cycle of "origination, reply, reply" was covered by the original meet and confer that had already taken place.

   If this court would like the plaintiff and his agent to have a meet and confer with the defense, then wait 7 days to file the motion again, that is entirely fine. I do not believe it will be very fruitful but that is entirely possible if requested by the judge.

   My ideal situation, if a meet and confer is requested by the judge, is an ORDER that the meet and confer be in person. I offered that to Mr. Ferrall previously and he declined but I would personally love to have a couple cocktails with him. I'm even willing to cover the unconditional order to pay (draft) at the end of the meeting.

3. On page 2, the defense states: **"Plaintiff also filed a pleading titled as "OBJECTIONS REGARDING ORDER FROM 12/30/24 (DOCKET #23)." See Dkt. 24 ("Plaintiff's Objections"); see also Dkt. 24-1 ("Affidavit" in support). Plaintiff's Objections are equivalent to a motion for reconsideration and is duplicative."**

   REBUTTAL: The objections filing was not a "motion for reconsideration," so this statement is irrelevant delusion. A separate filing will be done to oppose the other filing made by Mr. Ferrall.

4. On page 3, the defense states: **"Plaintiff's Objections 3. Plaintiff fails to meet his burden to demonstrate this Court clearly erred in dismissing this action."**

   REBUTTAL: Within Mr. Ferrall's delusional world, this is correct. But within reality, this is incorrect. That filing was objections specifically to have a docketed filing for appeals, as needed. Not to feed Mr. Ferrall's fantasy world.

5. On page 3, the defense states: **"Plaintiff fails to state any circumstance that allows for the Court to grant the Motion for Reconsideration, pursuant to Local Rule 7-18."**

REBUTTAL: This is irrelevant as Mr. Ferrall is not my attorney and I never requested a "Motion for Reconsideration."

4. On page 3, the defense states: **"Plaintiff's Motion for Reconsideration simply repeats many of the arguments stated in his Motion for Remand and attempts to include an incoherent "Affidavit of Facts" attempting to explain his own citizenship a person and or as BRANDON JOE WILLIAMS ®. Dkt. 27- 1. This alleged "affidavit" does not include any new material facts or a change of law occurring after the December 30th Order was entered"**

REBUTTAL: The fact that this affidavit is evidence and meets the Rules of Evidence #402, 602 and 603, alone, makes it an entirely new situation as this affidavit is now entered into this case as fact… whereas the irrelevant hearsay that Mr. Ferrall has entered into this case has been effectively replaced by the factual evidence contained on the sworn affidavit.

Until, of course, Mr. Ferrall decides to step up as a witness and truly place himself on the chopping block by putting an affidavit of his own on the table. Mr. Ferrell should hang his hat as an advocate and go all-in as a witness so the plaintiff may cross-examine him. He should place an affidavit on the record and choose to operate as a witness in accordance with the Rules of Professional Conduct #3.7.

As far as the "incoherent" aspect that Mr. Feral has mentioned, it's not the responsibility of the plaintiff or his agent to ensure the understanding of the defense or their representation. By Mr. Ferrall saying that the affidavit is "incoherent," he is simply stating that he does not have the intellectual capacity to understand the only piece of evidence currently on the record for this case. This does not bode well for him or his client and is an awful defense strategy.

That's ok. Mr. Ferrall can continue to not understand each and every aspect of anything the plaintiff or his agent places on this docket. If Mr. Ferrall has a confusion, he can always pick up the phone or invite the agent for drinks. Failing to do so and failing to place personal testimony (evidence) into this case has already resulted in (and will continue to result in) his acquiescence.

5. On page 3, the defense states: **"To the extent that Plaintiff brings his Motion for Reconsideration andObjections as a non-human entity, as "BRANDON JOE WILLIAMS ®" – a "public corporation" [Dkt. 27 at 1; Dkt. 24 1], the Court should deny the motion because a non-human entity cannot appear pro se in this Court**

and must be represented by a member of this Court's bar. See C.D. Cal. L.R. 83-2.1.1.1; 83-2.2; 83-2.2.2."

REBUTTAL: The term "represent" means the following: **"To appear in the character of; personate; to exhibit; to expose before the eyes. To represent a thing is to produce it publicly. Dig. 10, 4, 2, 3; In re Matthews, 57 Idaho, 75, 62 P.2d 578, 580, 111 A.L.R. 13. To represent a person is to stand in his place; to supply his lace; to act as his substitute. Plummer v. Brown, 64 Cal. 429, 1 P. 703; Seibert v. unn, 216 N.Y. 237, 110 N.E. 447, 449."**

As made clear in the definition, the term "represent" means there are a minimum of TWO parties. So in the sentence "are you representing yourself?" there must be two independent parties: one as defined by the word "you" and another as defined by the word "yourself."

When taking the Commerce Clause of the Constitution into consideration, this makes perfect sense: the "you" would be defined as " a 'man' of the 'Union,'" in accordance with the Honorable Justice Miller in ***The Slaughter-House Cases, 83 US 36 (U.S. Supreme Court - 1873)***," while the word "yourself" would be defined as "a commercial entity that can be entered into the public arena as a 'person' under the Commerce Clause. In its most basic form, this person is called a 'sole proprietorship.'"

In order for the court to have "plenary power" over a plaintiff or defendant, that plaintiff or defendant must fit within the Commerce Clause.

EVERYONE who is suing pro se is operating under the above equation, even if that situation is not clearly delineated like I have done so in this case. I truly believe that very few people are even aware of this fact. This fact was also clearly delineated in my affidavit under point #17 and has not been rebutted or handled in any testimony in accordance with the Rules of Evidence #402, 602 and 603.

Non-commercial entities may not sue in Federal or State court due to the Commerce Clause of the Constitution. Hence the reason I was given a sole proprietorship with a Social Security Number (tax-identification number) near my birth. I am not opposed to this system and am quite pleased to have this sort of setup as it buffers me and gives me limited liability at all times in commerce.

A sole proprietorship is a unique type of entity that may be represented by its "owner," due to the fact that the sole proprietorship and the owner are typically considered to be the same "person." The reason why this is, is due to the fact that, since a "man" of the "Union" is not legally an "individual" or "person," the courts are unable to directly "see" and address them. Whereas the sole proprietorship is a strictly commercial entity where the "owner" has expressed some kind of commercial interest in it, thus allowing a sort of "filter" or "flowthrough" that permits the court to "see" the "man" of the "Union."

United States v. Doe, 465 US 605 (U.S. Supreme Court - 1984) is an excellent case that speaks about this situation in detail.

The facts of this situation are not new or novel, it's only the explicit explanation and delineation in this case that is unique. This situation applies to **EVERY** pro se case that has existed for over 100 years in our court system.

6. On page 4, the defense states: **"Although not mentioned in the Federal Rules of Civil Procedure, motions for reconsideration may be brought under Rule 60(b), as well as under Local Rule 7-18. A motion for reconsideration "should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law."Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009) (citation omitted). The movant bears the burden of proving that reconsideration is proper. 389 Orange St. Partners v. Arnold, 179 F.3d 656, 665 (9th Cir. 1999)"**

   REBUTTAL: Even just the fact that there has been only one single piece of testimony that is evidence, now on the record (which is the affidavit written by the plaintiff's agent in docket 24-1 and 27-1) is, in itself, "newly discovered evidence." It is, in itself, "newly discovered." So, while that's not what the filing is, it would still fit in what Mr. Ferrall has written above.

7. On page 5, the defense appears to just be trying really hard to address an inability for the plaintiff or his agent to do something that they have simply not asked for. Mr. Ferrall keeps desperately speaking about "reconsideration" when that was never asked for. So, while that's cute I suppose, this is all a waste of the court's time.

   It's as if the plaintiff and his agent asked for an old fashioned (cocktail) and the defense is objecting and going on and on for multiple pages about how "I may get salmonella for uncooked meat." It's irrelevant and annoying.

   Maybe Mr. Ferrall gets paid by the hour and he's enjoying the fruits of my filings. In that case, am I his employer?

8. On page 5 moving into 6, the defense states: **"The Motion for Reconsideration and the "Affidavit of Facts" [Dkt. 27-1] do not explain any fact or law that was not previously known to Plaintiff when he filed his Motion for Remand; the pleadings do not show new material facts or a change of law that occurred after the December 30th Order was entered; and the pleadings do not show the Court failed to consider material facts presented to the Court before the December 30th Order was entered. See C.D. Cal. L.R. 7-18"**

   REBUTTAL: This filing is not a "motion for reconsideration" nor is any of this falling under the definition of "pleadings." So I'm not sure if Mr. Ferrall is confusing this case with another case or what but that's not what is happening here.

9. On page 6, the defense states: **"Also, the Court correctly rejected Plaintiff's arguments in its prior Order. For example, Plaintiff's attempt to repeat that his claims rely on various strange and legally unsound arguments based on citizenship or the purported lack thereof. Cf. Affidavit of Facts [Dkt. 27-1]; with Plaintiff's Reply Brief in support of Motion for Remand [Dkt. 17] at 4-6 ("Plaintiff's position is firmly grounded in established legal principles distinguishing between**

incorporated entities subject to suit and unincorporated sovereign entities…[t]he differentiation between Plaintiff Brandon Joe Williams (unincorporated 'freeman' of the 'Union'… and BRANDON JOE WILLIAMS ® (incorporated juristic person [known as a 'sole proprietorship'] – described as a 'person,' 'individual,' or 'natural person') is based on statutory interpretation—not fringe theories…By focusing on these distinctions, Plaintiff demonstrates that Defendant's invocation of sovereign immunity is wholly inapplicable here.")). The Court correctly stated "[t]hese arguments are highly similar to those made by sovereign citizens, which courts have uniformly rejected… [t]he Court sees no reason why Plaintiff's arguments in this case should fare better." Dkt. 23 at 2-3"

REBUTTAL: While this is a lot of adorable text speaking as maybe a witness rather than an advocate of his client, Mr. Ferrall has failed to enter anything onto the record that would be considered evidence in accordance with the Rules of Evidence #402, 602, and 603.

So while it may be cute or adorable to read what he has to say, it's all hearsay because it cannot be determined if he is a witness or advocate and, if he is a witness, he has failed to place his personal knowledge under oath or affirmation under the Rules of Evidence #602 or 603. This is a violation of the Rules of Professional Conduct #3.7.

10. On page 6, the defense states: **"Plaintiff still does not meaningfully dispute that proper removal under 28 U.S.C. § 1442(a)(1)"**

    REBUTTAL: In 28 U.S.C. § 1442(a), the term "State court" is defined in 28 USC § 1442(d)(6) as "(6) The term "State court" includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court." State of California is not a "United States territory" or an "insular possession." Examples of those would be: Guam, American Samoa, Wake Island, Midway Islands, Johnston Atoll, and U.S. Virgin Islands, Puerto Rico, etc. So the removal is not correct under 28 U.S.C. § 1442. State of California would not be under the exclusive jurisdiction of the national government, as clarified in ***Caha v. U.S., 152 U.S. 211 (U.S. Supreme Court - 1894)***.

    As per the above definition of "State court," this definition would not include the original case which originated in a court in State of California.

    This removal only works if the originating case was done in the District of Columbia or one of the U.S. Territories. The case never originated in one of those areas and, as such, removal was incorrect. State of California is not a State under the exclusive jurisdiction of the national government (which, as a person, would be called "United States.")

    Now I have "meaningfully disputed" Mr. Ferrall's claim. I will actually be writing a motion as regarding this new revelation to void the original order of acceptance of removal to Federal court.

11. On page 7, the defense claims: **"Each of these elements were soundly and throughout explained that the SBA is a "person" within the meaning of the statute, as it is a United States agency."**

REBUTTAL: This means, factually, that the SBA is a "US citizen" and does not have sovereign immunity. If anything falls within the definition of the word "person," then it wouldn't, by definition, have "sovereign immunity." This is literally a joke and laughable. How can something that falls under the definition of "person" have "sovereign immunity?"

The term "person" is synonymous with the terms "subject" and "US citizen." "SBA" is a 14th Amendment citizen. This is made obvious in 42 USC 9102(18)(B).

Even looking at any criminal case that is entitled "UNITED STATES V JOHN DOE" or any other title shows you how simple this is. A "person" is "someone who can sue and be sued." The fact that "UNITED STATES" can sue, shows factual evidence that it can, in fact, be sued. The idea that a person can sue and not be sued is laughable.

For example, Brandon Joe WIlliams cannot sue or be sued. Because he is not a person. He needs to use BRANDON JOE WILLIAMS® to operate in the world of commercial litigation.

How is this any different? So "UNITED STATES" can sue but not be sued? That's an absolute insane abuse of power on so many levels. How would a jury feel about that?

12. On page 7, the defense states: **"Plaintiff's Objections 3. This confirms his express consent to the Court granting the SBA's motion to dismiss in its entirety. See Dkt. 23 at 3; see also C.D. Cal. L.R. 7-12. Plaintiff should not be afforded any opportunity to file an amended complaint to retain the Court's jurisdiction while also claiming this Court should have never presided over this action."**

    REBUTTAL: It's refreshing to see that Mr. Ferrall, who appears to know best for what I want to file in this case on behalf of my principal, actually refers to my filing as "Objections."

    This court has enough jurisdiction to realize that this case has been incorrectly forwarded to it as an attempt to prevent a default judgement at the State level. This court has enough jurisdiction to say "we cannot adjudicate or dismiss State claims and, due to the fact that there are no causes of action that fit our limited jurisdiction, this court hereby orders this case to be sent back to State court where it can be properly adjudicated." This court has enough jurisdiction to say "this removal from State court should have never happened because "State of California" is not a part of the definition of "State court" in 28 USC § 1442(d)(6)."

    Anything said besides the above is simply an abuse of discretion and will be sent to appeals to be properly addressed.

    It's disgusting that this case has already gone this far in terms of how irrelevant everything has become here.

13. On page 8, the defense states: **"As previously explained, Plaintiff's entire Complaint is derived from various sovereign citizen theories, held by numerous courts to be patently frivolous."**

    REBUTTAL: This quote, as well as the proceeding section written by Mr. Ferrall, is all moot due to the fact that Mr. Ferrall has already refused to rebut the affidavit, which is

evidence in accordance with the Rules of Evidence #402, 602 and 603. Mr. Ferrall has already agreed to point #56 of the affidavit in evidence, so he is doing nothing more than contradicting himself here. While this is an interesting attempt to maybe upset the plaintiff and his agent, it does nothing more than undermine his argument and make him look inept in his handling of evidence.

In conclusion:

Mr. Ferrall has failed to do anything at all to rattle, question or address the evidence contained in the previous affidavits from docket #24-1 and 27-1, which are now the only evidence in this case. He has failed to enter in any sworn testimony that would overpower or contest against the current evidence.

Mr. Ferrall is hereby in agreement with each individual point of the affidavit and hereby agrees that this case should be remanded back to State court to be addressed as per the original complaint.

Mr. Ferrall is still not entirely sure if he is a witness or an advocate in this case, but he is entirely sure that he is in agreement with each individual point of the affidavit in docket numbers 24-1 and 27-1.

Local Rule 11-6.2 Certificate of Compliance:

The undersigned counsel of record for BRANDON JOE WILLIAMS® certifies that this memorandum contains 3,455 words and is 8 pages which complies with the word limit set by L.R. 11-6.1 and the page limit set by the Court's Standing Order [Dkt. 6]

Dated: January 23, 2025

Respectfully submitted,

BRANDON JOE WILLIAMS®
By: */s/ Brandon Joe Williams, agent*