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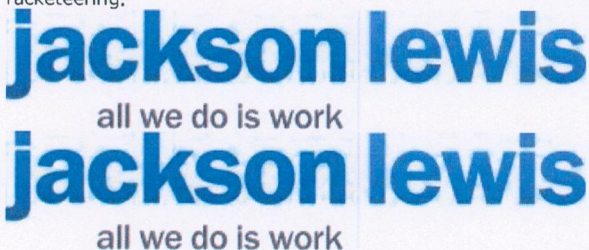
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## Ivy Racket in the US District Court, Massachusetts, Deprives Disabled Nurse of Her Rights through Simulated Litigation

Ivy Racket in the US District Court, Massachusetts, Deprives Disabled Nurse of Her Rights through Simulated Litigation

The litigation records include simulated minutes, orders and electronic authentication records. Conduct of simulated litigation is a common practice in the state and US court, often to benefit financial institutions, corporations and government officials, and to deprive individuals of their lawful rights. The electronic record systems of the US courts, PACER and CM/ECF, are therefore opined by Dr Zernik as large-scale fraud, which undermines the integrity of the US courts and the Human Rights of the People of the United States. The conduct of simulated litigation in cases before the US courts is opined as racketeering.



In McGarry v Geriatric Facilities of Cape Code, Inc et al, Laura McGarry, a disabled nurse, filed complaint pursuant to the Americans with Disabilities Act, 42 USC §1218(2), claiming discrimination based on disability, related to the refusal of Defendants to interview her for an open position of full-time Assistant Director of Nursing. [[i]]

### Conduct of Simulated Litigation

The evidence, detailed below, documents that Plaintiff Laura McGarry, a disabled American, who attempted to protect her rights under the law of the United States, was denied access to an honest court. Instead, through collusion of judges, court personnel, and attorneys for the Defendants, she was subjected to simulated litigation: [[ii]]

The records include simulated minutes, orders, and electronic authentication records (NEFs – Notices of Electronic Filing).

Judge O'Tool appeared in the case with no valid Assignment Order (no Dkt #). Of note, Judge O'Tool presided in cases pertaining to corruption of the Boston justice system, and entered harsh sentences on those convicted. Judge O'Tool is also advertised as an expert on electronic court technology. [[iii]]

Magistrate Sorokin appeared in the case with no valid Referral Order (no Dkt #, simulated NEF).

Pro Se Plaintiff McGarry in part realized that the litigation was simulated, and approached Chief Judge Mark L Wolf in this regard (see letter, with litigation records, [i]). There is no evidence of corrective actions by the Chief Judge. Of note, Chief Judge Wolf served as Deputy U.S. Attorney and was chief of the Public Corruption Unit from 1981 to 1985.

Authority of the attorneys for Defendants (Jackson Lewis LLP, a large national law firm, specializing in labor/employment law) as Attorneys of Record, is yet to be established. Most likely they falsely appeared with no authority at all: No record appears in the docket, where they signed as Attorneys of Record; they never filed any declaration by any of the Defendants, and the Answer (Dkt #21) is not verified. [[iv]]

Of particular concern is the disappearance from the PACER docket, with no evidence of due process, of the record of Plaintiff's Motion for Contempt (Dkt #85), which was duly filed and docketed (see the Motion and the NEF with litigation records, [i]).

Due authority of court personnel, who issued summons and "entered" minutes and orders, as Deputy Clerks, remains to be established.

Electronic Record Systems of the US Courts: PACER and CM/ECF

Conduct of simulated litigation is a common practice in the state and US courts, often to benefit financial institutions, corporations and government officials, and to deprive individuals of their lawful rights. [[v]]

The conduct is enabled through the invalid electronic record systems of the US courts, PACER (for public access to electronic court records) and CM/ECF (for case management and electronic filing). The systems were implemented by the Administrative Office of the US Court with no public oversight.

The essence of the fraud is in the publication of online PACER dockets, which appear to a naïve reader as valid court records. However, the PACER dockets, as seen in this case, include numerous records that are unauthenticated, and are deemed by the US courts themselves as void.

The public, and most often pro se litigants as well, cannot distinguish between valid and void court records, since public access to the NEFs - the clerk's electronic authentication records. [[vi]]

The case at hand is unique. Pro Se Plaintiff Laura McGarry was permitted access to CM/ECF, and therefore, most of the NEFs of judicial and clerical record in this case are included among the records, linked below.

The electronic record systems of the US courts, PACER and CM/ECF, are therefore opined by Dr Zernik as large-scale fraud, which undermines the integrity of the US courts and the Human Rights of the People

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of the United States. [[vii],[viii],[ix],[x]]

The conduct of simulated litigation in cases before the US courts is opined by Dr Zernik as racketeering.

#### Judges and Court

The US District Court, Massachusetts, is the oldest US District Court in the United States, as proudly stated on the Court's web site.

Chief Judge Mark L Wolf – is a graduate of Yale College and Harvard Law School. He was appointed a Deputy U.S. Attorney and was chief of the Public Corruption Unit from 1981 to 1985. Wolf was a lecturer at Harvard Law School from 1989 to 1990, and a lecturer at Boston College Law School in 1992.

US Judge George A O'Tool - the case is listed as "assigned" to US Judge George A O'Tool, a graduate of Boston College and Harvard Law School.

US Magistrate Leo T Sorokin - the case is listed as "referred" to US Magistrate Leo T Sorokin, a Yale College and Columbia Law School graduate.

The names of numerous individuals, members of the Court's staff appear in the court records in the case. Their exact authorities remain to be determined.

Attorneys for Defendants

Partner Guy P. Tully and Associate Brian Childs, from the Boston office of the law firm of Jackson Lewis LLP, appeared in the case and filed papers on behalf of Defendants. Jackson Lewis LLP – is a large national law firm, with over 650 attorneys in 46 offices nationwide, specializing in labor and employment law. The Boston office Managing Partner Andrew Pickett is a graduate of Princeton College and Cornell Law School.

#### Constitutional Crisis in the United States

Corruption of the courts has reached the level of a constitutional crisis, the like of which has not been seen since the Civil War. The People are deprived of life, liberty, and property, with no due process of law. [[xi],[xii]]

#### The Author

Joseph Zernik, PhD, of Human Rights Alert (NGO) has gained substantial experience in recent years in analyzing fraud in the electronic records of the state and US courts. His opinions on these matters were supported by official report of the UN Human Rights Council, by the opinions of highly-reputed law enforcement and computer science experts, and by peer-review in international computer and criminology journals and conferences. Submission he authored on behalf of Human Rights Alert (NGO) for the Universal Periodic Review (UPR) of Human Rights in the United States by the Human Rights Council of the United Nations was incorporated into the official 2010 UPR report with reference to "corruption of the courts and the legal profession." [[xiii]]

#### LINKS

[i] See litigation records, biographical notes of the judges and attorneys involved, news reports, and related records under:

11-06-30 RE: McGarry v Geriatric Facilities of Cape Cod Inc et al (1:10-cv-11343) - Racketeering through Simulated Litigation in the US District Court, Massachusetts

<http://www.scribd.com/doc/59124169/>

[ii] Simulated Litigation here refers to cases, where the evidence shows conduct defined in the Texas Criminal Code as follows:

Texas Penal Code §32.48. SIMULATING LEGAL PROCESS.

(a) A person commits an offense if the person recklessly causes to be delivered to another any document that simulates a summons, complaint, judgment, or other court process with the intent to:

(1) induce payment of a claim from another person; or

(2) cause another to:

(A) submit to the putative authority of the document; or

(B) take any action or refrain from taking any action in response to the document, in compliance with the document, or on the basis of the document.

(b) Proof that the document was mailed to any person with the intent that it be forwarded to the intended recipient is a sufficient showing that the document was delivered.

The practice is widespread in both the state and US courts at all levels.

[iii] See news reports under [i], above.

[iv] Regarding false appearances of counsel, who are not counsel of record, with "no communications with client" clause, see:

08-03-05 Case of Borrower William Parsley (05-90374), Dkt #248: Judge Jeff Bohm's Memorandum Opinion, rebuking Countrywide's litigation practices, Countrywide's false outside counsel scheme - appearances by counsel who are not Counsel of Record, with "no communications with clients" clause

<http://www.scribd.com/doc/25001966/>

[v] See examples of simulated litigation cases:

[1] 11-01-10 Request No 1 for investigation/impeachment proceedings, in re: US Judge JED RAKOFF and Clerk RUBY KRAJICK, US District Court, Southern District of New York, Conduct of simulated litigation in Securities and Exchange Committee v Bank of America Corporation (1:09-cv-06829)

<http://www.scribd.com/doc/46616530/>

[2] April 20, 2010 Motion to Intervene and related papers in Fine v Sheriff (09-A827) at the US Supreme Court- habeas corpus of the former US prosecutor, held for 18 months in solitary confinement in Los Angeles with no valid arrest and booking records, after he protested widespread judicial corruption.

April 20, 2010 Motion to Intervene and related papers in Fine v Sheriff (09-A827) at the US Supreme Court

i) 10-04-20 Fine v Sheriff (09-A827) Face pages of five filings by Dr Joseph Zernik with stamps showing receipt by the US Supreme Court s

<http://www.scribd.com/doc/30304657/>



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- ii) 10-04-20 Fine v Sheriff (09-A827) 1 Amended Motion to Intervene s  
<http://www.scribd.com/doc/30161573/10-04-18-Fine-v-Sheriff-09-A827-1-Amended-Motion-to-Intervene-s>
- iii) 10-04-20 Fine v Sheriff (09-A827) 2 Amended Request for Lenience by Pro Se Filer  
<http://www.scribd.com/doc/30161636/>
- iv) 10-04-20 Fine v Sheriff (09-A827) 3 Amended Request for Corrections in US Supreme Court Records  
<http://www.scribd.com/doc/30162109/>
- v) 10-04-20 Fine v Sheriff (09-A827) 4 Amended Request for Incorporation by Reference  
<http://www.scribd.com/doc/30162144/>
- vi) 10-04-20 Fine v Sheriff (09-A827) 5 Amended Appendices  
<http://www.scribd.com/doc/34050423/>
- [3] 11-04-17 PRESS RELEASE: Lomas v Bank of America (KC059379) – Fraud turns into Extortion in the Los Angeles Superior Court  
<http://www.scribd.com/doc/53212710/>
- [4] 11-02-09 Press Release: 'Don't Ask, Don't Tell' – the US Court of Appeals, 9th Circuit Insists on Conducting a Simulated Appeal from a Simulated Judgment of the US District Court  
<http://www.scribd.com/doc/49070315/>
- [vi] 10-01-03 Notice of Electronic Filing (NEF) - Review  
<http://www.scribd.com/doc/24732941/>
- [vii] 10-08-18 Zernik, J: Data Mining of Online Judicial Records of the Networked US Federal Courts, International Journal on Social Media: Monitoring, Measurement, Mining, 1:69-83 (2010)  
<http://www.scribd.com/doc/38328585/>
- [viii] 11-06-23 Chief Judge Alex Kozinski, 9th Circuit, Accepts then Rejects Notice of "Unprofessional Conduct" Regarding Large-scale Fraud in Electronic Records of the Courts-s  
<http://www.scribd.com/doc/58543472/>
- [ix] 11-04-14 PRESS RELEASE: Harvard Law Professor Yochai Benkler has been asked to review the evidence of large-scale computer fraud in the US courts  
<http://www.scribd.com/doc/52993968/>
- [x] 11-06-02 DRAFT Request for US Attorney General Eric Holder's investigation of Integrity, or lack thereof, of electronic record systems of the US courts  
<http://www.scribd.com/doc/56893149/>
- [xi] 11-06-14 Corruption of the Courts and Failing Banking Regulation in the United States: Dred Scott redux?  
<http://www.scribd.com/doc/57707808/>
- [xii] 11-06-24 Time Magazine - 4th of July Issue: Does the Constitution Still Matter?  
<http://www.scribd.com/doc/58665806/>
- [xiii] 11-05-08 Joseph Zernik, PhD, Biographical Sketch  
<http://www.scribd.com/doc/46421113/>

#### Human Rights Alert (NGO)

Human Rights Alert is dedicated to discovering, archiving, and disseminating evidence of Human Rights violations by the justice systems of the State of California and the United States in Los Angeles County, California, and beyond. Human Rights Alert focuses on the unique role of computerized case management systems in the precipitous deterioration of the integrity of the justice system in the United States.

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#### WHAT DID THE EXPERT SAY ABOUT THE CURRENT FINANCIAL CRISIS?

\* Foreclosure fraud: The homeowner nightmares continue

CNN (April 7, 2011)

\* About 3 million homes have been repossessed since the housing boom ended in 2006... That number could balloon to about 6 million by 2013

Bloomberg (January 2011)

\* "...a system in which only the little people have to obey the law, while the rich, and bankers especially, can cheat and defraud without consequences."

<http://www.scribd.com/doc/50753639/>

Prof Paul Krugman, MIT (2011)

#### WHAT DID THE EXPERTS SAY ABOUT THE JUSTICE SYSTEM IN LOS ANGELES COUNTY, CALIFORNIA?

\* "...judges tried and sentenced a staggering number of people for crimes they did not commit."

Prof David Burcham, Dean, Loyola Law School, LA (2001)

<http://www.scribd.com/doc/29043589/>

\* "This is conduct associated with the most repressive dictators and police states... and judges must share responsibility when innocent people are convicted."

Prof Erwin Chemerinsky, Dean, Irvine Law School (2001)

<http://www.scribd.com/doc/27433920/>

\* "Innocent people remain in prison"

\* "...the LA Superior Court and the DA office, the two other parts of the justice system that the Blue Panel Report recommends must be investigated relative to the integrity of the system, have not produced any response that we know of..."

LAPD Blue Ribbon Review Panel Report (2006)