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Preface:

I am submitting this Amended Opening Brief with the corrections suggested by the court and the Deputy Clerk of court which would include exhibits previously introduced in the lower court at the hearings of California Superior Court Judges Bloom and Groch, that I have now motioned to be augmented to the Appeal Court's Clerk & Reporters Transcripts, including the transcripts from the Texas State court hearings/ trial on June 30, 2010 and January 21, 2011 which culminated in a $4 million TEXAS DEATH SENTENCE judgment.

Summation of the travesty of justice:

California Judge Jay Bloom erred egregiously when stating repeatedly in the proceedings in his courtroom on April 26 and May 10, 2012 [Clerk & Reporters Transcripts] that it would be unlawful for him to question the Texas sister-state judgment of $4 million when it was transparently obvious that Texas State Judge Martin Lowy erred on all counts, by all laws and the record is crystal clear.

Judge Bloom heard in his courtroom on April 26, and May 10, 2012 my evidence of flagrant judicial abuse in Texas and supported by the facts, including the transcripts of the hearings in Texas State Court, without the other party, Plaintiff Charles Knuff or his Los Angeles attorneys able to challenge the irrefutable truths, and he concluded, again erroneously that he had no discretion as a California judge to question the flawed judgement in

Texas, which came about because Texas State Court Judge Martin Lowy immediately began to strike all my pleadings from the Texas Court record after first acknowledging that there was no evidence presented by the plaintiff Knuff and his Texas lawyers, and that I had done everything possible to comply with the rules of discovery in Texas where the law was in my favor that Texas was the wrong jurisdiction.

Page 6, line 14 of first Texas transcribed proceedings on June 30, 2010, Judge Lowy speaking to Plaintiff Knuff's Dallas lawyer Alan Loewinsohn:

> However, you may know what your lawsuit is about. Mr. Gevisser may know what your lawsuit is about. But from reading your pleadings, I don't know what your lawsuit is about. And so it's going to be difficult for me to lean very heavily on him if he doesn't give you very good responses to your requests. Because to the extent you are asking him what his contentions and defenses are, you know, if it was me, I would have to say "defenses to what."

A $4 million judgment which for added measure of sending the clearest message of intimidation, TEXAS DEATH SENTENCE, was in fact just that, "to lean very heavily".

It is not the first time that someone has done something wrong like steal property that doesn't belong to them and then force those robbed to become the slaves and to have those in command of the new laws decide what is just and fair and what is not, for example, an "illegal strike" of miners in the mineral rich regions of the world that support the lifestyles of the rich

with the guns who act far more civil in their dialogues with one another than they do when the mining houses confront with force, the striking slave wage earning miners.

There was no basis of law to support Judge Martin Lowy striking my pleadings, and that is what we are talking about; the rule of law in a society that prides itself on being a “nation of laws”, not just for the rich who have the biggest guns.

They had nothing and so to “level the playing field” they had to make out that I was being uncooperative, but they knew I had done everything within my power to respond to the nefarious allegations in the interests of “fair play”, but when lying, stealing and cheating there are no limits to human indency, and California Judge Jay Bloom could see all this as clear as day.

This obscenity, an eyesore of eyesores on the entire United States judicial system, has been going on for 3 years, and it is time for me to get my justice and if not, I still have Truth-Logic-God at my side, and those supporting this most insidious crime have nothing but their memories of having failed to do the right thing when the opportunity availed itself.

No one has the right to stand or sit idly by as Plaintiff Knuff, a former member of the US Government’s secret intelligence service, the CIA, abuses the court system to steal. The implications for the “rule of law” are very obvious considering who is the target of this most criminal conspiracy that so far no US Court has seen fit to challenge; instead to keep putting the pressure on me to be quiet by siding with the plaintiff who has never done

anything right from the start because Mr. Knuff started out with a lie that can never be fixed.

There is more than the facts of this so obvious fabricated defamation lawsuit that is what's being judged here.

California law is clear that a fraudulent judgment in another State is unenforceable in California, but California Superior Court Judge Jay Bloom first ruled on April 26, 2012, [Clerk's Transcript page 1, line 15]

> THE COURT: Okay. Well, I'm denying the motion [to set aside sister state judgment] on the grounds it was untimely. There's no new or different facts. And, three, as I indicated, this Court has no jurisdiction to reconsider a Texas judgment. It has to give full faith and credit to a valid judgment from Texas. If there's a problem, it needs to be considered in Texas, not here.

Judge Bloom, in Court Reporters Transcripts, April 26, 2012, page 2, line 7:

> THE COURT: I think it was explained to you earlier by the other judges that we have no control over the Texas case. If it's a valid case, we have to accept it. If you have an issue of how it was conducted, you have to deal with the Texas courts.

Judge Bloom in CT, April 26, page 2, line 23 repeats:

> THE COURT: Okay. But what I'm trying to say to you -- even if I agreed with you 100 percent, I have no authority to do anything with the Texas judgment. I can't do anything. I'm not allowed to.
>
> MR. GEVISSER: Even when the jurisdiction is wrong?
>
> THE COURT: I have nothing -- all I can do is enforce the judgment. If it's a valid judgment, I enforce it. If there's some validity issue, you have to go back to Texas and deal with it there. I have no authority to do anything. It's against the law, almost, for me to do anything because you have to give full faith and credit to judgments of other states.

I, Defendant Gary S. Gevisser made all the arguments starting with Texas being the wrong jurisdiction as well as the Texas Judge Martin Lowy beginning the first hearings with a Texas Court Reporter present on June 30, 2010 stating that he could find no evidence against me and therefore it would be impossible for me to defend myself, “Defenses to what?”

California Judge Jay Bloom kept repeating that his “hands were tied” when in fact he does have discretion to delve deeper into a case where nothing from the plaintiff’s side adds up, other than to grab a quick payday of $4 million and leverage this extortion to intimidate others to support Mr. Knuff’s lifestyle that allows him to be in addition to an entrepreneur selling spy email software, an abstract sculpture where anything goes, and seek out the truth and judge fairly; and common sense saying that there has to be something seriously wrong when following the Texas Judge’s admonition to Plaintiff Charles Knuff’s Texas lawyer that there is no evidence to

support the nefarious charges, and Dallas lawyer Loewinsohn incapable of coming up with a “truthful lie”, tells judge Lowy that he has a “remedy” for Judge Lowy’s dilemma, and then they figure out that simply striking my pleadings is their only option, however illegal it is.

But they are the law and can write legalize as well as have private side bar discussions which one can read in between the lines; and I am writing this, not as a lawyer, but also for a common person interested in the truth to understand.

Then Judge Lowy decides that he had better admonish me for not having a lawyer represent me; and the end result of this epic law bending which never once touches on the side of truth, is for judge Lowy to hand me an astronomical $4 million Texas DEATH SENTENCE all geared to punish me for exercising my rights of FREE SPEECH under the First Amendment and to also intimidate others in the future speaking the truth; and then utter that he is troubled by what he has done; that only someone seriously demented would even think of embarking on, and which a reasonable person would question, “Why isn’t the media all over this?”

The fact that the word “nut” and “conspiracy” are repeated ad-nausea by Texas State Court Judge Martin Lowy, Dallas, Texas lawyer Alan Loewinsohn representing California resident Plaintiff Charles Knuff and Mr. Knuff himself in reference to myself and my public website 2facetruth.com achieves the objective of masking first, the guilty judgment; second damages “windfall” to Mr. Knuff of $1 million when Mr. Knuff stated on the record time and again that he cannot substantiate any

damages ; and third, to add final insult to injury to grant Mr. Knuff a punitive damages award of an additional $3 million; all of which again Judge Jay Bloom could see as clear as daylight, as does the silent media.

Justice is only supposed to be blind to bias of the proceedings, not to the truth.

It is this exposure of the easily understandable irrefutable facts they are trying to diffuse by the derogatory and defamatory name calling; and the other reason why mention by Plaintiff ex CIA Knuff's Texas lawyer Alan Loewinsohn makes it flagrantly clear that The Internet should be controlled and censorship exercised by these criminals; quoting Loewinsohn verbatim [Texas Court Reporter transcripts, January 21, 2011, page 44, line 2];

> "With the power and the permanency of the Internet, a strong message needs to be sent so that he and others similarly situated are detered from doing this again. And, Your Honor, that just becomes more and more true every day given the power of the Internet" [sic].

In a nutshell, this trial's main goal is to identify "others similarly situated" and have them "deterred" by fear, intimidation & bribes.

Silencing me in exposing in exposing their culpability is a violation of the First Amendment to the United States Constitution which is grossly trampled on when Texas Judge Lowy states in the January 21, 2011 hearing/trial; page 46, line 25:

> THE COURT: I confess to being somewhat torn about this matter. For better or worse, even nut cases have First Amendment rights. At the same time, I certainly understand Mr. Knuff's concern."

Many a liar has called the person exposing their corruption, a nut case; and so in this epic miscarriage of justice, one should expect no different.

Judge Bloom did in fact know that nothing added up from a standpoint of logic and fairness, as Texas Judge Lowy concluded, page 47, line 4; "In the absence of a more particular showing of pecuniary damages, I'm going to award general damages or actual damages of $1 million, punitive damages or exemplary damages of $3 million".

Consequently, Judge Bloom at his second hearing on May 10, 2012, stated [page 4, line 2]:

> THE COURT: What exactly -- you know, I never understood. What is all this about?

I then proceeded to explain what the lawsuit was about, despite my limitations of no one has ever been able to explain the defamation, other than it was about stealing my money and ruining my impeccable reputation; and the belief that this would achieve a coverup that would be supported by all those indifferent, not wanting to see change.

Judge Bloom then asked Mr. Knuff's lawyer Ms. Chen [page 4, line 13]:

THE COURT: Okay. Let -- let me ask Ms. Chen. What is your side of this? What is this case all about, to begin with?

Ms. Chen doesn't even come close to answering Judge Bloom's straightforward question; and side steps by responding, "Your Honor, we were not counsel for Plaintiff Knuff in the Texas case" while knowing that Mr. Knuff's Texas counsel couldn't explain the lawsuit but managed to railroad me by breaking the law and all the court rules which they knew they could get away with from the beginning, which is why they ran to Texas; and the Appeal Court of Texas no different in wanting to wipe their hands clean of this lawsuit which the corrupt all applaud in their silence, but that does not mean they are good and one honest judge will do right.

They plant seeds of doubts when my website-book is about true history which they cannot refute; but their goal was to seed doubt regarding my character.

All their phantom claims of me being a "nut" and my website 2facetruth.com "conspiratorial" are irrelevant to this case. It is an opinion that they cannot even substantiate because the truth of the website is again irrefutable; it is based on historical facts.

Attacking my character by stating repeatedly that I was a "nut" and my website "conspiratorial" was a distraction tactic.

It is easy to make the assertion "conspiracy" without stating what exactly Mr. Knuff considers "crazy" and how it might hurt the prospects for a job

hunter such as former co-defendant Adam Lee Tucker, yet he would be the first to know, assuming his testimony is true that he developed covert operations and recruited for the CIA during a period of 10 years which he says ended in 2002, the year after 9/11.

It is not so much that Mr. Knuff had his Dallas, Texas lawyer Alan Loewinsohn make two equal payments of $1000 each, 3 days apart, while pulling together his nefarious Texas “complaint” which allows legal scholars both within Texas as well as the rest of the United States to joke about “Lawless Texas”, that suggest Judge Lowy would be somewhat hamstrung to remain impartial, but when you combine all the rest of the bias actions by the Judge, what you have in appearance and in fact, is a fraud conspiracy of epic proportions.

Given how vague and short is Mr. Knuff with everything other than his playacting, the same with his lawyer Mr. Loewinsohn, it is not hard to imagine him and his friends preferring that I don’t have my day in court before a jury of my peers.

No evidence, no proof of defamation was ever brought forth from the beginning to the end. All that has ever been presented is “phantom evidence” created by Plaintiff ex CIA Charles Knuff’s Dallas, Texas lawyer Alan Loewinsohn as well as Knuff and supported by bought off Texas Judge Martin Lowy as a “rubber stamp” with no basis or proof, and worse yet, they say they don’t need any.

They want the people to believe that The Holocaust and other wars before and after are not a conspiracy, just differences of opinions and political beliefs by humans on what is right and wrong.

They also want the people to believe that there are only a few rotten apples amongst government contractors and their spies whose loyalty is often times exclusively who is paying them.

They have gone a long way in seeding doubts in peoples' mind, making out like I am another Timothy McVeigh or worse.

It is really subjective and it all influences peoples thinking, especially a judge saying categorically that I am "nuts" without a medical doctor opinion which they know I would have no difficulty challenging.

Unless they had facts to support, and they bring up no facts, it is they who are the conspirators of a most insidious crime.

Their plan, barring me interfering with their unruliness, was to influence in a negative manner public opinion.

Only those fearful of the spread of truth could punish someone such as myself for telling the truth without profiting financially and instead, rewarding ex CIA Mr. Knuff, still with obvious strong ties to the Central Intelligence Agency, with an astronomical "bonus" of $4 million.

They couldn't have pursued this lawsuit with Mr. Tucker giving his testimony, which was the logical thing to do. The lawsuit would have been completely nil had they brought in the main defendant Tucker; instead they went to great lengths to intimidate him to withdraw all his statements including what they saw as the most damaging which Mr. Tucker placed up on the Yahoo message board regarding Mr. Knuff.

They knew how compelling would be the testimony from the person with the personal contact and direct knowledge of what was said at the meeting on December 23, 2008 between California residents Messrs. Tucker and Knuff at Mr. Knuff's California residence.

I only became aware of Mr. Loewinsohn's email offering Mr. Tucker to "save his neck" were Mr. Tucker to agree to lie, in early February 2011, the month after the sham trial in Texas.

In refusing their offer for him to support their nefarious and baseless allegations, Loewinsohn-Knuff had Judge Lowy severe Tucker from the lawsuit at the same time Judge Lowy handed me the $4 million Texas DEATH SENTENCE judgment on January 21, 2011, and that put a quick end to Mr. Tucker exonerating me with both his written account of that December 23, 2008 meeting and video Mr. Tucker did describing all his contact with Mr. Knuff, as neither were ever introduced as evidence, despite my initial response on April 1, 2010

http://assets.2facetruth.com/content/pdf/initial.pdf

to the original complaint that was filed on February 23, 2010 including Mr. Tucker's statements and CD containing his video that he prepared on March 24, 2010.

Eventually on July 17, 2012, they abandon the lawsuit with Mr. Tucker by filing a NOTICE OF NONSUIT:

> On Jul 18, 2012, at 8:04 AM, Kerry Schonwald wrote:
> Adam,
>
> Attached is Plaintiff's Notice of Nonsuit Without Prejudice that was filed yesterday. I will send you a copy when the court enters an order on the nonsuit.
>
> Thanks,
> Kerry
>
> **Kerry Schonwald** | Attorney | **Loewinsohn Flegle Deary, L.L.P.**

Mr. Tucker responded:

> **From:** Adam Tucker <adamtucker619@gmail.com>
> **Subject: Re: Knuff v. Tucker - notice of nonsuit**
> **Date:** July 20, 2012 6:42:40 PM GMT+02:00
> **To:** Kerry Schonwald <KerryS@lfdlaw.com>Kerry,
>
> Kerry,

Hindsight is 20/20 so for clarity and perhaps my last opportunity to highlight this abuse of the "justice" system, I would like to recap this very calculated effort to excise money from Gevisser.

- Knuff sues both Gevisser and Tucker for defamation and libel in joint lawsuit
- Gevisser submits video deposition of me (Adam Tucker) explaining my private meeting with Knuff at his home in Bonsal, CA on December 23, 2008, demonstrating the threat made by the plaintiff directed at me (Adam Tucker), and exposing the role of Carlsbad, CA based Forte Inc in designing software used by "multiple government agencies" to allegedly spy on US citizens online activities.
- Despite the burden of proof placed on the Plaintiff, and Knuff providing no evidence to disprove the alleged defamatory statements, and Knuff stating on public record that he has no financial damages as a result of the alleged defamation, Judge Lowy severs me (Adam Tucker) and my evidence from the joint lawsuit and orders a judgment against Gevisser in absentia for $4 million.
- Knowing that my testimony would absolve Gevisser and question the judgment against him, Knuff requests 4 motions for continuance effectually postponing my trial for almost 2 years, and more importantly providing the plaintiff with time to use every means possible to collect from Gevisser.
- Unable to collect from Gevisser thus far, on July 17, 2012 in a most calculated effort to prevent the truth from being made public, Knuff

drops all charges against me and effectually prevents my testimony from ever being heard on public record for this trial.

This method of obfuscating the truth parallels the presidential pardon issued for CIA oil trader Marc Rich who laundered money for the CIA, was charged with 51 counts ($48 m) of tax evasion (for his laundering efforts) as well as charges of "trading with the enemy". Had Rich been brought to trial for his tax evasion, his testimony would have spotlighted/incriminated the CIA and exposed the role of oil traders in financing terrorist groups around the world. Fortunately for the CIA and its wealthy benefactors, the presidential pardon issued by Bill Clinton in early 2001 and in advance of September 11, 2001 closed the books to Marc Rich's tax evasion and effectually prevented him from ever shedding light on the role of oil traders in laundering/channeling money to terrorist organizations and false flag operations.

Truth does not change nor will the history of this lawsuit, the parties involved, or the gross abuse of money/power/justice.

Telling yourself that you are only doing your job in order to sleep at night will only create more disconnect and misery, for it is one thing to claim ignorance but quite another to choose it.

Good, bad, or indifferent, the universe has a way of always achieving balance ~ therefore I can only wish you well.

Bringing this lawsuit to Texas was another distraction, for Texas had nothing to with the lawsuit.

Not allowing me a jury trial, is another distraction.

The fact that there is nothing to substantiate the $4 million, is another distraction.

It was a bogus lawsuit from beginning to end.

Texas Judge Martin Lowy from the beginning said, “Defense to what”? Lawyer Alan Loewinsohn then had this little chat with Judge Lowy telling him, “obviously, there is a remedy within the rules.”

The documents supporting the concocted defamation allegation were never produced. They paper the file to death with 992 pages of exhibits, and they couldn’t extract one sentence out of this pile to support their bogus contention; and the judge, Texas State Court Judge Martin Lowy never pursued it.

So much effort, so much waste of resources, so much abuse of the court system in Texas and California to distract from the lack of evidence.

What it all comes down to is the reality that at the present time there may not be all that many honest people worth talking about, but that does not mean this Appeal Court is incapable of visualizing a higher court, including God realizing it is all more than a very bad joke when looking at the ruling of this court should it rubber stamp the lower court of California Superior Court Judge Jay Bloom who was incorrect when he said that he had no choice but to "rubber stamp" the illegal ORDER of Texas Judge Martin Lowy following the commands of Mr. Loewinsohn being so unruly in misstating the facts and the law, because California Judge Bloom argues both the United States Constitution and California law prevent him from setting aside a "valid" judgment from another State.

The Facts:

Like Judge Martin Lowy, I have been through all the 992 pages of Exhibits that Mr. Loewinsohn and Mr. Knuff entered into the Texas State Court record on January 21, 2011, and there is nothing there other than 992 pages of evidence which proves the sham of shams.

Judge Martin Lowy knew from the very start of the proceedings in Texas that Messrs. Loewinsohn and Knuff were in violation of discovery and had no evidence to support their bogus contention that I defamed Plaintiff Knuff.

They say I called Mr. Knuff a "rouge CIA agent killing people and training PLO terrorists". That is not true since I never said it.

CLAIMS

In addition to judicial abuse, there is the lack of personal jurisdiction and the Texas court ignoring their lack of personal jurisdiction and not granting me, Defendant Gary Steven Gevisser due process in the case.

In now arguing my opponents case, they are going to say that I am arguing Texas law which logically has to be raised on appeal.

Foreign money judgments may be enforced in California if they meet the requirements of the Uniform Act (§§ 1713-1713.8) and the creditor brings an action in California to obtain a domestic judgment. (See Renoir v. Redstar Corp. (2004),123 Cal.App.4th 1145, 20 Cal.Rptr.3d 603. The pertinent provisions of the Act are these:

• The Act applies to "any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal." (§ 1713.2.)

• Unless specified grounds for non-recognition of the foreign money judgment exist, "[t]he foreign judgment is enforceable in the same manner as the judgment of a sister state which is entitled to full faith and credit...."4 (§ 1713.3.) The only exception is that foreign judgments may not be enforced under the registration procedure used for the enforcement of sister state judgments. (§ 1713.3; see §'§ 1710.10-1710.65.)

• The court may stay the action if the defendant satisfies the court that an appeal of the foreign judgment is pending or that the defendant is entitled and intends to appeal. (§ 1713.6.)

• The Act is to be "so construed as to effectuate its general purpose to make uniform the law of those states which enact it." (§ 1713.8.)

California courts must recognize a foreign judgment, regardless of whether it has been appealed or is subject to appeal, so long as the judgment is final, conclusive, and enforceable in the country where it was rendered. The statutory language requiring recognition “even though an appeal therefrom is pending or [the judgment] is subject to appeal” (former § 1713.2) is not an exception to the requirements of finality, conclusiveness, and enforceability in the nation of origin. See: Manco Contracting Co. v. Bezdikian, 45 Cal.4th 192, 195 P.3d 604, 85 Cal.Rptr.3d 233 (Cal., 2008).

Under the Uniform Foreign Judgment Act that a judgment can be non-enforceable if it is obtained without proper jurisdiction or if there was a denial of due process.

Furthermore, California Jurisprudence Section 392 Vacation of judgment, entry of new judgment begins :"A motion to vacate a judgment based on a sister state judgment may be made...." and it continues "Common defenses to enforcement of the a sister judgment include the following:

* the judgment was obtained by extrinsic fraud
* the judgment was rendered in excess of jurisdiction

* the plaintiff is guilty of misconduct

Examples of intrinsic fraud include giving perjured testimony and submitting false documents. Such intrinsic fraud cannot be the basis for a collateral attack on a final judgment. (Kachig v. Boothe (1971),22 Cal.App. 3d 626.)

"The distinction between intrinsic and extrinsic fraud is quite nebulous ... "(Caldwell v. Taylor (1933) 218 Cal. 471, 479, 23 P.2d 758.) More recently, one court correctly commented that, "the distinctions between extrinsic and intrinsic fraud are hopelessly blurred. Nonetheless, the California courts have remained married to the importance of the distinction whether or not and in fact it exists." (In re Marriage of Guardino (1979) 95 Cal.App.3d 77, 89, 156 Cal.Rptr. 883.)

The court defined extrinsic fraud as arising "when a party is denied a fair adversary hearing because he had been 'deliberately kept in ignorance of the action or proceeding, or in some other way fraudulently prevented from presenting his claim or defense.'" The court also noted that the [154 Cal.App.3d 1065] right to such relief has been extended to cases involving extrinsic mistake such as when a party becomes incompetent. See: Kulchar v. Kulchar, 1 Cal.3d 467, 82 Cal.Rptr. 489, 462 P.2d 17 (Cal., 1969)

I am arguing that my insanely illogical $4 million judgment meets a mandatory grounds for non-recognition of judgments: A non-California court judgment will not be recognized under the Act if:

1. the court of tribunal did not have personal jurisdiction over the defendant; or

2. the court or tribunal that issued the judgment was not impartial or did not offer due process of law

To reiterate; my due process rights were trampled by the court in Texas and I was never allowed such due process throughout the trial.

I will provide the proof that this was a sham trial and thus denying me due process.

The central meaning of procedural due process is that the parties whose rights are to be affected are entitled to be heard at a meaningful time and in a meaningful manner.' See: Fuentes v. Shevin (1972),407 U.S. 67, 92 S.Ct. 1983, 32 L.Ed.2d 556 (For more than a century the central meaning of procedural due process has been clear: 'Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified.' It is equally fundamental that the right to notice and an opportunity to be heard 'must be granted at a meaningful time and in a meaningful manner.'")

In my case the transcripts prove I was not given a meaningful time and manner to be heard.

California Superior Court Judge Jay Bloom when citing that he was bound by both the US Constitution and his obligation to enforce a valid sister-state judgment in both his proceedings, April 26 and May 10, 2012.

http://www.2facetruth.com/category/cia-vs-gevisser/ca-transcripts/

looked like he was looking for new evidence to invalidate, again the obvious fraud.

Code of Judicial Conduct - Texas

http://www.courts.state.tx.us/judethics/canons.asp

shows that Texas State Court Judge Martin Lowy violated all 8 canons.

- Canon 1 Upholding the Integrity and Independence of the Judiciary.
- Canon 2 Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities.
- Canon 3 Performing the Duties of Judicial Office Impartially and Diligently.
- Canon 4 Conducting the Judge's Extra-Judicial Activities to Minimize the Risk of Conflict with Judicial Obligations.
- Canon 5 Refraining From Inappropriate Political Activity.
- Canon 6 Compliance with the Code of Judicial Conduct.
- Canon 7 Effective Date of Compliance
- Canon 8 Construction and Terminology of the Code.

Texas DEATH PENALTY SANCTIONS: When are they proper; when not.

Standard of Review on Appeal

The Uniform Foreign Money-Judgments Recognition Act gives a California court the discretion to refuse to domesticate a foreign judgment obtained by extrinsic fraud or denial of due process or lack of personal jurisdiction. (§ 1713.4, subd. (b)(2) ["A foreign judgment need not be recognized if [¶] . . . [¶] [t]he judgment was obtained by extrinsic fraud"].) Because the authority is discretionary, we review the court's decision for abuse of discretion. Under the Abuse of Discretion standard of review, "We cannot substitute our judgment for that of the trial court, but only determine if any judge reasonably could have made such an order." (In re Marriage of Chandler (1997), 60 Cal.App.4th 124, 128.). It is inconceivable how a judge of any court could have reasonably made such an order.

Defendant Gary Steven Gevisser will argue that the Texas laws of judicial abuse cut right to the heart of his defense given how Texas Judge Martin Lowy refused from the very start to address Texas being the wrong jurisdiction, and Defendant Gary S. Gevisser's demand that if plaintiff Knuff could prove Texas was the right jurisdiction then he be afforded a jury trial to mitigate a bias judge.

Background & Application of Facts to the Law:

On or around February 23, 2010, I, Defendant Gary S. Gevisser received notice that Plaintiff Knuff filed a defamation lawsuit in Texas State Court.

The hyperlink below,
http://courtecom.dallascounty.org

along with the case number dc1002004 shows all the filings that still appear on the Dallas County website and which have been referenced in all my filings with the California Superior Courts where Plaintiff Knuff came to collect on the illegal Texas judgment.

I was shocked given how I had never met or communicated with Mr. Knuff who I only knew from the main co-defendant Adam Lee Tucker who had met with Mr. Knuff at his Bonsall, San Diego County estate on December 23, 2008 where they had a two and half hour dinner conversation, which so upset Mr. Tucker who felt heavily intimidated that he immediately made copious notes, and shared them with with me.

http://www.2facetruth.com/meeting-former-cia-charles-d-knuff-adam-l-tucker/

Two days later, December 25th, I attempted to contact Mr. Knuff via email

http://www.2facetruth.com/dev01/chuckknuff_garyemail.php

to have him confirm or deny Mr. Tucker's account of their meeting. Mr. Knuff did not reply, and Mr. Tucker followed up on December 26th with his own email.

http://www.2facetruth.com/dev01/chuckknuff_adamemail.php

That same day, Friday, December 26, 2008, and following Mr. Tucker's short email enquiring whether Mr. Knuff received my email from the previous day, Mr. Knuff called Mr. Tucker three times. Mr. Tucker did not answer his cell phone and nor did Mr. Knuff leave any message. On February 24, 2009, Mr. Knuff called Mr. Tucker, the call lasting 10 seconds; this time Mr. Knuff left the following message:

> Hey Adam it's uh chuck if you have a chance, could you give me a ring? Uh 760-703-6725″

On March 24, 2009, both Mr. Tucker and I received a letter from Mr. Knuff's Dallas, Texas lawyer, Alan Loewinsohn instructing us to "cease and desist" placing "false and defamatory statements" about Mr. Knuff on my Internet websites and emails, without Mr. Loewinsohn providing any specificity to his false claims or denying Mr. Tucker's account of their meeting.

On Tuesday, March 30, 2010 Mr. Loewinsohn sent heavily intimidated Mr. Tucker an email as part of a settlement agreement with Mr. Tucker that included the following:

> (3) You will admit in writing that some of the statements made by you and Mr. Gevisser in the past about Mr. Knuff were untrue.

Mr. Tucker followed up the same day:

> I am uncomfortable making a blank statement. To be clear, I will not lie about anything, but if there are statements that Mr. Gevisser has

> made that I don't believe to be true, I will have no problem putting that in writing.

Mr. Loewinsohn quickly replied:

> If you can tell me which statements you are aware mr gevisser has made that are untrue perhaps we can limit number 3 to those statements?

Mr. Tucker replied at 5:36pm on March 30, 2010:

> Mr. Gevisser has sent a lot of emails referencing Mr. Knuff over the past year, are the statements in questions related to what is presently on the website, in emails, or both?

Mr. Loewinsohn never responded other than to let Mr. Tucker know that the lawsuit against him was proceeding.

Mr. Tucker nor I, and nor has any court heard any evidence presented by Mr. Knuff or Mr. Loewinsohn that constitutes anything close to defamation because the basic standards require that the statements be false; second, that I knew them to be false; and third, that Mr. Knuff suffered financially as a result.

None of these tests were ever met; on the contrary, as the Texas Court transcripts show clearly, the exact opposite is true.

In addition to Mr. Tucker never hearing back from Mr. Loewinsohn, Texas Judge Martin Lowy on January 21, 2011, right before handing me the $4 million Texas DEATH PENALTY sanction ORDER, severed Mr. Tucker from the original lawsuit and a new lawsuit number was given to him. On July 17, 2012, Mr. Tucker was notified by Mr. Loewinsohn's office that Mr.

Knuff had filed a NOTICE OF NONSUIT ending the litigation against Mr. Tucker which resulted in Mr. Tucker voicing his outrage, and his communique to Mr. Loewinsohn's office he later had notarized on September 4, 2012.

Mr. Tucker made himself available to give testimony in California Superior Court Judge Jay Bloom's courtroom at the second hearing on May 10, 2012, and Mr. Bloom did not allow him to take the stand, at the same time Judge Bloom asked me and Mr. Knuff's Century City lawyers to explain what the lawsuit was about, beginning with the defamation which, like me, Plaintiff Knuff's lawyers were incapable of doing; but they said they could send Judge Bloom a summary of the proceedings in Texas which Judge Bloom said was not necessary.

Both my and Mr. Knuff's lawyers' testimony at these two hearings are very clear; namely the egregious miscarriage of justice that took place in Texas State Court and which the Appeals Court of Texas is equally complicit.

From the beginning, plaintiff Knuff has been unwilling to resolve his issues with me, and has sought to hide from his own statements made to Mr. Tucker on December 23, 2008, by abusing the court system that has allowed him to run to Texas and make fabricated claims in an effort to disparage my good reputation and steal an astronomical $4 million.

Following complying with the Texas State Court that I respond, which I did fully based on all the knowledge I had about what Mr. Knuff, I attended telephonically the first Texas State Court hearing on May 7, 2010 where Judge Lowy refused to respond to my argument that Texas had no personal jurisdiction over me to hear this case, as I argued that plaintiff Knuff and both defendants lived in California and that I had never done business in

Texas according to civil code and remedy Texas Law cited [TEX. CIV.PRAC. & REM. CODE Sec. 17.042] and therefore cannot be compelled to produce requested documents, nor are there any of their requested documents in existence, all of which was well argued in all my pleadings including my June 26, 2010 pleading which the Texas court placed up on their website on June 29, 2010.

Judge Lowy also disregarded my request that if he was going to allow the case to continue that I wanted a jury trial. At this hearing Judge Lowy simply set the trial date for August 22, 2011 and stipulated a NON-JURY trial.

The crux of my argument of judicial abuse and the failure for Messrs. Lowinsohn-Knuff to make the convincing arguments that Texas had jurisdiction are in the very clear Texas Court Reporter transcripts, starting with the first on June 30, 2010, where Judge Lowy begins that he cannot understand what the case is all about and that if he were in my shoes he would argue, “Defenses to what”?

Transcripts of Texas hearing on June 30, 2010 provided by Texas Court Reporter David Langford, begin in earnest on page 6, line 6:

> THE COURT [Judge Lowy]: I'm going to put this on the record for what it's worth. I've reviewed the Original Petition. I have also attempted to review some of what Mr. Gevisser has presented to the Court in terms of his rather bizarre e-mails. And, clearly, he is a colorful character. However, you may know what your lawsuit is about. Mr. Gevisser may know what your lawsuit is about. But from reading your pleadings, I don't know what your lawsuit is about. And so it's going to be difficult for me to lean very heavily on

him if he doesn't give you very good responses to your requests. Because to the extent you are asking him what his contentions and defenses are, you know, if it was me, I would have to say "defenses to what."

Judge Lowy acknowledges that he has read my pleadings which again corresponds with all mailing certifications as well as Texas Court's records, concludes that he does not know from the Original Petition and all the follow up motions by Mr. Loewinsohn what the lawsuit is about, and looking like he is doing me a favor states almost caringly, "And so it's going to be difficult for me to lean very heavily on him".

Everything should have ended at that very moment, but Mr. Loewinsohn was now going to show Judge Lowy how easy it would be to deny me my due process.

Loewinsohn: And, Your Honor, I appreciate that. I do want you to know that there is some sensitivity --

MR. LOEWINSOHN: I do want you to know that there is some sensitivity with respect to this case because, as the pleadings reflect, this case involves false accusations that have been made about -- very serious accusations that have been made about my client. And we have been very concerned about -- not for purposes of, as that term is used in libel law, republication, but we have been very concerned about perpetuating--I will say it that way--the nature of the false statements. And, obviously, there is a remedy within the rules. There are a number of remedies within the rules for more

specificity on the part of the defendant in a situation such as this; for example, interrogatories that are not normally of a public nature.

So I appreciate where the Court is coming from. And obviously at some point, depending upon how this case plays out, more specificity will need to be presented to you. But I at least wanted you to understand we were not oblivious to your point and your concern.

THE COURT: Well, and I sort of thought that that's what was going on, and it wasn't really intended as a criticism. It's just if the next step is that he doesn't give you any responses and you want me to sanction him --
MR. LOEWINSOHN: Depending upon whether he makes a good faith attempt, I understand your point, Your Honor.
THE COURT: So that's all I wanted to bring up.
MR. LOEWINSOHN: Right.
THE COURT: You may remember this better than I do. Did I not talk to him when he appeared telephonically about getting a lawyer?
MR. LOEWINSOHN: You not only told him that, but you told him that he had waived any special appearance. But you admonished him several times that he needed to get a lawyer.
MS. SLOVAK [Loewinsohn's associate]: Right.
THE COURT: That's what I thought. All right. We will be adjourned on this matter.

It is the "You may remember this better than I do. Did I not talk to him when he appeared telephonically about getting a lawyer?", the pause between sentences; that we should forget the gross miscarriage of justice that had just taken place; "You may remember".

It is the false Appearance of Propriety that is taken to its most extreme obscenity when lawyer Loewinsohn turns his fraud and declares unashamedly, “Depending upon whether he makes a good faith attempt.” It is me who has done nothing wrong and it is me who has not only made the “good faith effort” but Judge Lowy spelled it out clear as a whistle.

Having heard lawyer Loewinsohn rattle off a whole bunch of incomprehensible verbiage, but Judge Lowy getting clearly, “there is a remedy within the rules” without Mr. Loewinsohn stating on the record for Judge Lowy to illegally strike all my pleadings and responses, Judge Lowy knows that he is going to have to break his word, “it's going to be difficult for me to lean very heavily on him”.

Judge Lowy’s insidious back handed slap starts out with the appearance of being judicious, pious, so wanting to do the right thing, in the interests of fair play, that he remembered from the first and only hearing where I appeared telephonically a little shy of two months before, he had implored me to get an attorney when I refused to be railroaded.

What an admonition by a judge to get a lawyer when he knows what he is doing is wrong, and for me finding that honest has so far not been easy, because it has been impossible.

This time Judge Lowy was painstakingly forgetting the first hearing as well as how what had just taken place in his courtroom was nothing less than a

repeat of the first, but now there was additional evidence in the court record that I was about to be leashed.

There was no brotherly and compassionate love, or scholarly professorship, like a father to son, heart to heart, so caring in this most evil tongue lashing, “Did I not talk to him” and then the slam, the bare knuckled fist, “get a lawyer”, and have the lawyer teach me how the game is played.

Another opinion is that Judge Lowy should not have really left it to Mr. Loewinshon either, without checking the record himself; and that is of course something else I am raising about the meaningless due process, that the judge was not diligent in keeping up with the matters occurring in the case.

Why other than to obfuscate the criminality of what Judge Lowy had just done would he bring up something not exactly irrelevant, since I had done everything right, by the book, by the court rules as well as on a timely basis; and my track record was never lost on all the great many lawyers I sought help at the very start, upon receiving this egregious, malicious, vexatious, most fabricated defamation lawsuit intended to murder my reputation at the same time bring me great financial hardship and hinder my ability to share my knowledge of the pricing and allocation of the money, including the very best in the world who have known me a lifetime, and whenever they could get the opportunity to work with me they would drop whatever they were doing; and much of it was pro bono, but not all, but never once did I turn a blind eye to evil, and not once was any lawyer or anyone for that matter shortchanged by my involvement in a myriad of

business activities around the world; quite the contrary in fact, and yet maybe it was Judge Lowy's conscience telling Judge Lowy that at some point in the future he better get himself a lawyer for such a heinous crime.

As I stated in my initials response to Original Complaint, every competent lawyer who looked at it felt that there was something much more sinister and bigger behind it, and none willing to risk their livelihood, and I would only want the best because those less than the best quickly showed their true colors and tried to milk me and my French-Canadian wife Marie Dion at every opportunity, and they all also eventually went quiet.

The record is clear that any reasonable person would conclude instantly that this defamation charge was a fabrication from the start with Mr. Knuff knowing without Judge Lowy having to tell him and his Dallas lawyer Mr. Loewinsohn that they had a problem on their hands with no evidence, at the same time avoiding like the plague having the case heard in the right jurisdiction of California where it would have been far more convenient to attend in person, and at the same time keep my legal costs down.

Instead, Mr. Knuff ran around trying to find himself the right judge in the jurisdiction that would suit his nefarious agenda, and it all taking more than a year to pull together, forget that Texas has a 1 year statute of limitations for defamation lawsuits which I of course also argued.

It was all "playacting" at its most evil, period.

“You may remember this better than I do” was a classic twist and turn by Judge Lowy putting me on the defensive, and him and everyone else in the courtroom knowing what difficulty I would have, forget getting sympathy from the courts, but the wretched would derive great satisfaction in watching this injustice eat me alive.

I should not, and will not apologize for being healthier and happier than I have been in my entire life, but that does not mean the people's representatives shouldn't come down hard on Judge Lowy for being utterly malicious in putting on this unfair sham trial devoid of due process.

All the long pass to Mr. Knuff's attorneys to toss about, was to waste time, diffuse, distract. It was not a simple faux paux because they all didn’t wake up that morning and noticed that they were about to have a bad hair day. The plan was to cut me down to size, and make more money, knowing that the judgment they were going to get that cost them all nothing because again this was all preplanned would go a long way in getting their protection racket off to great start.

I should not be the one being asked why all those who go to university where they learn how to talk don’t have a shiver go up their spine when they hear lawyer Alan Loewinsohn’s words:

> With the power and the permanency of the Internet, a strong message needs to be sent so that he and others similarly situated are detered from doing this again. And, Your Honor, that just becomes more and more true every day given the power of the Internet.

This egregious Free Speech abuse was the most concocted conspiracy from the start.

The fact that I am not in the least religious does not prevent me from logically having an absolute knowledge that there is a Higher Force that protects me; and each one of us are also entitled to our opinion on this subject, and it should stay with us without having to use examples of where an unintelligent human sees wretchedness in war stricken regions of the world which have been raped of their mineral resources and their peoples brutalized and enslaved, that proves to the unconscious no Higher Being can exist because such a Force also decides on who of us are bright enough to have worked out on their own D-Money Lie when they and everything around them are all about money, and at the same time come up with a workable solution, as I have, to a much more democratic process than having mineral monopolists allocate the resources of the world by simply bribing the right lawmakers; and it begins with education of how capital-money is created and allocated.

There is nothing wrong in me asking for my justice and at the same time love my enemies because I know that what goes around comes around with a vengeance.

This is not what the Supreme Court had in mind when they stated a "meaningful chance" to be heard, and present one's case when the judge has already predetermined that I was a "nut" and Judge Lowy has already

prejudged that he wanted simply this to be punitive without cause or evidence.

Mr. Knuff says he is very sick and has to travel back to his home in California to get medical treatment for his neurological diseases that he spoke openly in court about during his sworn testimony on January 21, 2011; maybe he is not the only one feeling they have already got their comeuppance.

It is in itself a “defamation” me being called a "nut" by Judge Lowy, who was of course paying attention, just as when he asked Mr. Knuff's attorneys if they remembered him “advising” me to get a lawyer, so as to minimize this case, all about the money, an astronomical $4 million, and Judge Lowy asking at the end whether Mr. Knuff and Mr. Loewisohn thought I could pay the $4 million bill.

4th hearing transcripts, page 45, line 7:

> THE COURT: Since we are talking about punitive damages, what, if anything, can you tell me about the net worth or the collectibility of Mr. Gevisser?

Judge Lowy seemed most concerned about collecting a filing fee. At the same time Judge Lowy fully understood given the total lack of evidence that when Mr. Loewinsohn explained all Mr. Knuff’s physical and emotional suffering that it was all a lie.

4th hearing transcripts, page 43, line 8:

> He [Knuff] has had to spend many hours of time as a result of the actions of the defendant. He has suffered mentally and physically, and will continue to do so, knowing that this permanent stain on his reputation remains etched in cyberspace and is only a click away for anyone he knew in the past or may meet in the future.

This was a premeditated CAPITAL MURDER crime because the outcome was predetermined and wretchedly biased, and MURDER WEAPON are the court judges not doing their jobs.

The judges are supposed to think and know that a human unless they have a serious brain problem that has been medically diagnosed they cannot be allowed to put on a case without any evidence and then claim psychological and financial damage.

Moreover if Plaintiff Knuff had in fact successfully proven defamation occurred, then Judge Lowy would have issued an order to remove the alleged defamatory statement/s from my website.

The “sensitivities” mentioned by Mr. Loewinsohn in the June 30, 2010 hearing are never explained, the same with the lack of “good faith” by Loewinsohn-Knuff to provide their evidence of defamation or to explain the wrong jurisdiction.

Nor did Judge Lowy recluse himself or suggest that he might have a Conflict of Interest - Canon 1 [Upholding the Integrity and Independence of the Judiciary] given how three months after sending co-defendant Adam Tucker and me the threatening email letters on March 24, 2009, Loewinsohn made two political contributions to Judge Lowy's reelection campaign of $1000 each on June 30 and July 2, 2009.

By the time the "Day of Judgement" arrives, January 21, 2011 and without any further evidence to support Mr. Knuff's no evidence case, the aggression is picking up in intensity; it began with "Gevisser's bizarre emails", [Hearing/Trial Transcripts: June 30, 2010, PAGE 6, LINE 12;

https://docs.google.com/viewer?url=http://www.2facetruth.com/transcripts/gevisser-02.pdf&chrome=true

and by the 4th hearing/trial Transcripts: January 21, 2011; "Gevisser is a nut" [PAGE 38, line 24]; which triggers a response from Mr. Loewinsohn who uses the word "nut" another 5 times; and then Judge Lowy repeats "nut" again; p46; line 25:

> The Court: I confess to being somewhat torn about this matter. For better or worse, even nut cases have First Amendment Rights. At the same time, I certainly understand Mr. Knuff's concern.

Judge Lowy ends with:

> In the absence of a more particular showing of pecuniary damages, I'm going to award general damages or actual damages of $1 million, punitive damages or exemplary damages of $3 million. All right. I have signed the orders. We will be adjourned on this matter.

To understand the maliciousness, vexatious abuse of the courts and his power as judge, jury and executioner, one must go back and look at how Judge Lowy, a beneficiary of Mr. Loewinsohn's generous direct political campaign contributions follows, right after telling Loewinsohn that he has no case, to immediately begin following the suggestion of Loewinsohn, "there is a remedy within the rules" [First hearing/trial - June 30, 2010; page 7, line 13].

The step taken to strike my pleadings when the law is clear that there are measures less than $1 million in actual damages that are not "proven up" and Judge Lowy writes published articles on this important subject and therefore knows better, plus $3 million punitive, is illegal and obscene.

No one faulted my pleadings other than Judge Lowy, Dallas lawyer Alan Loewinsohn and Plaintiff Knuff didn't like me pointing out their sham of shams.

They started with a lie and they had to keep building upon it and never thinking that it would ever come back to haunt them so publicly or that I would stay the distance.

From start to finish the egregious bias of Judge Lowy denied me due process that again is both a blatant fraud and violation of each and every canon under the Texas Code of Judicial Conduct; not to mention the trampling on my Constitutional Rights to represent myself with Judge Lowy leading the discourse that I follow his insidiously sarcastic advice from the first hearing on May 7, 2010 and get a lawyer.

The next hearing after June 30, 2010 took place on September 21, 2010;

https://docs.google.com/viewer?url=http://www.2facetruth.com/transcripts/gevisser-03.pdf&chrome=true

designed to begin hitting me with sanctions for not responding to "Request for Disclosures" which again the Texas Court record and mail certifications to both Loewinsohn and The Court show otherwise.

Texas Court Reporter Langford's transcripts, page 6, line 6:

> MS. SCHONWALD [Loewinsohn associate]: As you stated, at issue today is Plaintiff's Motion for Sanctions. Mr. Knuff served the petition on the defendant via the Secretary of State in February of 2010. The defendant was required to serve Knuff a response to Knuff's Request for Disclosures on or before April 19, 2010. Mr. Gevisser, the defendant, failed to serve a response on Mr. Knuff by that deadline. We prepared and filed a Motion to Compel Responses for that failure.

The first sanction was for lawyer fees of $2900 and expenses of $238.86

The 3rd and equally short hearing took place on December 1, 2010;

https://docs.google.com/viewer?url=http://www.2facetruth.com/transcripts/gevisser-04.pdf&chrome=true

Court Report Langford's transcripts page 7, line 3:

> THE COURT: All right. The hall has been sounded for Mr. Gevisser with no response.
>
> In the absence of an appearance or a response from Mr. Gevisser, the allegation and averments in the motion will be taken as true. Mr. Gevisser has failed to comply with this Court's previous order compelling him to respond to certain discovery. The Court will grant the relief requested by the plaintiff. Mr. Gevisser's pleadings are struck.
>
> An Interlocutory Default Judgment is granted.

Page 8, line 11:

> The Court: This matter will be set for a prove-up hearing at 10:00 a.m. on Friday, January 21st of 2011.

Texas Court Reporter Langford transcripts - Hearing/Trial - PROVE-UP OF DEFAULT JUDGMENT - January 21, 2011;

https://docs.google.com/viewer?url=http://www.2facetruth.com/transcripts/gevisser-05.pdf&chrome=true

The proceeding begins with Mr. Loewinsohn handing Judge Lowy a notebook of the tabbed exhibits totaling 992 pages.

It is possible that Judge Lowy lost himself in all the playacting and decides to play honest judge or simply thinking that Mr. Loewinsohn and Mr. Knuff couldn't have so screwed up that they wouldn't have in all the exhibits their most important allegation.

P 37, line 3:

> THE COURT: Mr. Loewinsohn, can you direct me to any place in these exhibits where it specifically says that Mr. Knuff trained PLO terrorists?
>
> MR. LOEWINSOHN: These particular exhibits, I do not believe do, Your Honor. But there may be -- I don't know if I have them highlighted. Mr. Knuff may know.
>
> MR. KNUFF: Yeah, I believe -- I don't know if it's in this particular stack, but there is definitely specific statements relating to that. Give me just a minute to look through these.
>
> THE COURT: I think I have looked at all the highlighted portions. I didn't see anything of that nature.

MR. LOEWINSOHN: That may not have been a category I specifically identified for the purposes of highlighting among the vast amount of information, Your Honor.

It was at this very moment that Judge Lowy should have called for an adjournment, giving them more time to find the evidence or more appropriately shut down the kangaroo court trial, but he didn't. Instead Judge Lowy sought to help out Mr. Knuff through his self-induced trauma.

THE COURT: Mr. Knuff --

MR. KNUFF: Yes, sir.

THE COURT: -- has the FBI or any other law enforcement agency contacted you to investigate any of these allegations by Mr. Gevisser? stories based

MR. KNUFF: No, they haven't.

THE COURT: Has 60 Minutes broadcast any upon these allegations by Mr. Gevisser?

MR. KNUFF: No, they haven't.

THE COURT: Can you tell me that you have specifically lost any business relationship or transaction as a result of these postings by Mr. Gevisser?

MR. KNUFF: Not at the present time, sir.

THE COURT: Would you not agree with me that anyone who spends more than 30 seconds looking at

any of these postings, would readily conclude that Mr. Gevisser is a nut?

MR. KNUFF: It depends. Because while somebody might conclude that, the problem when you do an acquisition deal is that you are relying on everybody to draw that same conclusion. And with this volume of negative information and lies out there, it makes it extremely difficult.

To recap: Judge Lowy catches attorney Loewinsohn and Plaintiff Knuff in the lie, and there is no pursuit despite catching them "redhanded" fabricating evidence at the same time papering the file to death.

Immediately prior Mr. Knuff had talked about his neurological disease.

P 36, line 10:

Q [Loewinsohn]. Has the publication of these false statements by Gary Gevisser also caused you mental anguish?

A [Knuff]. Yes.

Q. How so?

A. It causes a great deal of stress having to go through and read all of these lies about me. And at the same time trying to run two companies, it's -- there is a lot of stress on me.

Q. Do you have any medical conditions that have been impacted by the stress on you associated with

the false statements by Gary Gevisser that have been published?

A. Yes, I have a neurological disease that requires IVs every four weeks, and they have had to -- In the last year they have had to increase the dosage substantially, and typically it is related to stress.

Q. Finally, sir, do you have concerns only about damage to your reputation that has already occurred in the past?

A. No. As I said, the problem here is not only what's been said in the past by Gary Gevisser, but it's the fact that all of this is indelibly left on the Internet for anybody to see, who does any kind of research about me. And you have to rely on them to conclude whether or not Mr. Gevisser is telling the truth or I'm telling the truth.

Judge Lowy knew not only then that Plaintiff Knuff was not telling the truth, and therefore committing perjury.

Mr. Knuff conceded in court in knowing my name prior to the meeting he held with co-defendant Adam Lee Tucker on December 23, 2008 as Mr. Knuff volunteered that he researched the website just3ants.com that I no longer own, and which was a copy of 2facetruth.com; and Mr. Tucker's purpose in attending said meeting was networking/getting a job, and according to Mr. Tucker, at least 90% of the evening was actually spent discussing my former employer De Beers, which Mr. Knuff carefully

makes little mention of during his sworn testimony other than to insinuate that what I have to say about them is jibberish.

Going into the meeting with Mr. Tucker, Mr. Knuff would not only have known my name but his agenda-motive.

P 17, line 19:

> [Loewinsohn] Q. I want to discuss now how you came to know the defendant Gary Gevisser. But, first, let me ask, do you know Adam Tucker, the other person you have sued?
>
> [Knuff] A. Yes, I do.
> Q. How did you first meet Adam Tucker?
> A. I went out with his mother in the '90s.
> Q. And how old was he at the time?
> A. He was probably a junior in high school or a sophomore in high school.
> Q. Now, in mid-2008, did you receive a call from Adam Tucker?
> A. Yes, I did.
> Q. What was discussed in that call?
> A. He wanted to get together and talk about opportunities in my company, do customer service. Basically he was looking for a job.
> Q. Did you, subsequent to that call, receive an e-mail from Adam Tucker?
> A. Yes, I did.

Q. And did you notice anything about his e-mail address?

A. It was an unusual address, and I had not -- I wasn't familiar with the company or anything, so I did a search.

Q. What was the e-mail address?

A. It was adam@just3ants.com.

Q. Did you look at the website?

A. Yes, I did.

Q. And what did you find?

A. It appeared to be somewhat of a conspiracy website.

Q. Did you discuss that fact with Adam Tucker?

A. Yes, I did.

Q. And what was said?

A. I basically told him that if he was applying for a job, that he shouldn't use and/or be associated with a site like that because any prospective employer would do exactly the same thing I did--check it out and see what it is before making any decision.

Q. Did you subsequently meet with Adam Tucker in person?

A. Yes, I did.

Q. And when approximately was that?

A. That was in December 2008.

Q. And where was that?

A. That was in California.

Q. And do you have a house in the San Diego area?

A. Yes, I have a second home in San Diego.

Q.And as it relates to this dispute, tell us what was discussed at that dinner with Adam Tucker.

A. We basically talked about -- we talked about his past employment history, his girlfriends, and we spent a considerable amount of time talking about Gary Gevisser.

Q. So the defendant Gary Gevisser's name was mentioned at that dinner?

A. Yes.

Q. Had you ever heard of that name before?

A.No.

Q. And did you discuss anything about your background in that dinner with Adam Tucker?

A. Yes, I did.

Q. And tell the Court what was discussed.

A. He was mentioning a number of things that were both historically -- they were historically incorrect, and he kept challenging me on it. And I basically mentioned that I had worked with the CIA and that what he is talking about is gibberish, and that was pretty much it.

Q. You have worked with the CIA in the past. Is that correct?

A. That is correct.

Q. And for how long?

A. Approximately ten years.

Q. And how long ago did you last work with the CIA?

A. 2000 -- around 2002.

Q. And generally what did you do with the CIA, to extent you are able to tell us?

A. Very generally.

Q. Yes.

A. I helped to develop covert operations, and I also assisted in some recruiting efforts.

Q. Now, at some point did you receive an e-mail from the defendant Gary Gevisser?

A. Yes, I did.

Q. Prior to receipt of that e-mail, had you ever communicated orally or in writing with Gary Gevisser?

A. No, I had not.

Q. Had you ever met with in person, spoke with on the telephone, or sent written communication to Gary Gevisser?

A. No.

Q. You have in front of you Plaintiff's Exhibit Number 2. Is that the first e-mail you received from Gary Gevisser?

A. Yes, that's it.

Q. Did you respond to that e-mail?

A. No, I did not.

Q. After you received that e-mail and to the present, have you ever communicated orally or in writing with Gary Gevisser?

A. No.

Judge Lowy is listening but saying nothing to Mr. Knuff talking about his brain problems, and that as part of his work for the CIA he was involved in covert operations where the truth is most often hidden, that he also recruited for the CIA; and he researched my website where my name is prominent, but when asked by Loewinsohn, "Had you ever heard of that name before?" when Mr. Knuff is now meeting with Mr. Tucker in his California home, Mr. Knuff answers "No"; and after Mr. Loewinsohn flounders about, "That may not have been a category I specifically identified for the purposes of highlighting among the vast amount of information, Your Honor", Judge Lowy asks Mr. Knuff if he is all there; Again, page 38, line 7;

THE COURT: Mr. Knuff --

MR. KNUFF: Yes, sir.

THE COURT: -- has the FBI or any other law enforcement agency contacted you to investigate any of these allegations by Mr. Gevisser?

stories based

MR. KNUFF: No, they haven't.

THE COURT: Has 60 Minutes broadcast any upon these allegations by Mr. Gevisser?

MR. KNUFF: No, they haven't.

THE COURT: Can you tell me that you

have specifically lost any business relationship
or transaction as a result of these postings by
Mr. Gevisser?
MR. KNUFF: Not at the present time, sir.

The whole contention of Plaintiff Knuff and Mr. Loewinsohn is that they said I said Mr. Knuff was a rouge CIA agent that killed people, and that this had brought mental as well as financial hardship.

They fumbled around looking for the evidence as part of the 992 pages of exhibits and found nothing because it does not exist. Judge Lowy only had the exhibits and their false statements under oath, and if granting me due process under the law that I was entitled to, then to do the most logical and end the proceedings immediately by him having the presence of mind to go back to what he stated in the first transcribed hearings on June 30, 2010,

> "You may know what this lawsuit is about ... If it was me, I would have to say 'defenses to what?'"

They also prove up no damages; in fact they only confirm no loss of business.

Mr. Loewinsohn says that there is no requirement for proof under Texas law of damages and that it is up to the judge to decide on actual damages: Hearing/Trial January 21, 2011, page 42, line 8:

> Loewisohn: Therefore, it is up to the Court to put a number on those actual damages. Your Honor, in one sense, at the end of the day all we have is our reputation. That is something Mr. Knuff has worked very hard to establish over many years, both in the field of art and in the field of computer science.

The notion that damages might happen someday in the future to Mr. Knuff is pure hogwash and Judge Lowy still signs the order with lineations.

Judge Lowy tries to find out whether me calling Mr. Knuff Jewish, which is what I was told by Mr. Tucker, is the defamation, because Judge Lowy never came across any other evidence; and Mr. Knuff answers the question, "No".

Hearing/Trial transcription January 21, 2011, page 39, line 13:

> THE COURT: Are you in fact Jewish, sir?
> MR. KNUFF: No, sir, I am not.
> THE COURT: Do you consider the statement that you are Jewish to be defamatory?
> MR. KNUFF: I would only consider it to be incorrect.

There is no basis for Judge Lowy's decision.

Now I am being blamed for Internet Search Engines that link Mr. Knuff that much more to my website 2facetruth.com.

There is nothing here but fraud. They have no right to deter anyone from anything unless I knowingly made false statements that really damage Plaintiff Knuff.

The prove-up hearing on January 21, 2011 proved no damages, certainly not $1 million, and therefore no punitive or exemplary damages could follow.

So they were calculated fabricated damages and not discovery death penalty sanctions. Mr. Loewinsohn throws in a few obscure words and says no proof needed in Texas.

So again what was the $1 million for; what was said other than Mr. Knuff was a “rouge CIA covert agent killing people” which I never said and they said I said it, but they couldn’t provide the evidence and which was confirmed by Judge Lowy.

Every law, every aspect of human decency was broken. Even when it comes to Mr. Knuff’s abstract sculpting business, Mr. Knuff is unclear if and how galleries he planned to show his stuff have been turned off by my writings.

Mr. Loewinsohn’s prompt to Mr. Knuff to tell the court what he can about his work for the CIA that Mr. Knuff indicated ended in 2002, after 9/11, was just all a big scare tactic because Mr. Knuff had bitten off more than he could chew when blabbing his mouth to Mr. Tucker and did not want to be found out.

In a nutshell, there was no prove-up of any damages; they committed extrinsic and intrinsic fraud.

The fact that Mr. Knuff acknowledges that he never attempted to respond to my email of December 25, 2008 to resolve the conflict and explain to me the supposed “false claims” is telling. He just wants the money.

The “nut” business is all designed to leave the impression, as they well know, that a "nut" cannot be telling the truth, but they are afraid people will take it as serious.

Mr. Knuff is of course most unhappy about being linked to my writings and websites and what people will think about what he did, or is doing.

Who is Mr. Knuff to suggest that he knows what is and what isn’t “historically accurate” as he contests?

Mr. Knuff’s sworn testimony shows his ego, attitude, and culpability.

We only know the truth about what Mr. Knuff said or did not say from either him who has perjured himself or Mr. Tucker who was the only other person present when they met and discussed the “history”.

Judge Lowy and attorney Loewinsohn call me a “nut”, but they argue that someone may not know the difference, and take me seriously thereby causing Mr. Knuff damages who says my website is “conspiracy” and that

he is all knowing about the facts of history because he is CIA. It is preposterous, absurd, obscene.

The “public policy” argument is perfect for this case given how there are issues of blatant fraud involved in the underlying case and procedure, and consequently Judge Jay Bloom’s lower court should NOT be bound by the full faith and credit clause, and should be permitted to reopen the underlying case and examine these issues of fraud.

Prayer: To invalidate, dismiss, set aside invalid sister-state Texas DEATH PENALTY $4 million judgment ordered against Defendant Gary S. Gevisser pro se in Texas State Court 101st District, Judge Martin Lowy presiding, on the grounds of judicial abuse, invalid order, lack of due process, and to have a new trial or destroy the “bad litigation” that commenced with a flagrant fraud that could not be rectified, and which resulted in one fraud heaped upon the next, and which can only topple under its own weight as a result of the preponderance of the evidence which shows a miscarriage of justice of the highest order.

Judge Lowy doesn't know what it is about; there is no proof of defamation, they can't even find the PLO cite. They say I said all these false things. Mr. Knuff hasn’t been hurt other than what he has said, and the actions he has taken to cover his tracks and to use and abuse the courts to steal a whole bunch of money. His only contention is that he has potentially lost money on business or sales, but again no proof.

They severed Mr. Tucker to make the order final against me despite knowing that the most damaging statements, and not proven to even be

false, let alone meet the high standard of defamation, about Plaintiff Knuff, are made by Mr. Tucker who made two postings on the Yahoo message board; the first late on December 27, 2008 and the second on December 28th following the frenzy of phone calls Mr. Knuff made to Mr. Tucker on his cell phone on December 26, following Mr. Tucker's email earlier in the day enquiring from Mr. Knuff whether he had received my email to him of the day before.

I have not been able to locate either posting on the Yahoo website, which Mr. Tucker did because he felt intimidated by Mr. Knuff; the first giving what Mr. Tucker believed to be Mr. Knuff's resume and the second, an exact replica of the email Mr. Tucker sent the FBI:

> From: Adam L. Tucker [mailto:adam@just3ants.com]
> Sent: Sunday, December 28, 2008 11:41 AM
> To: san diego@ic.fbi.gov
> Subject: File complaint of intimidation against CIA
>
> I would like to file a formal complaint of intimidation against the CIA. I left a voice message for Special Agent Curran Thomerson earlier this morning; it is imperative that I am contacted as soon as possible.
>
> Adam L. Tucker
> Just3ants.com

The last record I have of both postings on The Internet was back on May 16, 2011. Mr. Tucker says he has not removed them and nor is there a court order that they be removed.

Conclusion: There was no jurisdiction in Texas according to Texas code of civil procedure which was used to get me there, no evidence or damages for defamation per the transcripts (my written oral argument in now Judge Bloom's transcript from the May 10, 2012 California hearing), no discovery death penalty sanctions per the code and case law; a biased judge and therefore abuse of power and discretion, and no due process.

This miscarriage of justice is unusual not only in terms of its egregiousness and vicious manner in which it has been prosecuted with the intimidation extending to others who have wanted to step in to help, and which I have yet to burden this court with all the evidence of that wrongdoing including how one gentleman in particular, South African-American Michael Awerbuch upon receiving a threatening call right after speaking with a San Diego attorney I was thinking about retaining in a counter-lawsuit against Mr. Knuff, began to quake and tremble, and you can guess the rest.

It is the fact that all those including the great many reporters who I have known for many years and who are fully aware of my knowledge and credibility, are silent; but you cannot keep silent such information which continues to get out there, and there is little to none trust amongst liars who only think they can keep fooling everyone else until it is well known.

Doctoral degree attorney Paul MJD

from justanswer.com has been helping me write this Opening Brief. He has more than one bar license to practice law and 73,424 “satisfied customers”. His last words to me were:

> "Every time I read the things you write to me about your case I wonder why I ever got involved in the practice of law."

Each US court after the next is bucking it when failing to do the right thing.

May God be with you that you exercise good faith,

Gary Steven Gevisser
Pro se

Date: June 3, 2013

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION ONE

CHARLES KNUFF,

Plaintiff and Respondent,

v.

GARY S. GEVISSER,

Defendant and Appellant.

Appeal lower California Superior Court ruling to enforce illegal Texas sister state judgment and demand for dismissal, injunction, stay, set-aside, destruction of records, damages as so forth. ***Demand the CA courts refuse to recognize the foreign judgment from Texas judgment based on fraud as required under the Uniform Recognition of Foreign Judgment Act*****.**

Calif. Ct. of Appeal. No. D062134

(SAN DIEGO COUNTY - Superior Court Judge Jay Bloom presiding -

Super. Ct. No. 37-2011-00088438-CU-EN-CTL)