

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

Brian R. Chapman,  
Plaintiff,

v.

Civil Action No. 5:06CV00074

Brenda A. Chapman,  
Defendant,

**ANSWER TO COUNTER-CLAIMS**

Comes now, the Petitioner/Plaintiff, Brian R. Chapman, in direct response to the counter-claims submitted by Mr. Lawrence J. Mayer Esq. (*guardian ad litem for the minor child*), and Ms. Nancy J. Glickman Esq. (*counsel for the defendant*) to invoke the Petitioner's 'RESERVATION OF RIGHTS' clause from his original 'Notice of Petition and Verified Petition For Warrant Of Removal' pleading, to offer the following AMEMDED pleading in answer to the above mentioned parties counter-claims submitted to this Court on or about 1Sept06. AND pursuant to 28 USC 1653.

**JURISDICTION, VENUE, AND PARTIES**

1. This District Court of the United States of America has original, concurrent and supplementary jurisdiction of this cause of action for relief pursuant to at least the following authorities: defendant's actions under color of state law that deprive plaintiff of federally guaranteed civil rights provided by 42 USC 1983, for the enforcement of civil rights by 28 USC 1343 (a)(3) and (4), and for federal questions by 28 USC 1331.
2. Plaintiff, Brian R Chapman, is a resident of Shenandoah County, Virginia.
3. Defendant, Brenda A Chapman, is a resident of Shenandoah County, Virginia

## **MOTION TO ENJOIN ADDITIONAL DEFENDANTS**

4. Lawrence J Mayer Esq. (GAL), Nancy J. Glickman Esq., Anna Hammond Esq. , Judge Dennis Lee Hupp, and Judge William B. Logan operate in Shenandoah, Page, Warren, and Rockingham Counties, Virginia, which is within the territorial jurisdiction of this court, in their capacity as officers of the state courts.

5. The actions complained of have occurred in Shenandoah County in the State of Virginia

### **ALLEGATIONS/DECLARATIONS**

6. Plaintiff specifically complains on matters which go to related federal questions, such as federal criminal jurisdiction within the several States of the Union, and the denial or the inability to enforce, in the courts of a State, one or more rights under any law providing for the equal rights of the *citizens* of the United States of America, or of all persons within the jurisdiction thereof, to-wit:

7. Plaintiff complains of various and systematic and premeditated deprivations of fundamental Rights guaranteed by the Constitution of the United States of America (*hereinafter Constitution of USA*), and by the Constitution of the Commonwealth of Virginia, as lawfully amended (*hereinafter Virginia's Constitution*), and by federal law, and which deprivations are criminal violations of 18 USC 241.

Plaintiff restates paragraphs 8 through 14 of the original allegations declarations as if rewritten here:

Federal questions restated here as if rewritten in their entirety here:

### **RESPONSE TO MOTIONS TO REMAND**

15. The Consent Order mentioned by both Ms. Glickman and Mr. Mayer, entered as

an order of the Juvenile and Domestic Relations division of the General District Court on January 15, 2003 was not appealed for the simple fact that a “consent order” by its very nature cannot be “appealed”.

16. Plaintiff complied with the terms of the “consent agreement” eg. Completed the counseling, supervised contact, etc.

17. Plaintiff could not get the primary defendant to comply with the terms of the “Consent Agreement” or “Contract” despite the Plaintiff fulfilling his obligation under the terms of the agreement.

18. Motions to amend the previously mentioned Consent Agreement were filed by both parties.

19. At the time of the motions to amend, Plaintiff did in fact, after much research and discovery (*prior to signing the consent agreement, Plaintiff was never INFORMED of what his fundamental parental rights were*), start to attempt to invoke his fundamental parental rights both formally and informally.

20. The records from Case No. JJ09426-02, Circuit Court Case No. CH04-239 and CH05-198 will reveal that Plaintiff has raised the Constitutional protections issues, however NONE of the state actors, despite four of them having law degrees and being sworn officers of the court, previously mentioned have acted to recognize or enforce the Plaintiff’s fundamental parental rights in equal fashion with those of the primary Respondent/Defendant

21. Judge Logan’s statements from the bench, recorded and transcribed (*on 4Aug04*), clearly indicate a total disregard for the Plaintiff’s parental rights and his orders show outright bias in favor of the mother.

22. Judge Hupp's letters in response to Plaintiff's 'motions to vacate/reconsider/rescind' which should be part of the court record for Case No. CH05-198, clearly show that Judge Hupp also has a wanton and willful disregard for not only the Plaintiff's fundamentally protected rights, but also the oath he took to uphold and enforce the law of the land which are the U.S. and Virginia Constitutions.

23. For the purposes of 42 USC 1983, the primary defendant, Brenda A Chapman is a "person" since the order currently on appeal and removal to this court awarded her sole custody of the minor child. She is a "defacto" foster parent or "state employee" who has been entrusted by the state to care for this child and has therefore acted under "color of law" to deprive Plaintiff of enjoying his parental rights.

24. Discovery of ALL the notes and working papers, regarding this case, of Lawrence J Mayer Esq, Nancy J Glickman Esq and Anna Hammond will reveal the conspiracy to deprive this Plaintiff of his fundamental rights.

25. Plaintiff's case citations are relevant due to the fact that when the guardian ad litem was appointed, the contest was no longer parent v parent, it became parent v parent and state. The cases cited also clearly show that parental rights are fundamental, guaranteed, protected rights.

26. Mr. Mayer's pleading and reports show a clear bias towards the mother, without any facts to support his recommendations.

27. Mr. Mayer's request for sanctions against this Plaintiff is an example of the disdain Mr. Mayer and the other state actors have for those of us who would exercise our 1<sup>st</sup> amendment right to "petition the Government for a redress of grievances." If another action was filed against Mr. Mayer and/or the other state actors, that should indicate to

this Court that may be there is a problem in the 26<sup>th</sup> judicial district that needs to be addressed by a federal grand jury and the Department of justice.

28. Mr. Mayer's complaint that he was not "served" does not wash, he admits to receiving a faxed copy, which is an admission that he was "served" despite Plaintiff not considering him to be a "party" to the suit. So, this is a case of Rule 6.1 harmless error.

29. Mr. Mayer contends that Father's Notice of Petition for Removal does not conform to Rule 11 requirements, does not wash either. Rule 11 (a)(b)(1)(2)(3) states that by signing the complaint/petition the Plaintiff is affirming compliance with the provisions of Rule 11. Apparently, the possession of a law degree and/or bar number hinders reading ability and common sense.

30. Mr. Mayer continues to use the "risk of harm to the child" mantra to justify Plaintiff's fundamental rights continuing to be violated without any cause.

31. Plaintiff maintains and reaffirms the fact that no evidence has ever been presented to show that the minor child is at risk of being abused in any fashion by the Plaintiff while in the Plaintiff's care. Plaintiff reaffirms the belief that those state actors who possess law degrees and/bar numbers, lack common sense.

32. Despite the tardiness filing this suit, Plaintiff's information and belief is that the applicable statutes of limitations, VA Code 8.01-246 has not expired, since the original proceedings were related to modification of or enforcement of a Consent Agreement, which is a "contract" for practical purposes.

33. None of the state actors named are immune from suit, they all have a duty to know the law and they chose to ignore the law.

34. Neither Mr. Mayer, Ms Glickman or the primary defendant, Ms. Chapman have

denied that Plaintiff's fundamental, protected, rights regarding the minor child have been violated.

35. Plaintiff restates here as if rewritten paragraphs 11-20 of the original removal pleading.

#### **NOTICE TO PARTIES**

36. Plaintiff now and hereby provides his formal Notice of the above to ALL interested parties, of record or otherwise, within and surrounding the above-uncaptioned state court proceedings. The enjoined, new defendants will be served pursuant to Rule 4, original parties shall be served pursuant to Rule 5.

#### **SUMMARY**

37. Plaintiff restates paragraphs 22-23 as if fully rewritten here.

#### **REMEDY**

38. WHEREFORE, the undersigned Plaintiff/Petitioner, Brian R Chapman, now respectfully requests the above-uncaptioned state court proceedings remain into, and under the jurisdiction of this United States District Court, and that this Court would grant at least the following relief:

- A. Immediate declaratory relief regarding the Plaintiff's protected fundamental rights.
- B. Immediate injunctive relief against all defendants from continuing to interfere with Plaintiff's protected, fundamental, parental rights.
- C. An award of damages against the defendants for the tort of violation of 42 USC 1983
- D. An award of costs and any attorneys fees against the defendants as provided by 42 USC 1988

E. In addition to the relief available under 42 USC 1983, this court should also report the facts of this case to the grand jury.

F. Awards for such other and further relief as to this Court seems reasonable and equitable.

\_\_\_\_\_  
Brian R. Chapman, Sui Juris

### **VERIFICATION**

I, Brian R. Chapman, hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Harrisonburg, VA, this \_\_\_\_\_ day of September 2006.

\_\_\_\_\_  
Brian R Chapman, Sui Juris

### **CERTIFICATE OF SERVICE**

I hereby certify that, on this \_\_\_\_\_ day of September, 2006, a true and complete copy of the foregoing “answer to cross-claim” and “Motion to amend”, by depositing the same in the United States mail, postage prepaid, certified with return receipt, has been duly served upon all parties of record in the lower state proceedings, to-wit:

(attorney for Brenda Chapman)  
Nancy J. Glickman, Esquire  
Blue Ridge Legal Services, Inc.  
POB 436  
119 S. Kent Street  
Winchester, Virginia 22604

(Guardian ad litem)  
Lawrence J. Mayer, Esquire  
2971 Valley Avenue  
Winchester, Virginia 22601

Enjoined parties:

Judge William B Logan  
Shenandoah Juvenile and Domestic Relations District Court  
114 West Court Street  
Woodstock Virginia 22664

Judge Dennis Lee Hupp,  
Shenandoah County Circuit Court  
112 South Main Street  
Woodstock, Virginia 22664-1423

Anna Hammond Esq.  
c/o Blue Ridge Legal Services  
POB 436  
119 S. Kent Street  
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