

GIUSEPPE VIOLA

IN PRO PER

MARICOPA COUNTY JAIL

201 S. 4TH AVE

PHOENIX, AZ 85003

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO, DIVISION

In Re

JOSEPH J. VIOLA,

ALLEGED DEBTOR

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CASE NO 10-30904 DM

(CHAPTER 7 INVOLUNTARY)

EMERGENCY MOTION TO STAY

TURNOVER OF MOTOR VEHICLES

MOTION TO SET ASIDE ORDER

SHORTENING TIME

MOTION TO DISMISS

REQUEST FOR ORAL ARGUMENT

COMES NOW GIUSEPPE VIOLA, IN PRO PER, IMPROVIDENTLY NAMED WITHIN THE

ABOVE ENCAPTIONED ACTION AS AN 'AKA' OF THE ALLEGED DEBTOR, JOSEPH J. VIOLA,

AND RESPECTFULLY REQUESTS THE ISSUANCE OF THE ABOVE ENUMERATED ORDERS,

AND IN SUPPORT THEREOF, REPRESENTS AS FOLLOWS:

JURISDICTION

1. ON MARCH 16, 2010, A PETITION FOR INVOLUNTARY BANKRUPTCY WAS FILED AGAINST THE ALLEGED DEBTOR, A COPY OF WHICH WAS ADDRESSED TO, AND RECEIVED BY THIS RESPONDENT AT THE SAN FRANCISCO COUNTY JAIL ON 19 MARCH.
2. A MOTION TO SHORTEN TIME WAS FILED ON 24 MARCH AND SERVED UPON THIS RESPONDENT AT 3:00 PM ON THURSDAY 25 MARCH, GIVING NOTICE OF A HEARING ON SAID MOTION FOR THE NEXT MORNING AT 11:00 AM, AND TO ALSO HEAR A MOTION AT THAT TIME TO APPOINT A TRUSTEE.

REVIEW REQUESTED

3. GOOD CAUSE EXISTS TO GRANT THE ABOVE ENUMERATED ORDERS.

FACTUAL AND LEGAL BASIS

4. ON ITS FACE, SAID MOTION TO SHORTEN TIME AS SERVED, AND THE DATE SET FOR ITS HEARING, REPRESENTS A CLEAR BREACH OF THIS RESPONDENT'S DUE PROCESS RIGHTS, ESPECIALLY IN CONSIDERATION OF THE CIRCUMSTANCES UNDER WHICH HE WAS KNOWN TO HAVE BEEN HELD, MAKING IT IMPOSSIBLE TO RESPOND.
5. THE FILING OF THE ORIGINAL PETITION WAS IN ITSELF AN ARTIFICE TO ACHIEVE COLLATERAL ADVANTAGE IN A PARALLEL ACTION IN STATE COURT BY THE SAME PETITIONER, MORTON KIRSCH, AN ADMITTED TAX CHEAT, THROUGH HIS SAME COUNSEL, WILLIAM McGRANE, WELL KNOWN FOR HIS FRIVOLOUS AND ABUSIVE FILINGS. THE STATE COURT ACTION HAS SINCE BEEN DISMISSED.
6. THE CONDITIONS OF INCARCERATION ARE SUCH THAT CONTACT WITH THE OUTSIDE WORLD IS RESTRICTED TO A BARE MINIMUM, MAKING IT VIRTUALLY IMPOSSIBLE TO ENGAGE COUNSEL, OR TO OTHERWISE PREPARE OR RESPOND TO MOTIONS IN ANY MEANINGFUL WAY.
7. NO LEGALLY COGNIZABLE CONNECTION HAS BEEN DEMONSTRATED BETWEEN THE ALLEGED DEBTOR AND THIS RESPONDENT. THE ONLY TREAD IS THE TENUOUS PRESENCE OF AN ARIZONA INDICTMENT AGAINST THE ALLEGED DEBTOR, ON WHOLLY UNRELATED MATTERS, ARISING OVER TWENTY YEARS AGO. THIS RESPONDENT IS AWAITING THE RESOLUTION THEREOF.
8. CALIFORNIA LAW CONTEMPLATES THE EXEMPTION FROM RECEIPT OF CIVIL PROCESS FOR THOSE HELD AWAITING EXTRADITION, AS WAS THE CASE ON 25 MARCH IN THE PRESENT MATTER.

9. THE TRUSTEE, JANINA ELDER, THROUGH HER COUNSEL, JOHN MACCONAGHY, JOINING THE ACTIONS OF THE PETITIONERS AND THEIR COUNSEL, HAVE CONSPIRED TO PRESENT A NUMBER OF MATERIAL MISSTATEMENTS IN THEIR VARIOUS FILINGS IN AN ATTEMPT TO RUSH THROUGH A PROCESS, THUS FAR CONDUCTED ON AN ENTIRELY EX PARTE BASIS, TO DEPRIVE THIS RESPONDENT OF HIS ASSETS, AND MORE OBLIVIOUSLY, HIS RIGHTS UNDER COLOR OF LAW, WHILE HE HAS BEEN IN CUSTODY.
10. THE VEHICLES MOST RECENTLY IDENTIFIED, ALONG WITH SEVERAL OTHER ASSETS, ARE NOT IN THE NAME OF THIS RESPONDENT.
11. SAID VEHICLES WERE BUILT AS SHOW CARS, AND HAVE NOT AS YET RECEIVED THOSE SEVERAL MODIFICATIONS REQUIRED FOR THEIR CERTIFICATION TO BE SOLD INTO GENERAL COMMERCE. FURTHER, MANY COMPONENTS WITHIN THEM ARE NOT YET OF PRODUCTION TOLERANCE, AND THEREFORE QUITE FRAGILE, ANY DAMAGE TO THEM WILL BE MET WITH THE MOST SEVERE RESPONSE AVAILABLE TO THOSE RESPONSIBLE UNDER THE LAW.
12. THIS RESPONDENT RESPECTFULLY REQUESTS THAT THE COURT MAKE A SUFFICIENT NUMBER OF PHOTOCOPIES OF THIS FILING, RENDERED IN GOLF PENCIL AS THE ONLY MEDIA AVAILABLE, AND DISTRIBUTE SAID COPIES TO THE PERTINENT PARTIES ON THE MAILING LIST IN THIS MATTER, ENCL. HERE

WHEREFOR, THE RESPONDENT PRAYS THAT THIS COURT ENTER ITS ORDERS TO STAY ITS PENDING ORDERS, TO SET ASIDE ITS ORDER TO SHORTEN TIME, AND TO DISMISS IN ITS ENTIRETY THE PRESUIT ACTION AS A NIGHTMARISH ASSAULT ON PROPERTY, DUE PROCESS, AND CIVIL RIGHTS. HE FURTHER REQUESTS THE COURT'S EXERCISE OF ITS AUTHORITY TO BRING THIS RESPONDENT BEFORE IT FOR ARGUMENT.

RESPECTFULLY SUBMITTED THIS 1ST DAY OF JUNE 2010 /s/ GIUSEPPE VIOLA
RESPONDENT, IN PRO PER