



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

|  |  |
|--|--|
| <b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/><br>David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col.; Sheila Morris; Patrick Cluney; Robert Hollenegg; Allan Treffry; and Reece Hamilton               | <b>DEFENDANTS</b><br>Christopher Cox; Mary L. Schapiro; Cynthia A. Glassman; Paul S. Atkins; Roel C. Campos; Annette L. Nazareth; Troy A. Paredes; Luis A. Aguilar; Elisse B. Walter; Kathleen L. Casey; and DOES 1 through 10 inclusive |
| <b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)<br><br>A. Clifton Hodges, Esq.<br>HODGES AND ASSOCIATES<br>4 East Holly Street, Suite 202, Pasadena, CA. 91103-3900 Tel.: (626) 564-9797 | Attorneys (If Known)   |

|  |  |   |  |   |  |                          |   |   |   |   |   |                |   |
|--|--|---|--|---|--|--------------------------|---|---|---|---|---|----------------|---|
| <b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)<br><br><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)<br><br><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | <b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF<br/><input type="checkbox"/> 1   <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;">PTF DEF<br/><input type="checkbox"/> 4   <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2   <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5   <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3   <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6   <input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State   | PTF DEF<br><input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF DEF<br><input type="checkbox"/> 4 <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
| Citizen of This State  | PTF DEF<br><input type="checkbox"/> 1 <input type="checkbox"/> 1   | Incorporated or Principal Place of Business in this State     | PTF DEF<br><input type="checkbox"/> 4 <input type="checkbox"/> 4 |   |  |                          |   |   |   |   |   |                |   |
| Citizen of Another State   | <input type="checkbox"/> 2 <input type="checkbox"/> 2  | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5            |   |  |                          |   |   |   |   |   |                |   |
| Citizen or Subject of a Foreign Country  | <input type="checkbox"/> 3 <input type="checkbox"/> 3  | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6            |   |  |                          |   |   |   |   |   |                |   |

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify):    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes    No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes    No     **MONEY DEMANDED IN COMPLAINT:** \$ 3.87 trillion

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Bivens claim; 5th Amendment violation

**VII. NATURE OF SUIT** (Place an X in one box only.)

| OTHER STATUTES   | CONTRACT  | TORTS  | TORTS  | PRISONER   | LABOR   |
|--|---|--|--|--|---|
| <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce/ICC Rates/etc.<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Act<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Info. Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes | <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise<br><b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Fed. Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury-Med Malpractice<br><input type="checkbox"/> 365 Personal Injury-Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee<br><input type="checkbox"/> 465 Other Immigration Actions | <b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability<br><b>BANKRUPTCY</b><br><input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 American with Disabilities - Employment<br><input type="checkbox"/> 446 American with Disabilities - Other<br><input checked="" type="checkbox"/> 440 Other Civil Rights | <b>PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 Habeas Corpus<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus/Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><b>FORFEITURE / PENALTY</b><br><input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |

**FOR OFFICE USE ONLY:** Case Number: CV10-00031

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

|                           |   |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles; and Orange   | Florida; Missouri; North Carolina; and Texas  |

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

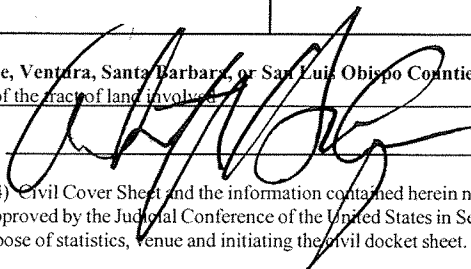
|                           |   |
|---------------------------|---|
| County in this District:* | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles; and Orange   | Illinois; and Washington D.C.   |

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

|                                 |   |
|---------------------------------|---|
| County in this District:*       | California County outside of this District; State, if other than California; or Foreign Country |
| Los Angeles; and Orange et. al. | All U.S. states   |

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note:** In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

 Date 1/4/2010

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action   |
|---------------------|--------------|--|
| 861                 | HIA          | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862                 | BL           | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)  |
| 863                 | DIWC         | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))   |
| 863                 | DIWW         | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))  |
| 864                 | SSID         | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.  |
| 865                 | RSI          | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))   |

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

A. Clifton Hodges, Esq. (CSBN 046803)  
HODGES AND ASSOCIATES  
4 East Holly Street, Suite 202  
Pasadena, CA 91103-3900  
(626) 564-9797

ATTORNEYS FOR: Plaintiffs

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col; Sheila Morris;  
Patrick Cluney; Robert Hollenegg; Allan Treffry; and Reece Hamilton,  
Individually and on behalf of all similarly situated.

Plaintiff(s).

CASE NUMBER

CV 10-00031-JIS (MLG)

Christopher Cox, an individual; Mary L. Schapiro, an individual;  
Cynthia A. Glassman, an individual; Paul S. Atkins, an individual;  
Roel C. Campos, an individual; Annette L. Nazareth, an individual;  
Troy A. Paredes, an individual; Luis A. Aguilar, an individual;  
~~Elisse B. Walter, an individual; Kathleen L. Casey, an individual; and~~  
DOES 1 through 10, inclusive.

CERTIFICATION AND NOTICE  
OF INTERESTED PARTIES  
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Plaintiffs

(or party appearing in pro per), certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

Plaintiffs: David Anderson, Lt. Col.; Nelson L. Reynolds, Lt. Col.; Sheila Morris; Patrick Cluney; Robert Hollenegg; Allan Treffry and Reece Hamilton

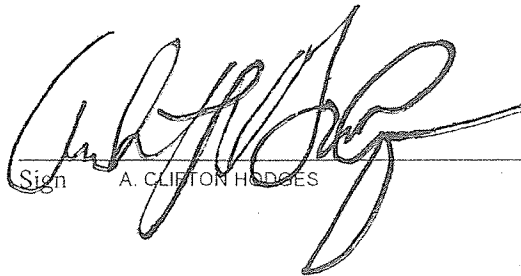
Each plaintiff is a real party in interest

Defendants: Christopher Cox, Mary L. Schapiro, Cynthia A. Glassman, Paul S. Atkins, Roel C. Campos, Annette L. Nazareth, Troy A. Paredes, Luis A. Aguilar, Elisse B. Walter, and Kathleen L. Casey

Each defendant is a real party in interest

1/8/10

Date



Sign A. CLIFTON HODGES

Plaintiffs

Attorney of record for or party appearing in pro per

NOTICE OF INTERESTED PARTIES

2010 JAN -8 PM 2:41  
CENTRAL DISTRICT COURT  
LOS ANGELES

FILED

1 A. CLIFTON HODGES, State Bar No. 046803  
2 **HODGES AND ASSOCIATES**  
3 4 East Holly Street, Suite 202  
4 Pasadena, California 91103  
5 Telephone: (626) 564-9797  
6 Facsimile: (626) 564-9111

7 Attorneys for Plaintiffs

2010 JAN -8 PM 2:41  
DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

FILED

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 DAVID ANDERSON, LT. COL.;  
12 NELSON L. REYNOLDS, LT. COL.;  
13 SHEILA MORRIS; PATRICK  
14 CLUNEY; ROBERT HOLLENEGG;  
15 ALLAN TREFFRY; and REECE  
16 HAMILTON, Individually and on  
17 behalf of all similarly situated,

18 Plaintiffs,

19 vs.

20 CHRISTOPHER COX, an individual;  
21 MARY L. SCHAPIRO, an individual;  
22 CYNTHIA A. GLASSMAN, an  
23 individual; PAUL S. ATKINS, an  
24 individual; ROEL C. CAMPOS, an  
25 individual; ANNETTE L. NAZARETH,  
26 an individual; TROY A. PAREDES,  
27 an individual; LUIS A. AGUILAR, an  
28 individual; ELISSE B. WALTER, an  
individual; KATHLEEN L. CASEY,  
an individual; and DOES 1 through  
10, inclusive,

Defendants.

Case No.:

~~CV 10-00031~~ - JVS (MCG)

COMPLAINT FOR  
DECLARATORY JUDGMENT,  
AND FOR DAMAGES FOR  
VIOLATION OF CIVIL RIGHTS

(JURY TRIAL DEMANDED)

**COME NOW** Plaintiffs DAVID ANDERSON, LT. COL.; NELSON  
L. REYNOLDS, LT. COL.; SHEILA MORRIS; PATRICK CLUNEY;

1 ROBERT HOLLENEGG; ALLAN TREFFRY; and REECE HAMILTON,  
2 individually and on behalf of all others similarly situated, who, for  
3 causes of action herein allege:

#### 4 **INTRODUCTION**

5 1. This action for declaratory judgment and for damages  
6 for violations of the Plaintiffs' civil rights under *Bivens v. Six*  
7 *Unknown Agents of the F.B.I.*, 403 U.S. 388 (1971), against  
8 Commissioners of the Securities and Exchange Commission, arises  
9 out of actions and failures to act occurring over the period from  
10 January 1, 2006 to date by Defendants CHRISTOPHER COX, an  
11 individual; MARY L. SCHAPIRO, an individual; CYNTHIA A.  
12 GLASSMAN, an individual; PAUL S. ATKINS, an individual; ROEL C.  
13 CAMPOS, an individual; ANNETTE L. NAZARETH, an individual;  
14 TROY A. PAREDES, an individual; LUIS A. AGUILAR, an individual;  
15 ELISSE B. WALTER, an individual; KATHLEEN L. CASEY, an  
16 individual; and other government agents whose names are not now  
17 known to the Plaintiffs.

18 2. These Defendants, acting in the course and scope of  
19 their employment by the United States of America as duly  
20 authorized Commissioners of the Securities and Exchange  
21 Commission, a federal agency, through their acts and omissions  
22 knowingly, consciously, wrongly, without compensation and  
23 without due process of law have effected a taking of property from  
24 each of the named Plaintiffs and all who are similarly situated.

#### 25 **JURISDICTION AND VENUE**

26 3. This action for declaratory relief and damages is  
27 predicated on the provisions of the Constitution and Statutes of the  
28 United States, the legal and equitable jurisdiction of this Court, the

1 principles of common law, and this Court's concurrent and pendant  
2 jurisdiction.

3 4. This Court has jurisdiction over the Plaintiffs' claims  
4 under Article III of the United States Constitution and the Fifth  
5 Amendment thereto. This Court has jurisdiction over Plaintiffs'  
6 property rights under the foregoing citations and, in addition,  
7 pursuant to Title 28 U.S.C., Section 1331 and the case law  
8 precedent of *Bivens v. Six Unknown Agents of the F.B.I.*, 403 U.S.  
9 388 (1971).

10 5. Venue is proper in this Court under Title 28 U.S.C.,  
11 Section 1391(e)(1)/(2). Defendants are all past or current  
12 Commissioners of the Securities and Exchange Commission and  
13 therefore agents of the United States Government, and a  
14 substantial part of the property, and the acts related to such  
15 property subject to Plaintiffs' claims, occurred or was situated in  
16 this Central District of California at all times relevant.

17 **THE PARTIES**

18 6. Plaintiff DAVID ANDERSON, LT. COL., U.S. Air Force  
19 pilot, resides in the State of Missouri, owns more than 280,000,000  
20 shares of stock in CMKM Diamonds, Inc., and at all times relevant  
21 to the allegations set forth herein, was a citizen of the United  
22 States.

23 7. Plaintiff NELSON L. REYNOLDS, LT. COL., U.S. Air Force  
24 pilot, resides in the State of Texas, owns more than 15,000,000  
25 shares of stock in CMKM Diamonds, Inc., and at all times relevant  
26 to the allegations set forth herein, was a citizen of the United  
27 States.

28 //

1           8. Plaintiff SHEILA MORRIS, a company owner/CEO resides  
2 in the State of North Carolina, owns more than 400,000,000 shares  
3 of stock in CMKM Diamonds, Inc., and at all times relevant to the  
4 allegations set forth herein, was a citizen of the United States.

5           9. Plaintiff PATRICK CLUNEY, a retired professional athlete  
6 resides in the State of Florida, owns more than 680,000,000 shares  
7 of stock in CMKM Diamonds, Inc., and at all times relevant to the  
8 allegations set forth herein, was a citizen of the United States.

9           10. Plaintiff ROBERT HOLLENEGG resides in the State of  
10 North Carolina, owns more than 85,000,000 shares of stock in  
11 CMKM Diamonds, Inc., and at all times relevant to the allegations  
12 set forth herein, was a citizen of the United States.

13           11. Plaintiff ALLAN TREFFRY, a licensed State of California  
14 Attorney, resides in the County of Los Angeles, State of California,  
15 owns more than One Billion shares of stock in CMKM Diamonds,  
16 Inc., and at all times relevant to the allegations set forth herein,  
17 was a citizen of the United States.

18           12. Plaintiff REECE HAMILTON, a business owner/partner  
19 resides in the County of Los Angeles, State of California, owns  
20 more than One Billion shares of stock in CMKM Diamonds, Inc., and  
21 at all times relevant to the allegations set forth herein, was a  
22 citizen of the United States.

23           13. Defendants CHRISTOPHER COX, Chairman 2005-2009,  
24 MARY L. SCHAPIRO, Chairman 2009-2010, CYNTHIA A. GLASSMAN  
25 Commissioner 2002-2006, PAUL S. ATKINS, Commissioner 2002-  
26 2008, ROEL C. CAMPOS, Commissioner 2002-2007, ANNETTE L.  
27 NAZARETH, Commissioner 2005-2008, TROY A. PAREDES,  
28 Commissioner 2008-2010, LUIS A. AGUILAR Commissioner 2008-



1 2010, ELISSE B. WALTER Commissioner 2008-2010 and KATHLEEN  
2 L. CASEY, Commissioner 2008-2010 are and, at all referenced  
3 times mentioned herein were, acting as individuals and as  
4 Commissioners of the Securities and Exchange Commission, an  
5 agency of the UNITED STATES OF AMERICA, and acting within the  
6 course and scope of their employment. These Defendants are the  
7 real parties in interest in the claims set forth herein.

8 14. Other employees and servants of the Securities and  
9 Exchange Commission are also liable for damages under the causes  
10 of action set out in this Complaint. However, the names of these  
11 employees and servants are not now known to Plaintiffs, who  
12 thereby names them herein as DOES 1 through 10. When the  
13 names of these employees and servants become known, Plaintiffs  
14 reserve the right to amend this Complaint to add the names of  
15 these DOE Defendants.

16 **FACTUAL CONTENTIONS APPLICABLE TO ALL CAUSES OF**  
17 **ACTION**

18 15. In November and December, 2002, CYBER MARK  
19 INTERNATIONAL INC., a public company domiciled in Nevada,  
20 reverse-merged with Casavant Mineral Claims, which then held  
21 mineral claims to more than 600,000 acres within Saskatchewan,  
22 Canada, increased authorized capital from 500,000,000 to  
23 10,000,000,000 common shares, cancelled all preferred shares,  
24 and changed its name to CASAVANT MINING KIMBERLITE  
25 INTERNATIONAL, INC. (CMKI); as of February 3, 2003,  
26 7,241,653,404 shares were issued and outstanding.

27 16. During the succeeding months CMKI declared a 2 for 1  
28 stock split and filed with the Securities and Exchange Commission:

1 Form 15 exemption claim, July, 2003; Certificate of Amendment to  
2 Articles of Incorporation changing its name to CMKM DIAMONDS,  
3 INC. (CMKM), February 5, 2004; Certificate of Amendment to  
4 Articles of Incorporation raising its authorized capital to  
5 500,000,000,000 common shares @ \$0.001 par value, March 1,  
6 2004; Certificate of Amendment to Articles of Incorporation  
7 correcting the par value of common shares as of December 26,  
8 2002 to \$0.0001 par value, July 13, 2004; Certificate of  
9 Amendment to Articles of Incorporation raising its authorized  
10 capital to 800,000,000,000 common shares @ \$0.0001 par value,  
11 July 13, 2004.

12 17. During the summer and fall of 2004: New York Attorney  
13 Roger Glenn was retained by the company; the number of acres  
14 upon which CMKM held claims increased to over 1.2 Million acres;  
15 claims development activity was pursued by the company; and a  
16 shareholders appreciation party was planned to be celebrated in  
17 Las Vegas, Nevada to thank the shareholders, to give them an  
18 opportunity to meet company personnel, and to announce an  
19 agreed upon merger with another public company, U.S. CANADIAN  
20 MINERALS INC. On the eve of the party celebration, the Securities  
21 and Exchange Commission placed an order on CMKM preventing  
22 any public disclosure of anticipated mergers or other development  
23 information.

24 18. In early 2005, CMKM announced the addition of Robert  
25 A. Maheu to the Board of Directors who shortly thereafter became  
26 the co-chairman of the Board; CMKM announced a new "corporate  
27 strategy plan to dramatically and comprehensively transform" the  
28 company for generation of consistent, long-term growth and

