

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA – WESTERN DIVISION

Tyler-Jay: Stoesper-Calkins ©™
a living man, state citizen, sui generis, sui juris, and

Aaron: Prince ©™
Special Appearance by State Citizen under constitutional authority to enforce and lawful commission,
acting under doctrines of private attorney general, guardian of the public interest, and protector of due
process.

Claimants,

v.

Civil Action No.: 5:25-CV-5027

all named in their personal, private, and official capacities,

Respondents.

Motion to Reassert Standing and Jurisdiction under Power Of Attorney and Private Prosecutor Status

NOW COMES Aaron: Prince, a man, appearing in proper person and as the appointed lawful agent and
Private Prosecutor for Tyler-Jay: Stoesper-Calkins©™, and moves this honorable court to reassert and
acknowledge lawful standing and jurisdiction under the following facts and authority:

I. Notice of Agency and Power Of Attorney

- 1. Power of Attorney Granted:**
Lawful agency has been established and acknowledged between the principal, Tyler-Jay:
Stoesper-Calkins©™, and the undersigned, Aaron: Prince, by duly executed and irrevocable Power
of Attorney, lawfully noticed on record.
- 2. Non-Attorney Agency Does Not Invalidate Standing:**
Under common law, a man may appoint another to act as his agent in all civil and commercial
affairs, including legal filings, arbitration offers, and assertion of rights. The denial of this
relationship would constitute a denial of the fundamental right to contract and to access redress.
- 3. Rule 17(a) Compliance and Lawful Status:**
The undersigned appears not as a bar-membered “attorney at law,” but as a **Private Prosecutor**

under natural and common law, empowered to assist, represent, and prosecute claims where state or private actors violate the unalienable rights of a living man and rightful heir.

II. Constitutional Authority and Equity Jurisdiction

4. **Right to Petition and Redress Cannot Be Obstructed by Licensing Statutes:**
The right to petition for redress of grievances (U.S. Const. Amend. I) and the right to access the courts for remedy of injury (U.S. Const. Amend. VII and IX) are not contingent upon state-issued licenses, especially when claims involve **constitutional, equity, and trust law violations**.
5. **Private Prosecutor Status Recognized in Equity and Commercial Trust Breach:**
Where corporate actors, including public officers, commit ultra vires acts, fraud, or abuse of trust, the harmed party may assign agency and prosecution rights to a private representative. The undersigned appears in that capacity, evidenced by notice, filings, and rebuttal-proof declarations already in the record.
6. **Jurisdiction Cannot Be Denied by Fictional Barriers:**
The Court is now on notice that denial of the undersigned's agency role would constitute a **constructive denial of remedy, obstruction of due process, and a trespass upon the unalienable rights** of both the principal and the agent under color of law.

II. Substantive Basis for Rejection of Procedural Dismissal

7. **Insufficiency of Service Claim Is Misapplied:**
The Defendants argue that the response to the Motion to Dismiss is procedurally invalid due to Aaron: Prince not being an attorney and Tyler-Jay: Stoeser-Calkins^{©™} not having personally signed. However, such procedural arguments are insufficient to overcome lawful agency duly noticed under Power of Attorney. The undersigned does not proceed as a "legal representative," but as an **assigned agent in fact**, a role recognized in trust law, contract law, and international commercial practice.
8. **Power of Attorney Supersedes Technical Pleading Formalities:**
A valid and properly executed Power of Attorney, unrebutted and lawfully on record, cannot be summarily ignored by the court under a statutory rule designed for members of a private BAR association. Such rules may govern licensed practitioners, but do not bind private agency when duly noticed and unchallenged.
9. **Equity Courts Must Look to Substance Over Form:**
As an equitable matter, where fraud, abuse of power, and jurisdictional usurpation are alleged, the court must elevate the substance of a pleading over its form. In this case, the filing of the "Objection, Affidavit, and Conditional Offer of Arbitration" was a lawful notice and response under both commercial and constitutional standards, regardless of formal bar membership.
10. **Bar-Only Representation Limits Are Statutory, Not Constitutional:**
South Dakota statutes cited by Defendants (e.g., SDCL § 16-18-1 to -2) are administrative codes regulating commercial bar membership. They do not override the constitutional, contractual, and

fiduciary basis upon which this motion is brought. These statutes cannot lawfully deprive a man of his right to assign agency or access redress outside of a commercial BAR monopoly.

III. Equity, Trust Violations, and the Inherent Right to Rebut Fiduciary Malfeasance

11. Presumption of Trust and Fiduciary Oversight:

The judiciary, bar, and associated agents named in this action have engaged in administration of the estate/trust of the living man Tyler-Jay: Stoesser-Calkins©™ without full disclosure, consent, or proper delegation. Under the rules of equity and trust law, any such administration must be accountable to the named beneficiary and lawful agents.

12. Canon Law and Equity Require a Remedy:

As recognized under Canon 2057 and maxims of equity, silence in the face of lawful objection is acquiescence. When a living man places the court and officers on notice of a rebuttal of presumption (e.g., presumption of incompetence, wardship, or legal fiction status), a remedy must be afforded—failure to do so constitutes ecclesiastical trespass and constructive fraud.

13. Commercial Agency and Power of Attorney Doctrine:

The court is engaging with parties whose legal existence is based on constructive trusts and corporate franchises (i.e., STATE OF SOUTH DAKOTA, UJS, etc.). In such commercial forums, a private man may assign an agent via Power of Attorney and engage in lawful representation of interest. Dismissing filings on procedural pretext denies access to redress and commits a tort against the principal.

14. Court's Duty to Inquire:

When confronted with a challenge to jurisdiction, particularly in matters involving fundamental rights and equity, the court has a duty to inquire—not to summarily dismiss. A blanket rejection of filings under the guise of unauthorized practice fails to address the lawful standing, factual notice, and equity claims made by Aaron: Prince under power of agency and fiduciary appointment.

IV. Relief Requested and Conditions for Continued Jurisdiction

15. Recognition of Standing under Power of Attorney and Lawful Authority

The Court is requested to formally acknowledge the standing of Aaron: Prince as lawful agent and Private Prosecutor for the living man Tyler-Jay: Stoesser-Calkins©™, based on durable and unrevoked Power of Attorney. This includes the right to file, speak, and defend rights on behalf of the principal, within the limits of equity, trust law, and the organic Constitution of the United States.

16. Judicial Notice and Challenge to Administrative Presumption

The Court must take judicial notice that this case invokes fundamental rights secured by Articles IV, V, IX, and X of the U.S. Constitution, and that presumptions of corporate wardship, incapacity, or statutory subjection have been lawfully rebutted by the claimants. Therefore, denial of standing based on private bar regulations constitutes both due process and First Amendment violations.

17. **Rebuttal of Ultra Vires Jurisdiction**

The Court is placed on notice that all administrative acts executed without express constitutional and equity-based jurisdiction are ultra vires, and any attempt to obstruct lawful agency or suppress remedy constitutes commercial injury, breach of trust, and judicial misconduct.

18. **Request for Affirmative Ruling or Certified Question**

In light of the above, Claimants respectfully request:

- A written ruling affirming the right of Aaron: Prince to represent Tyler-Jay: Stoeser-Calkins^{©™} under POA and equity jurisdiction, or;
- In the alternative, a certified question to a higher court or Article III tribunal for constitutional review of these matters.

19. **Reservation of Rights**

All rights are expressly reserved under UCC 1-308 and 1-103, the Declaration of Independence, and the organic Articles of Confederation and Constitution. This motion does not waive any right, standing, or claim of the living man or his authorized fiduciary.

STRUCTURAL LEGAL APPENDIX

I. Foundational Authority & Judicial Oversight

- **Marbury v. Madison**, 5 U.S. 137 (1803)
Holding: Established judicial review; laws repugnant to the Constitution are void.
- **Cooper v. Aaron**, 358 U.S. 1 (1958)
Holding: No state official or law may override constitutional protections.
- **Rodriguez v. Ray Donovan**, 769 F.2d 1344 (1985)
Holding: Conversion of individual rights into corporate obligations violates due process.

II. Limits on Judicial and Administrative Power

- **Pierson v. Ray**, 386 U.S. 547 (1967)
Judges lose immunity when acting outside lawful jurisdiction or engaging in misconduct.
- **Tumey v. Ohio**, 273 U.S. 510 (1927)
Judges with pecuniary interest in outcomes violate due process.

- **Ward v. Village of Monroe**, 409 U.S. 57 (1972)
Financial interest in cases undermines judicial impartiality.
- **United States v. Bishop**, 412 U.S. 346 (1973)
Reinforces constitutional due process in enforcement and penalties.
- **Shuttlesworth v. Birmingham**, 394 U.S. 147 (1969)
Invalidates licensing schemes used to suppress constitutional rights.
- **Murdock v. Pennsylvania**, 319 U.S. 105 (1943)
No license may be required to exercise a fundamental right.

III. Chevron Axis and Administrative Overreach

- **Chevron U.S.A., Inc. v. NRDC**, 467 U.S. 837 (1984)

Holding: Courts must defer to administrative agency interpretations of ambiguous statutes, provided Congress has not spoken directly.

Criticism: This deference enabled agencies—including state and municipal actors—to expand authority beyond constitutional limits, reducing judicial scrutiny and eroding the separation of powers.

- **Axis of Expansion** (Post-Chevron Abuse):

Administrative bodies (including Bar associations, courts acting administratively, and executive agencies) have used Chevron to:

- Impose binding “interpretations” in absence of legislation
- Criminalize non-statutory violations
- Circumvent fundamental rights via code enforcement
- Conceal ultra vires behavior behind the shield of “rule-making authority”

- **West Virginia v. EPA**, 597 U.S. ____ (2022)

Holding: Major Questions Doctrine reaffirmed; agencies cannot make decisions of vast economic and political significance without clear congressional mandate.

Application: Chevron deference is limited—agency discretion must now face heightened scrutiny when rights or significant burdens are at stake.

- **Loper Bright Enterprises v. Raimondo**, No. 22-451 (2024)

Holding (2024): Overruled Chevron. Courts must now independently interpret statutes and cannot defer to agency interpretations by default.

Significance: The judiciary reclaims interpretive authority; this ends the Chevron Axis and restores constitutional boundaries.

Application to this Case:

– Bar associations and courts cannot rely on administrative “policy” to override natural law, constitutional protections, or equity claims.

– Licensing statutes and UPL (Unauthorized Practice of Law) codes are administrative tools and cannot be used to suppress lawful private agency under Power of Attorney or fiduciary standing.

IV. Bar Associations and Federal Scrutiny

- **Goldfarb v. Virginia State Bar**, 421 U.S. 773 (1975)
Holding: Bar associations are subject to federal antitrust laws and not immune from scrutiny.

V. Punitive Damages and Remedy

- **BMW of N. Am. v. Gore**, 517 U.S. 559 (1996)
- **State Farm v. Campbell**, 538 U.S. 408 (2003)
- **Exxon Shipping Co. v. Baker**, 554 U.S. 471 (2008)
- **Trezevant v. City of Tampa**, 741 F.2d 336 (11th Cir. 1984)
All affirm punitive damages for egregious misconduct and abuse of power.

VI. Maxims of Law and Equity

→ *Fraud, Standing & Authority*

1. *Fraus omnia corrumpit* – Fraud corrupts everything.
2. *Ex dolo malo non oritur actio* – No action arises from deceit.
3. *Nullus commodum capere potest de injuria sua propria* – No one can benefit from their own wrong.
4. *Falsus in uno, falsus in omnibus* – False in one, false in all.
5. *Suppressio veri, suggestio falsi* – Suppression of truth is equivalent to falsehood.

→ *Constitutional and Sovereign Equity*

1. *Ubi jus ibi remedium* – Where there is a right, there is a remedy.
2. *Ignorantia legis neminem excusat* – Ignorance of the law excuses no one.
3. *Equitas sequitur legem* – Equity follows the law.
4. *Fiat justitia ruat caelum* – Let justice be done though the heavens fall.
5. *Lex iniusta non est lex* – An unjust law is no law at all.

→ *Sovereign Power and Oversight*

1. *Salus populi suprema lex esto* – The welfare of the people is the supreme law.
2. *Quis custodiet ipsos custodes?* – Who will guard the guards themselves?
3. *Consentientes et agentes pari poena plectentur* – Those who consent and those who act are equally liable.