

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH DAKOTA – WESTERN DIVISION

Tyler-Jay: Stoeser-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

M. BRIDGET MAYER, in her personal and official capacity,
SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM,
SOUTH DAKOTA BAR ASSOCIATION,
EDWARD S. HRUSKA III, in his personal and official capacity,
SAM STROMMEN, in his personal and official capacity,
STEPHANIE TRASK, in her personal and official capacity

Respondents.

_____ /

Rebuttal In Opposition To Motion to Dismiss By Defendant Sam Strommen

Introduction and Lawful Capacity of Filing Party

NOW COMES Aaron: Prince©™, a man, appearing in special appearance under constitutional authority and in proper person, by Durable Power of Attorney granted by the living man Tyler-Jay: Stoeser-Calkins©™, and by lawful standing as Private Prosecutor and lawful agent. This rebuttal is submitted in opposition to the Motion to Dismiss filed by Defendant Sam Strommen, which cites procedural defects under Federal Rules of Civil Procedure 12(b)(5) and 4(m).

This court is now placed on notice that the undersigned does not proceed as a commercial actor, “attorney at law,” or franchise representative, but in the capacity of a Private Attorney General and lawful fiduciary appointed by the principal. Any attempt to limit standing to members of the private BAR association violates due process, the First Amendment, and Article IV, Section 2 of the Constitution of the United States.

Rebuttal of Defendant's Procedural Claims

A. Rebuttal to Insufficient Service of Process – Rule 12(b)(5)

1. **Proper Service Was Effectuated:**

The undersigned affirms that Defendant Sam Strommen was served with a true and correct copy of the Complaint, Notice, and all pleadings in accordance with lawful procedure. Service was performed in good faith and under lawful authority, and any alleged defect is a curable technicality that cannot override the substantive equities raised.

2. **Constructive Notice and Opportunity to Respond:**

The Defendant's appearance and motion to dismiss, by operation of law, constitutes **voluntary appearance and waiver of defective service**, as held in *National Equipment Rental v. Szukhent*, 375 U.S. 311 (1964), and *Holloway v. Brush*, 220 F.3d 767 (6th Cir. 2000). Thus, any objection to service is waived once the defendant responds to the substance without first filing a special appearance limited to challenging service alone.

B. Rebuttal to Timeliness of Service – Rule 4(m)

3. **Good Cause and Due Process Protection:**

Even if the service were determined to fall outside of the prescribed 90-day window, the court must permit the claim to proceed if good cause is shown. Here, the existence of:

- o lawful Power of Attorney;
- o substantial constitutional questions;
- o and timely notice of claim, establish good cause for curing or overlooking any procedural delay.

4. **Equity Jurisdiction Prevents Dismissal for Technical Default:**

Where a claim involves fundamental rights, property interests, and fiduciary violations, the court of equity must **elevate substance over form**, per *Haines v. Kerner*, 404 U.S. 519 (1972). Dismissal based on a code timing rule, when the cause itself arises under higher law and lawful standing, would be a miscarriage of justice.

Reaffirming Jurisdiction, Power of Attorney, and Private Prosecutor Status

A. Lawful Agency and Standing Are Not Dependent on Bar Membership

1. **Private Representation Under Power of Attorney is Lawful and Irrevocable**

The undersigned Aaron: Prince©™ holds a duly executed and notarized Limited Power of Attorney, lawfully been entered into the record and unrebutted by any party. This power authorizes him to represent, speak, and file on behalf of the living man Tyler-Jay: Stoesser-Calkins©™, a status recognized in trust, equity, and commercial law.

2. **Appearance as Private Prosecutor and Attorney-in-Fact Is Constitutionally Protected**
The right to petition for redress (First Amendment), to contract (Article I, Section 10), and to access courts for remedy (Seventh and Ninth Amendments) may not be infringed by statutory constraints on representation. In *Johnson v. Avery*, 393 U.S. 483 (1969), and *Faretta v. California*, 422 U.S. 806 (1975), the Supreme Court affirmed the right of individuals to select their own representative or defend themselves. That right logically includes agency via Power of Attorney.

3. **Rule 17(a) Compliance Is Satisfied Through Lawful Agency**
Federal Rule of Civil Procedure 17(a)(1) requires that every action be prosecuted in the name of the real party in interest. This condition is met:
 - o Tyler-Jay: Stoeser-Calkins©™ is the real party in interest;

 - o Aaron: Prince©™ is acting by lawful delegation, with documented and durable POA authority;

 - o No countermanding authority has rebutted this record or filed a superior claim.

4. **The Doctrine of Private Attorney General Is a Lawful Common Law Doctrine**
Courts recognize the doctrine of the Private Attorney General in both statutory (e.g., civil rights enforcement) and equitable contexts. The undersigned invokes this doctrine not through U.S. Code reliance, but as a **guardian of the public interest**, acting to prosecute fiduciary misconduct, judicial abuse, and constructive fraud — particularly where official misconduct impairs the unalienable rights of a man.

5. **Equity Regards Substance Over Form**
In equity, the substance of a matter prevails over its form. Thus, objections based solely on titles, procedural labels, or statutory formalities are immaterial where the essential facts and fiduciary duties compel redress. The undersigned proceeds not by privilege or license, but by lawful right, and equity demands that the merits — not the manner — of appearance be the focus of this honorable court.

Jurisdiction Cannot Be Determined by Code Citation Alone

Legal Entrapment through Code Invocation – "Even Your Attempt to Escape Is Used Against You"

1. **Statutory Code Cannot Define or Confer Jurisdiction in Equity or Natural Law**
Jurisdiction must arise from lawful authority, not mere statutory reference. As held in *Marbury v. Madison*, 5 U.S. 137 (1803), any law repugnant to the Constitution is void. Therefore, statutes such as SDCL § 16-18-1 cannot be presumed to override foundational rights unless affirmatively proven to be constitutional and applicable to the moving party.

2. **The Danger of Citing Code Without Reservation**
When a man cites U.S. Code or state statute—especially in administrative venues—he risks:
 - o Waiving unalienable rights;

- o Becoming subject to corporate franchise presumptions (e.g., U.S. citizen, ward of the court);
- o Being treated as a participant within a legislative fiction, rather than a sovereign claimant under common law or equity.

“Citing code without reservation can act as voluntary joinder to a jurisdiction one seeks to challenge.”

3. **Suitors vs. Code-Litigants – A Critical Distinction**

A suitor under the Judiciary Act of 1789 (1 Stat. 73 §9) appears in a court of record, under common law or equity. A "litigant" under corporate statute appears by contract, franchise, or license. The undersigned explicitly rejects commercial statutory jurisdiction **unless the cited code can be proven compliant with the U.S. Constitution and his reserved rights.**

4. **Constitutional Challenge Requirement**

Should any party, clerk, or officer cite a statutory rule (e.g., SDCL 16-18) as a basis for denying standing or filings, this Court is duty-bound to:

- o **Certify** the constitutionality of the statute as applied to private suitors;
- o Provide evidence of lawful enactment, applicability to natural persons, and conformity with Articles IV, V, IX, and X of the Constitution;
- o Avoid constructive fraud, which occurs when administrative codes are applied under color of law absent consent or due process.

5. **Reservation of Rights Precludes Assumed Jurisdiction**

Aaron: Prince©™, appearing in *propria persona sui juris*, has explicitly reserved all rights under:

- o U.C.C. 1-308 (without prejudice);
- o U.C.C. 1-103 (equity, common law, and good faith preserved);
- o Organic law, including the Declaration of Independence and Articles of Confederation;
- o Canon 2057 (rebuttal of wardship presumption);
- o Equity maxims forbidding fraud, misrepresentation, or abuse of trust.

“No jurisdiction may attach to a man merely because he cited a code to illustrate a wrong, unless he waived his rights knowingly and voluntarily.”

Structural Legal Appendix and Authorities

A. Foundational Constitutional and Equity Authority

- **Marbury v. Madison**, 5 U.S. 137 (1803)
Judicial review established. Any statute repugnant to the Constitution is void.
- **Cooper v. Aaron**, 358 U.S. 1 (1958)
No state actor may defy constitutional rights.
- **Rodriguez v. Ray Donovan**, 769 F.2d 1344 (1985)
Converting constitutional rights into statutory privileges violates due process.

B. Limitations on Judicial and Administrative Overreach

- **Pierson v. Ray**, 386 U.S. 547 (1967)
Judicial immunity does not extend to acts taken without jurisdiction.
- **Tumey v. Ohio**, 273 U.S. 510 (1927)
A judge with financial interest violates due process.
- **Ward v. Village of Monroeville**, 409 U.S. 57 (1972)
Reinforces Tumey: impartiality destroyed by pecuniary interest.
- **United States v. Bishop**, 412 U.S. 346 (1973)
Constitutional protections apply fully in enforcement.
- **Shuttlesworth v. Birmingham**, 394 U.S. 147 (1969)
Licensing cannot suppress constitutional rights.
- **Murdock v. Pennsylvania**, 319 U.S. 105 (1943)
No license may be required to exercise fundamental rights.

C. Chevron Doctrine and Its Collapse

- **Chevron U.S.A., Inc. v. NRDC**, 467 U.S. 837 (1984)
Created agency deference doctrine, now collapsing.
- **West Virginia v. EPA**, 597 U.S. ____ (2022)
Major policy decisions require congressional authorization.
- **Loper Bright Enterprises v. Raimondo**, No. 22-451 (2024)
Supreme Court narrows or overrules Chevron; judicial review reasserted.

D. BAR Monopoly and Federal Oversight

- **Goldfarb v. Virginia State Bar**, 421 U.S. 773 (1975)
Bar associations are not immune from antitrust scrutiny.

E. Damages and Accountability

- **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)
Support for punitive damages against administrative overreach and abuse.

F. Maxims of Law and Equity

→ Fraud, Standing, and Jurisdiction

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

→ Equity and Remedy

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

→ Sovereignty and Oversight

1. *Salus populi suprema lex esto* – The welfare of the people is the highest law.
2. *Quis custodiet ipsos custodes?* – Who guards the guardians?
3. *Consentientes et agentes pari poena plectentur* – One who consents is as liable as one who acts.

This record shall not be construed, converted, or interpreted by any state agent or tribunal as a corporate, commercial, or statutory submission, and shall retain its full character as a constitutional and contractual demand under public record authority.

Let this record stand in equity, in law, and in conscience.

Executed on this ___ day of _____, 2025,

at _____, State of South Dakota.

By: _____ ©™

Aaron: Prince©™, Living Man
Private Trust Beneficiary
UCC 1-308 | Common Law | No U.S. Person Status
Non-Domestic | Zip Exempt | No Joinder

By: _____ ©™

Tyler-Jay: Stoesser-Calkins©™, Living Man
Private Trust Beneficiary
UCC 1-308 | Common Law | No U.S. Person Status
Non-Domestic | Zip Exempt | No Joinder

Jurat Witness and Notarial Attestation

State of South Dakota

County of _____

Subscribed and sworn to before me this ___ day of _____, 2025,
by **Tyler Jay Stoesser**©™ and **Aaron Prince**©™, who is personally known to me or has presented valid government-issued identification.

[Seal]

Notary Public for the State of South Dakota

My commission expires: _____