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Beverly J. Romero-Hill
Darrell J. Hill
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480-664-1430

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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY J DEPUTY

In Propria Personas for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

United States of America
Plaintiff

v.

Beverly J. Hill, and Darrell J. Hill,
Individually and doing business as
Superior Claims Management,
Defendants

Beverly J. Hill, and Darrell J. Hill,
Individually and doing business as
Superior Claims Management
Counter Claimants

v.

United States of America
Counter Defendants

Beverly J. Hill, and Darrell J. Hill,
Individually and doing business as
Superior Claims Management
Third Party Plaintiffs

v.

Patricia Blancarte #86-16773;
Marion L. Goyette, paralegal USDOJ;
Dawn Harris #16-17108;
Shauna Henline, Tech Advisor FRP;
K. Kuxhausen #84-01586;
Cathryn Lunderville Territory Mgr PHX;
Abe Reyes # 86-16504;
Angela Carmouche #86-16575;
Chief Counsel of the I.R.S,
Third Party Defendants.

No. CV-05-0877-PHX-DGC

Defendants' Motion

**1) Pursuant to FRCivP 59
for Amendment of Judgment, Order
and Permanent Injunction for
Wrongful Prosecution; and,
2) Pursuant to FRCivP 62
Stay of Proceedings to Enforce
the Judgment, Order and Permanent
Injunction pending the FRCivP 59
Appeal and Appellate Review.**

Received Judgment Order on
December 26, 2005

Introduction

Purpose of Motion

Pursuant to FRCivP 59 and FRCivP 62 Beverly J. Romero-Hill,^{1,4} Darrell J. Hill,^{2,5} individually and together doing business as Superior Claims Management [SCM], comes In Propria Persona for Amendment of Judgment (FRCivP 59), and for the Stay of Proceedings to Enforce the Judgment, Order and Permanent Injunction (FRCivP 62), respectively, pending FRCivP 59 Appeal for Amendment of Judgment, in consideration of/for Appellate Review.³ The Court submitted Judgment, Order and Permanent Injunction for the Plaintiffs' in total.

Lack of Jurisdiction

No Evidence of Fact, nor of the State of Arizona or for United States of America Law (or Regulation) Supports the Court's Order to make-up of the Fiduciary Defendants to be "income tax preparers"⁶ to pacify any tolerable expediency. Disturbingly evident is the fact that ONLY by the Court's Making the Fiduciary Defendants to be "income tax preparers" may the Court seize jurisdiction under IRC §§ 6694, 6695 and 7407: all concern "income tax preparers;" Additionally, IRC § 7408 regarding the Fiduciary Defendants being a "Tax Shelter."^{7,8}

The Defendants Request the Amendment of the Court's Order into Compliance with the Laws of the State of Arizona⁹ and for the United States of America¹⁰. To Amend the Court's Order thusly must be to correctly conclude with discrimination and pronounce that by the Constitutional State, National Laws, promulgated statutes and regulations that the Defendants are

Fiduciary by state and national constitutional Contract, by state¹¹ and national¹² Laws, and are and have been in compliance with the same.

The Defendants are not Attorneys but Pauperis U.S. Nationals¹³ in Propia Persona Defense v. Their U.S. Governmental Representatives

The In Propia Persona Defendants are In Propia Persona because they can not/could not afford professional legal representation. The Defendants do not understand the Law or the Court's procedures but relied/leaned upon the Laws, statutes, regulations and rules as best any layperson tries in order to comply with the same.

Despite the fact in docket that the Defendants humbly apologized to the Court for the many substantive filings/motions¹⁴ complained of by the Court (Doc. # 183), the Court found it important to indicate the "numerous motions filed by pro se litigants." Categorically, the Court ordered to deny all of the Motions for the humble Defendants on December 22, 2005. And, the Court ordered to grant the effective majority, if not all, of the motions for the Plaintiffs on December 22, 2005.

"Numerous Motions..." On closer inspection the Defendants of which there are three (3) separate Defendants brought to case approximately 26 motions: approximately eleven (11) together; approximately eight (8) by Defendant Beverly J. Romero-Hill (and as SCM); and, approximately seven (7) by Defendant Darrell J. Hill (and as SCM). The Plaintiffs, the U.S. Government filed approximately eight (8) motions, not including the initial complaint.

The Defendants are U.S. Nationals, Common Workers¹⁵ residents in/ on the ground of the Sovereign State of Arizona protected by/subject to The Constitution of the State of Arizona and promulgated statutes.

Fiduciary Law

The Defendants are Fiduciary¹⁶ under the Laws of the State of Arizona, and bound by the private common contract betwixt the Fiduciary Defendants and the Employing Beneficiaries.

The Constitution for the United States of America¹⁷ under the Constitution of the State of Arizona¹⁸ "the Law of the land."¹⁹ Under the Constitution for the United States of America, promulgated statutes and regulations the Defendants are Fiduciary, bound by the private common contract betwixt the Fiduciary Defendants and the Employing Beneficiaries.

Fiduciary Duty to Protect Beneficiary Privacy

Due to and bound by contract and statutes to prevent unnecessary publication of Beneficiary information, the Fiduciary Defendants sought by motion in the Court to provide pertinent Beneficiary data under seal; all motions were denied. However, two (2) redacted contracts²⁰ of two (2) Beneficiaries are attached within this submission; All Beneficiaries are so Beneficiaries with similar private Common Contracts.

Employer Authorization²¹

Each Beneficiary employing the Fiduciary Defendants for taxation matters provided an Affidavit: "Authorization to Sign, Endorse and of Full Disclosure" in accordance with their contractual

agreement for the Fiduciary Defendants to manage all taxation matters as Fiduciary.

IRS Notification of Fiduciary Relationship²²

The IRS's Form 56 Notice of Fiduciary Relationship is the proper notification sent by the Fiduciary Defendants annually to the IRS as required by statute (with the Affidavit: "Authorization to Sign, Endorse and of Full Disclosure" attached). Additionally, above the statutory requirement, the IRS Form 56 and Affidavit filing was sent to the IRS, et al. within all subsequent filings and correspondences.

Definite Compliance with Fiduciary Notification

Requirements is demonstrated and exceeded. The Constitutions of the State of Arizona and for the United States of America, promulgated statutes and regulations confirm the Fiduciary Defendants' Notifications Compliance with the Law.

There Has Been No Evidence in/of Fact, or Law, or Regulation, of the State of Arizona or for United States of America, which supports the Court's Order to Make the Fiduciary Defendants to be "income tax preparers". And, no evidence in/of fact, or Law, or regulations, of the State of Arizona or for the United States of America establish or suggest any Fiduciary Defendants' non-compliance with the Laws/ regulations.

The Defendants' Request for the Amendment of the Court's Order into Compliance with the Laws of the State of Arizona and for the United States of America is founded with the Laws of the State of Arizona and the Laws for the United States of America. To wit: A) the Defendants are Fiduciary within the Laws as

written in the State of Arizona and for the United States of America; and, thusly, B) The Court possesses no jurisdiction over the Fiduciary Defendants under IRC §§ 6694, 6695 or 7407 as relates to "income tax preparers²³;" and, C) nor does the Court possess jurisdiction under IRC § 7408 as the Fiduciary Defendants are not a "tax shelter²⁴."

Constitutional Taxation

Constitutional Compliance and IRC Compliance is achieved upon the Defendants submitting any required documentation consistent with the Constitutional Law, promulgated statutes and rules.

The Constitution of the United States of America

The Founders and Keepers of the Constitution for the United States of America foreknew of the taxation grievances any ever powerful government insidiously obliges upon its populace; and, for that understanding and wisdom crafted the Constitution for the United States of America to govern and protect the inalienable rights of the Citizenry of this Great nation from the unconstitutional taxation by the same.

Direct Taxation by Apportionment²⁵ was not a mistake but was precisely and proactively employed to guard and serve against today's aggressive imposition of unconstitutional taxation. Even against methods of coercion and fabricated legitimacies against Direct taxation by apportionment, the truth remains that the Lawful Constitutional direct taxation for "my"²⁶ (and many of the Beneficiaries') earnings is appropriately Constitutionally compliant direct taxation by apportionment.

Supreme Court Decisions

The Supreme Court's decision in *Brushaber v. Union Pacific RR. Co.* (240 U.S. 1)²⁷ (and like decisions) affirms and supports direct taxation by apportionment of "my" earnings. But, taxation (DotT/IRS) employees persist to champion the realm of decisions that meets their own political agendas, not the old decisions like the Constitution for the United States of America.

Affidavit of Attachment D [Attachment D(s)]²⁸ have sought to identify to the IRS and the Court exactly who is the tax payor, from where his earnings (by any common name) originates, and what the tax payors direct taxation status is according to the Constitution for the United States of America. IRC terms are also evaluated and attested to be/or not to be those referring to the affiant.

IRC § 6662 Requires Tax Payors Submit Position Statements²⁹

The Affidavit of Attachment D [Attachment D(s)] along with IRS Form(s) 8275 demonstrate compliance with the Constitution, IRC Compliance and the lawful requirements of IRC § 6662 for Tax Payor Position Statements.

Definitions Relied Upon by Defendants are humbly submitted here to help identify Defendants' context, and to avoid the Plaintiffs' arbitrary and overly broad use of/complex uses of technical terms/definitions for which the layperson Defendants may not understand/comprehend:

common, n. "Belonging or shared equally by more than one. Of frequent occurrence. Without special or distinguishing characteristics."

Black's Law Dictionary, 6th Ed. (1992, pg 188)

common, adj. "Usual, ordinary, accustomed; shared among several; owned by several jointly. Belonging or pertaining to many or to the majority. Generally or prevalent, of frequent or ordinary occurrence or appearance; familiar by reason of frequency."

Black's Law Dictionary, 6th Ed. (1992, pg 188)

condone, v.t. "to overlook (an offense or shortcoming) || to allow to continue (what ought to be stopped)...."

New Webster's Dictionary and Thesaurus of the English Language (1992, page 203)

definition "A description of a thing by its properties; an explanation of the meaning of a word or term...."

Black's Law Dictionary, 6th Ed. (1992, pg 292)

labor "n. prolonged hard work || a task demanding great effort || the muscular uterine contractions preceding childbirth || the period of time that these contractions last || (*econ.*) work as a production factor || those who work in contrast to those who won or manage workers as an economic or political force [O.F. *labor, labour*]"

New Webster's Dictionary and Thesaurus of the English Language (1992, page 548)

me pron. "*objective case of 'I'...*"

New Webster's Dictionary and Thesaurus
of the English Language (1992, page 619)

mine poss. pron. "that or those belonging to me..."

New Webster's Dictionary and Thesaurus
of the English Language (1992, page 636)

my poss. adj. "belonging to or relating to me..."

New Webster's Dictionary and Thesaurus
of the English Language (1992, page 659)

term. "A word or phrase; an expression; particularly one
which possesses a fixed and known meaning in some
science, art or profession."

Black's Law Dictionary, 6th Ed. (1992, pg 1024)

wage "*n.* a reward received by nonprofessional workers,
usually in the form of a weekly payment of an agreed
sum (cf. SALARY), calculated either according to the
hours worked (including overtime) or according to the
work done (piecework) || (*econ., pl.*) the share of the
total product of industry that goes to labor || (*archaic*),
usually *pl.* construed as sing.) reward, *the wages of sin is
death* [A.F.]"

New Webster's Dictionary and Thesaurus
of the English Language (1992, page 1105)

"MY WAGES"

wage "*n.* a reward received by nonprofessional workers,
usually in the form of a weekly payment of an agreed
sum (cf. SALARY), calculated either according to the
hours worked including overtime) or according to the

work done (piecework) || (*econ., pl.*) the share of the total product of industry that goes to labor || (*archaic*), usually *pl.* construed as sing.) reward, *the wages of sin is death* [A.F.]"

New Webster's Dictionary and Thesaurus of the English Language (1992, page 1105)

IRC Terms

frivolous return- IRC § 6702

tax shelter- a registered investment plan

income tax preparer- IRC § 7701(a)(36)(a)

As Indicated/Reported in Doc. ## 40, 41 the IRC Terms for Taxable Person according to the Law Do Not Refer to the Defendants' earnings³⁰ (nor to most of the Fiduciary Defendants' Beneficiaries')

Further, IRC § 6051, also indicated/reported in Doc. ## 40, 41 establish that the Defendants' common employers erred in submission of Informational Statements (i.e., IRS Form W-2 and 1099) reporting the Defendants' (and many of the Beneficiaries') common and private sector earnings in violation of the IRC § 6051. And, the common employers erred in reporting common earnings as wages defined in the IRC (See Doc. ## 40, 41).

IRS Employees Have Been Denying the Required/Requested All Help³¹ by the Fiduciary Defendants' to Understand the Taxation Laws; and, the Record Will Show that the IRS Employees have not Complied with the Laws and Regulations. This DotT/IRS employee denial of service forces the common individuals, such as the Defendants, to seek/learn the

relevant tax Laws, et seq., Court cases for to represent the truth of the taxation Laws indifferent to the DotT/IRS employee's practice of subterfuge regarding/concerning the truth of the taxation Laws.

The IRC § 7214 Violations Begin with when DotT/IRS Employees Allow/ Condone³² Common Employer Violations of IRC § 6051. Upon receipt of any IRS § 6051 Informational Statement from a common/private sector employer (an employer not defined in the IRC as required to submit a W-2/1099 in accordance with the IRC § 6051), then for the IRS Employee to omit for any reason to report this common employer's violation is for the IRS Employee/Employees to defraud those for whom they serve (the Citizens).

The Record Will Reflect that The DotT/IRS Employees Condone IRC § 7214 Violations by/of DotT/IRS Employees and Defy any Taxation Error Corrections of IRC § 6051 Violations. Consequently, the record will reflect that all/any Positional Statements to coordinate Constitutional direct taxation by apportionment is considered "frivolous."³³ All Supreme cases relied upon and offered to explain the Defendants' Constitutional direct taxation by apportionment status are routinely and repetitively ignored by all DotT/IRS employees in recalcitrant violation of IRC § 7214.

The Defendants'/Fiduciary Defendants' 1040/Informational filings for reimbursement overpayments and unconstitutional taxation and IRC § 6051 Violations are/were obfuscated. Despite the facts that effortful compliance and many attempts were made by the Fiduciary Defendants the

DotT/IRS, even the Frivolous Return Program (FRP) ³⁴ ignored/denied all filings/correspondences asking for help.

The response to requests for help to correct the unconstitutional direct taxation without apportionment, the discrepancy with Constitutional, statutory, regulatory and the Case Law with the DotT/IRS IRC § 7214 practice was met with Numerous Denial of Due Process and denials of Inquiry. Further, a seemingly retaliatory and persistent deluge of IRS Notices, threatening letters, Substitutes For Returns (SFRs) and Civil Penalty charges CULMINATED with distinct IRC § 7433 Collection Violations.

The record will reflect that despite many and all efforts ALL Collection Due Process (CDP) Requests and All Help Requests and Demands were systematically Denied/Ignored. ³⁵ The Record will reflect that Without Cease the DotT/IRS Employees Denied the Defendants' and the Beneficiaries' Inalienable Rights.

The record will reflect that EXTREME DAMAGES from DotT/IRS Team Corroborations in Tax Payor Violations default in a) loss of earning, b) loss of earnings potentials, c) inability to mortgage or trade belongings, d) business financial institutions corroborated and e) created accessory charges disaffecting creditability statuses; f) loss of common employees, AND g) inadvertent psychological and emotional damages from loss of inalienable rights due to the DotT/IRS Deprivation of Equal Rights Under the Color of Law ³⁶.

Finally, after the Denial of All CDP and administrative remedies ^{37,38} efforts failed to deter the Defendants/Fiduciary from Their Fiduciary Duties then the DotT/IRS employees suffered the Defendants/Fiduciary to unjust scrutiny in the United States District

Court (D Ariz.) in U.S. v. Beverly Hill, et al. to summarily legitimize disparagement of their (Defendants' and Beneficiaries') rights, and to legitimize the aforesaid violations of unconstitutional taxation and profound IRC § 7214, et seq. violations by DoT/IRS employees corroborated by DoT/IRS attorneys and USDOJ Attorneys. This is fraud, and overt Deprivation of Citizens' Rights to Life, Liberty and the Pursuits of Happiness Under the Color Of LAW ³⁹.

We relied on the written Laws; we followed the Laws and the Cases. We want a Lawful assessment in truth and with honor. We want all of motions addressed fairly and factually in accordance with the Laws of The State of Arizona and for the United States of America. That, even, if the U.S. Government, even the IRS and the USDOJ, is guilty that they not be held to some lower standard to be above the law.

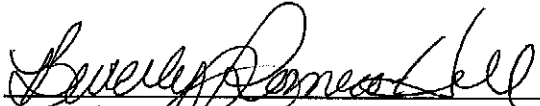
This is Wrongful Prosecution
And Clear Abuse of Discretion

- 1 **Exhibit 1**
- 2 **Exhibit 4**
- 3 **Exhibit 2**
- 4 **Exhibit 5**
- 5 **Exhibit 3**
- 6 **See IRC terms**
- 7 **Exhibit 15**
- 8 **Exhibit 17**
- 9 **Exhibit 6, Attachment 24**
- 10 **Exhibit 6, Attachment 25**
- 11 **Exhibit 9**
- 12 **Exhibit 9**
- 13 **Doc. # 93**
- 14 **Exhibit 3**
- 15 **Doc. # 124**
- 16 **Doc. ## 28, 67**

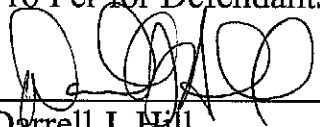
- 17 **Exhibit 6**
- 18 **Exhibit 6**
- 2 **19 Ariz. Const.: Art. 2**
- 3 **20 Exhibit 9**
- 4 **21 Doc. # 124**
- 5 **22 Doc. # 124**
- 6 **23 See IRC Terms: Income tax preparer**
- 7 **24 See IRC Terms: tax shelter;**
- 8 **25 USofA. Const:**
- 9 **26 See Definitions..**
- 10 **27 Exhibit 6: Attachment 35**
- 11 **28 Doc. # 124, Exhibits 7&8**
- 12 **29 Exhibit 10**
- 13 **30 Exhibit 11**
- 14 **31 Exhibits 12 & 13**
- 15 **32 See Definitions..**
- 16 **33 Exhibit 16**
- 17 **34 Exhibit 16**
- 18 **35 Exhibit 13**
- 19 **36 42 USC 1985.**
- 20 **37 Exhibit 13**
- 21 **38 Exhibit 14**
- 22 **39 42 USC 1985.**

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Dated this 3rd day of January, 2006.



Beverly J. Romero-Hill
(and dba Superior Claims Management)
Pro Per for Defendants



Darrell J. Hill
(and dba Superior Claims Management)
Pro Per for Defendants

EXHIBIT LIST

- 1. EXHIBIT: Affidavit: Notice of Beverly J. Romero-Hill is Over 18 Years of Age and/is / has been Competent to Submit, Record, File, or Otherwise Make Known to the United States District Court-District of Arizona All Submissions, Recordings, Filings or Otherwise Made Known Data to the Untied States District Court- District of Arizona**
- 2. EXHIBIT: Affidavit: Notice of Darrell J. Hill is Over 18 Years of Age and/is / has been Competent to Submit, Record, File, or Otherwise Make Known to the United States District Court-District of Arizona All Submissions, Recordings, Filings or Otherwise Made Known Data to the Untied States District Court- District of Arizona**
- 3. EXHIBIT: Affidavit of Receipt of Original Gila County, Arizona, Recorder's Office Public Record Doc. Id: 2005-022460 "Affidavit of Defense: to be seen by the Court"**
- 4. EXHIBIT: Affidavit: Notice of Acceptance of the Oaths of Office made to/under the Constitution of the State of Arizona of/by the Governor, Lieutenant Governor, All Civil Officers, and All Other State, County, City, et seq., Incorporated and Unincorporated areas**
- 5. EXHIBIT: Affidavit: Notice of Acceptance of The Oaths of Office made to/under the Constitution for the United State of America of/by the President, Vice president, All Civil Officers, and All Other Federal Agents, Officers, Employees and Assigns of the Untied States Government**
- 6. EXHIBIT: Russell Nelson, Revenue Officer (#86-18005) c/o Stephen J. Schaeffer, Missouri Bar # 56833, Atty. Trial Division, RE: Collection Violations**
- 7. EXHIBIT: Affidavit: Notice of Lack of Authenticity of Authority nor Lawful Authority by the Department of the Treasury/ Internal Revenue Service Beverly J. Romero-Hill**

- 8. EXHIBIT: Affidavit: Notice of Lack of Authenticity of Authority nor Lawful Authority by the Department of the Treasury/ Internal Revenue Service Darrell J. Hill**
- 9. EXHIBIT: Affidavit: Examples of Private Fiduciary-Beneficiary Contracts – Contingency Payment Agreement**
- 10. EXHIBIT: Affidavit: Notice of Compliance with IRC §§ 6662, 6664 and 6702 in good faith**
- 11. EXHIBIT: Affidavit: Notice of Recent filing by the Fiduciary Defendants**
- 12. EXHIBIT: Federal Employee Job Descriptions**
Internal Revenue Service, Modernization Position Description(s):
a. GS-592-10 Supervisory Tax Examining Technician (SPD No 91649E, pg 1-5)
b. GS-1169-12 Revenue Officer (SPD No 98816, pg 1-5)
c. GS-1169-13 Supervisory Revenue Officer (SPD No 90737, pg 1-5)
d. GS-0340-15 Field Compliance Territory Manager (SPD No 92736, pg 1-7)
e. GS-512-13 Internal Revenue Agent (SPD No 94816, pg 1-5)
f. GS-1169-12 Revenue Officer (SPD No 98816, pg 1-5)
- USDOJ Civil Trial Region, Tax Division**
a. Part of a paralegal description (p. marker 1728-1730)
- 13. EXHIBIT: Affidavit: Notice of Denial Administrative Remedy: Denial of Collection Due Process Hearing; No Response For Request/Demands for Taxpayer Assistance; Evidence of Correspondence Asking or Help**
- 14. EXHIBIT: Affidavit: Notice: There is no “District Director” in Arizona**
- 15. EXHIBIT: Affidavit: Notice of Fiduciary Defendants are NO tax Shelter**
- 16. EXHIBIT: Affidavit: Notice of Plaintiff’s Declarant S. Henline’s Perjury**
- 17. EXHIBIT: Affidavit: Notice of Plaintiff’s Declarant M. Goyette’s Perjury**