FILED
SEP 20 2023
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

ERIC A. GARLAND Plaintiff,	)	
v.	)	Case No. 23SL-AC24108
DR. AAMINA AKHTAR, M.D. VIJOY UMMER SETH REEDER WEST END MANAGEMENT, Defendants	)	

PLAINTIFF'S SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISQUALIFY ALL JUDGES OF THE 21ST JUDICIAL CIRCUIT

Plaintiff Eric A. Garland, *pro se,* files this Supplemental Memorandum of Law in Support of his Motion to Disqualify All Judges of the Twenty-First Judicial Circuit from hearing the above captioned case based on the prejudice, bias, and appearance of judicial impropriety by multiple judges against Plaintiff. The statements in this Motion are true and made in good faith, made to the best of Plaintiff's knowledge, information, and belief. *State ex rel. McNary v. Jones*, 472 S.W.2d 637 (Mo. Ct. App. E.D. 1971) and RSMo. § 508.090.

I. A judge in the St. Louis County Circuit Court is arguing in Federal District Court that Plaintiff's ongoing litigation actively interferes with the operation of this entire judicial circuit.

On or about September 14, 2023, the Hon. John R. Lasater, a St. Louis County Circuit Court Judge and a defendant in Plaintiff's Federal Section 1983 civil rights action

Garland v. Schroeder et al., filed his Joint Motion to Stay Rule 16 Conference and Memorandum in Support. Exhibit A. In said Joint Motion, Judge Lasater asserted that the ongoing case in the Eastern District of Missouri is "highly invasive to the administration of family court [sic] docket in the Circuit Court of St. Louis County." Exhibit A at 10. Judge Lasater asserted that the ongoing matter in Federal District Court negatively impacts the entire Family Court. From his assertion, Judge Lasater appears to believe that Plaintiff is actively interfering with the administration of justice in the courts of the Hon. Jason D. Dodson, the Hon. Ellen W. Dunne, the Hon. Jennifer C. Hoffman, the Hon. Catherine W. Keefe, the Hon. Jeffrey P. Medler, the Hon. Nicole S. Zellweger, the Hon. Margaret T. Donnelly, his wife, the Hon. Julia Pusateri Lasater, the Hon. Megan Julian, the Hon. Amanda B. McNelley, the Hon. Joseph L. Green, the Hon. Robert M. Heggie, the Hon. Terri Johnson, and the Hon. Mary Greaves. This is approximately one-third of the entire circuit. By way of his assertion, Judge Lasater appears to harmonize with Plaintiff's prayer to this Court that all judges should recuse themselves from the case at bar due to widespread appearance of impropriety.

It is well settled that a judge, pursuant to Rule 2, Canon 3D(1) and in accordance with Rule 2, Canons 2 and 3(C), which provide that he or she should avoid the appearance of impropriety and shall perform judicial duties without bias or prejudice, respectively, must recuse in any proceeding in which his or her impartiality might

reasonably be questioned by reason of actual bias and prejudice or an appearance of impropriety. *Robin Farms, Inc. v. Bartholome*, 989 S.W.2d 238, 246 (Mo. Ct. App. 1999) (internal citations omitted).

II. Defendants have retained a law firm intimately connected to the case of *Tolu v Reid*, which all judges in this judicial circuit recused themselves from hearing.

On or about September 19, 2023, Michael J. Payne, Esq. and Amy Raimondo, Esq. of the law firm of Frankel, Ruben, Klein, Payne & Pudlowski, P.C. entered appearance in this matter on behalf of Defendants Akhtar and Ummer. In Plaintiff's Emergency Verified Motion to Disqualify All Judges, he cited the case of *Tolu v. Reid*, in which all judges of this judicial circuit recused themselves following the revelation of emails by then-Presiding Judge Michael Burton disparaging plaintiff Tolu and myriad other families in St. Louis. Judge Burton was organizing defense among judges, attorneys, and bar associations alike for the benefit of Elaine Pudlowski, Esq., a defendant in *Tolu v. Reid*. Pudlowski remains an equity partner with the law firm now retained by defendants.

As counsel for Defendants Akhtar and Ummer, the law firm of Frankel, Ruben, Klein, Payne & Pudlowski has, based on Judge Lasater's recent assertions, substantial shared interest with this judicial circuit. To wit, the conduct of former Presiding Judge Michael Burton, a close colleague of presumably all judges in the circuit, was for the benefit of their law firm and its equity partner. On or about January 21, 2021, Burton asked attorney Sarah Pleban, Esq. to convene a meeting of the minds in a Zoom call

between St. Louis attorneys for the benefit of Elaine Pudlowski, Esq.. On or about January 26, 2021, Pleban convened the Zoom conference as apparently requested by Judge Burton.[1] The following attorneys of the St. Louis Family Law Bar appear to have attended said Zoom conference: Elaine Pudlowski, Esq., Sarah Pleban, Esq., Leigh Carson, Esq., Kelly Chevalier, Esq., Henry M. Miller, Esq., Arthur H. Nissenbaum, Esq., Justin Ruth, Esq., Jennifer Piper, Esq., Sharon Remis, Esq., Rachna Lien, Esq., Amy Diemer, Esq., Laura Carson, Esq., Greg Brough, Esq., Deborah Reeder, Esq., Venus Jackson, Esq., Lisa Sigmund, Esq., Shevon Harris, Esq. Lynn Reichert, Esq., Colleen Hubble, Esq., David S. Betz, Esq., Mary Davidson, Esq., Cynthia Albin, Esq., Sylvia Posciak, Esq., Laura Hawk Stobie, Esq., Kimberly Whittle, Esq., Maia Brodie, Esq., Sarah Whittrock, Esq., Mark Kieswetter, Esq., and Ann Bauer, Esq. Exhibit B. The discussion between attorney Pudlowski and several of the aforementioned attorneys during said Zoom conference explicitly shows that Pudlowski, her law firm, and the St. Louis County judicial circuit share common interests. To wit, at Presiding Judge Burton's behest, those attorneys discussed the pooling of financial resources for mutual benefit, the hiring of contractors with said funds, the retention of funds for future use by the group, and the acquisition of intellectual property to be used at a later date for mutual benefit. Further, between the statements made in Judge Burton's emails and discussions held

[1] See YouTube video "St. Louis Family Court Corruption," viewed at https://youtu.be/z_Re_bX118k?si=Kt4uoAJ8JA2uMvdH, September 20, 2023 at 7:12am CDT.

during the Zoom conference, this group could possibly be considered an *association-in-fact enterprise* in the state of Missouri; said *association-in-fact enterprise* may be operating in more than one state.

The interconnection between private law firms and state entities can be considered to show the appearance of impropriety thereby necessitating recusal for conflict of interest. See *State v. Ross*, 829 S.W.2d 948 (Mo. 1992). Further, said conflict of interest between private attorneys and state entities is held to be sufficient enough to consider a trial unfair and unconstitutional if said appearance of impropriety is not addressed. A procedure that appears to be unfair can jeopardize society's confidence in the judicial system as a whole even if the procedure is—in fact—fair. A court must pursue fairness both in the law's substance and in its appearance. A trial judge must disqualify herself or himself when a reasonable person would have factual grounds to find an appearance of impropriety and doubt the impartiality of the court. *State v. Lemasters*, 456 S.W.3d 416 (Mo. 2015), citing *In re Murchison*, 349 U.S. 133 (1955), *Offutt v. United States*, 348 U.S. 11 (1954), and *Anderson v. State*, 402 S.W.3d 86 (Mo. 2013).

The further connections between counsel for Defendants Akhtar and Ummer and the judges and attorneys of the Circuit Court of St. Louis County strongly suggest a conflict of interest and the appearance of impropriety, further buttressing Judge Lasater's assertion that a substantial proportion of the entire judicial circuit is in conflict with

Plaintiff. A disqualifying bias or prejudice is one that has an extrajudicial source and results in an opinion on the merits on some basis other than what the judge learned from the judge's participation in a case. In cases requiring recusal, the common thread is either a fact from which prejudgment of some evidentiary issue in the case by the judge may be inferred or facts indicating the judge considered some evidence properly in the case for an illegitimate purpose. *Worthington v. State*, 166 S.W.3d 566, 579 (Mo. 2005). In the instant case, there are already substantial facts that show rampant extrajudicial communication between judges and attorneys in the St. Louis County judicial circuit when litigants have sought recourse for the behavior of quasi-judicial arms of the court, much less the judges themselves.

CONCLUSION

Since Plaintiff first moved this Court that all judges of the 21st Circuit should recuse themselves for the appearance of prejudice, bias, and the appearance of impropriety, a sitting Circuit Court judge in said judicial circuit has publicly asserted that even the most basic due process afforded to a plaintiff in an unrelated matter poses a conflict to at least a dozen judges in all their other cases. Further, Defendants have retained one of the few firms directly tied to a case that revealed the depths of enmity exuded by dozens of attorneys and the former presiding judge of this judicial circuit toward litigants who would dare seek due process of law.

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A reasonable person would conclude, in whole or in part, agreeing with Judge Lasater, that the entire judicial circuit is prejudiced against Plaintiff, biased against Plaintiff, and has the appearance of impropriety against Plaintiff.

WHEREFORE, for the foregoing reasons, Plaintiff prays that the St. Louis County Circuit Court should recuse all judges from presiding over Plaintiff's case; that this case should be referred to the Missouri Supreme Court for appointment of a judge outside of St. Louis County; and that the Court should grant such other and further relief as the Court deems just under the circumstances herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20th day of September, 2023, the foregoing was emailed to the Clerk of the Court to be filed via the Court's electronic filing system and served upon counsel of record, and/or sent via U.S. Postal Service or email to the following:

/s/ Eric A. Garland

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