

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF PENNSYLVANIA**

<p>MARINKA PESCHMANN,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>STEPHEN QUAYLE, and DOUGLAS HAGMANN</p> <p style="text-align: center;">Defendants.</p>	<p>:</p>	<p>CIVIL ACTION NO.: 1:17-cv-00259-SPB-RAL</p> <p>Reply to Defendants’ Opposition To Plaintiff’s Motion for a Court Appointed Neutral</p>
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Reply to Defendants Opposition To Plaintiff’s Motion for a Court Appointed Neutral

Plaintiff *pro se*, Marinka Peschmann, respectfully submits her reply to Defendant Stephen Quayle’s and Douglas Hagmann’s (collectively “Defendants”) Opposition (“Opp”) to her Motion seeking a Court Appointed Neutral (“CAN”) for ADR in accordance with Dkt. No. 163.

Contrary to Counsels’ assertions in Opp, Plaintiff is not paranoid. The Court may review Glasser’s questionnaire attached herein as **Exhibit 1** to verify if she was correct when she terminated Glasser’s services as a “neutral.” It opened, in part, reproduced verbatim below:

I cannot provide for you legal advice however given that you are a pro se litigant I feel obliged to tell you that this document, your responses and the content of the ADR calls are **subject to a certain kind of confidentiality given to parties in mediation.** You should be aware that your sharing any of the above with a third-party may result in a waiver of any such confidentiality. Thus, I strongly advise you to take your own counsel in this matter. **Please remember that the questions below are designed to give me the best possible picture of the interests of everyone.** [Emphasis Plaintiff]

For starters, Plaintiff does not need to consult with a lawyer regarding confidentiality given she has worked as a ghost writer. She waived it. Glasser’s questions did not reflect that they came from a neutral acting on his own. *See for e.g.*, Question 8 reproduced verbatim below:

Question 8. Did you or did you not actually file the FOIA requests referred to in the pleadings?”

Plaintiff reaffirms that **Question 8** suggesting she is a liar by questioning whether or not she actually had filed the FOIAs was not “designed to give [Glasser] the best possible picture of the interests of everyone.” Plaintiff affirms that she still cannot fathom how a Neutral would have come up with **Question 8** on their own based on what she still does not know. What she does know is that it is illegal to intentionally defraud United States government agencies. Hence, Plaintiff cited 18 U.S.C. § 371 in her Termination of Services Notice.

See also for e.g., Question 9 reproduced verbatim below:

Question 9: Of the statements sued upon in this matter, can you rank them in order of impact in your view?

Given the number of defamation per se statements in this action where damages are presumed ranking them is futile, Plaintiff again fails to see how **Question 9** was “designed to give [Glasser] the best possible picture of the interests of everyone.”

Plaintiff does not desire to burden this Court by breaking down each question, as the Court may read them to assess if Glasser was acting like a Neutral or more akin to defense counsel.

FBI Threat Assessment: Defendants’ “News” Has Real World Consequences.

Plaintiff had notified Defendants’ Counsel regarding the May 30, 2019, Federal Bureau of Investigation (“FBI”) Intelligence Bulletin from the FBI Phoenix Office, they filed in Opp § **Exhibit C** (Dkt. No 166, p 13-27), regarding their clients and others like them “news,” entitled: (U//LES) Anti-Government, Identity Based, and Fringe Political Conspiracy Theories Very Likely Motivate Some Domestic Extremists to Commit Criminal, Sometimes Violent Activity.

Based upon Defendants’ and/or their fraudulent “sources,” open source content, the conspiracies they peddled, collectively or separately as “news,” in the FBI Intelligence Bulletin includes: Sandy Hook, Pizzagate, Qanon, Islamberg, TSA, New World Order, HARP, weather control, United Nations takeover, and False flags. All of them except for one.

To Plaintiff's knowledge, Defendants' and their "sources" do not peddle the Zionist, Jewish world domination "news." *See also*, SAC §108, 237-238, 413.

It would take Plaintiff terminating a "neutral," who Counsel Rosen claimed would be neutral, for Counsel to finally acknowledge the elephant in the room that has always been in the room. There are serious and dangerous problems with their clients' "news."¹ "News" they failed to co-opt the Plaintiff into. Indeed, Plaintiff had been trying to do something about it as her 2014-2015 Correction articles correcting their false allegations with disreputable sources verify.

Counsel knew what prompted this lawsuit, the NSA targeting allegation, was false, fake, this entire time, as their court filings have essentially argued, "Who cares if Hagmann is a bad source and his NSA targeting allegation is not true..." (*For e.g.*, Dkt. No. 128).

Counsel knows Defendants' "insider" sources who helped induce interstate and international commerce based on their "news" were fraudulent. *See* Quayle's precious metals buy-back program (SAC § Exhibit 22 (Dkt No.103-2)).

The motivation behind the Defendants' per se defamatory conduct against Plaintiff could have exposed her to potential criminal liability had she been complicit in their "news." *See for e.g.*, *FTC v Kevin Trudeau et al* (2016) No. 15-3472; *FTC v Clickbooth.com et al*, No.1:2012cv09087. *See also*: "Former Fox News commentator sentenced to prison for faking CIA ties," *Reuters*, July 15, 2016.

Thus, Plaintiff is relieved that law enforcement finally noticed their "news." She does not want to see anyone hurt by their "news." Defendants' tortious conduct needs to be deterred. Plaintiff correctly pled punitive damages.

¹ Plaintiff notified Counsel and the Court about Defendants, the Russia probes and other investigation in 2017 (Dkt. No. 67), *See also*, Dkt No. 88, §SAC §166, 265-276, Dkt. No. 111.

In Opp, Counsel complains that Plaintiff is insulting. She disagrees. The truth is not pretty having had to deal with Counsel for over four years, who knows their clients “news” was false, has caught the attention of the authorities, and Defendants’ Satanic, twisted scripture and Illuminati “news” (§SAC 161-166), their Christian Conservative audiences, *who believe in the Bible literally*, literally believe, was exploited by the Russians during the 2016 U.S. Presidential Elections.

Instead of Counsels’ clients cleaning up their act and their “news,” which Plaintiff submits is not just in her best interests (and the public-at large), but in *their* best interests, they decided to file motion after motion, after motion, year after year, after year, with fake narratives, falsehoods, and spoiled exhibits with open pop up ads in two Federal District Courts² for over four years.

Still, now, Defendants’ Opp stating they want to waive mediation is not surprising given what Plaintiff wrote in her termination notice to Glasser is true. Counsel seemingly charging towards discovery reveal themselves by complaining that Plaintiff properly raised 42 Pa. C.S. §8343 (b) in her Second Amended Complaint (ECF Dkt. No. 103 §387-388). Plaintiff’s Correction articles and pleadings are substantiated. Plaintiff submits substantiating facts is a burden for individuals who cannot substantiate any of their false statements they made against the Plaintiff with actual malice, who have dragged on this case burdening the Court.³

To wit, in light of Glasser’s improper (and insulting) questions to the Plaintiff, she respectfully requests a Court Appointed Neutral to serve in a good faith and productive mediation. Counsel Rosen would not agree to use a Court Appointed Neutral in Pennsylvania specializing in

² See, Counsels’ open pop-up ads exhibit (Dkt. No. 49-3, and Dkt. No. 82, 82-4, 84). See also, in SAC, Plaintiff submitted a legible copy of the Feb 10, 2015 Broadcast transcript with a notation addressing minor corrections (§SAC §119, §SAC §Exhibit 18 (Dkt No. 103-2)). In Defendants’ [third] motion to dismiss, Counsel re-submitted it altered, partially illegible by lightening the text obscensibly so the Court could not read it (Dkt No. 106-3).

³ Contrary to Counsel that includes their provably false Satanic, devil talk against the Plaintiff. Quayle cited a national news editor as his source. Sources can be deposed (SAC 159-163).

personal jury cases which Plaintiff originally sought pursuant to the Court's rules since he said Quayle's insurance company would not pay for it.

After over four years of bludgeoning litigation, and eager to move forward with her life, Plaintiff agreed to Glasser, who out of the three choices Quayle's Counsel provided appeared to be the best choice (factoring in costs and potential travel). Acting in good faith, as Counsel Rosen insisted Glasser would be neutral to the Plaintiff, (and to this honorable Court), Plaintiff gave Glasser the benefit of the doubt. It was a mistake.

Plaintiff has been in mediation before that ultimately led to a settlement. She knows the difference between a neutral and defense counsel.

Plaintiff thanks this Court for reviewing Glasser's Questionnaire, and for signing off on the discovery confidentiality agreement. Plaintiff provided Counsel with her disclosures this morning. Counsel Rosen responded that he is dealing with a family emergency and should have his disclosures to Plaintiff by tomorrow morning the latest. As of this filing, there is no word from Counsel Agresti representing Defendant Hagmann.

For the foregoing reasons, Plaintiff respectfully moves this Court to appoint a Court approved neutral, where the Parties pay an equal amount, who serves the interests of all the Parties, and looks forward to our December 4, 2019 conference call.

Dated: December 3, 2019

Respectfully submitted by:

/s/ Marinka Peschmann

Marinka Peschmann, Plaintiff *pro se*

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EXHIBIT 1



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CONFIDENTIAL SETTLEMENT MATERIAL

To: Marinka Peschmann
From: Charles Glasser, Esq.
Date: November 22, 2019
Re: Mediation Procedures and Questionnaire

PROCEDURES

I've arranged the mediation process as follows: you've been added to a Skype group called Peschmann ADR 12-12. As part of that group you have been invited to three separate calls. The first call is a group call where each of the parties will have an opportunity to express their concerns or goals for 10 minutes. Then you have been invited to an individual "caucus" call between only you and me. Finally, all group members are invited to a final call (called "negotiation") where we can discuss the potentially common interests and potential resolution in greater detail.

QUESTIONNAIRE

I cannot provide for you legal advice however given that you are a pro se litigant I feel obliged to tell you that this document, your responses and the content of the ADR calls are subject to a certain kind of confidentiality given to parties in mediation. You should be aware that your sharing any of the above with a third-party may result in a waiver of any such confidentiality. Thus, I strongly advise you to take your own counsel in this matter. Please remember that the questions below are designed to give me the best possible picture of the interests of everyone.

Please answer the questions below in a short, declarative manner. Try to avoid overloading any response with legal or personal arguments that do not directly answer the question. I do not anticipate any of the answers to be particularly lengthy and if you feel obligated to go into detailed explanations, I would prefer that you limit such responses to 250 words.

Question 1:

Please provide to me a copy of your CV and any copies of publicity sheets, advertisements featuring your name or likeness, and a brief description of your accomplishments as a writer.

Question 2:

Please detail any television, radio, multimedia or published articles and/or interviews about you or your work, including any reviews of your work if available.

Question 3:

Are you receiving assistance of any kind with this litigation (paid or otherwise) and if so, please detail that and any associated expenses you have incurred regarding costs of litigation.



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Question 4:

Please indicate your annual gross income from the year 2013 to your most recent tax filing. If you have sources of revenue other than writing, please estimate the percentage for each year of such non-writing work.

Question 5:

Please detail any specific contracts you had with 3rd parties that were canceled or otherwise breached or revoked wherein the counterparty specifically cited the defendant's statements as a reason for such cancellation or breach. This applies only to signed agreements. Please include a copy of any such communications from the above referenced counterparties.

Question 6:

Please detail concrete, out-of-pocket, non-speculative financial losses that you attribute to the defendant's statements. This does not include potential losses but is instead directed at "actual damages." To the extent that you have any such losses please also provide a provable good-faith estimate of those losses in the aggregate.

Question 7:

Have you incurred any medical expenses including but not limited to mental health care as a result of the defendants' statements? If so, please briefly detail such expenses.

Question 8:

Did you or did you not actually file the FOIA requests referred to in the pleadings?

Question 9:

Of the statements sued upon in this matter, can you rank them in order of impact in your view?

Question 10:

Do you use social media, and if so, what platforms and how many followers do you have?

Question 11:

Prior to filing this lawsuit, did you make a demand for correction or retraction? If you have a copy, please provide it.



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Thank you for your time in addressing the questions above. It would be most helpful if you could respond by December 6.

If you have any questions, please feel free to ask.

Regards,

Charles J. Glasser, Jr., Esq.

CERTIFICATION OF SERVICE

I hereby certify that on December 3, 2019 copies of the foregoing Reply to Defendants' Opposition with Mr. Glasser's Questionnaire to Plaintiff's Motion seeking a Court Appointed Neutral were filed in the Western District of Pennsylvania and served via ECF to the following counsel parties of record:

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