

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION

In Re:

Oliver, Ernest A.  
Oliver, Christine T.

Debtor(s)

Case No.01-11696

CHAPTER 7

U.S. BANKRUPTCY COURT  
CHATTAHOOGA, TN

2004 DEC -6 P 2:23

FILED

**MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF  
DEBTOR'S MOTION TO PROCEED PRO SE  
MOTION FOR TRIAL BY JURY  
MOTION FOR RECUSAL OF THE COURT  
MOTION FOR EXTENSION OF TIME TO TAKE DISCOVERY**

NOW COMES Debtor, Ernest A. Oliver, Pro Se, pursuant to Rule 9010, and 9015, Federal Rules of Bankruptcy Procedure, and Rule 38(a)(b), Federal Rules of Civil Procedure, and hereby demands his right to proceed Pro Se and demands his right to trial by jury against the attempt by US Panel Trustee James R. Paris to defraud Debtors' creditors, violate Debtors' civil rights, and protect persons involved in criminal activity in Chattanooga, Tennessee.

In his Trustee's Motion to Approve Compromise, Mr. Paris admits having done no thorough investigation of the allegations of the lawsuit, when he states at item #13, that: "Although the Trustee does not represent to the Court that he has conducted an exhaustive investigation of the allegations contained in the 2001 Counterclaim, he has concluded that the litigation of the 2001 Counterclaim would require extensive time and expense for the estate of limited resources."

Mr. Paris fails to mention in his Motion filed with this Court that previously in his Answer to Debtor's Motion for Chapter 7 Trustee to Abandon Property, Mr. Paris admits meeting with Debtors' former attorneys, C. Daniel Collins and John Wolfe, but neglects to mention that a third attorney, Bob Barns, was also present at the meeting and that all three of Debtors' attorneys **had done extensive investigation of the case**. During this tape-recorded meeting, Mr. Paris is heard setting a 40% contingency fee agreement between the three lawyers and Debtor, and Mr. Paris also asks them to draft the agreement, which leaves everyone with the impression the attorneys will be engaged to represent Debtors in the litigation. Subsequent correspondence from the attorneys to Mr. Paris inquire as to when Mr. Paris will hire them and state they have put considerable time into the case. (See letters attached as Debtor Exhibits 1 and 2). Mr. Paris ignores these letters.

Since these three lawyers are willing to put their time and money into this case, why did Mr. Paris change his mind and do nothing for the past three years and 3 months? Why does Mr. Paris now suddenly and without objection from Debtors' legal counsel, C. Daniel Collins, file an Application Of Trustee To Serve As Own Attorney?

Mr. Paris and US Trustees William Sonnenburg and Richard Clippard, have obviously applied pressure to Debtor's legal counsel C. Daniel Collins to do nothing regarding the litigation. Mr. Paris and the "2001 Defendants" (as that term is defined in Mr. Paris's Motion to Approve Compromise) are attempting to force this

"Compromise Settlement" upon Debtor against his will in order to cover-up the criminal activity by the 2001 Defendants against Debtor and the general public. Could it be, also, that Mr. Paris and the 2001 Defendants have learned that Debtor is about to publish a book called "Tennesseeagate", which has the potential to destroy the reputation of all 2001 Defendants, especially the reputation of Mckee Foods Corporation's Little Debbie® Products and the City of Chattanooga? Do they think this "COMPROMISE ACTION" will stop the book?

Mr. Paris states in item #12 of his Motion to Approve Compromise, that "After investigation and negotiation with the counsel for the Defendants in the 2001 Counterclaim, the Trustee believes that these claims are subject to numerous legal defenses including res judicata, statutes of limitations, and collateral estoppel as a result of prior litigation involving these issues."

Although Mr. Paris does not identify the counsel for the 2001 Defendants he has "negotiated with", Debtor avers that William Colvin, Esq., a 2001 Defendant who has represented, since 1990, now-convicted dumper William Foxworth--also a 2001 Defendant--is the principal party Panel Trustee Paris has "negotiated with".

From the very beginning, Mr. Colvin has used his law license to obstruct justice, suborn perjury, conspire to defraud the 1<sup>st</sup> Tennessee Bank with his client William Foxworth, and protect Foxworth's criminal activities for the past 14 years. Foxworth's illegal dumping activity has helped to contaminate Little Debbie® products over the years, and recently has dumped Walmart's

hazardous used oil from 350 auto stores into the Tennessee River.

Mr. Foxworth was paid \$8,000,000 during a period of four(4)years, by Walmart to properly handle their hazardous used oil.

In his Motion, Mr. Paris fails to discuss the facts regarding the lawsuit by the City of Chattanooga against Debtor's company, Oliver Plumbing, which forced Debtor into bankruptcy. This lawsuit was filed by Assistant City Attorney Ann Schaffer, who later ran to Judge Jackie Schulten during the Bankruptcy Stay and had gotten the case thrown out illegally without having to file a non-suit. Neither Mr. Paris nor my attorney, C. Daniel Collins, objected to this action by Judge Schulten. When I demanded that Mr. Collins appeal this action or file a motion to reinstate the case, Mr. Collins refused even though he had signed a contingency fee contract to represent me in this case. When I continued to object, Mr. Collins helped me draw up a Motion To Reinstate The Case but made me file the Motion "pro se". City Attorney Ann Schaffer then filed a Motion To Deny Debtor's Motion To Reinstate The Case. Mr. Paris does not see this as anything unusual or of value to the Debtor's estate, and is willing to accept a token settlement for this provable conspiracy to force Debtor's company into bankruptcy and overwhelming provable violation of Debtor's civil rights. The Chattanooga Department of Public Works charges every person who hooks onto the Chattanooga Sewer System a minimum fee of \$913. They never hook-up someone for free, except when they are trying to

interfere with Debtor's customer and force Debtor into bankruptcy for his 14 years of accusing them of conspiracy to protect illegal dumping and organized crime.

Mr. Paris has one and only one interest in this hearing and that is to cover up all the criminal activities of the 2001 Defendants, especially Foxworth, the City of Chattanooga (whose conspiracy with Foxworth has allowed him to operate in a totally illegal manner during his entire time in business), and most of all McKee Foods Corporation whose "dirty" Little Debbie® products have been contaminated by Foxworth and the illegal incinerator operated by Four Seasons Environmental, Inc. and the son-in-law of Ellsworth McKee, co-owner of McKee Foods Corporation. There is absolute proof that Ellsworth McKee loaned his son-in-law, Delwin L. Huggins, \$16,000,000 to establish Four Seasons Environmental in 1998. This company burned the City of Chattanooga's hazardous sludge from the Mocassin Bend Waste Water Treatment Plant in an illegal deal with Attorney Wayne Cropp, vice president and general counsel for Four Seasons Environmental. This incinerator released ionized mercury directly above the McKee Foods Corporation's baking plants in a methane rich environment producing the most deadly form of mercury, dimethyl mercury. The entire operation was illegal and in direct violation of EPA regulations. Ellsworth McKee provided the funds to contaminate Little Debbie® products and Mr. Paris' emergency Motion To Approve Compromise is designed to keep this information out of court. How does Mr. Paris or Jack and Ellsworth McKee, plan on keeping this information out of the book "Tennesseegate" to be

published in Russia, Canada, Mexico, Europe, and all of North America? (The Four Seasons Environmental and Ellsworth McKee issue, is further discussed at items #12 & #13 below)

Although Mr. Paris states there are substantial factual disputes as to the underlying allegations contained in the 2001 Counterclaim, Debtor and his three lawyers had agreed that there is overwhelming proof that the argument made by Mr. Paris and the 2001 Defendants that 'Debtor's claims are barred by numerous legal defenses including res judicata, statutes of limitations, and collateral estoppel as a result of prior litigation involving these issues', is just another **smoke screen** that has been used by the 2001 Defendants for the past 14 years to obstruct justice, conspire to obstruct justice, and debase the administration of justice.

Mr. Paris's arguments serve to act as "defense counsel" for the 2001 Defendants and not as Panel Trustee for Debtors' creditors. Mr. Paris has admitted to not having thoroughly investigated Debtor's allegations in the 2001 Counterclaim; however Debtors' legal counsel, as stated above, advised Mr. Paris that they had investigated the case. Mr. Paris's actions serve to defraud Debtors' creditors and violate Debtor's rights.

In the Federal Annotation 77 ALR3d 725, a series of cases are described where a continuing conspiracy existed by persons, including a federal judge, who were indicted 14 years after the original conspiracy, and the Statute of Limitations was tolled a number of times by overt actions of the conspirators over the years. (This Annotation is attached as Debtor Exhibit #3)

Also, it is federal law that "intrinsic fraud" committed by officers of the court to obstruct justice and debase the administration of justice, has no statute of limitations.

In this case, Debtor has absolute proof of the following activities that overcome any defense argument stated by Trustee Paris and the 2001 Defendants. Debtor has absolute proof in the form of city, state and federal documents, transcripts, Sworn Affidavits, tape recordings, pictures, and correspondence to and from the 2001 Defendants.

There is also Federal Judge Hull's dismissal of attorney Colvin's attempt to get contempt of court sanctions against Debtor during Debtor's lawsuit against Chattanooga State Technical Community College. Colvin filed contempt of court charges to Judge Jarvis who recused himself from the case, and Judge Hull of Greenville, TN, stated in his Order that..."Judge Jarvis may have relied on a false affidavit"... when he dismissed Debtor's original case against the 2001 Defendants.

Debtor can prove the following charges against the 2001 Defendants:

1. On March 4, 2002, Debtor sent a letter, Certified Mail 7001 1940 0002 9453 9495, to US Bankruptcy Trustee William Sonnenburg requesting an investigation of Panel Trustee James R. Paris's questionable handling of the only part of Debtors' bankruptcy process to be decided-- the three lawsuits presently on bankruptcy hold.

Honorable Bankruptcy Judge John C. Cook had already discharged Debtors debts under Section 727 of Title 11, United States Code, on June 29, 2001. Included with Debtor's letter to Mr. Sonnenburg was a copy of the tape recorded meeting of Mr. Paris, Debtors' three lawyers, C. Daniel Collins, John Wolfe, Bob Barns, and Debtor Ernest A. Oliver, on July 11, 2001. (This letter is attached as Debtor Exhibit #4, the tape recording is presently with Mr. Sonnenburg. US Trustee Sonnenburg ignored Debtor's requests to replace Mr. Paris as Panel Trustee, and further admonished Debtor for tape recording the conversation stating that it was "illegal" to do so.

After waiting two years and one month with no action on Debtor's lawsuits by Panel Trustee Paris or no intervention by US Trustee Sonnenburg regarding said lawsuits, Debtor wrote a letter, Certified Mail 7003 1010 0005 3739 6751, to Mr. M. Kent Anderson, Assistant US Attorney under US Attorney Harry Mattice, for Bankruptcy preview in Chattanooga. This letter, attached as Debtor Exhibit #5, describes in detail the activities of Mr. Paris, Mr. Sonnenburg, US Attorney Harry Mattice, and others, which serve to cover-up organized crime in Chattanooga, protecting the contamination of Little Debbie® products baked in the Chattanooga Area by McKee Foods Corporation--one of the 2001 Defendants--and the dumping of Walmart's hazardous "used" oil by now-

convicted dumper William Foxworth--also one of the 2001 Defendants. On August 22, 2003, Debtor received an answer from Mr. Anderson(see Debtor Exhibit #6) who agreed the proper route was to forward Debtor's complaints for a review by the US Trustee for Kentucky and Tennessee, and forwarded Debtor's letter to US Trustee Richard Clippard. It was the understanding by Debtor that Mr. Clippard would call him, but four weeks went by and Debtor heard nothing. When Debtor called US Trustee Clippard's office, Mr. Clippard admonished Debtor for the call saying that Debtor has legal counsel. Mr. Clippard stated he would call Debtor's legal counsel, Dan Collins, but never did and Dan Collins never spoke with Clippard.

2. That Federal District Judge James H. Jarvis did knowingly conspire with attorneys William Colvin, Frederick Hitchcock, James Gentry, and State Solid Waste Manager, Guy Moose, to produce a Memorandum Opinion dated August 10, 1992 issued by Judge Jarvis stating that "Moose concludes that all of Mr. Oliver's allegations were groundless." This statement by Judge Jarvis was incorrect and was designed by him to justify his injunction against Debtor and order Debtor never to refile the WhistleBlower lawsuit against the illegal dumping operation, which Judge Jarvis went absolutely out

of his way to protect. Jarvis's action protected the illegal dumping that has resulted in the contamination of Little Debbie® products baked by McKee Foods Corporation in the Chattanooga area, and the dumping of Walmart's hazardous used oil from 350 auto stores by now-convicted dumper (and 2001 Defendant), William Foxworth.

3. That Judge Jarvis specifically Ordered that Debtor be allowed to refile his lawsuit in the State Circuit Court before Judge Samuel Payne. However, with full knowledge of his conspiracy to deceive Judge Payne, 2001 Defendant William Colvin, Esq., drafted and presented an Order for Judge Payne's signature that enjoined Debtor from ever refiling the law suit in State Circuit Court as well, which is in direct violation of the Federal Court's Order. Judge Payne signed the Order under Debtor's protest. In a tape-recorded "heated" conversation between Debtor and Judge Payne on March 12, 1993, (see transcript at Debtor Exhibit #7) Judge Payne states he is not concerned about the hazardous waste dumping operation going on in his district, that he is not a public protector, that lawyers are allowed to lie in their pleadings to him, and that he did not read what Debtor filed to him in the lawsuit. Judge Payne enjoined Debtor from ever refiling what the Judge did not even read, all based on the words written by 2001 Defendant William Colvin.

4. That Chattanooga Mayor and Lt. Steve Parks--who is now Chief of Police--did knowingly and intentionally protect the illegal dumping activities of now-convicted dumper and 2001 Defendant William Foxworth, by allowing Foxworth to operate his business in Chattanooga against city, state, and federal regulations, while also using the city sewer system for free in his Roto-Rooter business, and ignoring his dumping of hazardous wastes into the sewer system and into the Chattanooga Creek from his Hydro-Vac treatment plant. That Mayor Gene Roberts did knowingly and intentionally obstruct the federal investigations of former 3<sup>rd</sup> District Congresswoman Marilyn Lloyd and former US Senator James Sasser, by knowingly lying in correspondence to Lloyd, and lying to the EPA regarding the status of the Hydro-Vac treatment plant. Mayor Roberts, the former Public Works Director Jack Marcelles, the former Moccasin Bend Treatment Plant Director Eugene "Bunky" Wright, and Pretreatment Coordinator Rick Tate, all conspired to trick newly employed Systems Engineer, Alice Cannella, into issuing a "renewal permit" for Hydro-Vac when no permit had ever been approved for the treatment plant design, which treatment plant design was specifically rejected by Ms. Cannella's predecessor, Systems Engineer George Kurz. Outgoing Systems Engineer, George Kurz, refusing to be part of the conspiracy, quit

his job of 12.5 years abruptly, after rejecting the Hydro-Vac treatment plant design and ordering that the plant would not be allowed to operate until the design was acceptable. Kurz's statement was that he was quitting his job because he was uncomfortable with persons in the higher echelons. Only Eugene "Bunky" Wright, Jack Marcelles, and Mayor Roberts out-ranked Kurz. The fraudulent "renewed permit" allowed Foxworth to continue to operate his rejected treatment plant, which allowed bank fraud to be perpetrated against 1<sup>st</sup> Tennessee Bank by Foxworth and his attorney William Colvin, using the rejected plant design as collateral for a bank loan--this loan was later converted into a US Small Business Administration Loan, using the same rejected treatment plant design as collateral, defrauding the federal government and the taxpayers (see further discussion at Paragraph 5 below). Also, City officials specifically informed the US EPA that Hydro-Vac had a valid operating permit, knowing that statement to be totally false, and the EPA then informed both Senator Sasser and Congresswoman Marilyn Lloyd that Hydro-Vac was in full compliance with the law. **Nothing could have been further from the truth.** Letters from Mayor Roberts to Marilyn Lloyd, Senator Sasser to the EPA, and the EPA to Senator Sasser are attached as Debtor Exhibits #8, #9, and #10.

5. That William Colvin, Esq., representing his client William Foxworth--both of whom are 2001 Defendants--did knowingly and intentionally conspire with Foxworth and then law partner Neil Thomas III (who is now a Tennessee State Circuit Court Judge in Chattanooga), to obtain a \$900,000 loan from the 1<sup>st</sup> Tennessee Bank using the rejected treatment plant as collateral for the loan. There is absolute tape recorded proof that Lt. Steve Parks (now City Chief of Police) was fully aware of the treatment plant's rejected permit and that Colvin and Foxworth both admit to these facts. Furthermore, Colvin and Foxworth obtained the loan while Foxworth lied on the loan documents that no hazardous wastes were present at Hydro-Vac. Documentation from State Solid Waste Manager, Guy Moose, clearly proves that a host of illegal activities were occurring that would have prevented the loan from being made, if known. Foxworth later converted this loan to a U.S. Small Business Administration (SBA) loan.
6. That State Solid Waste Manager Guy Moose did knowingly commit perjury in the Federal Labor hearing on January 23, 1991 regarding the presence of hazardous waste at Hydro-Vac. Official documents signed by Moose clearly prove Moose lied to cover-up and protect Foxworth's operation. That Moose also lied to Federal Judge James H. Jarvis in a sworn affidavit filed in Federal Court on

February 21, 1992. The affidavit was also filed to State Circuit Court Judge Samuel Payne.

7. That Attorney Frederick Hitchcock, also a 2001 Defendant, representing Golden Gallon, admitted to knowledge that his client's gasoline-contaminated dirt at Hydro-Vac had been mixed with "other constituents" making the wastes "hazardous by definition" under the Superfund laws and especially the Clean Water Act. Mr Hitchcock also states, in his sworn affidavit to Judge Jarvis, that he shared the results of a geologic and environmental consulting firm hired to test the contaminated soil, with Guy Moose and Foxworth's attorney, William Colvin. On January 14, 1991, nine(9) days before Moose was to testify under oath at the Federal Labor hearing, Moose conducted an inspection at Hydro-Vac and found the rolloff boxes containing the Golden Gallon hazardous gasoline dirt that had been mixed with hazardous "used" oil, to be leaking onto the ground and migrating into Chattanooga Creek directly behind the Hydro-Vac plant. With full knowledge of these violations of the Superfund laws and Clean Water Act, Moose testified under oath before Federal Judge Musgrove at the Federal Labor hearing, that " ...To date, we have not found any hazardous waste by definition..." The next day after the hearing, January 24, 1991, Moose signed the Notice of Violation, and sent it to Hydro-Vac.

Also, Moose and Moose's office had cited Hydro-Vac for Violation of the Solid Waste Management Act and for Violation of the Tennessee Hazardous Waste Management Act, and then in January 1992, for open dumping and operating an illegal waste processing facility at 314 Hooker Road in Chattanooga. Then on February 21, 1992, almost a year after Moose lied under oath before Federal Judge Musgrove regarding the citations signed on January 24, 1991, Moose filed a sworn affidavit to Federal Judge Jarvis stating Debtor's "unfounded allegations against Hydro-Vac" had caused the state of Tennessee substantial expenditure of monies and man hours. This false affidavit was filed by Moose with full knowledge of attorneys William Colvin and Frederick Hitchcock. Judge Jarvis used this sworn affidavit to justify enjoining Debtor by knowingly falsifying his Memorandum Opinion when he stated "... Moose concludes that all of Mr. Oliver's allegations were groundless." (Emphasis added). **MOOSE NEVER MADE ANY SUCH STATEMENT!**

- 7) That Frederick Hitchcock, Esq., along with William Colvin, Esq., both 2001 Defendants, did take Debtor's deposition on September 17, 1992 to attempt to locate funds Debtor might have for the upcoming sanctions hearing Ordered by Judge Jarvis in 1992. During the deposition Hitchcock asked: "Who is your supervisor?" in reference to Debtor's job at Chattanooga State Technical

Community College(CSTCC), where Debtor was teaching chemistry and microbiology labs. Debtor's answer was: "Jan Cochran." Within the next few weeks a change was obvious in Ms. Cochran's attitude toward Debtor. Prior to this Ms. Cochran made it known to Debtor how happy she was that Debtor was with the Chemistry Department at CSTCC, having a superior chemistry background coming from Michigan State University Department of Chemistry where Debtor had been a member of MSU's Chemistry Staff and supervisor of the mass-spectrometry facility, and formerly with the Michigan State Police as a forensic scientist, and also having started the crime laboratory in Chattanooga in 1971 (which is now closed). Debtor was perfect for CSTCC until Attorney Hitchcock and his associate, James Catanzaro, Jr. Esq., conspired to remove Debtor from his teaching position. Dr. James Catanzaro Sr., President of CSTCC, conspired with his son, Attorney Hitchcock, and members of CSTCC, to remove Debtor from his teaching position at CSTCC. Through his relationship with a CSTCC faculty member, McKee Foods Corporation's CEO, Jack McKee, who is also a 2001 Defendant, was directly involved with the loss of Debtor's teaching position. Attorney Gary Lander, who at that time was representing the City of Chattanooga under Mayor Roberts, and also representing McKee Foods Corporation, helped Debtor's removal from CSTCC. The 2001 Defendants cannot

have a chemistry teacher at CSTCC saying that Little Debbie® products are contaminated with benzine and mercury.

7. In 1995, State Human Rights Officer, Alice Ford, issued a Cause Recommendation against CSTCC for loss of Debtor's position teaching chemistry and microbiology labs. Ms. Ford was immediately ordered by her superiors in Nashville to change her determination to a "No Cause" against CSTCC. Ms. Ford refused and the entire Human Rights Office in Chattanooga was immediately shut down and everyone transferred to other cities. Ms. Ford had to drive to Knoxville each day to keep her job. Only Ward Crutchfield would have the power to cause and allow this action to occur in Crutchfield's own district. Crutchfield was the Senate Majority Leader and such a shut-down could only have occurred with his permission. Crutchfield has been a constant protector of Dr. James Catanzaro, Sr. and the same criminal activities here that mirror charges brought against Catanzaro in Chicago by the Trustees of Trion College. Debtor has absolute tape recorded proof that Crutchfield's law firm interfered with Debtor's request by subpoena for documents from the Hamilton County School Board, regarding the two young women hired to replace Debtor in the two positions he

held at CSTCC. Alice Ford ruled that neither of these women were qualified to even be interviewed, and certainly neither was qualified to be hired. Yet, after trying to trick Debtor into missing a deadline to answer the State's Motion for Summary Judgement, Federal Magistrate Judge John Powers threw out the case, was forced to reopen it because Debtor had his staff on tape trying to trick Debtor into missing the deadline, then threw it out again saying there was no merit to Debtor's allegations and no merit to the findings of State Human Rights Officer, Alice Ford. Ms. Ford, a black woman, filed a lawsuit over the office shutdown and violation of her civil rights. Senator Fred Thompson, afraid of the problems associated with a lawsuit with racial implications, saw to it that the Human Rights Office in Chattanooga was reopened and Alice Ford was promoted to office Supervisor. To make sure she was happy, they brought Ms. Ford to Nashville and made her a "Tennessee Hero" as well. Ms. Ford, afraid for her life, gave a sworn tape-recorded statement against Ward Crutchfield and the illegal actions of CSTCC against me, then fled as far away from Chattanooga as she could go. She now lives and works on the West Coast. In 1995, I wrote letters to both US Senators Bill Frist and Fred Thompson requesting their help in my investigation. I received no response from either senator. Recently, I attempted to seek

the help again of Senator Bill Frist to stop the dumping of hazardous wastes into Alabama landfills by 2001 Defendant and now convicted dumper, William Foxworth. Also I had information that stolen car parts were known to be passing through the auto shop at CSTCC. This information was provided to me by Assistant Hamilton County District Attorney David Denny, in a tape recorded conversation. I tried to contact Senator Frist's representative, Tyler Owens on this and many of the matters occurring in Chattanooga including the contamination of Little Debbie® products. Mr. Owens refused to forward my information to Washington, after three visits by me to his office insisting he do so. The three conversations were tape recorded. When I attempted to bring the matter of stolen car parts to Mr. Owens attention, he filed a complaint against me and I received a phone call from the Washington Capitol Police informing me that if I called Senator Frist's representative, Tyler Owens, in the future, I would be arrested for harassment of a federal employee. I have called Senator Frist's office directly in Washington regarding all the information in my investigation I call "Tennesseeagate", and have been met with **STONEY INDIFFERENCE!**

8. In a related matter to the CSTCC suit, Attorneys Colvin, Hitchcock, and Gentry filed contempt of court charges to

Judge Jarvis, when Debtor added a Count II to his Chattanooga State lawsuit, naming as parties those persons in the original lawsuit enjoined by Judge Jarvis.

Jarvis recused himself and Judge Hull in Greenville, TN, ruled that Debtor's collateral attack on Judge Jarvis's ruling would be dismissed without sanctions because "... Judge Jarvis may have relied upon a false affidavit ..." when Jarvis threw Debtor out of Federal Court in 1992 stating "Moose concludes that all of Mr. Oliver's allegations were groundless".

9. On November 3, 1995, US Secretary of Labor, Robert Reich, Ordered that Debtor be reinstated to his position of Lab Director at Hydro-Vac Services, Inc., much to the amazement of Attorney Colvin and his client William Foxworth. On November 7, 1996, Federal Judge Daniel A. Sarno held a hearing in Chattanooga to determine the amount of damages that Hydro-Vac would be required to pay for their illegal firing of a whistleblower. Mr. Foxworth testified falsely under oath that he no longer had a lab or a lab director, and, therefore, had no place for Debtor to work. During the testimony Judge Sarno became very suspicious of Foxworth's statements. On page 103 of the certified transcript of this hearing, Judge Sarno asks William Foxworth, "...are you saying there is no position?" Foxworth answers no. The court then states

"... Are you saying you eliminated the position that Mr. Oliver filled? I asked you a simple question. Yes or no? Did you eliminate the job that Mr. Oliver was hired for?" Foxworth answered yes. Both Foxworth and attorney Colvin, who was suborning Foxworth's perjury, knew that at that very moment at Hydro-Vac, Dr. Roger Wilson, who was called the "Technical Manager", was operating Hydro-Vac's laboratory. Dr. Wilson, a Pd.D. in chemistry, worked from at least 1995 until 2001 according to State Records from the office of Guy Moose. Debtor only learned about Foxworth's perjury before Judge Sarno after filing for bankruptcy in 2001. Colvin used this perjury to appeal Judge Sarno's order awarding over \$46,000 against Foxworth, and was successful in reducing the award to \$25,018. Trustee James Paris can be heard on the tape recorded meeting with Debtor's three lawyers that this labor case against Foxworth and Colvin might bring enough to pay off Debtor's creditors.

10. Mr. James Paris, Panel Trustee, is fully aware of these facts and he discussed them with Debtor's three lawyers during the aforementioned meeting. Mr. Paris admits at Item #4 of his Response To Motion For Chapter 7 Trustee To Abandon Property that he met with Debtor's lawyers but he does not admit that he discussed the Labor Hearing perjury as a real possibility of bringing suit against Hydro-Vac, Foxworth and his attorney, William Colvin for

perjury and subornation of perjury, and that this might be a case to pursue to pay off all of Debtor's creditors. This tape-recorded meeting was brought to the attention of US Trustee William Sonnenburg in Debtor's certified letter which included the tape recording of the meeting. Sonnenburg has refused to remove Paris as Debtor requested, or to discuss the meeting. Now, Mr. Paris is including this provable outrage against Debtor's civil rights as part of his "Compromise" to let the criminal activity of 2001 Defendants Colvin and Foxworth be covered-up, with full approval of US Trustee Sonnenburg.

11. In 1998, Chattanooga Attorney Wayne Cropp, former Air Pollution Board Director and presently the Chairman of the Hamilton County Republican Party, started an environmental company known as "Four Seasons Technologies Inc." with Ellsworth McKee's son-in-law. This company and its deal with the City of Chattanooga, was in direct violation of EPA Superfund laws and Air Pollution regulations. The illegal incinerator atop the closed Chattanooga Summit Landfill was burning hazardous sludge from the Chattanooga Mocassin Bend Treatment Plant which contains high amounts of mercury and other hazardous wastes. This operation released ionized mercury directly above the McKee Foods Corporation's Little Debbie baking plants in Collegedale. McKee ignored Debtor's warnings and refused to monitor the baking process on a daily

basis for the presence of mercury. Attempts by Debtor to the Chattanooga Air Pollution Control Board and the State Of Tennessee to monitor for mercury at the Summit Landfill were denied. In a meeting with Attorney Gary Lander, a 2001 defendant, representing McKee Foods Corporation and the City of Chattanooga, with the Air Pollution Board attorney Diane Arnst, Mr. Lander told Ms. Arnst that Debtor, Ernest Oliver was trying to get McKee Foods Corporation to sue him so that he could prove the truthfulness of his case in a counter-claim. (See Debtor Exhibit #11) for the certified notes of Attorney Arnst)

12. On April 29, 2003, Ellsworth McKee sued his son-in-law and "Four Seasons Technologies" for the Sixteen Million Dollars Mr. McKee loaned the company (the company is now closed). There is absolute proof that Ellsworth McKee provided Sixteen Million Dollars to build an incinerator above his own baking plants in an illegal venture that has contaminated Little Debbie® products sent to Canada, Mexico, Russia, all of North America, and our military bases all over the world.
13. In August 1998, Debtor sent a warning letter to the Ambassadors of Canada, Mexico, and Russia regarding the contamination of Little Debbie products. In early 2000 Debtor placed the website [www.Tennesseeqate.com](http://www.Tennesseeqate.com) online with the Little Debbie® logo turning into a skeleton.

Debtor has brought this to the attention of Jack McKee, his lawyers, and provided his present attorney, William Brown, with a complete CD of "Tennesseegate" in 2002. In 1994, McKee Foods Corporation filed a lawsuit in Federal District Court in Manhattan against Spencer Gifts, a novelty chain, from selling it's Little Dobbie T-shirts. McKee claimed that the T-shirt turned the goody-goody image of the Little Debbie® logo on its head. Again In 1995, McKee Foods Corporation filed a lawsuit against Debbie Singleton in Niceville, Florida, for selling granola products named "Debbie's Famous Granola". The company was forced out of business by McKee. Debtor however, has had the Little Debbie logo turning into a skeleton for the passed three years on the world wide Internet with full knowledge of McKee Foods Corporation's owners Jack and Ellsworth McKee, and their lawyers, and not one peep of challenge has ever been asserted.

14. Debtor's book, "Tennesseegate" will be published in January of 2005, and will feature on the cover, Al Gore, Bill Frist, Fred Thompson, Zack Wamp and the Little Debbie® logo turned into a skeleton, with WalMart's hazardous "used" oil from 350 auto stores pouring into the Chattanooga Creek at Hydro-Vac.
15. On December 6, 2001, Debtor met US Attorney Harry Mattice and Debtor's three attorneys C. Daniel Collins, John Wolfe, and Bob Barnes. Debtor charged US Assistant

Attorneys John McCoon and Guy Blackwell with conspiracy to cover-up and protect the criminal activities of William Foxworth. Debtor can prove by a certified transcript received from the Justice Department under the Freedom of Information Act, that US Assistant Attorney Guy Blackwell conspired with Foxworth's defense attorney, Jerry Summers, to lie in open court to US District Judge Allan R. Edgar regarding the criminal activities of William Foxworth. US Attorney Harry Mattice stated that Debtor's information "does not raise to the level" that he is required to report. Foxworth was never charged with dumping Walmart's hazardous "used" oil from 350 auto stores into the Chattanooga Creek or serious crimes.

16. Mr. Paris's attempt to use his position as Panel Trustee to protect the City of Chattanooga, who forced me into bankruptcy, sued me, then ran to Judge Jackie Schulten to get the case dismissed during the bankruptcy stay, is an outrageous attempt to violate Debtor's civil rights and most importantly to defraud Debtor's creditors! Debtor submits that the cases affecting all of the 2001 Defendants are worth far more than the \$25,000 Mr. Paris is attempting to force Debtor to accept. McKee Foods Corporation has over a billion dollars in sales per year of their "Dirty Little Debbie products world wide.

17. In the Chambers Hearing, this Court's unabashed caution to Debtor's new legal counsel, Deno Cole, stating that "... Don't know how you're going to get around this, on the merits...", shows this Court has made a pre-hearing judgment based on what he has been told by Panel Trustee Paris. Also, the Court is quoted in the record of that hearing as saying ..." I know I have a lot of discretion, but I think I have to continue this...", further suggesting that this court has already made up it's mind without hearing any of Debtor's side of the argument and has seen no evidence to prove any facts. Debtor submits, this Honorable Court should use the fact that it has ..."a lot of discretion..." and seek the truth in this matter and not be influenced by the activities of a crooked Panel Trustee and the City of Chattanooga who suddenly **DON'T WANT TO TRY THEIR LAWSUIT THEY USED TO BANKRUPT DEBTOR.** The fact that Debtor's new counsel, Deno Cole, has refused to file any Motions on Debtor's behalf, or call any witness, makes Debtor believe that pressure has been placed on Deno Cole by this Court and Trustee Sonnenburg, to allow a RUBBER STAMP of this case by the Court. This action is reason for Debtor to demand a jury trial in this matter. If this court is truly honest and fair to Debtor and Debtor's creditors, it will transfer the lawsuit, City Of Chattanooga vs Oliver Plumbing to this Federal Bankruptcy Court and Order this trial to proceed before a jury. The City of Chattanooga filed

their case, forced Debtor into bankruptcy, and know they should be required to proceed or **NON-SUIT** their case.

18. Based on the above-itemized issues, which Debtor can prove, and based on the inaction of Debtor's legal counsel, Deno Cole, to pursue discovery on the cases involving all 2001 Defendants, this action is reason for Debtor to request an extension of time to take discovery.

#### Conclusion

For reasons stated above, Debtor, Pro Se, respectfully requests that this Honorable Court allow a jury trial pursuant to Rule 9015 Federal Rules of Bankruptcy Procedure and Rule 38(a)(b), Federal Rules of Civil Procedure to allow Debtor the opportunity to pay off his entire bankruptcy debt to his creditors. The criminal activities of the 2001 Defendants if exposed at trial would outrage any American Jury and force the 2001 Defendants to at least pay off Debtor's creditors in full. The cover-up by Mr. Paris in this matter is so obvious that even a child could see through it. Mr. Paris actions, the time wasted, the fact that Mr. Paris has allowed the City of Chattanooga to drop their lawsuit during the bankruptcy hold, and City of Chattanooga Attorney Ann Schaffer's Motion To Deny the reinstatement of her on case against Debtor, **reeks with conspiracy and wrongdoing.**

On February 28, 2003, at the Harvard Law School, Judge Edith Jones of the U.S. Court of Appeals for the 5<sup>th</sup> Circuit, told the Federal Society of Harvard Law School that the American legal system has been corrupted almost beyond recognition. The question of what is morally right is routinely sacrificed to what is

politically expedient, she said. The change has come because legal philosophy has descended to nihilism. The integrity of law, its religious roots, its transcendent qualities are disappearing she states.

Debtor intends to defend his rights, and the rights of Debtors creditors, to be paid in full. If this Honorable Court needs to be reminded that its sole purpose is to protect my creditors and not the interests of the 2001 Defendants, their reputations, or their criminal activity against Debtor, and moreover, the health and welfare of the national and international community ingesting "Dirty" Little Debbie products, then I will again bring to the attention of all persons involved in this action. WHAT EVER HAPPENS IN THIS MATTER GOES IN THE BOOK AND MOVIE I CALL "TENNESSEEGATE".

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ernest A. Oliver".

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Ernest A. Oliver, Debtor, Pro Se  
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