

Subj: Fwd: WRITPRO 30JUN06DOC1.WPSAnderson v. City A06-1150
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Sharon4Anderson@aol.com [SharonsWaterShutOff19Apr06](#) [Sharon4Anderson's Legal BlogBriefs](#)
[Anderson + Advocates](#) P165913sa1299 [PACER](#)
[CM/ECF](#) [Olmstead v. US GovLawbreaker](#) [Vision America: US v Cruikshank92US542\(1875\)Decend to](#)
[Particulars Judges As Criminals? OIC](#)

 Forwarded Message:

Subj: WRITPRO 30JUN06DOC1.WPSAnderson v. City A06-1150
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To the Clerk Fred Grittner www.courts.state.mn.us

Thank You for the Court File no. A06-1150

**However the Test Case to force the State to
Comply with ECF Filings, must be implemented.**

**Further the Eminent Domain Law MS117.xx
must provide for Just Compensation.**

**Further for Educational Purposes, I must share
my knowledge as Friends,Advocates,Affilliates
have shared theirs.**

IN the Integrity of Justice the Word Doc is submitted

**Doc I, and will also be submitted in pdf format
AOL only allows 5 mg Doc 2**

The Exhibits etc will be in pdf format.

STATE OF MINNESOTA

**Minnesota Supreme Court
A06-1150**

**In Re; Petition for Writ of Prohibition
Quo Warranto
MS 2.724
MS117 Eminent Domain**

**Sharon Anderson, Title 31 Relator
ECF P165913 Pacer sa1299**

Petitioner

V.

**United States of America, All Agencies
State of Minnesota, All Agencies, City
of St. Paul, Chris Coleman Mayor
Marcia Moermond, Debbie Montgomery, Dave Thune,
Pat Harris, Jay Benanav, Lee Helgen, Dan Bostrom,
Kathy Lantry, individually, severally, official capacities
John Choi, Lisa Vieth, Judy Hanson, Jerome Ludden, Jack Reardon
Bob Kessler, Harold Robinson Personally and Professionally,
St. Paul Regional Water Board John Doe and Mary Roe others similarly situated**

Relatees-Respondents

**Proposed "Trial Court": St. Paul City Council via legislative appeals officer,
Marcia Moermond, regarding St. Paul City Council Hearing File: Re: 697 Surrey Ave
File #06-077356 hearing 06/06/2006**

Mayor@ci.stpaul.mn.us

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DISCLAIMER

Pursuant to Clerks Court Order dtd. 21 June 06

* * * appendix no pages * * * index * * * Affidavit off Pauper

Brief served 20 Jun 06 Bill Dahn all Parties: personally and by e-commerce

THEREFORE: the appendix and Pauper must be served electronically

Related Cases for the past 30 years will be incorporated to Quiet Titles to all.

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4.) St. Paul Mayor Chris Coleman mayor@ci.stpaul.mn.us address as above

5). US Justice Dept by and thro US Attorneys address as above

6.) Legal Notice to US Dist. Crt. Rich.sletten@mnd.uscourts.gov Files
02-0332(Rosenbaum), US Dist.06cv-1607 , appealed to 8th Cir without any
Answers from Defendant City of St. Paul www.mnd.uscourts.gov

MEMORANDUM

Affidavit of Sharon Anderson aka In re: Scarrella for Associate Justice
NW2d221page 562, the denial of the Elective Franchise of the tax supported
Employment of Judgedenied to all non-lawyer citizenry mandates Affidavit of
Prejudices against all Judges to insure Access to the Seats of Government
Accountability, Fair, Impartial Trials, with Constitutional Challenges of the
MS117 Eminent Domain Laws. www.msnusers.com/AndersonAdvocates

Sharon brings these matters to the Supreme Court via MS2.724
Chief Justice has full Supervisory, Fiduciary Control of the Courts, Lawyers
Judicial Branch www.courts.state.mn.us

Sharon mandates this to be a Test Case

ISSUES: EMINENT DOMAIN ELECTRONIC FILINGS

And as a Republican Candidate for State Attorney General

RELIEF SOUGHT

This action is brought pursuant to jurisdictional authority stated in Minnesota
Statutes §2.724 Chief Justice.

The Petitioner, requests a Writ of Prohibition, restraining the Respondents from all
legislative hearing officers appointed by same, inclusive their agents and employees, acting

as adjudicators for abatements and condemnation, in any administrative hearing, that does not give full access to courts in the judicial branch, and allow full due process, discovery and subpoena power.

This action arises regarding the circumstance of a fraudulent claim, by Jerry Ludden from St. Paul Regional Water, in violation of Minnesota Statutes, §609.43, that the replacement of interior and exterior water meters were necessary, when in fact these meters were and are working, and the consequent withdrawal of Petitioner's water services therefore, when Petitioner refused to allow this change which involved violation of her privacy and access to the property. †† As the matter has escalated the Respondents are attempting to condemn the property in a "legislative hearing" body, such bodies, which are by definition, not courts of law and which do not grant, inclusive but not limited to, subpoena power and discovery defined due process. These legislative administrative processes, purport to remove the judicial branch of government from law enforcement concurrent to implementation of "legislative courts" which contravene the, which also authorizes similar abatements with respect to violations of the condemnation buildings, without the authority of a finding in district court of law, that shows wrongdoing and justification as defined under the Eminent Domain law, in effect as of May 15, 2006.

STATEMENT OF FACT

Background

This action, under the legal supervision and advice of Lisa Vieth, is one in a series of similar legal actions in which Ms. Lisa Vieth has advised the city to prosecute the

Petitioner, wrongfully and unsuccessfully, because Ms. Lisa Vieth has pursued harassing criminal charges knowing that no crime as defined by city ordinance, or state or federal law has been committed by Petitioner. In this matter Lisa Vieth has advised the St. Paul Water Board to disconnect the Plaintiff water on the fraudulent pretence that the interior and exterior water meters do not work, so that the City can attempt to condemn the property of Petitioner. There has been a pattern of this kind of behavior involving a series of similar activities by the City, for example the case of Betty Speaker, a 68 year old senior woman who owned her own home.

<http://www.angelfire.com/mn3/andersonadvocates/2006water/water.html>

<http://www.watchdog-news.com/watchdog-0506/0506-page03.htm>

<http://www.watchdog-news.com/watchdog-0506/0506-page08.htm>

<http://www.watchdog-news.com/watchdog-0506/0506-page09.htm>

These actions have been done without due process and instead involve quasi-judicial hearings by city planners and the city council, who are in the executive branch, and who have the agenda of gaining more property for the city, without paying fair compensation.

Petitioner has several physical disabilities including a broken ankle, sustained because of the stress from the harassment the city exerted, which Petitioner is still recovering from.

The City of St. Paul and the City Attorney has in the recent past also engaged in similar harassment, namely:

- a) Various complaints relevant to Petitioner's dog which were withdrawn.**
- b) Various complaints about Petitioner's gardens/yard, which have been withdrawn**

The previous matters were resolved by administrative means via the St. Paul City

Attorney in all matters.

Facts of Current Case

In this current instance, the basic facts are as follows:

- 1. Petitioner is a sixty eight year old disabled woman who lives alone, at 697 Surrey Ave, St. Paul, in a property that is about 70 - 100 years old, and has a history of very frugal use of water, with quarterly bills of about \$17.00, all of which is known by Respondents.**
- 2. The current interior and exterior meter were installed in about 1992, at the same time these were installed in the neighboring properties, and there is no known problem with any of the meters at 697 Surrey Ave, or in any of the neighboring properties.**
- 3. Approximately seven of the immediately neighboring properties are empty for reasons unknown and may have been purchased, or obtained by other means, by the City of St. Paul for redevelopment,**
- 4. That the City of St. Paul has engaged in patterns of systematic harassment, intimidation, threats of police action, and made frivolous complaints of code violations to force elderly, disabled, women, from their homes, as detailed in the Betty Speaker case, which started by giving voluntary access to City of St. Paul Officials, to property, which amounts to legal misconduct that is in violation of Minnesota Statutes, §609.43.**
- 5. That this May, 2006, in order to obtain “voluntary granted access” access to Petitioner’s home, St. Paul Regional Water, falsely claimed that the water meter was**

not giving any reading because the readings were (as they had always been in the past) low, and that St. Paul Water wanted to gain access inside Petitioner's home to replace the water meters; with a police escort and presence:- and this claim appears to have been nothing more than a pretence: as no city engineer has been willing to sign a professional, written, report that verifies and legitimizes that the meters were not giving readings or that the existing meters were broken; only the supervisor, Jerry Ludden, who is not an engineer, has made these claims, and has used bully like tactics against Petitioner, inclusive threats of police action.

- 6. Before acting in purportedly shutting the water off Regional Water gave Petitioner a hearing, which precluded Petitioner from discovery and the right to compel the agency to provide evidence.**
- 7. Consequently, after returning to the property several times, to turn of the water repeatedly, usually with police, and taking a reading from the allegedly "inoperative" meter equipment, the water board and the City of St. Paul wish to condemn the property for lack of water.**
- 8. The actions of the city are those of an government agency aware that Eminent Domain legislation was due to be passed, acting to surreptitiously take action to essentially grab and procure the real property of Petitioner, before the Eminent Domain legislation became law, which predictably would be about August 1, in any year a law passes, but in fact, was exceptional as the Eminent Domain law went into effect immediately on May 15, 2006, by use of these two ordinances, Chapter 15 and Chapter 18, in an attempt to subordinate state Eminent Domain Law, with local city**

politics:

Chapter 15. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Sec. 15.01. Acquisition and operation of utilities.

Sec. 15.02. Regulations and rates.

Sec. 15.03. Board of water commissioners.

Sec. 15.01. Acquisition and operation of utilities.

The city may own and operate any gas, water, heat, power, light, telephone, transportation, market or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been approved by a majority of the electors voting upon the proposition at a general or special election.

Sec. 15.02. Regulations and rates.

The council may by ordinance fix rates, fares and prices for municipal utilities and may prescribe the time and manner of payments for all such services, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Sec. 15.03. Board of water commissioners.

There shall be a board of water commissioners composed of six (6) members appointed as follows: The mayor shall appoint with the approval of the council three (3) members who shall be members of the city council for terms to coincide with their elected terms of office and two (2) members who shall be resident citizens of Saint Paul who hold no other city office or city employment. The sixth (6th) member who shall be a resident citizen of a suburb served by the board's water system to be appointed in the manner provided for in the water extension agreement with the suburb(s). All citizen members shall serve for a term of four (4) years. A citizen member appointed to fill a vacancy shall serve for the unexpired term. In the event of a tie vote on any issue before the board the mayor of Saint Paul shall be considered an ex officio member with the right to vote to break the tie vote. The council may provide for an additional citizen board member to be appointed as provided for in the water extension agreements with the suburbs.

The board shall elect biannually from its membership a president, and vice-president. The board may make bylaws, rules and regulations for its government not inconsistent herewith, subject to the approval of the city council. The compensation of the board, if any, and the compensation of all officers and employees, shall be fixed by the city council.

Employees of the board shall be considered employees of the City of Saint Paul. Except as modified by this Charter or state law, the board and its employees shall in all respects be subject to and subordinate to all provisions of this Charter and the ordinances and resolutions enacted in pursuance thereof.

The board of water commissioners shall exercise all authority for the operation of the water utility as provided by Chapter 110, Special Laws of Minnesota for 1885, which is incorporated herein as fully and effectively as if set forth herein verbatim.

(C.F. No. 96-1365, § 1, 12-11-96)

Chapter 18. Legislative Hearing Officer*

Sec. 18.01. Legislative hearing officer.

Sec. 18.02. Hearing petition, filing, fee, notice.

Sec. 18.03. Judicial review.

C.F. No. 95-105, § 1, adopted Mar. 22, 1995, amended this chapter in its entirety, in effect repealing former ch. 18, property code enforcement board of appeals, §§ 18.01--18.04, and adding new provisions as herein set out. Formerly, such sections derived from §§ 55.01--55.04 of the 1956 Code; Ord. No. 16897, adopted Mar. 18, 1982; Ord. No. 17346, § 1, adopted Apr. 24, 1986; Ord. No. 17565, § 1, adopted May 24, 1988; Ord. No. 17740, § 2, adopted June 5, 1990; Ord. No. 17810, § 1, adopted Mar. 5, 1991; and 17875, § 1, adopted Oct. 22, 1991.

*Editor's note--

Sec. 18.01. Legislative hearing officer.

In order to hear and decide appeals of orders, decisions or determinations made by the enforcement officers relative to the enforcement of health, housing, building or fire codes contained in the Saint Paul Legislative Code, and in order to hear appeals and make determinations relative to safe pedestrian crossing areas under

section 156.05 and newsracks under chapter 131 of the Saint Paul Legislative Code, there shall be and is hereby created a legislative hearing officer. The legislative hearing officer shall be a city employee appointed by the president of the city council. The legislative hearing officer shall have the authority to hear appeals to orders, decisions or determinations of the enforcement officers or others and make recommendations to the city council. The hearing officer shall not have the power to grant waivers of the Minnesota State Building Code. All matters, orders, decisions and determinations of the hearing officer shall be forwarded to the city council in resolution form within ten (10) days of the hearing officer's actions. The city council shall have the authority to approve, modify, reverse, revoke, wholly or partly, the hearing officer's orders, decisions or determinations and shall make such order, decision or determination as ought to be made. (C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00; C.F. No. 01-277, § 2, 7-5-01; C.F. No. 02-125, § 1, 3-6-02)

Ord. No. 00-550, § 3, which amended § 18.01, becomes effective one hundred eighty (180) days from the date of publication, December 18, 2000.

Sec. 18.02. Hearing petition, filing, fee, notice.

Any property owner affected by any order which has been issued in connection with the enforcement of a health, housing, building or fire code, or any rule or regulation adopted pursuant thereto, or any newsrack owner affected by any decision made pursuant to section 131.70(B) of the St. Paul Legislative Code, may request and shall be granted a hearing before the legislative hearing officer on all matters set forth in such notice; provided, that such property or newsrack owner shall first file with the legislative hearing officer a written petition requesting such hearing and setting forth a brief statement of grounds therefor within ten (10) days after the date the original notice of code violations, or within ten (10) days after the date on which notice of the newsrack decision under section 131.70(B), was issued.

The filing fee for such petition shall be twenty-five dollars (\$25.00) except that where there is financial hardship, the hearing officer may waive this filing fee subject to the approval of the city council.

Upon receipt of such petition, the hearing officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed.

(C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00)

Ord. No. 00-550, § 3, which amended § 18.02, becomes effective one hundred eighty (180) days from the date of publication, December 18, 2000.

Sec. 18.03. Judicial review.

Any person aggrieved by the final decision of the legislative hearing officer may obtain judicial review by timely filing of an action seeking review of such decision as provided by law in district court.

(C.F. No. 95-105, § 1, 3-22-95)

In the past few years Respondents, mainly the City Council and City Attorney, have used many tactics covering a very wide range of city ordinances, to attempt to justify fraudulently contrived situations, which allows Respondents to create their own legislative, biased court, to effect administrative taking of real property from citizens without just compensation. In this case these tactics appear to be expressly, for the purpose of rushing in to compromise and usurp the power of the new Eminent Domain Law, in effect since May 15, 2006. The City Council and City Attorney have usurped powers of the district courts in general (see Betty Speaker case) in recent history, and in this matter, although this ordinance does not appear to have been created replace district criminal and civil

court proceedings, or give powers to the City Council and City Attorney to adjudicate cases involving alleged misdemeanor offenses and ownership of real property, in practice this has been, unfortunately, what the effect has been.

In this instant matter, in which the Respondents have sought to over ride and circumvent the new State Eminent Domain Law, abuse abatement powers, replace prosecution of alleged crimes, property ownership claims, or misdemeanors in district court with the “jurisdiction” of the city council as court of law, which is in effect without due process, and Petitioner has endured and is at risk of violations of Petitioner’s legal rights as follows:

- Infringement on several constitutional rights of the Petitioner inclusive privacy, due process of law, and rights to be free from discrimination because of age, disability and sex. Respondents should pay Petitioner punitive damages for such actions.**
- Infringement on petitioner’s rights to reasonable accommodation of Petitioner’s disability pursuant to federal statutes, including but not limited to the ADA, and respect for Petitioner’s age as a senior. Respondents should pay Petitioner punitive damages for such actions.**
- Infringement on petitioner’s rights to protection from crimes, including but not limited those laws that prohibit: officious harassment, fraudulent and deceptive claims of fact regarding meter reading equipment for water services. Respondents should pay Petitioner punitive damages for such actions.**

• **Infringement on petitioners rights to protection from crimes, inclusive laws that prohibit swindling and taking of real property without compensation, abuse of police and official powers, that caused the Petitioner to incur stress that impacted her physical health, invaded Petitioner's privacy and peaceful and quiet enjoyment of Petitioner's real property. Respondents should pay Petitioner punitive damages for such actions.**

The superseding federal and state law regarding due process matters have not changed, however, the City of St. Paul have, since 1995, passed the aforesated Chapter 18, which allows powers of abatement, condemnation and more, before appearance in court and adjudication from a court of law determining that such official conduct is justified.

Knowing that the use of such abatement powers require demonstration of a high standard of necessity and demonstration of imminent public or private peril, the city, by the apparent advice of Ms. Lisa Vieth, are making frivolous use of this law, using the new city law to justify criminal acts and torts, and to harass the Petitioner. There appears to be an element of personal aggrandizement involved in these actions for Ms. Lisa Vieth, and some city Council members, stemming from retaliation, rage and discrimination on the basis of age, income, and disability.

The photographs attached and online at:

<http://www.angelfire.com/mn3/andersonadvocates/2006water/water.html>

Further, the City Council and City Attorney, apparently pursuant to the advice of the City Attorney, are engaging in vigilante, criminal prosecution, outside a court of law, which subjects citizens in St. Paul, and the Petitioner to violation of rights to rights

guaranteed under the Fifth Amendment of the United States Constitution to Due Process of Law. These prosecutions attempt to interfere with rights of privacy, ownership and due process, . This is being done, additionally, in a manner that is SELECTIVE and vindictive.

The city and Ms. Lisa Vieth were fully aware, in advance of commencing the apparently malicious prosecutions and persecution of Petitioner, that these actions would cost the Petitioner significant time, emotional distress, and financial loss. Therefore the causing this loss and distress to the Petitioner appears to have been deliberate.

In this matter there is an attempt to bypass the civil and criminal courts, in a matter which would not survive a demand for a long form complaint in a venue in a district court, criminal division.

The city ordinances which deny access to district courts, criminal divisions, appear to be unconstitutional, and therefore, these ordinances should be rendered void for being unconstitutional.

LEGAL ISSUES

1. The Respondents had no probable cause to demand access into Petitioner's property and thereafter to punish Petitioner for refusing to grant access. . Petitioner has frugally used water for years and there was nothing unusual about the meters showing a low reading, and this was not justification to believe the meters were not working and to demands access into property, with a police presence. The Respondents must be ordered to stop further official and legislative legal actions as described, and bring a legitimate condemnation proceeding under the Eminent Domain Law if Respondents want to take Petitioner's property. .

2. The Respondents have harassed and bully Petitioner, who is a member of three protected classes, seniors, the disabled and women: and the Respondents must be ordered to stop this.

3) The City of St. Paul, presumably with the legal counsel and recommendation of the City Attorney, have acted to violate the provisions of the Fifth Amendment of the United States Constitution in the apparent systematic denial of access to a court of law, in real estate ownership matters which require adjudication in a court of Law under the Eminent Domain Law in effect from May 1, 2006. There is justification in prohibiting further actions of this type against Petitioner, to harass the Petitioner with legislative jurisprudence, consequent to this Petition.

4) The City of St. Paul, presumably with the legal counsel and recommendation of the City Attorney, have acted violate the provisions of the United States Constitution, which compel that there be a separation of powers, judiciary, legislative and executive; by attempting to act as all three branches of government, executive, legislative and, in particular, judicial by appointing the St. Paul City Council to be an adjudicating body that replaces the courts in criminal matters, resulting in abuses of law and power. There is justification in prohibiting further actions of this type against Petitioner, to harass the Petitioner, consequent to this Petition.

ARGUMENT

The Petitioner believes that in the above circumstances that an issuance of the Writ of Prohibition is wholly justified and necessary.

Wherefore, the Petitioner requests an order granting the Petition for a Writ of Prohibition that prevent the Respondents from continuing all attempts to condemn Petitioners Property without a court proceeding and without compensation, and the issuance of the Writ which has this effect.

June 05, 2006

Respectfully submitted.

30Jun06

s/Sharon Anderson ECF P165913 pacer sa1299_
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STATE OF MINNESOTA

Minnesota Supreme Court
A06-1150

Sharon Anderson,

Petitioner

v.

Marcia Moermond, Chris Coleman,
Debbie Montgomery, Dave Thune,
Pat Harris, Jay Benanav, Lee Helgen,
Dan Bostrom, Kathy Lantry,
John Choi, Lisa Vieth, Judy Hanson

Memorandum of Fact Supporting
Petition for Writ of Prohibition
Quo Warranto

**Jerome Ludden, Jack Reardon, Bob Kessler,
all Personally and Professionally, and the
St. Paul Regional Water and Directors,
St. Paul City Council and the City of St. Paul**

Respondents

**Proposed “Trial Court”: St. Paul
City Council via legislative appeals
officer, Marsha Moyhand,
regarding
St. Paul City Council Hearing File:
Re: 697 Surrey Ave File #06-
077356, hearing 06/06/2006**

**To: 1) RT. HON. Russell Anderson Chief Justice, Minnesota Supreme Court,
Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN
55101, Fax:651-297-4149
2) St. Paul City Attorney, 400 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN
55102, Fax: 651 651-298-5532 (City Attorney), Fax 651 266-8574 (City Council and
Water Board) and Fax: 651 266-1926 (City works)**

- 1) Petitioner attaches exhibit “A” the e-mail from Jerry Ludden admitted the meters were working, although not giving a significantly different reading, as the water had been allegedly turned off.**
- 2) Petitioner attaches exhibit B, details of Betty Speaker Case.**
- 3) Petitioner attaches exhibit C, which is correction notice upon which City alleges to have power to act upon.**
- 4) Petitioner attaches related exhibit D which is correction notice upon which City alleges to have power to act upon, and Petitioner will file further related notices from city to be included in this writ and orders prohibiting action by the City.**
- 5) Petitioner attaches related exhibits E, estimated water bill from 2006, and exhibit F, non estimated water bill from July, 2005**

STATE OF MINNESOTA

**Minnesota Supreme Court
A06-1150**

Sharon Anderson,

Petitioner

v.

**Memorandum of Law Supporting
Petition for Writ of Prohibition
Quo Warranto**

**Marcia Moermond, Chris Coleman,
Debbie Montgomery, Dave Thune,
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55102, Fax: 651 651-298-5532 (City Attorney), Fax 651 266-8574 (City Council and**

Water Board) and Fax: 651 266-1926 (City works)

Probable Cause, Abuse of Power and Due Process

In this instant case there is no probable cause to believe any fault in the property at: 697 Surrey Avenue. The Respondents cannot bully Petitioner to grant voluntary access to the property to go on a fishing trip hoping to find probable cause, by unlawfully turning off Petitioner's water, on the false pretext that the meters are not working right. This action would not be able to survive a probable cause hearing or motion for Summary Dismissal by Petitioner, in a criminal court, because:

The standard for specificity of a criminal accusation as cited in: United States v. Cruikshank, 92 U.U/ 543 at 556 (1876), affirmed by Russell v. United States, 369 U.S. 749 at 783-765 (1962) and State v. Grose, 367 N.W. 24 162 at 169 (Minn. App. 1986).

Due Process

The St. Paul City Council (as legislators), Mayor (as executive) and City Prosecutor, cannot be said to be a mix that creates an impartial hearing board that replaces a criminal court of law, in district court, and therefore the City Council of St Paul, Mayor, and the Prosecutor, who have self interests in the outcome of this matter, cannot adjudicate the matter, see: Muse v. Sullivan, 925 F2d., 785 (5th Cir.) (1991) and Porter v. Singletary, 49 F3d., 1483, (11 Cir.) (1995).

The lack of a hearing in district court in this matter, resulting in a abate or condemn which would indicate the city may have rights to ^{abate} and condemn with due process in a court of law and compensation, is a denial of due process, see:

US v. Henderson, 19 F3d., 917, (5th Cir.) (1994), wherein it was held that failure to hold a

hearing, when a hearing is necessary to uphold due process right, is abuse of discretion and violation of due process rights.

Respondents conduct amounts to abuse to the level described in Minnesota Statutes, §609.43. Respondents have no immunity for torts, see: Thiede v. Town of Scandia Valley, 217 Minn. 218, 14 N.W.2d 400, 1944.

There are inherently to this matter, serious implications of unconstitutional city ordinances which seek to, in practice, undermine Fifth Amendment rights to Due Process of Law, in a court of law, governed by the Rules of Evidence and the Minnesota Rules of Criminal Procedure, as opposed to an administrative legislative body, that is the St. Paul City Council.

There are also serious concerns about the separation of powers, when a legislative and administrative body, like the St. Paul City Council, seeks to take over authority from criminal courts at the District Court level.

The City of St. Paul has apparently decided that it does not like the way the courts in Minnesota and the United States function, and perhaps believes that it does not, or should not have to incur the costs of prosecutions in a real court, or the risk of losing cases in a criminal court of law authorized by the United States government. Therefore the city is dismissing the provisions of the Constitution of the United States and previous rule of law so that the city can do what it wishes to do, unhampered by the restraints of the rule of law.

Discrimination on the Basis of Disability, Age and Sex

The attempt by Respondents, to use a police presence and bully tactics, to cause Petitioner to be terrorized and be in a state of extreme emotional distress and is on the face of it discrimination, because of Petitioner’s age, disabilities and sex. Refusal to adopt reasonable accommodation and behavior towards the Petitioner, a disabled, senior woman, likely indicates wider systematic abuses, particularly in view of the Betty Speaker case.

Retaliation

Because there have been several frivolous actions against Petitioner by the City of St. Paul, there is reasonable grounds to presume that the Respondents are acting in bad faith, to retaliate against the Petitioner, in addition to seeking to cause the Petitioner harm, financially, by taking Petitioner’s home without compensation, and by causing Petitioner trauma and emotional harm.

STATE OF MINNESOTA

Minnesota Supreme Court
A06-1150

Sharon Anderson,

Petitioner

v.

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St. Paul Regional Water and Directors,
St. Paul City Council and the City of St.Paul

Respondents

**Motion to Proceed In Forma
Pauperis supporting Petition for
Writ of Prohibition Quo
Warranto**

Proposed “Trial Court”: St. Paul

City Council via legislative appeals officer, Marsha Moyhand, regarding St. Paul City Council Hearing File: Re: 697 Surrey Ave File #06-077356, hearing 06/06/2006

To: 1) RT. HON. Russell Anderson Chief Justice, Minnesota Supreme Court, Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55101, Fax:651-297-4149
2) St. Paul City Attorney, 400 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN 55102, Fax: 651 651-298-5532 (City Attorney), Fax 651 266-8574 (City Council and Water Board) and Fax: 651 266-1926 (City works)

Petitioner requests leave to proceed in forma pauperis because Petitioner is a senior in receipt of Social Security Disability, to cover costs of copying, service, notary costs, filing fees, and other unspecified costs which might arise..

Petitioner is currently recovering from surgery on Petitioner's broken ankle and is unable to get out immediately to have an Affidavit supporting this motion notarized, and Petitioner requests that this motion be granted in the interim.

June 05, 2006 Resubmitted 30Jun06 Respectfully submitted

TEST TO FORCE THE COURTS TO ACCEPT ECF P165913 Pacer sa1299

Filings,Challenge Eminent Domain MS117 with Just Compensation for the taxpaying

Citizenery www.msusers.com/AndersonAdvocates

Sharon Anderson, Petitioner

Attorney Pro Se Legal Domicile 1058 Summit/PO Box 4384-697 Surrey AvenueSt. Paul, MN 55106 PO Box 4384 St. Paul, MN 55104-0384 Sharon4Anderson@aol.com

TEL: 651 776 5835

Fax: 651 776 5835

or 651 457 4376

STATE OF MINNESOTA

Minnesota Supreme Court
A06-1150

Sharon Anderson,

Petitioner

v.

Affidavit of Service
Petition for Writ of Prohibition
Quo Warranto

Marcia Moermond, Chris Coleman,
Debbie Montgomery, Dave Thune,
Pat Harris, Jay Benanav, Lee Helgen,
Dan Bostrom, Kathy Lantry,
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St. Paul Regional Water and Directors,
St. Paul City Council and the City of St. Paul

Respondents

STATE OF MINNESOTA)SS

COUNTY OF RAMSEY)SS

Court file: A06-1150

Affiant, Bill Dahn, of St. Paul, Minnesota, having been duly sworn upon oath deposes and says that Affiant today, on June 07 2006, served by personal service, four copies of the above entitled Writ of Prohibition on the clerk of court, Minnesota Supreme Court, and one copy of the same on:

- 1) St. Paul City Attorney, 400 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN 55102 and
- 2) Minnesota Attorney General, Mike Hatch.

And four copies, by personal service, of the Motion to Proceed in Forma Pauperis on the Minnesota Supreme Court,

Subscribed to and sworn before me

on this 20 day of June, 2006

Affiant, Bill Dahn www.billdahn.com

Notary Public Jan M. Bremner Commission expires 1-31-2011

