

U.S. CA. - 7th Circuit  
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tcamarda@gmx.com

**From:** tcamarda@gmx.com  
**Sent:** Saturday, April 12, 2025 2:56 AM  
**To:** 'CA07\_pro\_se\_filings@ca7.uscourts.gov'; 'civilrights.justice@usdoj.gov'; 'hhsoig@oig.hhs.gov'; 'oeig.general@illinois.gov'; 'information@iadc.org'; 'osc.whistleblower@osc.gov'; 'hfs.mru@illinois.gov'; 'hfs.dcscaru@illinois.gov'; 'judicialconduct@uscourts.gov'; 'civilrights@usdoj.gov'; 'CRM.CivilRights@usdoj.gov'; 'oig.hotline@usdoj.gov'; 'jib@illinois.gov'; 'civilrights@atg.state.il.us'; 'FOIA@treasury.gov'; 'ethics@americanbar.org'; 'usain.civilrights@usdoj.gov'; 'AO\_Ombudsman@ao.uscourts.gov'; 'usms.judicial.protection@usdoj.gov'; 'inspector.general@usdoj.gov'; 'tips@oig.hhs.gov'; 'crt.intake@usdoj.gov'; 'watchdog@pogo.org'  
**Cc:** 'CircuitClerk-MB'; 'statesattorney@mchenrycountyil.gov'; 'RLFreese@mchenrycountyil.gov'  
**Subject:** NOTICE OF FULLY LAWFUL ENFORCEMENT UNDER UCC, ARTICLE VI, AND FRE 408 PROTECTED COMMUNICATIONS (DEC 12-JAN 2)  
**Attachments:** DKT23 - 6 - ORDER NOTICE OF NON-JUDICIAL ENFORCEMENT PURSUANT TO UCC AUTHORITY - DKT23.pdf; Illinois Department of Healthcare and Family Services (DCSS) - 00201696.pdf; Illinois Department of Healthcare and Family Services (DCSS) - 00201511.pdf; UCCS\_031168309-1.pdf; UCCS\_031428017-1.pdf; DKT20 - 3 - Notice Non-Judicial Enforcement Pursuant to UCC Authority - DKT20.pdf  
**Importance:** High

**UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT****Case No. 24-3244****Plaintiff-Appellant: Thomas E. Camarda****NOTICE OF FULLY LAWFUL ENFORCEMENT UNDER UCC, ARTICLE VI,  
AND FRE 408 PROTECTED COMMUNICATIONS (DEC 12-JAN 2)****TO THE HONORABLE CLERK AND PANEL:**

Plaintiff-Appellant hereby submits this official preservation timeline, formatted for full evidentiary strength, demonstrating that every communication, filing, and outreach between **December 12, 2024 and January 2, 2025** was:

- Protected under Federal Rule of Evidence 408
- Lawfully structured under UCC Article 9
- Acknowledged by judicial order (see ORDER dated December 19, 2024)
- Fully served and documented with proof of service

This was **not harassment, not unsolicited contact**, and certainly not criminal conduct. It was the **execution of perfected creditor authority** by the secured party in an open, documented, and fully lawful federal enforcement phase.

**LEGAL AUTHORITY FOR ALL ACTIONS****FRE 408 - Protected Settlement Communications**

Prohibits the use of statements made during settlement attempts from being used to support criminal or civil liability. Considered the “most candid” point in a litigation and that is why the rule exists.

**Federal Rule of Evidence 408** exists to **protect the sanctity and function of legal negotiation**, recognizing that litigants must be able to speak freely when attempting to resolve disputes without fear that their words will later be weaponized against them.

**Core Purpose:**

*“To encourage candid, honest, and unfiltered dialogue between opposing parties with the hope of reaching resolution outside of trial — without fear of self-incrimination, manipulation, or retaliation.”*

It explicitly prohibits the use of:

- **Statements, offers, or admissions made during compromise negotiations**
- **Conduct or actions that occur during such negotiations**
- **As evidence to prove liability, guilt, or amount of damages in any later proceeding**

**Authority:** *Fed. R. Evid. 408(a)* – “Evidence of the following is not admissible...to prove or disprove the validity or amount of a disputed claim...: (1) furnishing, promising, or offering...or (2) conduct or statements made during compromise negotiations...”

*“Statements made in compromise negotiations about a claim... are not admissible to prove or disprove the validity or amount of a disputed claim.”*

**UCC ARTICLE 9 – Non-Judicial Enforcement**

Enforcement of a secured interest without court approval is **authorized under §§ 9-601 to 9-625**, especially after confirmed default and perfected lien.

Calls, emails, and service of notices are standard methods of non-judicial demand under UCC procedure.

**28 U.S.C. § 1691 – Void Orders**

Orders and actions taken by an agency without proper signature or judicial authority are **void ab initio**.

All Title IV-D-based proceedings stemming from unsigned administrative orders are null.

#### **42 U.S.C. § 1983 – Protected Legal Activity**

Plaintiff's lawful effort to recover losses, enforce rights, and pursue damages through notice, demand, and UCC enforcement is **constitutionally protected activity**.

#### **LEGAL SIGNIFICANCE OF DECEMBER 19, 2024 ORDER: FEDERAL ACKNOWLEDGMENT OF NON-JUDICIAL ENFORCEMENT UNDER UCC AUTHORITY**

On December 19, 2024, the United States Court of Appeals for the Seventh Circuit entered a formal **ORDER** acknowledging the **Notice of Non-Judicial Enforcement Pursuant to UCC Authority** (DKT20), filed on December 18, 2024 by Plaintiff-Appellant Thomas E. Camarda.

#### **Source:**

**DKT23 - 6 - ORDER NOTICE OF NON-JUDICIAL ENFORCEMENT PURSUANT TO UCC AUTHORITY – DKT23.pdf**

**DKT20 - 3 - Notice Non-Judicial Enforcement Pursuant to UCC Authority - DKT20.pdf**

This Order served as a critical inflection point in the legal trajectory of **Camarda v. Whitehorn et al., Case No. 24-3244**, confirming that the Court had **received, reviewed, and taken under consideration** Plaintiff's invocation of Uniform Commercial Code (UCC) enforcement rights — including perfected security interests and corresponding notices of default.

#### **Legal Meaning of the December 19 Order:**

This was **not a denial**, nor was it a procedural rejection — it was an **official acknowledgment** that the record had shifted into **non-judicial enforcement phase**, under:

- **UCC Article 9 – Secured Transactions, particularly:**

- § 9-601: Rights after default
- § 9-609: Secured party's right to take possession after default

- § 9-625: Remedies for failure to comply
- **Federal procedural doctrines, including:**
  - **FRAP 31(c)**: Procedural default for failure to respond
  - **Rule 56(a)**: Federal summary judgment
  - **Rule 60(b)(4)**: Relief from void state actions
  - **28 U.S.C. § 1651(a)**: All Writs Act – jurisdictional enforcement power
  - **FRE 408**: Protected communications during bona fide settlement attempts

### **What the Order Legally Accomplished:**

#### **1. Confirmed Jurisdictional Notice**

The Court acknowledged receipt of the UCC-based enforcement document, meaning **jurisdictional awareness was perfected**. This removes any plausible deniability of federal knowledge regarding the status of the lien process and notice of default.

#### **2. Solidified Enforcement Timeline**

The Order became the **midpoint anchor** in a structured sequence of notices, liens, and settlement offers culminating in **final UCC enforcement** over Christmas week.

#### **3. Amplified the Binding Nature of Plaintiff's Security Interest**

By taking the enforcement notice under review, the Seventh Circuit signaled that the **secured party status** asserted by Plaintiff was facially valid and procedurally supported by certified documentation (including UCC-11 search confirmations and lien filings).

#### **4. Triggered Final Settlement Window**

Following this Order, Plaintiff made **FRE 408-protected settlement communications** from **December 20 to December 26, 2024** — offering a final window of peaceful, equitable resolution — which Defendants willfully ignored. This solidified legal liability and led to escalation.

### **Real-World Meaning:**

This was the federal court stating — in clean, procedural language:

“We see what you filed. We know you’ve invoked UCC authority. You are proceeding lawfully. We are aware.”

To deny that now is **legally dishonest**, and to retaliate against it (as the Defendants and McHenry officials are currently doing) is **actionable obstruction**, a **violation of color of law statutes**, and **clear retaliation against protected litigation activity**.

#### **Legal Fallout for the Defendants:**

By continuing to harass, charge, or discredit the Plaintiff based on filings acknowledged in this Order, the Defendants have:

- Violated **FRE 408**
- Ignored **UCC enforcement rights protected by federal and state law**
- Violated **Plaintiff’s due process rights** (Fifth and Fourteenth Amendments)
- Triggered **retaliation liability under 42 U.S.C. § 1983**
- Committed acts potentially chargeable under:
  - **18 U.S.C. § 1512 (witness retaliation)**
  - **18 U.S.C. § 1503 (obstruction)**
  - **18 U.S.C. § 242 (deprivation under color of law)**

#### **Bottom Line:**

The December 19, 2024 ORDER was not just a procedural placeholder. It was a **legal validator** of the Plaintiff’s secured position, timeline, and lawful strategy.

To mock it now — to pretend it didn’t happen, or worse, to retaliate against it — is **to mock the federal court’s own docket**, and places the Defendants at **maximum federal liability**.

“The Order was the door they ignored. Now they answer to the wall they built.”

**December 2024 Legal Enforcement Timeline – Summary Calendar Format**



<b>Date</b>	<b>Event</b>
<b>Dec 12</b>	<b>Settlement Offer Sent</b> – Formal initiation of good-faith resolution period
<b>Dec 13</b>	<b>Notice of Expanded Liability</b> – Cites Title IV-D exposure, pending federal litigation
<b>Dec 16</b>	<b>Notice of Declaratory Non-Compliance</b> – Defendant fails to reply to offer terms
<b>Dec 17</b>	<b>Bad Faith Confirmed</b> – First autoresponse from Defendant captured
<b>Dec 18</b>	<b>Settlement Framework Re-asserted</b> – Second communication, records tracked
<b>Dec 19</b>	<b>Judicial ORDER Filed</b> – “ORDER NOTICE OF NON-JUDICIAL ENFORCEMENT PURSUANT TO UCC”
	<b>Call Log Entry</b> – Direct attempt to engage in legal process via recorded outreach
<b>Dec 20</b>	<b>Proof of Service Finalized</b> – Sent to Whitehorn and Alexi via tracked mechanisms
<b>Dec 23</b>	<b>Public Accountability Notice</b> – Warning of expanded liabilities across agencies
<b>Dec 24</b>	<b>Christmas Eve Autoreply</b> – Bad Faith captured in PDF (“Out of office, no denial”)
<b>Dec 25</b>	<i>Christmas – no legal activity (protected grace day)</i>
<b>Dec 26</b>	<b>Final Settlement Notice</b> – Declared fault, end of good-faith period
	<b>Notice – December 26 Filing</b> – Sent and filed to confirm close of settlement window
<b>Dec 27</b>	<b>SOS Obstruction Notice Filed</b> – Cites violations under UCC and 42 U.S.C. § 1983
<b>Dec 30</b>	<b>Final Demand Filings Issued</b> – Enforcement fully activated, federal filings resume
<b>Dec 31</b>	<b>UCC Perfection Confirmed</b> – Filing of UCC-1 & closure of non-judicial remedy period

**December 2024 - Legal Timeline**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11		13	14
15	16	17	18		20	21
22			25		27	28
29	30					

***All communications from December 12 through December 26, 2024, were made in good-faith efforts to resolve a federal claim, are fully protected under FRE 408, and may not lawfully be used as evidence in support of any criminal or civil liability. Any attempt to do so constitutes a direct federal evidentiary violation, a procedural due process breach, and will trigger 42 U.S.C. § 1983 liability.***

HOME 2024CM000976

**2024CM000976**

PEOPLE VS. CAMARDA, THOMAS E

Filed: 12/31/2024

Type: CRIMINAL MISDEMEANOR - ZONE 111 STATE POLICE INVESTIGATION COMPLAINT

Status: OPEN - 12/31/2024

[Court Dates](#)
[Documents](#)
[Parties](#)
[Charges / Sentences](#)
[Summons](#)
[Judgments](#)
[Financial Summary](#)

<b>Count 1</b>			
720-5/26.5-2(A)(1)	PHONE HARASSMENT/LEWD COMMENT	STATE ACTUAL-ORIGINAL	Disposition: 03/14/2025
Charge: 12/31/2024	CLASS B MISDEMEANOR	Plea / Manner: NO PLEA ENTERED	DISMISSED - SUPERCEDED BY IND/INF
<b>Count 2 - Indictment Count 1</b>			
720-5/26.5-2(A)(2)	PHONE HRSMT/NO CONVERSATION	STATE ACTUAL-ORIGINAL	Disposition:
Charge: 12/24/2024	CLASS B MISDEMEANOR	Plea / Manner:	
<b>Count 3 - Indictment Count 2</b>			
720-5/26.5-2(A)(2)	PHONE HRSMT/NO CONVERSATION	STATE ACTUAL-ORIGINAL	Disposition:
Charge: 12/24/2024	CLASS B MISDEMEANOR	Plea / Manner:	
<b>Count 4 - Indictment Count 3</b>			
720-5/26.5-2(A)(2)	PHONE HRSMT/NO CONVERSATION	STATE ACTUAL-ADDED CHARGE	Disposition:
Charge: 12/24/2024	CLASS B MISDEMEANOR	Plea / Manner:	

**Yet multiple unlawful criminal counts have now been filed in direct defiance of the December 19, 2024 ORDER, which explicitly placed the defendants under**



**non-judicial enforcement pursuant to perfected UCC procedures.** This was Plaintiff's right — as a secured party creditor enforcing a debt action against individuals who defaulted in their private and official capacities.

**Non-judicial enforcement under UCC Articles 9 and 3** is an established commercial remedy that does **not require court intervention**, and is lawful so long as the underlying obligation has been perfected and the debtor is in default — both conditions which had been conclusively met.

The absurdity of the retaliation becomes obvious when translated into everyday logic:

If a person sues their credit card company or files a lien against a debt-owing party, the debtor **cannot simply file criminal charges against the creditor** to escape liability.

**Elizabeth Whitehorn cannot “arrest her credit card bill.”** And yet, that is essentially what she — and the other named defendants — are attempting to do: use their prosecutorial access and state infrastructure to criminalize civil debt collection and constitutional enforcement.

This is not only a misuse of state police power — it is a textbook example of **abuse of process, retaliation under 42 U.S.C. § 1983**, and an effort to invert the law into a tool of **financial intimidation and silencing**.

#### **CHARGES ORIGINATED IN DIRECT RESPONSE TO PROTECTED SETTLEMENT COMMUNICATIONS (FRE 408 RETALIATION)**

On review of the official docket (Case No. 2024CM000976), the active charges against Plaintiff-Appellant all stem from communications occurring during the federal enforcement and UCC settlement window between **December 19–26, 2024**, and are **procedurally anchored** to protected attempts at lawful resolution under **Federal Rule of Evidence 408**.

<i>Count</i>	<i>Date of Charge</i>	<i>Statute</i>	<i>Factual Source</i>	<i>Disposition</i>
<i>Count 1 (original)</i>	12/31/2024	720 ILCS 5/26.5-2(a)(1)	<i>Voicemail / text from protected litigation</i>	Dismissed 03/14/2025
<i>Count 2</i>	12/31/2024 (03/14/2024)	720 ILCS 5/26.5-2(a)(2)	<i>Settlement communication</i>	Active
<i>Count 3</i>	12/31/2024 (03/14/2024)	720 ILCS 5/26.5-2(a)(2)	<i>Protected voicemail</i>	Active



Count 4	12/31/2025 (04/11/2024)	720 ILCS 5/26.5- 2(a)(2)	Filed form lawful activity during holiday blackout	Active
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These charges are **facially retaliatory**:

- They were filed **in the midst of a known UCC enforcement sequence**, acknowledged by **COURT ORDER** on **December 19, 2024**.
- They target **voicemail messages and lawful communications** issued during a **federally protected settlement window**.
- They directly follow the **Plaintiff-Appellant's issuance of final notices and offers to settle** under the **Uniform Commercial Code**, and the **federal enforcement doctrine** under **DKT20** and **DKT113**.

#### **LEGAL VIOLATIONS TRIGGERED:**

The prosecution's use of **protected communications** to generate criminal charges violates the following legal authorities:

- **FRE 408** – Prohibits the use of any statements made during settlement negotiations to prove liability.
- **18 U.S.C. § 1512(b)** – Criminalizes attempts to intimidate or retaliate against litigants involved in federal enforcement.
- **42 U.S.C. § 1983** – Constitutional retaliation for exercising First Amendment litigation rights.
- **Lozman v. City of Riviera Beach**, 138 S. Ct. 1945 (2018) – Government retaliation for litigation-related expression is unconstitutional.
- **Blackledge v. Perry**, 417 U.S. 21 (1974) – Additional charges filed after protected conduct are presumptively retaliatory and unconstitutional.

#### **TIMING SUPPORTS RETALIATION INFERENCES:**

- **December 19** – Court enters **ORDER** confirming **UCC-based enforcement rights (DKT20)**.
- **December 23** – Plaintiff sends final protected offer under **UCC** and **FRE 408**.
- **December 24** – Charges filed mid-settlement communications.

- **December 25–26** – Plaintiff documents bad faith abandonment and delayed responses from Defendants.
- **December 31** – A separate retaliatory charge is added, which is eventually dismissed, proving lack of probable cause.

No legitimate law enforcement process may **convert civil litigation or lawful negotiation into criminal exposure**. The nature of the communications, combined with the **exact match in dates**, proves that these charges are not valid criminal filings — they are the **prosecutorial repackaging of a federal civil enforcement sequence**.

#### **FORMAL NOTICE TO THE COURT:**

The Plaintiff-Appellant now enters this section into the record to:

1. **Preserve all objections** to the use of these charges as valid legal process;
2. **Formally invoke FRE 408** and assert that all source materials are protected;
3. **Initiate liability review** for retaliation under federal law;
4. **Reassert that DKT113 and DKT20 control** all proceedings stemming from the **UCC enforcement** and that the charges are void ab initio under **Marbury v. Madison** and **Rule 60(b)(4)**.

***\*\*AS SUCH WITHOUT A SHADOW OF A DOUBT, YOUNGER ABSTENTION DOES NOT APPLY\*\****

#### **FEDERAL AND COMMERCIAL LAW CITATIONS**

- **UCC §9-601 through §9-625** – Authorizes non-judicial enforcement by secured party
- **28 U.S.C. § 1651(a)** – All Writs Act (preservation of judgment and enforcement)
- **28 U.S.C. § 1691** – Void enforcement absent lawful signatures/seal (Title IV-D basis)
- **Rule 60(b)(4)** – Relief from void orders (root of current retaliation)
- **FRE Rule 408** – Protected legal negotiation, inadmissible as harassment

- **Franks v. Delaware, Blackledge v. Perry, Lozman v. Riviera Beach** – Retaliation and false charge doctrine
- **Chevron v. NRDC** – Agencies and courts must follow federal interpretive precedent

### **THIS WAS NOT “UNWANTED” — IT WAS LAWFUL ENFORCEMENT**

At no point did Plaintiff initiate casual or unsolicited communication. The Defendants, via **autoresponders** and known evasion tactics, failed to engage, then attempted to criminalize protected negotiation.

- **Texts sent by Defendants first**
- **Voice/voicemail legally recorded and transcribed**
- **All communications were covered under pending enforcement and UCC process**
- **Proof of Service, Screenshots, and Filing Logs all confirm lawful activity**

### **SUMMARY: THIS IS NOT A MATTER OF OPINION — IT IS AN IRREFUTABLE RECORD**

The above sequence is backed by:

- **Master Notices**
- **Filed Judicial Orders**
- **Documented Proofs of Service**
- **UCC Recordings and Notices**
- **Transcribed Communications**

Plaintiff was **not contacting for personal reasons**, but to **finalize a federally protected legal action**, and to **resolve financial and constitutional damages** through the **only legal channels** available to him.

### **REQUEST FOR FEDERAL ACKNOWLEDGMENT**

Accordingly, Plaintiff-Appellant hereby requests:

1. Formal acknowledgment of the lawful nature of the **December 12 – January 2** timeline
2. Immediate rejection of any state-level reinterpretation of this activity as criminal
3. Restoration of full federal enforcement authority per **DKT113** and follow-up motions (unlawful UCC terminations during the retaliation run up starting December 27, 2025 last though today in McHenry County on April 11, 2025, which were countered with UCC-5, but regardless of Plaintiff's ability to remedy the harm it's a bandaid compared to a healthy UCC-1 and UCC-11 unmanipulated by unlawful state actors.)

To put it plainly: **no one retaliates harder than someone who's just been caught—red-handed—without a bond**, fraudulently diverting tens of thousands of dollars, and now subject to **active UCC liens** filed by the Plaintiff.

Let the record reflect:

- Plaintiff executed the **first lien in October 2024** upon procedural default and refusal to acknowledge binding obligations.
- Plaintiff executed the **second lien in December 2024** after Defendants **abandoned an escalating settlement process**, in direct violation of good-faith UCC compliance and commercial reasonableness.
- The **total documented and enforceable damages now exceed \$186,000**, inclusive of direct takings, indirect economic harms, and procedural penalties.

It is now transparently clear that the **retaliatory prosecution attempts** underway are motivated not by legitimate criminal process, but by **embarrassment and resistance to accountability**:

- The Plaintiff's lawful **FRE 408-protected question** to opposing counsel — "Where did you go to law school?" — has been twisted into a point of alleged misconduct, despite it being:
  - A valid challenge to counsel's grasp of constitutional and civil rights principles.
  - Raised within the scope of candid settlement discussions.
  - **100% protected under FRE 408** as part of litigation posture analysis.



Moreover, Plaintiff's use of metaphor (e.g., **the USS Constitution imagery**) and expression of frustration within the protective confines of **settlement overtures and post-judgment enforcement** is:

- **Protected by the First Amendment,**
- **Shielded under FRE 408, and**
- **Non-actionable** under both civil and criminal frameworks.

Plaintiff observes that attorneys routinely employ colorful, even aggressive, language in both jest and frustration. The fact that a **pro se litigant** now faces disproportionate retaliation for the same human conduct speaks volumes about the **prejudice against non-barred enforcers of the law.**

**The Plaintiff's UCC actions were executed:**

- Under full federal authority, including a **judicially recognized ORDER for NON-JUDICIAL ENFORCEMENT** dated **December 19, 2024.**
- In full procedural compliance with **UCC § 9-601 through § 9-625**, following formal **commercial default.**
- With every notice, filing, and communication lawfully protected under **FRE 408 and Article I, Section 8, Clause 3 (Commerce Clause).**

This is not just protected conduct — it is a model of **lawful, procedurally exacting enforcement behavior** under federal supremacy.

To now criminalize the Plaintiff for executing his enforcement rights — while state actors evade bond disclosures, conceal damages, and violate federal court judgments — is not just retaliatory, it is unconstitutional.

### **“Most Candid Stage” of Litigation – Why FRE 408 Exists**

Settlement is the **one moment in a lawsuit** where the parties:

- **Admit partial truths**
- **Share vulnerabilities**
- **Suggest concessions**
- **Make pragmatic statements**, often against their own interest

To punish that candor is to **kill negotiation altogether.**

**! To violate FRE 408 is to discourage settlement entirely — it tells litigants “Never try to resolve anything, because it can be used against you.”**

That is not justice. That is procedural entrapment.

This was not merely lawful — it was **procedurally perfect**.

Respectfully submitted,

**Thomas E. Camarda**

Plaintiff-Appellant, Pro Se

United States Court of Appeals – Seventh Circuit

**Case No. 24-3244**

**Dated:** April 12, 2025