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Subject: NOTICE OF FULLY LAWFUL, FEDERALLY PROTECTED COMMUNICATIONS TO DEFAULTING PARTIES, FIDUCIARIES, AND NON-APPEARED COUNSEL UNDER THE FIRST AMENDMENT, FRE 408, UCC ARTICLE 9, AND PROCEDURAL LAW
Importance: High

IN THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

THOMAS E. CAMARDA
Plaintiff-Appellant, Pro Se

v.

ELIZABETH WHITEHORN, et al.
Defendants-Appellees

Case No. 24-3244

NOTICE OF FULLY LAWFUL, FEDERALLY PROTECTED COMMUNICATIONS TO DEFAULTING PARTIES, FIDUCIARIES, AND NON-APPEARED COUNSEL UNDER THE FIRST AMENDMENT, FRE 408, UCC ARTICLE 9, AND PROCEDURAL LAW

TO THE CLERK, THE PANEL, AND ANY COURT OR PARTY REVIEWING THIS RECORD:

This filing affirms, with full legal backing, that **all communications** made by Plaintiff-Appellant **between December 12, 2024 and present day** are not only **lawful but required by law, protected by federal procedure, and mandated by commercial enforcement protocol** under federal and uniform code authority.

At no point did Plaintiff violate any boundary of procedure, privacy, or ethics.

I. CONSTITUTIONAL AND PROCEDURAL FRAMEWORK: THE RIGHT TO COMMUNICATE DURING LITIGATION

The First Amendment to the U.S. Constitution **guarantees the right to petition**, including the right to:

- Communicate with adverse parties

- Serve enforcement notices
- Pursue justice through peaceful outreach
- Demand lawful remedy, even repeatedly

Lozman v. City of Riviera Beach, 138 S. Ct. 1945 (2018):

Even if the government is ***hostile or adverse***, speech and communication made in the course of petitioning — including litigation — is constitutionally protected.

There is no federal case law or statute that prohibits Plaintiff from contacting:

Lawful Notice Recipients May Include:

- Any **defaulted party** who has failed to respond or appear
- Any party **evading service** or refusing receipt of official documents
- Any **fiduciary or agent** of the defendant, including former counsel
- Any **non-appearing or withdrawn attorney** with prior material involvement
- Any **named recipient** of a UCC filing or enforcement notice
- Any **witness or individual** previously engaged in related legal matters
- Any **immediate family member or relative** of a party actively evading service

II. ENFORCEMENT COMMUNICATIONS ARE NOT HARASSMENT

Every message, notice, voicemail, and filing served:

- ✓ Was delivered **in good faith**
- ✓ Concerned matters of litigation, enforcement, or damages
- ✓ Was legally documented
- ✓ Occurred during **normal business hours or during legally appropriate timeframes and procedural checkpoints**
- ✓ Complied with **UCC Article 9, FRCP Rule 5, and FRE 408**

Communications included:

- UCC notices
- Settlement offers
- Notices of damages
- Constitutional declarations
- Responses to hostile actors and unlawful levies

At no time did Plaintiff threaten, insult, deceive, or fabricate.

III. FRE 408 – SETTLEMENT & ENFORCEMENT COMMUNICATIONS ARE PROTECTED

Under **Federal Rule of Evidence 408**:

“Conduct or statements made during compromise negotiations are **not admissible** to prove or disprove liability or damages.”

- FRE 408 is designed to **protect candid and sometimes intense communication** that arises during attempts to settle disputes.
- Plaintiff's use of metaphor, rhetorical challenges, or even asking, “Where did you go to law school?” falls squarely within **protected candid discourse**.

This includes:

- All emails from **Dec 12 through Jan 2** and beyond
- All references to financial harm and procedural violations
- Every written offer or warning made under UCC enforcement procedures

These are **not harassment** — they are **privileged settlement efforts** under FRE 408.

IV. UCC ARTICLE 9 – NON-JUDICIAL COMMERCIAL ENFORCEMENT PERMITTED

Plaintiff-Appellant is a **secured party creditor** who has lawfully:

- Filed a **UCC-1 Financing Statement**
- Served UCC notices under **§§ 9-601, 9-609, and 9-625**

- Conducted **non-judicial enforcement**

This includes the legal right to:

- Demand performance
- Cure default
- Serve notice on fiduciaries, agents, or previous counsel
- Record obligations
- Perfect and expand liens

Every UCC communication was sent:

- ✓ With legal basis
- ✓ **Delivered in lawful timeframes** — including evenings, weekends, and holidays, as permitted under federal and state law. There is **no statutory restriction** on when a litigant may issue legal notices, especially during active enforcement or in response to default. **Communications sent at midnight or on weekends are valid, lawful, and protected** when they relate to matters of enforcement, due process, or judicial notice.
- ✓ To recipients with standing in the matter
- ✓ As part of recognized **non-judicial commercial remedy** and was with the **solid backing of DKT23 – ORDER.**

V. THEY CONTACTED PLAINTIFF FIRST – WAIVER AND ESTOPPEL

Several defendants — or their agents — initiated contact (several times) with Plaintiff, including:

- Autoreplies
- Voicemails
- Text responses
- **Prior Direct Engagement in Court Proceedings** — including issuing demands in late August and September (trigger event of *Camarda v Whitehorn et al.*) for over **\$16,000** while **unilaterally inflating monthly obligations to \$2,048** without due process or judicial authority. Under these

conditions, Plaintiff possessed every lawful right — and moral imperative — to intervene, object, and bring a halt to the fraud and unlawful financial encroachment consuming his livelihood.

- This was not mere disagreement — this was **self-defense against an administrative apparatus that attempted to bury the Plaintiff under fraudulent liabilities** while evading federal law at every step.

Waiver Doctrine and Estoppel Principles apply:

- One who initiates contact **cannot claim harassment** for a response
- One who abandons a lawsuit **cannot block enforcement notices**
- One who received protected communications and remained silent **cannot claim confusion or injury**

This includes all replies, follow-ups, or enforcement notices.

VI. ETHICS & CONDUCT – NO BOUNDARY BREACHED

Attorneys often cite ABA Rule 4.2 to block contact. But this rule **does not apply** when:

- The attorney is not of record
- The party is unrepresented in this proceeding
- The matter concerns lawful enforcement
- The contact is not deceptive

Plaintiff did not mislead, impersonate, or demand extralegal behavior.

He issued:

- ✓ Notices of default
- ✓ Constitutionally protected warnings
- ✓ Settlement options
- ✓ Legal documentation **backed by court filings**

VII. INTENT AND LAWFUL PURPOSE – THE HEART OF PLAINTIFF'S COMMUNICATIONS

Plaintiff's communications were:

- Grounded in a federal lawsuit with over 30 filings
- Backed by Rule 56(a) summary judgment and FRAP 31(c) default
- Delivered **in the aftermath of massive harm**, theft, and retaliation
- Part of a lawful attempt to **settle, enforce, or demand remedy**

Plaintiff is **not obligated** to stay silent while:

- ✗ Being financially destroyed
- ✗ Watching a state court override federal law
- ✗ Enduring false accusations and fabricated charges

Silence is not a legal obligation under these facts — **enforcement is.**

VIII. COMMUNICATION WITH RELATIVES OF DEFAULTED OR EVADING DEFENDANTS – LEGAL AND NECESSARY

Plaintiff-Appellant hereby affirms that communication with **relatives** of defaulting or evasive defendants was:

- **Lawful** under federal litigation enforcement practices
- **Justified** by the defendants' refusal to appear or respond
- **Necessary** to attempt notice, preservation, and potential dispute resolution

Legal Authority and Precedent:

Under the combined force of:

- **Federal Rule of Civil Procedure 4(e)** (service at last known location or associate)
- **UCC § 9-611 – Notification Before Disposition of Collateral**
- **28 U.S.C. § 1654 – Right to self-representation and enforcement**

- **42 U.S.C. § 1983 – Access to courts and remedy**
- **First Amendment – Right to petition and seek redress**

...communications directed to a relative of a party are legally valid when:

✓ The named **defendant was actively evading lawful service** — in violation of due process and record obligations.

✓ The contacted relative **maintained communication or influence over the evading party** — and was reasonably positioned to **facilitate appearance or response**.

✓ The communication explicitly requested lawful action: **appearance, acknowledgment of service, or delivery of court-authorized legal materials**.

✓ The tone was deliberate, assertive, and procedurally correct — firmly grounded in legal authority and directly connected to the enforcement of a pending federal case.

Purpose of Contact with Relatives:

- To **request delivery** of notices to the named party
- To **ask the relative to notify the defendant's legal counsel**
- To **ask the relative to appear on behalf of the party or assist with contact**
- To **notify of legal risk or collateral attachment** affecting the family's financial interest or name

Legal Summary:

A relative **is not shielded** from receiving lawfully transmitted notices when:

- The party in default is actively refusing communication
- The party was a public official, fiduciary, or recipient of federal funds
- There is an **ongoing federal enforcement or judgment action**
- There is a **good faith effort to cure default and avoid further harm**

- The attempted use of irrelevant case law and inapplicable state provisions is an open refusal to acknowledge Plaintiff's **prevailing federal posture under Rule 56(a) and FRAP 31(c)**.
- **Plaintiff's procedural rights have been mocked, interrupted, and retaliated against** by the very state officers now attempting to reframe protected federal enforcement activity as criminal in nature — a textbook violation of 42 U.S.C. § 1983, **Lozman**, and **Blackledge v. Perry**.
- The judicial hearing of April 11, 2025, was marred by **active obstruction, unconstitutional conduct, and illegal procedural hijacking**, all now preserved in the record and accompanying motion.

I. THE DEFENDANTS NEVER POSSESSED ANY LAWFUL AUTHORITY TO PURSUE OR ENFORCE ANY CRIMINAL ALLEGATIONS – AT ANY TIME

At no time — from the initiation of non-judicial enforcement through December 2024, the run-up to the Seventh Circuit litigation, or at present — did any agency, prosecutor, or judge lawfully possess jurisdictional authority to bring or sustain any criminal charges against the Plaintiff.

No Lawful Authority Existed

- The **entire basis of communication and enforcement** stemmed from **Defendants' own financial demands in late August 2024 through September 2024**, including a \$16,000+ levy, a \$2,048/month illegal garnishment, and explicit threats to **destroy Plaintiff's license, passport, and livelihood**.
- These demands triggered Plaintiff's **protected right** to issue lawful responses, warnings, UCC notices, and **settlement offers under FRE 408**. Including Elizabeth Whitehorn's explicit invitation to proceed pro se, so I did and routed, defeated and exposed, her, co-defendants, and the **entire fraudulent Title IV-D apparatus suffocating my life**. The fraudulent financial scheme the parties were operating meet all the requirements and necessary prerequisites to rise to the level of a civil or **criminal RICO event** and is docketed as such in the **Court of Appeals for the Seventh Circuit**. It is actionable, Plaintiff has reserved it if continued coercion of my rights occurs, however **Summary Judgment** has placed the need to RICO the parties on the backburner as **enforcement is imminent**. All rights are reserved.
- The **Illinois Department of Healthcare and Family Services (HFS)**, a **Title IV-D administrative agency**, lacks any power to convert civil debt to

criminal charges — especially when the **underlying order was unsigned**, rendering it void under **28 U.S.C. § 1691**.

Cited Authority:

28 U.S.C. § 1691 – “All writs and process shall run in the name of the President of the United States, and shall be under the seal of the court, and signed by the clerk thereof.”

United States v. Throckmorton, 98 U.S. 61 (1878) – Fraud vitiates everything.

Marbury v. Madison, 5 U.S. 137 (1803) – Any act repugnant to the Constitution is void.

Lozman v. Riviera Beach, 138 S. Ct. 1945 (2018) – Retaliation for protected petition activity is a violation of the First Amendment.

42 U.S.C. § 1983 – Civil rights enforcement for abuse of state power under color of law.

UCC Enforcement Was Active and Federally Authorized

From **October 2024 through January 2025**, Plaintiff initiated and lawfully pursued **non-judicial enforcement** under:

- **UCC Article 9**
- **FRE 408**
- **Illinois Debt Collection Law**
- **Confirmed by judicial ORDER dated December 19, 2024**, recognizing active non-judicial enforcement

During this time:

- **All communications were lawful**
- **All notices were statutorily protected**
- The defendants were **given every opportunity to resolve civil liability**
- Their **failure to respond** constituted **commercial default**
- And their **retaliation** constituted a **criminal overreach**

Following perfected enforcement, **Defendants escalated harm rather than cure default**, including:

- **Retaliatory criminal charges filed after lawful notices**
- **Public misrepresentation of protected communications**
- **Deliberate damage (unlawful termination) of perfected UCC-1/UCC-11 during late December through February likely in an attempt to hide the debt (and thus the lawsuit) from its bondholders or other interested parties.**
- **Attempted judicial suppression of evidence, protocol, and speech**
- **Efforts to undermine and ignore federal judgment (DKT113)**

These post-judgment (DKT23, ect) acts **required the issuance of a UCC-5** under:

UCC § 9-625 – Remedies for Default; Right to Recover Losses

UCC § 9-601 – Rights After Default

UCC § 9-609 – Secured Party May Take Possession or Enforce Remedy

Uniform Commercial Code (Illinois adopted) – Codified at 810 ILCS 5/9-601 et seq.

The UCC-5 records the updated enforcement status, the continuation of Plaintiff's superior secured interest, and the new accrued damages from unlawful state interference.

CONCLUSION — ENFORCEMENT IS NOT OVER. IT IS ESCALATING.

The Plaintiff's secured interest remains:

- **Perfected**
- **Uncontested**
- **Lawfully enforced**
- **Ongoing as a matter of record and judicial notice**

Any attempt to frame Plaintiff's lawful enforcement as unlawful contact, harassment, or misconduct is a:

- **✗ Violation of commercial law**
- **✗ Suppression of federal rights**

- **✗ Retaliation under color of law**

And the **continued obstruction by McHenry County**, including ignoring the **void origin, unsigned orders, and federal summary judgment**, now directly necessitates the **execution of UCC-5 remedies and expanded liability filings** across all jurisdictions where assets or fiduciaries reside.

III. PROTECTED LITIGATION RESPONSE TO FRAUDULENT STATE ACTION – RICO THRESHOLD MET, ENFORCEMENT PRIORITIZED

The Defendants' sustained pattern of unlawful financial coercion, including threats of license suspension, passport denial, and the illegal garnishment of \$2,048 per month, triggered Plaintiff's absolute right to respond under the First Amendment, UCC Article 9, and FRE 408.

Among the most relevant communications was **Defendant Elizabeth Whitehorn's explicit suggestion** that Plaintiff **proceed pro se** — an invitation which Plaintiff accepted. What followed was the complete exposure and defeat of the state's fraudulent operation, culminating in **Summary Judgment by default in Plaintiff's favor** in the **United States Court of Appeals for the Seventh Circuit (DKT113)**.

This scheme — operated under **Title IV-D authority**, via **unsigned administrative orders** in direct violation of **28 U.S.C. § 1691** — involved:

- Repeated violations of due process
- Fraudulent financial demands and levies
- Misrepresentation of debt status and collection procedures
- Obstruction of access to the courts
- Acts of coordinated retaliation against Plaintiff for lawful assertion of rights

This pattern **satisfies the statutory threshold for RICO activity** under:

- **18 U.S.C. § 1962(c)** – Conduct of an enterprise through a pattern of racketeering activity
- **18 U.S.C. § 1961(1)** – Predicate acts include mail fraud, wire fraud, obstruction of justice, and retaliation
- **RJR Nabisco, Inc. v. European Cmty., 579 U.S. 325 (2016)** – International and domestic enforcement of RICO activity

• **Sedima, S.P.R.L. v. Imrex Co., 473 U.S. 479 (1985)** – RICO liability does not require criminal conviction, only actionable predicate conduct

Plaintiff has preserved the option to initiate civil or criminal RICO proceedings should further coercion or unlawful enforcement occur.

At present, the **need to execute formal RICO proceedings has been deferred** — not because the elements are unmet, but because:

- **Plaintiff has already obtained summary judgment under Rule 56(a)**
- **Federal enforcement is active under DKT113 and successive filings (DKT114–131)**
- **Further litigation is focused on final enforcement, not expansion**

Plaintiff expressly reserves all rights under RICO statutes and places all parties — **Elizabeth Whitehorn, Dana Kelly, Kiran Mehta, Christopher Gange, Randi Freese, Nathaniel Holm, et al.** — on notice that should retaliation continue or further coercion emerge, escalation will occur.

This is not a bluff. It is a **procedurally documented escalation path**, and Plaintiff's secured rights under **federal law, commercial law, and constitutional supremacy** will not be mocked.

Conclusion: Plaintiff routed the defendants in open federal court. He now stands as the prevailing party, enforcing judgment. Summary Judgment has superseded the immediate necessity of invoking RICO — but it remains preserved and available, should further abuses unfold.

Attached Documents Include:

- Full Motion to Strike (123 pages with exhibits)
- Enforcement citations
- Federal references including **DKT113** (Summary Judgment), void order preservation, and exhibits related to judicial misconduct and retaliation

This Filing Formally Demands:

1. The People's April 11 Response be **STRICKEN** in full
2. The underlying charges be **DISMISSED WITH PREJUDICE**

3. An **IMMEDIATE REFERRAL** of the conduct of Mary Nader and Nate Holm to federal oversight and judicial review
4. The McHenry matter be formally declared **fully preempted under federal judgment**

Let this record reflect: the **Seventh Circuit's perfected summary judgment controls this matter**, and all further resistance or reframing by McHenry County, its officers, or associated prosecutors is an act of unlawful retaliation.

This notice and all included filings are now preserved with:

- The United States Court of Appeals for the Seventh Circuit
- DOJ Civil Rights Division
- HHS OIG
- Illinois ARDC and OEIG

All rights reserved. Enforcement imminent.

Respectfully submitted,

Thomas E. Camarda
Plaintiff-Appellant, Pro Se
United States Court of Appeals – Seventh Circuit
Case No. 24-3244
Federal Enforcement Active – Summary Judgment Perfected – All Rights Reserved

Dated: April 14, 2025