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7 **IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT**
8 **FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY**

DPW Enterprises LLC and Mountain Prime 2018
LLC,

Plaintiff,

vs.

Jeremy L. Bass, Dwayne Pike, and Current
occupant, and Unknown Parties in
Possession of the real property commonly
known as 1515 21st Avenue, Lewiston,
Idaho 83501

Defendants.

Case No. CV35-24-1063

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
ALLEGATIONS IN SECTION C**

DEMAND FOR JURY

9
10 COMES NOW the Defendant Jeremy L. Bass, (hereinafter "Defendant Bass"), perforce
11 representing himself pro se, and hereby responds to the *Plaintiffs' Reply Memorandum in*
12 *Support of Motion for Summary Judgment as Against Defendant Jeremy L. Bass*, (hereinafter
13 "Plaintiff's Memorandum"), filed in this proceeding on the 18th day of October, 2024, delivered on
14 the 20th day of October mid-day to Defendant Bass. This response is based on the facts and
15 arguments set forth herein.

16 **I. INTRODUCTION**

17 The Defendant submits this response to address the allegations made by Plaintiff in Section C
18 of the Plaintiff's Memorandum. The Plaintiffs claim bona fide purchaser status and argue that
19 Defendant Bass's disputes with the prior lender, servicer, or trustee do not create a genuine
20 issue of material fact. However, this response will demonstrate that the Plaintiffs' admission of
21 pre-auction coordination with the trustee, collusion, and bid manipulation not only invalidate
22 the trustee's sale but also constitute violations of federal antitrust laws and Idaho's statutory

1 requirements for public auctions. Additionally, this response will introduce Exhibit S, which
2 provides email communications sent by Defendant Bass to the trustees, warning them to halt the
3 auction due to ongoing legal and ethical violations, while the payoff was actively in process at
4 the time.

5 Furthermore, the case is still under investigation by several authorities, as far as Defendant
6 Bass is aware. When speaking with the Prosecutor's Office, Nathaniel Rupp specifically advised
7 Defendant Bass not to leave until the case comes to their desk for review. This statement
8 underscores the importance of awaiting the Prosecutor's full assessment, further delaying the
9 resolution of the current case until all legal violations are reviewed.

10 II. ARGUMENTS

11 A. Felony Admission: Plaintiffs' Admission of Pre-Auction Coordination is a Violation of Law

12 In the Second Declaration of DPW Enterprises LLC, the Plaintiffs admit to contacting
13 the trustee before the auction to discuss the opening bid and other details (*see SECOND*
14 *DECLARATION OF DPW ENTERPRISES LLC*). This admission directly implicates the Plaintiffs
15 in bid manipulation and collusion, which not only violates the Idaho Trust Deeds Act but
16 also constitutes a felony under federal antitrust laws. Specifically, under *Section 1 of the*
17 *Sherman Antitrust Act (15 U.S.C. § 1)*, any agreement, conspiracy, or contract that restrains
18 trade or manipulates competitive bidding in a public auction is a criminal offense.

19 This acknowledgment of pre-auction coordination by the Plaintiffs is an admission of
20 engaging in activities that are illegal under both state and federal law. The Plaintiffs'
21 actions subvert the integrity of the public auction process, which is meant to be open, fair,
22 and competitive. Such manipulation is not only unethical but criminal, and this Court must
23 take note of the felony-level behavior that the Plaintiffs have admitted to engaging in.

1 **B. Plaintiffs' Admission Creates Jurisdictional Issues Under Federal Law**

2 Due to the Plaintiffs' engagement in actions that violate federal antitrust laws, this
3 case no longer belongs in state court. The Sherman Antitrust Act, under which bid-rigging
4 and collusion in auctions are strictly prohibited, mandates that cases involving such
5 violations be tried in federal court.

6 The federal jurisdiction arises from the nature of the Plaintiffs' actions, which involve
7 interstate commerce and anti-competitive practices. Given that the auction involved
8 parties across state lines and violated federal competition laws, this Court must dismiss
9 the case for lack of jurisdiction and transfer it to federal court. Idaho state courts do not
10 have jurisdiction over matters involving violations of the Sherman Act, especially when
11 the Plaintiffs themselves have admitted to felony-level violations. Therefore, this case
12 must be heard at the federal level (*see SECOND DECLARATION OF DPW ENTERPRISES LLC*).

13 **C. Material Issues of Fact Raised by Defendant Bass: Collusion, Bid Manipulation, and Invalid**
14 **Trustee's Sale**

15 Contrary to the Plaintiffs' claims, Defendant Bass has raised genuine issues of material
16 fact that prevent summary judgment from being granted. These disputed facts include:

17 **1. Bid Manipulation and Collusion:**

18 Plaintiffs have admitted to coordinating with the trustee before the auction,
19 seeking privileged information about the opening bid and other details (*see*
20 *SECOND DECLARATION OF DPW ENTERPRISES LLC*). This constitutes a manipulation
21 of the auction process, directly affecting the fairness of the sale and violating
22 both state auction laws and federal antitrust regulations. Plaintiffs cannot claim
23 to be bona fide purchasers when they engaged in collusive practices that
24 subverted the auction.

1 **2. Awareness of Property Defects:**

2 The Plaintiffs were fully aware of legal defects affecting the property prior to
3 the auction, disqualifying them from claiming bona fide purchaser status.
4 Defendant Bass was present at the auction with clear warnings about the auction
5 being rigged, and these public warnings, along with the Plaintiffs' pre-auction
6 communications, gave them actual or constructive notice of these defects.

7 **3. Trustees' Breach of Fiduciary Duty:**

8 The trustees allowed the auction to proceed despite being aware of
9 irregularities and coordination between the Plaintiffs and themselves. This
10 constitutes a breach of their fiduciary duty to conduct the auction in a fair, open,
11 and transparent manner.

12 **4. Pre-Arranged Bids and Lack of Competition:**

13 The evidence demonstrates that the Plaintiffs arrived at the auction with pre-
14 printed checks, indicating that they were aware of the auction's outcome ahead of
15 time, further proving that the auction was manipulated. The absence of
16 competitive bidding due to this rigging violates Idaho's Trust Deeds Act and
17 further supports the claim that the Plaintiffs cannot be considered bona fide
18 purchasers.

19 **5. Exhibit S: Emails Demonstrating Trustees' Awareness of Legal Violations and**
20 **Payoff in Process:**

21 Defendant Bass submitted written communications (*attached as Exhibit S*) to
22 the trustees prior to the auction, warning them of severe legal violations related
23 to the auction process. These emails, dated February 28, 2024, and December 6,
24 2024, notified the trustees that continuing with the auction would constitute a

1 deliberate breach of the Sherman Antitrust Act, along with other legal
2 misrepresentations about the property. Additionally, Defendant Bass made it
3 clear that the payoff was in process, and the financial obligations were being
4 actively managed. Despite this, the trustees ignored these warnings and
5 proceeded with the auction, exposing all involved parties to legal liabilities. These
6 emails demonstrate that the trustees were fully aware of the collusion, the
7 ongoing payoff process, and the illegalities surrounding the auction but chose to
8 move forward, violating their fiduciary duties.

9 **6. Ongoing Investigations and Prosecutor's Advice:**

10 The case is still under investigation by several authorities, as far as Defendant
11 Bass knows. When Defendant Bass spoke with the Prosecutor's Office, Nathaniel
12 Rupp specifically advised Defendant Bass not to leave until the case comes to
13 their desk for review. This instruction by the Prosecutor's Office indicates that the
14 legal violations are significant and still under review by law enforcement. Given
15 the ongoing investigation, the resolution of the current case must be delayed
16 until all legal violations are fully addressed.

17 **D. Plaintiffs Are Not Bona Fide Purchasers Due to Their Participation in a Manipulated Auction**

18 Idaho law is clear that a bona fide purchaser is one who acquires property in good
19 faith, without notice of any defects. However, the Plaintiffs' pre-auction coordination with
20 the trustee gave them actual notice of defects in the auction process, thereby
21 disqualifying them from claiming bona fide purchaser status. Additionally, **Federal Home**
22 **Loan Mortg. Corp. v. Appel, 143 Idaho 42 (2006)** states that purchasers with notice of
23 potential defects cannot be considered bona fide purchasers, which directly applies to
24 this case.

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1 The Plaintiffs' own admissions, combined with the evidence provided by Defendant Bass
2 and the **Exhibit S** emails, demonstrate that the trustee's sale was invalid, tainted by bid
3 manipulation, collusion, and insider dealing. These actions violate both Idaho law and federal
4 antitrust statutes, raising genuine issues of material fact that must be addressed at trial. The
5 Plaintiffs cannot claim bona fide purchaser status due to their participation in a manipulated
6 auction, and the felony-level violations of federal antitrust law require this case to be
7 transferred to federal court.

8 Additionally, Plaintiffs' failure to uphold the terms of Mr. Pike's lease further invalidates
9 any claims they have not themselves broken the lease if they where to have the rights.
10 Defendant Bass respectfully requests that this Court deny Plaintiffs' Motion for Summary
11 Judgment, dismiss the case for lack of jurisdiction, and transfer the matter to federal court for
12 proper adjudication under the Sherman Antitrust Act.

Dated this 21 day of October 2024.

Respectfully submitted,
Jeremy L. Bass
Defendant/ Pro Se

Signature

13 CERTIFICATE OF MAILING
14

I certify that I have sent by email and first-class mail this DEFENDANT BASS' RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT to Plaintiffs on October 21st, 2024, at the following email address and postal address:

Email: lewis@hwmlawfirm.com
Postal: Lewis N. Stoddard, Bar No. 7766
Halliday, Watkins & Mann, P.C.
376 East 400 South, Suite 300
Salt Lake City, UT 84111

Ken Nagy
Idaho Legal Aid Services, Inc.
Email: kennagy@idaholegalaid.org
Counsel for Dwayne Pike

Jeremy L. Bass
Defendant

Signature

ACKNOWLEDGMENT

STATE OF IDAHO)

: ss.

County of NEZ PERCE COUNTY)

On the _21_ day of __October__, 2024, before me, the undersigned Notary Public, personally appeared __Jeremy Bass__, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.

Notary Public for Idaho

Residing at _____

Commission Expires: _____