

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK

Index No. 061458/2013

AMERICAN EXPRESS BANK, FSB

APPENDIX 4

-v-
MOTION

June 26 2002 EAST HAMPTON VILLAGE TOLLING

DANIEL M ROSENBLUM
PROCEEDINGS

AS BASIS FOR NEW SIMILAR MOTION TO STAY

Plaintiff attorney of record Zwicker & Associates action commenced July 2013

Amex card 371339213796009

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

Index No.

100156/2011

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THE FOLLOWING INFORMATION IN THE ABOVE CAPTIONED MATTER(S) IS HEREBY PRESENTED TO THE GENERAL PUBLIC AND NEW YORK STATE SUPREME COURT, SUFFOLK COUNTY & NY COUNTY....

....AS AN APPENDIX TO MY INFORMATIONAL SUPPLEMENT IN ANSWER TO THE ABOVE CAPTIONED MATTERS, SUBMITTED BY DEFENDANT DANIEL M ROSENBLUM ("I", "ROSENBLUM" and "DMR" below.)

1. the foregoing is informational supplement to Paragraph 9 of DMRAMEX091513, and is therefore Appendix 5 of 18 to DMRAMEX09082013 ¶ 9 ¶¶¶¶¶¶¶¶ Subject : "July 2013 Materials; MATERIALS/webpage titles by Defendant Rosenblum as "July 2013 Materials", relevant in many ways to Amex v Rosenblum" Efiled Document #13.

On June 26th, 2002 I filed the following "Tolling Motion" in East Hampton Village Justice Court, requesting the court to "stay" or "toll" or "stop the clock" on all statutes of limitations associated with a speeding ticket I received for a ticket I got going 6 or 7 miles per hour over the Village Speed Limit of 25 MPH on Dunemere Road in the early afternoon on an autumn weekday. Below is the tolling motion. Note this is a copy of my website, which I am filing in court given the necessity to answer litigation, but, since it is my website, the webpages occasionally go into ancillary details, such as : [here is a link to some pictures of the route where I got the speeding ticket](#). I was driving the producers of a film being featured in the Hamptons International Film Festival from Wiborg Beach to the Hunting Inn, which was the Festival headquarters that year. We were simply sightseeing, killing 15 minutes between appointments on a tour of the Village of

East Hampton. It is also the route I rode my bicycle every day from the beach to the storage facility in East Hampton where I kept my tent and other gear after sleeping every night at Wiborg beach with my tarp or tent.

As stated in my affidavit in my August 12 2013 correspondence filing in NY Supreme Court NY County Index # 100156/2011 filing of the same June 26 2002 East Hampton Village Tolling Motion, "I Daniel M. Rosenblum, birthdate 3/23/69, defendant in NY State Supreme Index 100156/2011, believe it to be true that the subject matter and legal argument of this 16 page Tolling Motion I authored in 2002 is the basis for staying proceedings in the instant action 100156/2011, although some facets of the 2002 Tolling Motion necessitate editing and development with appropriate resources, all as stated in my 4/14/2011 Affidavit in Opposition in this instant action. The underlying causal factors supporting the 2002 Toll Request (in 2002 there was no tolling decision) remain unresolved in 2013. I believe a stay of proceedings until resolution of causal factors cited herein is just. This 2002 16 page document is supplement to information on display on my website at www.twentyfirstcenturydigital.com/amexaug2013.php, today 8/12/2013 i have filed webpage insofar as 100156/2011."

The same is true insofar as New York State Supreme Suffolk County Index 061458/2013.

21ST CENTURY DIGITAL

TITLE X SERIES 50 PART 45

**SERIES 50: 21ST CENTURY DIGITAL LEASE / MORTGAGE / SHELTER
LEGAL DEFENSE ("LMSLD" BELOW)**

SERIES 50 PART 45

EAST HAMPTON TOLLING MOTION

Images of the remainder of the motion are below, following brief remarks:

Note the June 26 2002 Tolling Motion re-published and filed variously in 21st Century Digital Title X Series 50 Part 40, Legal Defense Motions which had bearing on Daniel M Rosenblum's legal defense for camping on the beach while without domicile following attorney misconduct in a case resulting from a wrongful felony criminal allegation by a Citibank branch manager. Here is the index listing for the Rosenblum's Title 10 Series 50 -40. The Title 10 Series and the TTS 2001 Title

I series are therefore relevant to the East Hampton Tolling Motion, and/or any similar tolling motions until such time that the causal factor justifying the Toll is remedied. Here, the causal factor which should have justified the court's toll of the subject matter requested in the motion has not been remedied, the subject matter itself not properly addressed at the federal and state agencies necessary.

21ST CENTURY DIGITAL

TITLE X SERIES 50 PART 40

SERIES 50: 21ST CENTURY DIGITAL LEASE / MORTGAGE /

SHELTER LEGAL DEFENSE ("LMSLD" BELOW)

SERIES 50 PART 40:

LEGAL DEFENSE MOTIONS

INFORMATIONS {a} [{b} @ SERIES 50 PART 10]

FILINGS WITH CITATIONS AND CONTEXT INTEGRAL TO

DEFENSE/ARGUMENT

EH TOLLING MOTION

MAY02 TO SH

OTDA TABLE OF AUTHORITIES

IRS LIST

RECEIPT REVIEW AUTH

1/11/01 AFF

5TH ANNIVERSARY DOC

21ST CENTURY DIGITAL

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6-26-02

Regarding :

**EAST HAMPTON JUSTICE COURT DOCKET # 011003269,
THE MATTER OF DANIEL M ROSENBLUM, 1180D SPEED IN ZONE,
DISPOSITION DATE 4/17/02 :**

Daniel M. Rosenblum, ("DMR" below), the undersigned, defendant in this matter, on behalf of self and CELNET 2000 WORLDWIDE;

Makes motion for the East Hampton Town Justice Court to

STAY ALL PROCESSES ASSOCIATED WITH THE INSTANT MATTER; THIS MOTION REQUESTS OF THE COURT TO ...

...TOLL THE STATUTES IMPOSING ANY/ALL TIME LIMIT ON PAYMENT OF FINE, FILING OF APPEAL, REQUESTING OF RECORDS IN THIS MATTER.

..THIS REQUEST IS MADE TO TOLL THE STATUTE OF LIMITATIONS ON ALL PARAMETERS OF THIS CASE UNTIL THE POLITICAL-ECONOMIC DISABILITY RESULTANT A LIBERTY BREACH FOLLOWING AN OBSTRUCTION CREATED BY PERJURY AND VIOLATIONS OF CODE IS RECTIFIED

..THIS REQUEST IS MADE AS DEFENDANT LACKS THE LEGAL CAPACITY TO ACT, AND AS SUCH IS UNDER A LEGAL DISABILITY. THIS REQUEST IS NOT MADE FOR LACK OF ATTEMPTED DILIGENCE

..AS SUCH, THE DETERMINATION REQUESTED IS AS IT WOULD BE INCORRECT TO SUSPEND OR REVOKE THE DRIVER'S LICENSE OR INCREASE THE FEE DETERMINED TO DATE BY VIRTUE OF ADDITIONAL FINES, PENALTIES, OR THE ACCRUAL OF INTEREST AT THIS DATE OF JUNE 26TH 2002 AND FOLLOWING UNTIL SUCH TIME THAT THE CAUSAL FACTOR PROMPTING MOVANT TO MAKE REQUEST IS RELIEVED.

[| in effect the doctrine of statute of limitations is a temporal limitation placed on legal matters; in this instance, in my motion I am applying the legal terminology of statute of limitations to designate the expiration of a legal time limit imposed on the payment of a fine, the filing of an appeal, and any other matter related to the instant case, effectively stepping the clock retroactively, an action recognized in the legal canon in the school of tolling statutes of limitations, as identified below|]

A RECITATION OF THE FACTS OF THIS CASE AND THE SITUATION PROMPTING THIS REQUEST, AS THE REASONS AND GROUNDS FOR THIS REQUEST FOLLOW IN THE REMAINDER OF THIS 16 PAGE JUNE 26TH TOLLING MOTION BY DMR TO THE EAST HAMPTON TOWN JUSTICE COURT FOR THIS CASE # 0011003269. 4 EXHIBITS ARE SUBMITTED SEPARATELY AS INDICATED ON PAGES 15 AND 16.

PAGE 1 OF 16 EAST HAMPTON JUSTICE COURT CASE # 011003269 JUNE 26TH 2002 TOLLING MOTION BY DMR

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PAGE 1 OF 16 EAST HAMPTON JUSTICE COURT CASE # 01 1003269 JUNE 26TH 2002 TOLLING MOTION BY DMR

1 WHEREAS,

Time period to file appeal is statutory

(New York State CPL 460)

Fines and Surcharges Imposed, revocation or suspension of driver's license are statutory, as are time periods in which to comply.

(New York State Law CPL 420, CPL170)

Upon just and good cause shown, statutes imposed regarding appeal, payment of fines and surcharges, and/or subsequent penalties such as revocation or suspension of driver's license, in the State of New York, may be suspended, stayed, or tolled by the court.

(New York State CPLR 2004 Extensions of time generally:

“Except where otherwise expressly prescribed by law, the court may extend the time fixed by any statute, rule, or order for doing any act, upon such terms as may be just and upon good cause shown, whether the application for extension is made before or after the expiration of the time fixed.”)

(New York State CPLR 2005 Excusable delay or default)

“ Upon an application satisfying the requirements of subdivision (d) of section 3012 or subdivision (a) of rule 5015, the court shall not, as a matter of law, be precluded from exercising its discretion in the interests of justice to excuse delay or default resulting from law office failure” [or “good cause”: *Tewaru v Tsoutsouras, 1989, 75 NY2d 1, 12-13, 550 NYS 2d 572, 577*)

(Blacks Law Dictionary :

Stay : “The postponement or halting of a proceeding, judgement, or the like. 2. An order to suspend all or part of a judicial proceeding or a judgement resulting from that proceeding.

Toll: “(of a time period, especially a statutory one) to stop the running of; abate <toll the limitations period>.”)

[Article 17 of Mckinney's Consolidated Laws of NY 23a, General Obligations}

[CPLR 5519 Stay of Enforcement,

[CPLR Article 20- Mistakes, Defects, Irregularities, and Extensions of Time]

2 WHEREAS,

A calamitous course of events transpired 1995- present following both a) perjury and b) Title 15 and related violations effectively creating a liberty breach to the person of Daniel M Rosenblum following justice obstructed.

(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1996NO96464)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN033629)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN033912)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN055903)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN077038)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2000SN122753)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001NY016612)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006502)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006526)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006517)
(PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001NY078518)

(PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT CASE # 01080298)
(PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT CASE # 01202979)
(PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT #)
(PEOPLE V ROSENBLUM SOUTH HAMPTON TOWN JUSTICE COURT #)

(MATERIALS FILED THIS INSTANT CASE TO DATE)

::Fax to Hon. Judge Catherine Cahill 12/5/01 pertained to the instant matter, transmitted Exhibit O in 12/5 filings for 2001NY078518, citing "unable to appear in court today to answer ticket #LL349054-6, citation attached, due to circumstances enumerated EH Case # 01080298 (disposition 11/14, Cahill, and Manhattan Criminal Docket # 2001078518 12/5/01 filings (continuing))"

USPS Certified Article # 7001 2510 0001 7418 4166 to Honorable Judge Catherine Cahill, contained Red Cross 3/02, TTS Fifth Anniversary Document, Form 1099 MISC 2001- HIFF, and \$ 528 * 3 US Treasury Check, Angelika Film Bill Dec/Jan 2002.

(TTS JULY 2000 OCC MCKINNEY LIST)

(TTS 2001 TITLE I)

(TTS 2001 TITLE II)

(TTS 2002 EAA)

(FH2 TTS 2002 EAA)

(NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FAIR HEARING # 3711113R)

(NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FAIR HEARING # 3675276H)

(Uniform Commercial Code: UCC 3-418(B), UCC 4(A)-303(A), UCC 4(A)-205(A)(3), UCC 1-102, UCC 4-401(2), 12 USC 1882, 12 USC 1972 ii1, and iv, and iiiI(bb),(ce))

(FEDERAL TRADE COMMISSION ACT),

(FEDERAL DEPOSIT INSURANCE ACT),

(NY STATE BANKING LAW),

(FEDERAL RESERVE BOARD REGULATION),

(TITLE 15 US CODE)

(98 CIV 7076 (BSJ))

(THE CONSTITUTION OF THE UNITED STATES OF AMERICA)

NOTWITHSTANDING RELATED RULE, REGULATION, AND AUTHORITY

3 WHEREAS,

Defendant stood accused of having driven during October of 2001 60 Miles Per Hour on Dunemere Lane in the Village of East Hampton, a zone where automobile speed is limited to 30 Miles Per Hour.

4 WHEREAS,

Materials were filed with the court to the attention of Hon. Judge Catherine Cahill, cited in 2 above, on December 5th 2001 and March 6th 2002. A trial was held April 14th of 2002, Judge Roger Walker found Mr Rosenblum guilty of the violation, and imposed a fine of \$ 180.00 plus a \$35.00 surcharge pursuant to CPL 420.10.

5 WHEREAS,

...The financial and temporal conditions imposed by New York State Law and the Authority of the Honorable Judge Roger Walker of East Hampton Town Justice Court have at root the Constitution of the United States of America;

..the Liberty Right guaranteed by the US Constitution, in particular that aspect of the Liberty Right which pertains to vocation and volition, is of the most basic and fundamental of rights guaranteed to every citizen of the United States of America, and is a right from which most other rights and liberty facets are borne and enabled;

...and considering that the Liberty Breach in rights wholly effects the ability of Daniel M Rosenblum to meet said temporal and financial obligations;

...The United States Congress, the various State and Municipal Legislatures Nationwide, and similarly the People of the United States of America recognize that disaster, emergency and/or catastrophe, as does the aging process, interrupts the continuous, evolving nature of any/all aspects of citizenship and career...

...to the extent that of the most basic elements in the quid pro quo nature of the relationship between Government and Citizens an income tax has been put in place, in a binding effort of partnership nationwide to check the potential effect of said elements on the national interest...

... Said recognition has an unconditional policy of looking to check the effects of an emergency or compromise of rights in lieu of a policy which would have a citizen need to choose an alternate existence as a result of the emergency. That is, the National Framework supports and is writ in a manner that all efforts revolving around a train derailed focus on putting the train back on the track such that the final destination is achievable, as opposed to gearing all efforts on the focus of getting the train fully OFF the track and expecting that the owner of the train will start from scratch with nothing, the conductor will get a different job in a different field, and the people on the train should find an alternate method to get to the destination...

..The general intent and purpose of Acts on both the National and State level which tackle this principle coupled with the Federal and State Authority and Mandate as Protector, Guarantor, and Administrator of Life Liberty and Property in the Nation State is with due consideration of forces which might effect the earning capacity of a citizen wherein actions in concert with volition are non-producing of revenue or a status quo is effected by some force of action. Said Acts afford recognition that "an emergency" has the effect of posing a threat upon the Constitutional Privileges, of Life Liberty and Happiness in a manner/ by a force which escapes classic codification, readily self-presenting and identifiable as such elsewhere in the legal canon or which is a force of nature acting contrary to the continuity in status quo (which connotes in an expanding economy an evolution) of Life Liberty and Happiness of which a liberty right is most basic and elemental...

...There are generally a limited amount of imaginable quantifiable forces in the lexicon which allow for the legislature to express that which could parlay into casual factors disrupting life, liberty, property. Such factors are tsunami, hurricane, etc. With Justice in tact, with the wheels of Justice running smoothly, the legal canon which supports the national framework is in motion to uphold the inalienable rights. To obstruct justice, or cause a perversion of justice, an obstruction to justice, is to stick a wrench in those wheels in a manner which has as an end result the disruption of life liberty and property in a manner in which a tsunami or earthquake could. It is for this reason that obstructing justice is first and foremost a heinous crime, which in fact could have the effect of impeachment of a President. Likewise, contending with an obstruction to justice necessitates contending/addressing first and foremost with the obstruction, as the Citizen is impaired insofar as addressing issues presenting themselves resultant the obstruction, as in a domino effect. I can't pay the fine at this point in time, let alone bring suit against Citibank or Mastercard...

..Lastly and rightfully considered as a corollary to this paragraph at present and in the legislation considered below is the legal manner in which certain welfare and public assistance programs are authorized, and for what purpose. Eligible recipients are generally categorized as crippled, aged, blind, or disabled. This, I am asserting as factual, is as such by virtue of the selfsame legal maxim referred to above insofar as there is a Federal and State Authority and Mandate as Protector, Guarantor, and Administrator in the Nation to protect Life Liberty and Property in a quid pro quo relationship. Wherein the generally imaginable quantifiable forces which could parlay into casual factors disrupting life, liberty, property, while justice is in tact, are tsunami, or hurricane, likewise with justice in tact an able-bodied able-minded individual is responsible for making choices, exercising the will ("choice, "liberty") or "volition" such that work or "vocation" will provide, in the 21st Century, for livelihood through revenues and income and additional choice or liberty. Unless, of course, volition in concert with vocation is incapable of producing revenue. Such is the case in the generally imaginable quantifiable conditions associated with being aged, blind, or crippled. It is brought forth that an individual actor in the market place whose person is effected by a breach in Constitutional Rights is in a position whereby vocation in concert with volition in an evolving career necessitates governmental intervention and a resolve to the breach, or, nonetheless, participation at price levels and time periods stipulated by law shall be effected. Likewise, as elsewhere in USA, it is a responsibility of the individual to seek enforcement of said rights...

... In sum this section, the legislatures have recognized the necessity for volition to be in concert with vocation such that basic rights are in tact, and that causal factors effecting said concert are qualified as emergencies or catastrophes in the instance that the force is great enough to effect the wheels of justice and the basic rights being upheld thereby...

In this instance, justice obstructed led to a liberty breach which is an emergency as volition and actions as they pertain to vocation are effected.

Fema app reg intake # 91-0468108 cites many of the numbers with which to contend in list format, as filed generally to date. Specifically, Addenda Section II and VI, pages 8 and 12 respectively, in the FEMA application Document CELDOC X2001WORLD 1 11/6/01 indicate, for example, in the case of Section VI, "Preliminary Benchmark Figures from the course of TTS". The document is attached in today's filings, Exhibit 2, Supplement 1 Appendix A.

(Exhibit 2 is a request for Fair Hearing to the State of New York for an Emergency Assistance Application made to the City of New York ("FH2 TTS 2002 EAA"). The request for Fair Hearing in full carries 6 supplements, the first of which is the original application for Emergency Assistance to the City of New York made 2/12/02. The 2/12/02 EAA Application has several addenda and appendices, which are indicated in a Table of Contents found following the Title Page. Appendix A to the 2/12/02 EAA Application ("TTS2002EAA" or "TEA" is the FEMA sub-part, of which page 12 lists "Preliminary Benchmark Figures from the course of TTS".)

Please note, the foregoing Public Law Citation are written out in long form on the attached Table of Authorities, and specific paragraph citations from the Laws establishing this section are quoted for easy review in Exhibit 4.

**(UNITED STATES CONGRESSIONAL LAWS PL 74-531, PL 90-248
PL 91-606, PL 91-646
PL 92-512, PL 92-603
PL 93-288)**

**(NEW YORK STATE LEGISLATURE LAWS PL 197-1080, PL 197-1081
PL 199-125, PL 199-953,
PL 204-53, PL 204-30,
PL 215-53, PL 221-58 AND PL 221-316)**

**(STATE OF NEW YORK NYCCRR 382.1, NYCCRR 382.3, NYCCRR 381.1(A) AND
NYCCRR 382.2,
NYCCRR 397.9, NYCCRR 397.8, NYCCRR 358.3.2, 358.3.8)**

(NEW YORK STATE GOVERNOR'S MEMORANDA, MALCOLM WILSON, JUNE 15TH 1974)

(WEBSTER'S DICTIONARY: DISASTER, EMERGENCY, CATASTROPHE,)

**(20 NY JURISPRUDENCE 2ND PAR. 281)
MODEL PENAL CODE 3.01, ET SEQ)
(63 NYS 2ND 615)
(NY CPL 210.40 NOTE 49)**

7 WHEREAS,

The Vocation of Sole Proprietor of Twenty First Century Digital, chosen by Daniel M Rosenblum is effected by Justice Obstructed;

The Liberty Rights of Daniel M Rosenblum to engage in said vocation in a manner in concert with the contemporaneous Market and Political Economy given the course of events mid- 1990s to present and continuing have been breached;

The Underlying Argument is that an obstruction to Justice was created following perjury and violations of Clayton, Sherman Acts, other Title 15 of US CODE, FTC, OCC, and Department of Commerce Department of Justice, Federal Reserve Bank, and New York State Department of Banking Rule, Regulation, Bylaw and Code.

(Supplement 6 to FH2EAA, 4/12/02, Millennium Fever Tea Packet Federal Reserve Section, From TTS2002EAA, and TTS 2001 Title I and II as well as letters to OCC, and the Department of Justice, notwithstanding supporting materials and references, tend to relate this insofar as Twenty First Century Digital, Citigroup, and Mastercard);

The obstruction unchecked had the effect of creating breach in Liberty Right with regards to closely related fundamentals of vocation and volition. That is, the most basic and fundamental exercise of the will in the free market.

(20 NY Jur 2d, Constitutional Law, Liberty)

Paragraph 281:

“

Included within the concept of “liberty” is the right of a citizen to be free to use his faculties in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or vocation, and for that purpose to enter into all contracts that may be proper, necessary, and essential to carrying his purposes to a successful conclusion....”

and the Legal Principles associated with related and there cited Case Law..

8 WHEREAS,

Defendant in position whereby entry into workforce without resolution wholly detrimental, in sum, to defendant’s Profile and long term interests, essentially insofar as Twenty First Century Digital agenda and calendar.

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All exhibits which follow, there are four, as submitted indicate contemporaneous filings and decisions at New York State Office of Temporary and Disability Assistance, Southampton Town Justice Court, Manhattan Criminal Court, and otherwise, including citations from law, which demonstrate why motion should be granted. In fact, the exhibits submitted are identical in order and content to that filed at Southampton Town Justice Court for a different motion earlier this month. Likewise, the instant exhibits reference prior filings at East Hampton Town Justice Court and do not duplicate for the Court said filings; many of said filings are in-house at East Hampton Town Justice Court. Following is a list for purpose of ease of access for review in decision making process. Defendant unable to circulate copies of said documents at this point in time.

1. **Materials Transmitted to This Court// In-House Files which substantiate rationale for Tolling the Statute:**

- 1 MATERIALS FILED CASE # 00120297 EAST HAMPTON CRIMINAL PART, DATE OF ARREST 12/27/00, DATE OF DISPOSITION 5/7/01, TTS 2001 TITLE I AND II*

- 2 LETTERS DATED 10/01/01 TO THE HONORABLE JUDGE ROGER WALKER AND THE SUFFOLK COUNTY DISTRICT ATTORNEY REGARDING CAMPING ON THE BEACH SUBMITTED TO HON. JUDGE ROGER WALKER FOR DISPOSITION CASE # 01080298,

- 3 12/5/01 FAX TO JUDGE CAHILL, THIS INSTANT CASE FILE

- 4 3/6/02 USPS CERTIFIED ARTICLE # 7001 2510 0001 7418 4166 TO JUDGE CAHILL, THIS INSTANT CASE FILE

Pertinent Legal Considerations which Pertain to the Instant Matter and to subject to Tolling Until Perversion Quashed, Breach Lifted in Restoration of Liberty Rights, such that Constitutional Profile in Tact, Made Whole:

1. Indigent defendant appeal filing.
2. Transcript Requests for indigent defendant- The Court Reporter 4/17 was Gaitri Reynolds, 73 Joyce Drive, Riverhead NY 11901..
3. In prior East Hampton proceeding transcript deposit paid to Linda Smith, defendant to date has not been in position to purchase. Defendant has additional records on file, not available at printing.
4. Defendant needs copies of TTS 2001 Title I and II, and figures they would cost roughly \$ 78.00 each for an official copy from the East Hampton Court Clerk's Office. Copies have been necessary for filing in other jurisdictions and elsewhere since filing in May of 2001. Funds have been unavailable, albeit the filings are of utmost import insofar as Legal Defense for, and applications towards, providing for more appropriate health, safety, welfare, and well-being.
5. Defendant's residency is as per all indications made this filing. Specific refereneces in materials rendered in hard copy to the court in this docket are:

A1. TTS 2002 EAA PAGE 3 AT SECTION III 1(B), RE: 18 NYCCRR PART 397.3, is 6/26/02 EXHIBIT 2 SUPPLEMENT 1 PAGE 3.

**B. FEDERAL EMERGENCY MANAGEMENT AGENCY APPLICATION MADE DMR AND CEL2000 11/6/01 PAGE 1.
THE FEMA APPLICATION IS CELDOC X2002 WORLD 1 11/6/01, AND IS "APPENDIX A" TO TTS 2002EAA.
PLEASE SEE TTS2002EAA "TABLE OF CONTENTS" FOR ORDER OF SECTIONS AS BOUND AT FILING. AGAIN, TTS2002EAA IS "6/26/02 EXHIBIT 2, SUPPLEMENT 1", TABLE OF CONTENTS FOLLOWS THE TTSEAA2002 "TITLE PAGE"**

C. "10/1/01 RESIDENCY DOCUMENT", FILED IN EAST HAMPTON FOR DOCKET # 01080298, CAN BE VIEWED IN TTS2002EAA MILLENNIUM FEVER TEA PACKET IV, "MILLENNIUM FEVER" (SEE TTS2002EAA "TABLE OF CONTENTS")

D. FEDERAL EMERGENCY MANAGEMENT AGENCY INDIVIDUAL AND FAMILY GRANT PROGRAM INSPECTION INFORMATION REPORT DATA AS OF 2/20/02, WAS FILED WITH THIS COURT IN THIS INSTANT MATTER IN 3/6/02 USPS CERTIFIED ARTICLE ## 7001 2510 0001 7418 4166 , "REQUEST FOR AID, RED CROSS MARCH 1 2002", PAGE 1 OF 2, TABLE OF CONTENTS, FEMA FORMS SECTION.

Likewise defendant is concerned with library card, parking permit, beach vehicle in the same jurisdiction for the same reasons, and as below:

Monetary Payments made by Defendant in Matters Pertinent as Able at Present Given Circumstances for which Tolling is Requested...

Monetary Payments are made to demonstrate Defendant's Intent to comply with all Rules Regulations and Ordinances in Jurisdiction While Maintaining Integrity of Citizenship, Rights, etc. as Guaranteed by Constitution- that is, in no way shape or form does defendant claim to be above the law, for example in this instance, mandated by the State Department of Motor Vehicles, as might an individual with Diplomatic immunity. Nor does defendant claim to have the right to trespass at will, nor to be not subject to residency requirements for a library card in East Hampton, Southampton, nor Manhattan, nor above the law which states an individual can vote in one jurisdiction only. Page 3 of TTS2202EAA indicates succinctly, and a result files with New York State Primary Residence in Manhattan, defendant looks to maintain voting privileges in Manhattan only during lifetime, albeit, as any other individual who maintains residency in said county, may be absent from said county during any given year for a majority of said annum. Defendant does not claim to have right or cause for which to vote in two jurisdictions in this nation. Likewise, a Manhattan resident who votes in Manhattan but maintains property in East Hampton pays property tax in East Hampton year round, even if he/she is in absentia year-round but maintains privilege of showing up at his/her property needing a nights sleep or a meal unannounced, etc. any day of any year while maintaining said property. Any such individual does not pay property tax in Sioux Falls South Dakota, but nor does said individual have a library card there, nor village parking privileges. The LMSLD as per residency materials referred to above, as in TTS2002EAA, lasts a lifetime, and is maintained as Constitutional until the perversion of justice is quashed, liberty breach restored, Constitutional Rights restored in tact. Likewise, defendant maintains that said restoration shall necessitate commensurate property or ability to purchase thereof or shall be lacking and therefore not complete. Thusly, .25 cents today is indicative of a lynchpin towards property usage tax due EH for this time period to come out of any settlement from culpable entity (causal factor for liberty breach/obstruction) at a ratio which takes into consideration the place of .25 in movants current profile, value of land, value of photocopy, ability to photocopy, place of \$225 speeding ticket in profile of defendant as well as place of \$225 speeding ticket in average American's portfolio. Likewise insofar as considering the time period that such a sum of money is unavailable to defendant for other more basic uses which average American would forego as a result of punitive penalty imposed for infraction, which basic uses have been unattainable for some time period. Similarly, a tolling is generally recognized to pre-empt the accrual of interest attributable to a sum of money, such that \$225 shall remain \$ 225 2002 dollars to EH Court for the lifetime of the Sole Proprietor if breach is not restored, obstruction quelled but not quashed. The Property Tax monies are rendered by the defendant voluntarily, there does not seem to be a legal precedent for this, DMR intends to follow suit in this category, albeit must safeguard present and future basic interests.

Submitted herewith:

USPS MONEY ORDER: SERIAL NUMBER 03723352391 \$ 0.25 DEPOSIT FOR COPY OF TTS 2001 TITLES I & II.. MOVANT WILL SEPARATELY REQUEST AN OFFICIAL INVOICE ESTIMATING TOTAL COST FOR FULL COPY AT LATER DATE.

USPS MONEY ORDER SERIAL NUMBER 03723352380 : \$ 0.25 FOR COPY OF FRONT PAGE OF TITLE I OR II.

MOVANT WILL SEPARATELY MAKE OFFICIAL REQUEST CITING DOCKET # AND PARTICULARS. PLEASE HOLD IN ESCROW AS WITH MONIES ASSOCIATED WITH USPS MONEY ORDER 03723352391 ABOVE.

**USPS MONEY ORDER SERIAL NUMBER 03723352378 : \$ 0.25 TOWARDS PROPERTY TAX
(PLEASE FORWARD TO ASSESSOR)**

USPS MONEY ORDER SERIAL NUMBER 03723352402 : \$ 0.25 TOWARDS PAYMENT OF FINE. PLEASE APPLY IMMEDIATELY TO THE FINE IMPOSED IN THIS INSTANT MATTER.

4. Other Materials Evidencing Factors Necessary to be Considered in this Action by Movant:

USPS Money Order # 03723244301 Dated 4/12/02 Payable to the Internal Revenue Service in the amount of \$0.22 which indicates " Apply To 1995 Taxes "

references : USPS Money Orders 85762173453 10/21/00 for \$ 0.21 and
USPS Money Order 64853217551 10/15/96 for
Both payable to IRS from DMR, pursuant to CELDOC # and 1/11/01 Affidavit.

Dispositions, both Office of Temporary and Disability Assistance Fair Hearings

USPS Cash Receipt for \$ 13.57 4/12/02, Postal Money Order + fee, Payment for registered article RA351825376US Weight 2 lb 6.9 oz, destination 12201

Postal Money Order to M. Smith, for \$ 20.00, request for Transcript. Indicate Docket

cc: Dept of Motor Vehicles

The May 1st 2002 letter to Southampton Justice Court is contingent upon a list of materials there referred to as the MAY 02 Old Town Beach list. Absent from today's filing as with the Southampton filing due to the current predicament indicated are items A, B, C, D, H, and I, from that list which letter explains problems with getting those materials to SH at that time. Please note that the May 1 02 letter indicates no knowledge of an imminent Fair Hearing date, FH 3711113R was held May 21st and May 29th, ALJ Hewitt presiding, with a 12 page decision dated June 5th, 2002 on behalf of the Commissioner of the New York State Office of Temporary and Disability Assistance.

Please note, exhibits served to court only, no copies available for District Attorney's Office at present given constraints; request is made for the District Attorney's Office to review the Court or Public Record Copy until procedure will allow for appropriate disbursement of materials in this matter.

In Affirmation of Motion and Presentation of Exhibits;

Signed:

Daniel M Rosenblum

TABLE OF AUTHORITIES

PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1996NO96464
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN033629
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN033912
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN055903
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 1999SN077038
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2000SN122753
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001NY016612
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006502
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006526
PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001SN006517

PEOPLE V ROSENBLUM MANHATTAN CRIMINAL COURT DOCKET # 2001NY078518
PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT CASE # 01080298
PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT CASE # 01202979
PEOPLE V ROSENBLUM EAST HAMPTON TOWN JUSTICE COURT #
PEOPLE V ROSENBLUM SOUTHAMPTON TOWN JUSTICE COURT CASE #

JULY 2000 OCC MCKINNEY LIST, TTS 2001 TITLE I, TTS 2001 TITLE II, TTS 2002 EAA, FH2 TTS 2002 EAA, NEW YORK STATE
OTDA FAIR HEARING # 3711113R

UCC 3-418(B), UCC 4(A)-303(A), UCC 4(A)-205(A)(3), UCC 1-102, UCC 4-401(2),
12 USC 1882, FTC ACT, FDI ACT, NY STATE BANKING LAW, 98 CIV 7076 (BSJ),
TITLE 15 US CODE, AND THE CONSTITUTION OF THE UNITED STATES OF AMERICA

UNITED STATES CONGRESSIONAL LAWS PL 74-531, PL 90-248, PL 91-606, PL 91-646, PL 92-512, PL 92-603, PL 93-288

NEW YORK STATE LEGISLATURE LAWS PL 197-1080, PL 197-1081, PL 199-125, PL 199-953, PL 204-53, PL 204-30, PL 215-53,
PL 221-58, AND PL 221-316

{{ PL laws State and Federal referenced are here cited by name:

*President Franklin D. Roosevelt. Session 74, 1935 of the United States Congress
PL 74-531 Social Security Act 7/14/35
Title I: Grants to States for Old Age Assistance*

*President Lyndon B. Johnson. Session 90, 1967 of the United States Congress.
PL 90-248 Social Security Amendments of 1967 Part 4 of Title II, Section 245 Partial Payments to
States+maximum self-support and personal independence 42 USC 602*

*President Richard M Nixon Session 91 1970 of the United States Congress
PL 91-606 Disaster Relief Act of 1970 12/31/70*

*President Richard M Nixon. Session 91, 1970 of the United States Congress
PL 91-646 Uniform Relocation Assistance and Real Property Acquisition Policy Act of 19701/2/71*

President Richard M Nixon Session 92, 1972 of the United States Congress
PL 92-512 State and Local Assistance Act of 1972, 10/20/72
Section 106 Allocation Among States
Section 107 Entitlement of State Governments
Section 108 Entitlement of Local Governments
Title III Limitation on Grants for Social Services under Public Assistance Programs
92 PL 92-603 Social Security Amendments of 1972, 10/30/72
Title III Supplemental Security Income for Aged Blind and Disabled

President Richard M. Nixon Session 93 1974, of the US Congress
93-288 Disaster Relief Act of 1974

Governor Malcom Wilson. Session 197, 1974 of the New York State Legislature
Chapter 1080 Aged Blind & Disabled Persons- State Payments. 6/15/74
Chapter 1081 Aged Blind & Disabled Persons- Emergency Assistance 6/15/74
Governor's Memoranda on Approving 1080 and 1081 6/15/74

Governor Hugh Carey. Session 199, 1976 of the New York State Legislature
Chapter 125 Social Services- Emergency Assistance- Elderly, Disabled Persons
Chapter 953 Shelter Payments to Public Assistance Recipients

Governor Hugh Carey. Session 204, 1981, of the New York State Legislature
Chapter 53, Local Assistance Fund Department of Social Services Schedule
Chapter 30, Appropriations, Budget

Governor Mario M. Cuomo. Session 215, 1992, of the New York State Legislature
Chapter 53, Aid to Localities Budget, Department of Social Services, Income Maintenance Program 4/10/92

Governor George E. Pataki. Session 221, 1998 of the New York State Legislature
Chapter 58 Appropriations- State Urban Development Corporation Act Part D Section 82.4
Chapter 316 Amending Chapter 1080 of 197th Session 1974

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NYCCRR 382.1, NYCCRR 382.3, NYCCRR 381.1(A) AND NYCCRR 382.2, NYCCRR 397.9, NYCCRR 397.8, NYCCRR 358.3.2, 358.3.8

NEW YORK STATE GOVERNOR'S MEMORANDA, MALCOLM WILSON, JUNE 15TH 1974

WEBSTER'S DICTIONARY: DISASTER, EMERGENCY, CATASTROPHE, 20 NY JURISPRUDENCE 2ND PAR. 281, MODEL PENAL CODE 3.01, ET SEQ, 63 NYS 2ND 615, NY CPL 210.40 NOTE 49

NOTWITHSTANDING RELATED RULE, REGULATION, AND AUTHORITY

4 EXHIBITS, ATTACHED AS LISTED BELOW, WHICH DEMONSTRATE WHY MOTION BE GRANTED (page 11 USPS Money Orders attached thereto on 6/26/02 Court Filing):

- 1) **MAY 1ST LETTER TO SOUTHAMPTON JUSTICE COURT, SOUTHAMPTON VILLAGE POLICE DEPARTMENT, AND SUFFOLK COUNTY DISTRICT ATTORNEY;** cites Model Penal Code and NY Jurisprudence, carries MAY02 Old Town Beach List from which exhibits 2 is culled.
- 2) **FH2 TTS 2002 EAA, REQUEST FOR FAIR HEARING RE: NYCCRR 397.1(B)(1),(5),(6), (7)(8),(10),(11),(12),(14)**, 5 pages with 6 supplements. Supplement 1 = 145 pages, Supplement 2 = 4 pages, Supplement 3 = 7 pages, Supplement 4 = 2 pages, Supplement 5 = 5 pages, Supplement 6 = 42 pages.

Note on Supplement 6: 17 page letter date 9/7/98 to 8 Federal Reserve Board and NY Bank absent, unavailable for submission at this point in time, as a result materials jump from July 13th 1998 to April 5th, 1999.

- 3) **THE COMPLETE AND EXCLUSIVE RECORD OF OTDA FAIR HEARING # 3675276H, ALJ E. HEWITT PRESIDING, HELD MARCH 11TH 2002.** As I have not all materials which comprise of the Complete and exclusive Record, only materials compiled by DMR entitled “ March 2002 For IFG/Red Cross/SSA/HRA”, which was the sole exhibit for OTDA Fair Hearing # 3675276H shall be entered as follows: In lieu of all 110 pages, a copy of the table of contents for each section being the title “ March 2002 For IFG/Red Cross/SSA/HRA” indicating receipt by signature on each section by ALJ Hewitt, OTDA 3/11/02 and Shirley Benton, Red Cross Maine Service Center, 3/12/02, at DASC.

Note: Supplement 2 in Exhibit 1 above is a copy of ALJ E. Hewitt’s decision on behalf of the Commissioner of OTDA.

4) THE COMPLETE AND EXCLUSIVE RECORD FROM OTDA FAIR HEARING # 371113R HELD

MAY 21ST & 29TH, ALJ HEWITT PRESIDING, WITH A 12 PAGE DECISION DATED JUNE 5TH, 2002. The transcript and decision are not available to present to this court at this time. There were 12 exhibits. Exhibit 2 in this instant matter above comprised of Exhibit 1 for FH # 371113R. Exhibit 3 in this instant matter above comprised of Exhibit 2 in FH# 371113R, leaving exhibits 3-12 for presentation to this court now in exposition to demonstrate why motion should be granted. As exhibit 12 in 371113R was the May 01 Letter to this Court (that being exhibit 1 above), NYS OTDA FH # 371113R re: application for Emergency Assistance for Adults made Daniel M Rosenblum 2/12/02 exhibits 3- 11 shall be submitted to this Court today as exhibit 4 for this instant matter. The documents submitted are here itemized :

EXHIBIT 3, "TABLE OF AUTHORITIES"

CITING UNITED STATES CONGRESSIONAL LAWS PL 74-531, PL 90-248, PL 91-606, PL 91-646, PL 92-512, PL 92-603, PL 93-288, AND NEW YORK STATE LEGISLATURE LAWS PL 197-1080, PL 197-1081, PL 199-125, PL 199-953, PL 204-53, PL 204-30, PL 215-53, PL 221-58, AND PL 221-316

EXHIBIT 4 (PAGE MARKED *1)

NYCCRR 382.1, NYCCRR 382.3

EXHIBIT 5 (PAGE MARKED *2)

NYCCRR 381.1(A) AND NYCCRR 382.2

EXHIBIT 6 (PAGE MARKED *3)

SPECIFICITIES RE: NY STATE PL 199-125, NY STATE PL 199-125, US PL 91-606, NY STATE PL204-30, NY STATE PL204-53, NY STATE PL 215-53, AND NY STATE PL 221- 58.

EXHIBIT 7 (PAGE MARKED *4)

NYCCRR 397.9

EXHIBIT 8

NEW YORK STATE GOVERNOR'S MEMORANDA, MALCOLM WILSON, JUNE 15TH 1974

EXHIBIT 9 (PAGE MARKED *5)

NY STATE PL 204-53

EXHIBIT 10 (PAGE MARKED *6)

FROM WEBSTER'S DICTIONARY: DISASTER, EMERGENCY, CATASTROPHE.

EXHIBIT 11 (PAGE MARKED *8)

NYCCRR 397.8, NYCCRR 358.3.2, 358.3.8

Affirmed and signed, (certificate of signature in Efile)

Daniel M Rosenblum September 15, 2013