

ADDENDUM

It should be noted that a cause of action under RICO is fundamentally recognized for losses (to ie., creditors, the debtor, lienholders, etc.) caused by sales of a debtor's assets in bankruptcy proceedings at submarket prices. *See, e.g., Bivens Gardens Office Bldg., Inc. v. Barnett Banks of Fla.*, 140 F.3d 898,908(11th Cir. 1998). In the instant case, defendant Coan's acts are even more egregious and within the ambit of RICO inasmuch as he has at all times relevant hereto purposefully and flagrantly damaged assets of plaintiff debtor's estate, purposefully causing dismissal of adversary proceedings involving RICO claims ripe for entry of default (judgment), Exhibit "A" Verified Complaint, Exhibit "B" Affidavit, Exhibit "A" RICO Statement, obstructing justice thereby, damaging plaintiff (debtor, as well as, ie., creditors, lienholders, etc.) , while concomitantly benefiting RICO co-conspirators, and committing a fraud upon the estate of debtor and creditors/lienholders thereby (violations of Sections 1513, 102 and that concerning extortion would also have been appropriate). The same violations apply to the adversary proceeding where the Trustee was named as a party plaintiff concerning junkie and thief, David George Swann (DOB 4-6-60; three guilty pleas to theft in less than 5 years residence in California) who stole (bankruptcy) estate among other assets of plaintiff and against whom default (judgment) was ripe for entry. Defendant Coan has neither abandoned nor re-brought same, violating Section 1503 and (defrauding) damaging plaintiff thereby.

There has never been a hearing on the merits of the RICO claims against defendant Coan who at all times has attempted to evade jurisdiction avoid accountability for his wrongful and illegal conduct. As such, there is no *res judicata* argument other than in bad faith by defendant Coan.

The Chapter 13 plan provided for 100% payment to the (relative to assets) small (minimal amount of debt) number of creditors. As set forth in plaintiff's Verified Complaint, RICO Statement, and Affidavit, the Chapter 13 proceeding was converted to a case under Chapter 7 on or about 5-1-96, after plaintiff had already filed a petition under Chapter 7 in California on or about 3-11-05, and had already consummated the 341A hearing in the California proceeding. Alan Shiff, U.S.B.C.J., (as defendant Coan), did utilize the mails in perpetrating said fraud [on courts, creditors, plaintiff, etc., constituting the RICO predicate violation of mail fraud thereby, violative of Section 1341, fraudulently misrepresented the date of dismissal of a proceeding over which he himself had presided perpetrating a fraud connected with a case under Title 11 as proscribed in Title 18 U.S.C. Section 1961(1) (D); and further, brought a (retaliatory against a witness/victim/informant violative of Section 1513) spurious contempt proceeding against plaintiff, obstructing justice thereby in violation of Section 1503 (and additionally was without jurisdiction to legitimately do so). Quite simply, he lied (materially false fraudulent representation); knew he lied (scienter); lied with the intention of deceiving; that the lies were relied upon (ie., government, courts, etc.); said fraud in connection with a case under Title 11 directly causing damage to plaintiff's property and business (and as well to plaintiff's estate and creditors thereof)] .

It should be emphasized as a fundamental principle of RICO law that RICO standing requires only harm resulting proximately from the predicate offenses. It does not also require that this harm give rise to a civil claim based upon those predicate offenses. Additionally, the RICO plaintiff need not have suffered harm from each predicate

offense comprising the pattern. *See, e.g., Ford Motor Co. v. Summit Motor Prods., Inc.*, 930 F.2d 277 (3d Cir.), *cert. denied*, 502 U.S. 939 (1991) (permitting a RICO claim based on violation of a court order to which plaintiff was not a party: the “standing inquiry in any civil RICO case depends solely on demonstrating injury to business or property, and not on satisfying any standing requirement attached to the predicate act”).

Defendant Coan’s wrongful and illegal acts have proximately caused plaintiff’s damages within the meaning of RICO. The case of *Hecht v. Commerce Clearing House, Inc.*, 879 F.2d 21 (2d Cir. 1990) is instructive and apposite herein stating in pertinent part, “the RICO pattern or acts proximately cause a plaintiff’s injury if they are a substantial factor in the sequence of responsible causation, and if the injury is reasonably foreseeable or anticipated as a natural consequence”. Engaging in the RICO violation (ie., “any offense involving fraud connected with a case under Title 11, Title 18 U.S.C. § 1961(1)(D), among other violations as set forth), constitutes associating with the (RICO) enterprise within the meaning of §1962(c) of Title 18, U.S.C..

In the alternative, or additionally, defendant Coan was clearly negligent as set forth in Plaintiff’s Verified Complaint, negligence being pleaded generally. It is hornbook law that a reasonable (and competent) person/lawyer would have foreseen the damage to plaintiff as documented under penalty of perjury in the instant case (Verified Complaint, RICO Statement, Affidavit, Exhibits incorporated therein). Moreover, any bad faith assertion that no duty, fiduciary or otherwise, existed between the trustee (Coan) and beneficiary (creditors, debtor, lienholders, etc.) is frivolous on its face and demonstrates defendant’s unfitness to either practice law or act as a panel trustee.

In accordance with federal court Order of The Honorable Mark R. Kravitz, U.S.D.C.J., District of Connecticut, filed on May 19, 2005, along with the subject filings under penalty of perjury, viz., the RICO Verified Complaint, Affidavit, and RICO Statement, I respectfully requested the criminal prosecution of the culpable parties as clearly set forth therein. While the RICO statute is a federal criminal statute with civil damage remedies incorporated therein, there is concurrent jurisdiction between the state and federal authority. This is especially apposite in this case where Los Angeles County Authorities/entities have been directly impacted/damaged/defacto defrauded by the RICO violations set forth therein, including offenses involving fraud connected with a case under TITLE 11, U.S.C.. I have at all times disclosed the subject litigation and the substantial damages (assets involved substantially exceeded liabilities) for which a lien could be asserted. As set forth in the Supplemental Affidavit of Albert L. Peia dated May 2, 2005 and filed with the aforesaid Court on May 4, 2005, unbeknownst to me the Chapter 7 bankruptcy Case No. 95-51862 had been closed on October 20, 2004. As such, as of that point in time evidencing an intent not to cure the substantial damages caused to me by defendants' illegal, wrongful, and culpable conduct while concomitantly benefiting RICO co-conspirators/other culpable parties, the damages/causes of action have ripened/crystallized with insurance/surety coverages also applicable as of said date. The cover letter to the LAPD is immediately appended hereto, and incorporated herein by reference thereto.

Dated: 6-6-05

**Signed: _____
Albert L. Peia, Plaintiff Pro Se**