

EXHIBIT 11

**Complaint Against Judge Troy Webber,
Barbara Levitan, And Randy Dash;**

Request for Trial By Jury 2007

**Stay of Trial Denied by Appellate
Division, First Department**

**COMPLAINT AGAINST JUDGE TROY WEBBER
FOR VIOLATIONS OF THE US CONSTITUTION
AND THE CIVIL RIGHTS OF ELIZABETH COMBIER**

**ELIZABETH COMBIER
MAY 21, 2009**

COMPLAINT AGAINST SURROGATE JUDGE TROY WEBBER AND COURT PERSONNEL

I, Elizabeth Combiar, and Posr Posr and William Galison (Exhibit 1 and Exhibit 2) hereby file a formal complaint against the Court Personnel listed below for verbal abuse, harassment and slander as well as violations of [1] public policy, [2] codes of judicial conduct, and [3] property and liberty rights as detailed in the US Constitution, as well as New York State Law.

The Code of Conduct for judges is clear: show no impartiality, work within the processes available pursuant to due process for all parties, and do not go beyond the personal and/or subject matter jurisdiction of the Court. Judge Webber violated each of these at the April 1, 2009 hearing at which I was present, and I hereby file a complaint against her. A copy of the transcript has already been filed in the record for the proceedings with Index #1042/98 and sent to all parties, therefore this complaint will have a second copy sent via email along with the statements (Exhibits A, B) of Posr Posr and William Galison to Mr. Marc Sabel, the Senior Surrogate's Court Clerk.

SURROGATE COURT JUDGE TROY WEBBER HAS VIOLATED ELIZABETH COMBIAR'S CONSTITUTIONAL RIGHTS

[1] I FILED A REQUEST FOR A COURT REPORTER, AS I HAVE DONE FOR THE PAST 3 YEARS, AND I WAS DENIED

On or about March 18, 2009 I received a notice in the mail that there would be a conference with an attorney in Surrogate's Court to find out the status of the proceedings captioned above. The so-called "conference" would begin at 10:00AM

On or about March 25, 2009 I filed a Request For a Court Reporter to provide me with a record of the conference. I have filed a similar request for the past three years, and have always had a court reporter present. I was told by Judge Webber's staff that the request was approved. I informed the staff in the chambers of Surrogate Webber that I would be bringing two colleagues with me to the Court conference on April 1, 2009, due to the heart failure I suffered in 2006 after Judge Roth ordered my mom's Will out of existence by stating that as my mom died "intestate" the administrator of the estate was now Ethel Griffin. The staff in Judge Webber's chambers told me "no problem, you may bring them." On April 1, 2009, my two colleagues were pushed out of the courtroom and not allowed in, and they were verbally abused by court officer "Randy". On April 1 there was no court reporter in the courtroom, although there was a tape recording prepared. This is a violation of court rules for a court of record. On or about April 10, 2009 I and a colleague made a visit to the office of Ross Upshaw at the NY State Supreme Court to discuss the missing court reporter. Mr. Upshaw is the chief clerk of the court reporters at the NYS Supreme Court. Mr. Upshaw told us that there was never a call from Judge Webber or her court to have a court reporter in the courtroom of Judge Webber on April

1, 2009. He added that if he had been asked, he could have sent a reporter to 31 Chambers Street for the hearing. But no one asked him to do that. Therefore, my rights to making a record in the Surrogate Court, a court of record, was made difficult for me. I did find a company to transcribe the tape, however, and have attached a copy of the transcript to the email to Mr. Mark Sabel for the purpose of filing a formal complaint against Surrogate Judge Webber, and have her removed from the proceedings in the matter concerning the Will of Julia Taschereau. (INDEX #1042/98) for prejudice, malicious prosecution, and deliberate violations of due process, SCPA §502, and my constitutional rights to report on the proceedings (which have already been published nationally in the media)

[2] MS. COMBIER AND HER COLLEAGUES WERE HARASSED AND VERBALLY ABUSED BY COURT OFFICER "RANDY" –BADGE 4869

In good faith I arrived early on April 1, 2009, and one colleague, Posr Posr, was already present in the lobby of 31 Chambers Street. Unfortunately Mr. William Galison was late. He arrived at approximately 10:45 AM, and was going through security when a Court Officer "Randy" with badge number 4689 walked out of the elevator and started screaming at me to get upstairs RIGHT NOW because the judge was waiting for me. I said that we were coming upstairs, just wait until "my friend goes through security".

"Randy" began to yell threats at me, saying "You better get into the elevator RIGHT NOW..." AND HE THREATENED US. Will joined us and we all went to the 5th floor."Randy" led the way, and I followed, with Posr and Will immediately behind me. "Randy" stopped at the door of the courtroom and pushed me in. Judge Webber, Mary Santamarina, Mr. Kenneth Wasserman, and Mr. Peter Scramm were already inside Room 510, and a woman with a tape machine and a second court officer with a CPR machine.

I looked behind me just as I saw "Randy" slam the door of the courtroom on the faces of Posr and Will, shutting them both out. I hear Will say ""Wait a minute!"

Two hours later, Posr and Will were still outside of the courtroom, and they both accompanied me to the Senior Surrogate's Court Clerk Marc Sabel. We all saw that the court officer (not "Randy") had a CPR machine with him. This is significant, as this is recognition by Judge Webber of the fact that I had heart problems/traumatic stress syndrome yet she did not do anything to lessen the risk.

From the transcript of April 1, 2009 and the tape:

p. 3, lines 5-8: I protested the shut-out of my two friends, but Judge Webber ("Webber") said the only person who would be allowed into the courtroom is a doctor. (lines 16-20). On lines 21-22 Webber adds, "The court officer here is, the court officer is here to protect you. So if there are issues in terms of anyone harassing you, the court officer will spring into action."

p. 4 I protested (lines 21-25): "...you have violated my constitutional right by having me alone in this courtroom with the two men that have stolen my mother's property.

[3] THE RECORD OF THE PROCEEDINGS OF THE ESTATE OF JULIA TASCHEREAU IS BEING HIDDEN AND TAMPERED WITH

p.5 (lines 16-18) I spoke about Mary Santamarina hiding the records of this proceeding in her office (and not holding the documents in the records room); and that the record will show that Mr. Wasserman ("Wasserman") has never given any discovery at all, for nine years. (lines 20-23); p. 7, lines 3-4; p. 9, lines 23-25;

Then on p. 10 Mr. Wasserman says that he has handed over all documents requested (lines 4-6) and immediately Webber agrees with him, contrary to everything that I have said: "Okay. Good. So, the documents have been turned over." (lines 7-8).

pp. 14-20, p. 23-26; 28-38: Webber and Wasserman discuss a raid on my former Attorney's office (Jonathan Landsman) to get documents that Mr. Wasserman has seen and copied for more than 12 hours over the past nine years.

p. 20: Weber wants me to get documents from Landsman – although I have repeated that all the documents that are relevant to the two claims upon which Mr. Wasserman has hung his frivolous claims are already in my possession and filed in the court – and if I don't get the documents (which I already have, meaning that I must pay Mr. Landsman for his malpractice) then the Court will sanction me (lines 2-4)

p. 32: Webber says that I am precluded by law from posting any part of the "conference" on my website or disseminating the transcript on a website or any other media (lines 8-20). Again, on p. 102 (lines 7-25) – 103, line 1, Webber threatens me with her holding me in contempt of court if I disseminated the tape of the hearing on April 1 to anyone in any media.

p. 49: Webber insults me with her comment "...your good faith has not worked in the past year of this litigation." (lines 9-11), yet when I asked for an example, Webber refers back to a bond in 2005 to pay my abusive lawyer who the court worked with to pursue the theft of the estate (lines 14-19). Then again, p. 99: "THE COURT: "I doubt very seriously that they would select you for a jury..." (lines 19-20).

In 1998 Mr. Kenneth Wasserman contacted Mary Santamarina, and started to set up the case against me (personal note from Ms. Santamarina to Mr. Wasserman was copied from the file by me in 2005). From 1999 to the present, the Surrogate Court has not allowed me access to the Court, has threatened me and denied me my rights as an honest citizen to make my case. I have documented everything, and I have a First Amendment right to publish what I believe to be the facts in this case.

In fact, the threat to find me in contempt of court if I publish the tape/transcript of the April 1 proceeding will be brought to the CJC, DDC, and the judicial oversight

committees in Washington DC. This matter of the Will of Julia Taschereau and the corruption and fraud associated with this proceeding by Mr. Wasserman, Mr. Schramm, Ethel Griffin, Julia Danger, Judge Renee Roth, Mary Santamarina, and now Judge Troy Webber is already in the media, and has been since 2005 on my website, Parentadvocates.org ("Without a Prayer For Relief"), in published newspapers and reports, and presented to Congress in May 2007 (CFOJA Report).

Judge Troy Webber has no personal and subject matter jurisdiction to find contempt for my publishing a detailed analysis of the proceedings currently before her. Judge Webber must be held accountable for her prejudice and threats against me and her malicious prosecution.

[4] JUDGE WEBBER AND MARY SANTAMARINA THREATENED ME WITH A TRIAL WITHOUT A JURY BASED UPON MR. KENNETH WASSERMAN'S PERJURY AND FRAUD

p. 59: on the issue of having a jury at trial, the court states that I have no right to a jury because [Wasserman] did not ask for a jury trial when he filed his notice of issue. (lines 24-25). I asked, "What notice of issue?" I have never received a notice of issue. The SCPA §502 says that "Each respondent demanding a jury trial must do so in his answer or objections." Therefore, the court denied me a right to a trial with a jury for a reason that is not given in the SCPA. And on p. 63:

"THE COURT: Okay. Well, we'll find the affidavit of service, but the fact remains that in the note of issue he does not request a trial by jury. He specifically does not request a trial by jury, so therefore, under the law there would not be a trial by jury."

This is a violation of the SCPA, and my constitutional rights. Webber goes on for several more pages on the violation of the SCPA §502 (pp.63-67), which she mis-quotes as saying that the request to have a jury must be filed with the note of issue. I never received the note of issue, but I was told by Webber that there was service on me and I never objected to a denial of a jury, therefore there will be none.

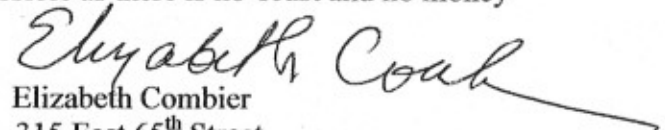
Judge Webber must be removed from these proceedings.

Any Appeal taken by Mr. Kenneth Wasserman cannot be heard in this or any other court in the State of New York and the action provides nothing more than vexatious litigation instituted maliciously and without probable cause. *Paramount Pictures v Blumenthal*, 256 App. Div. 756, 11 N.Y.S. 2d 768, 772; *Gardner v. Queen Ins. Co. of America*, 232 Mo. App. 1101, 115 S.W. 2d 4, 7. Mr. Wasserman is not acting *bona fide* and merely wishes to harass me, Ms. Combier, who has already filed a police complaint against him. This matter is frivolous and vexatious and must be seen as such by this court. Mr. Wasserman's actions are designed simply to incur costs to me that have no basis in fact or law, and his eleven years of calling my home with Mary Santamarina are, according to Detective Ahearn, a matter for the Manhattan District Attorney and serve only to

harass Ms. Combier, therefore this was a "civil and not criminal matter and there was nothing he [Ahearn] could do." Oppression results from acts done in manner which violates the rights of another person with unnecessary harshness or severity as by misuse or abuse of authority and power. *Dunfee v. Baskin-Robbins, Inc.*, 221 Mont. 447, 720 P.2d 1148, 1155. Mr. Wasserman is acting sua sponte, he does not represent the interests of anyone other than himself and perhaps this court, which cannot hear a "derivative Trust case". Julia Danger has never been a part of the non-existent case that is listed in the above caption, and there is no Trustee named.

The Appeal of Mr. Kenneth Wasserman must be terminated immediately and he must be sanctioned for filing a frivolous, vexatious, and oppressive action that has no validity in law or fact, and for which there is no remedy possible as there is no Trust and no money in existence at this time.

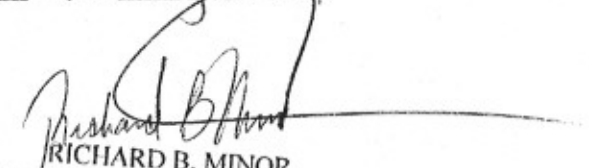
Dated: May 19, 2009
New York, NY


Elizabeth Combier
315 East 65th Street
New York, NY 10065

CC:
Mr. Mark Sabel
Judge Troy Webber
Mr. Kenneth Wasserman
Mr. Peter Schramm
Committee on Judicial Conduct
Jerry Nadler
Departmental Discipline Committee

State of New York
County of New York

Sworn to before me this
21 day of May 2009


RICHARD B. MINOR
Notary Public, State of New York
Reg. No. 04MI6147382
Qualified in New York County
Commission Expires June 15, 2010

COMPLAINT AGAINST COURT OFFICER "RANDY" BADGE NUMBER AND JUDGE WEBBER.

On April first, 2009, I came to the Surrogate Courthouse at ~~30~~³¹ Chambers street, to observe a hearing at the request of Betsy Combier, the defendant at that hearing.

The website <http://definitions.uslegal.com/p/pretrial-conference/> defines the term "hearing" thus: "*In the trial court context, a legal proceeding (other than a full-scale trial) held before a judge. During a hearing, evidence and arguments are presented in an effort to resolve a disputed factual or legal issue.*"

The proceeding on April 1 was a pre-trial *hearing*, NOT a *conference*, because arguments were presented to resolve disputed factual and legal issues. Specifically, Mr. Wasserman argued the position that Judge Webber should make a ruling prohibiting Ms. Combier from taping phone conversations with him, (a right guaranteed under New York State Law). Judge Webber also ruled that Ms. Combier was prohibited from sharing or disseminating the transcript of the case (in violation of the First Amendment). Moreover, the factual question of whether discovery had been complied with was broached and argued.

Finally, regardless of the fact that Judge Webber lacks jurisdiction to interfere Ms. Combier's constitutional rights, the fact that Mr. Wassermann asked her to rule on an injunction and that she improperly ruled on it made this procedure unambiguously a hearing, and NOT a conference. The fact that Judge Webber called the hearing a "conference" makes it no less a hearing.

The fact that the procedure was a hearing and not a conference is critical because hearings are by default open to the public. Mr. Posr and I had a constitutional right to attend the hearing.

Ms. Combier invited Mr. Posr and I to attend the hearing because she has been defrauded, threatened and otherwise abused by Mr. Wasserman and the Court. She has also suffered a coronary failure from the stress of the abuse endured from this abuse. Ms Combier asked us to attend to lend her crucial emotional support and protection against further abuse.

There were no legitimate grounds to exclude Mr. Posr and myself from the hearing, but that did not stop "Randy" from doing so in a belligerent, threatening and illegal manner. "Randy" told us that "This is not an open hearing... ..it's a closed pre trial hearing. Its not public...*No pre trial hearings are public...that's the law!*" He then went on to say that in order for hearings to be public "*both parties have to agree to them being public*".

All of the above statements by "Randy" are patently and knowingly false, and in violation of our constitutional rights.

In the United States of America Pre trial hearings are open to the public, unless a compelling issue of security or confidentiality outweighs the public interest.

In 1997 Judge Judith Kaye even opined that hearings regarding issues of child custody and child abuse cases should be public. In this case there were no compelling issues of security or confidentiality, only threatening and unconstitutional behavior by the court against Ms. Combler.

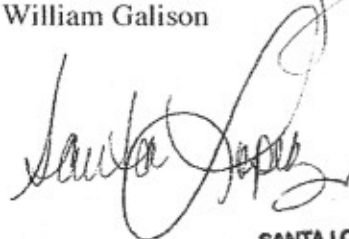
To compound his abuse of authority "Randy" refused to give his badge number. When I asked "Randy" for his badge number, he turned away abruptly, muttered "None of your business" and re-entered the courtroom. This response was disrespectful, unprofessional and illegal.

I must add that "Randy's" belligerent and unstable demeanor was in itself alarming and disturbing considering he is armed with a deadly weapon.

In light of the above, "Randy" must be evaluated psychologically and disciplined for his patent disregard for the rules governing court officers. To the extent that "Randy's" behavior was sanctioned or directed by Judge Webber, her role must also be investigated and addressed.

I swear that the above is true to the best of my knowledge.

 5/12/09
William Galison

 May 19, 2009

SANTA LOPEZ
Notary Public, State of New York
No. 01LO6089966
Qualified in New York County
Commission Expires March 31, 2011

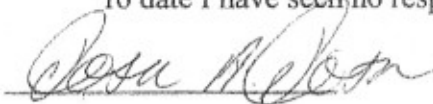
AFFIDAVIT

This affidavit is to certify that on 2009.04.01 I, Posr A. Posr, went to Surrogate's Court to observe a hearing in a matter pertaining to the the Estate of Julia Tascherau. As tried to enter the courtroom, Court Officer badge number 4689 physically pushed me out of the courtroom claiming that pre-trial conferences are not open to the public. .

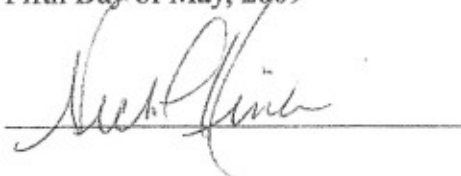
This occurred in the physical presence and sight of Surrogate Court Judge Troy Webber.

Also on 2009.04.01 I, and William Galison, filed with the personnel dept. a request for an interview and written explanation as to why we could not witness the hearing and for an identification of what rule of law authorized our being barred.

To date I have seen no response.



Affirmed to before me on this
Fifth Day of May, 2009



NICHOL KING

Notary Public, State Of New York

No. 01KI6074931

Qualified In New York County

Commission Expires May 27, 2010

SUMMARY STATEMENT ON APPLICATION FOR EXPEDITED SERVICE AND/OR INTERIM RELIEF (SUBMITTED BY MOVING PARTY)

EXHIBIT 1

Date Aug. 3 2009

Title of Matter Probate Proceeding, Will of Julia Tasche

Index/Indict # 1042/98

Appeal by order judgment of Supreme Surrogate's Family

County NY

Court entered on July 28 2009

Name of Judge Hon. Troy Webber

Notice of Appeal filed on Aug. 3 2009

If from administrative determination, state agency

Nature of action or proceeding Appeal to stop a trial of the Will Proceedings as No Verified Petition was ever filed therefore there has been no objections

Provisions of order judgment appealed from decree

Ordering a trial to take place without a jury on Aug. 4, 2009, even though there is no objectant, no Bill

This application by appellant respondent is for Relief from denial of due process violation of constitutional rights; reckless endangerment of appellant sua sponte by the Court

If applying for a stay, state reason why requested The SCPA requires that objections to Probate begin with a Verified Petition, and none was ever filed; no discovery was ever given, and a trial would irreversibly harm the appellant.

Has any undertaking been posted If "yes", state amount and type

Has application been made to court below for this relief yes If yes, state Disposition pending Has there been any prior application herein in this court no If "yes", state dates and nature

Has adversary been advised of this application yes Does he/she consent yes

Attorney for Movant

Name Elizabeth Combier Pro se

Address 315 East 65 St.

NY NY 10065

Tel. No. (212) 794 8902

Appearing by Elizabeth Combier

Attorney for Opposition

Mr. Kenneth Wasserman

350 Fifth Avenue

NY NY 10118

(212) 244-3399

(Do not write below this line)

DISPOSITION

Stay denied.

Motion Date

8/10/09

Opposition

8/10/09

Reply

8/10/09

9:30

EXPEDITE

PHONE ATTORNEYS

DECISION BY

ALL PAPERS TO BE SERVED PERSONALLY.

NF
Court Attorney

COMPLAINT
INDEX NO. 1042/98

COMPLAINANT:

Elizabeth Combier
315 East 65th Street
New York, NY 10065
Proponent, Will Proceedings of Julia Taschereau

June 8, 2009

On June 8, 2009, I filed a lawsuit in federal court to find relief from the abuse and harassment of the Manhattan Surrogate's Court and the ten-year verbal abuse of one of the Law Attorney's, Mary Santamarina.

The basis for my seeking relief is the incident that occurred on April 1, 2009:

I am a proponent of the Will of Julia Taschereau, my mother, who died during the night of March 15-16, 1998. Her last Will dated November 21, 1997 was filed in Manhattan Surrogate's Court on March 17, 1998, therefore I have reason to be in the courtroom of the Manhattan Surrogate.

For ten years I have been verbally abused, harassed by telephone, and insulted by Surrogate Law Department Attorney Mary Santamarina. She has told me that the court has found me guilty of crimes against my mother, and I "will be sorry if I don't give my sister \$375,000 immediately". Attorney allegedly for my sister, Julia Danger, was also on the call, screaming the same things.

Surrogate Judge Renee Roth prevented the Will from being probated by , for example, changing the Will so that it did not exist – from July 19-26, 2006 – in order to give the property in the estate to the Public Administrator Ethel Griffin. I had heart failure and was in Lenox Hill Hospital for three days, July 21 (the day that I received the Order) to the 24th, 2006.

On April 1, 2009 Interim Acting Manhattan Surrogate Judge Troy K. Webber imprisoned me in her courtroom and court officer Dash (Badge 4689) blocked any exit. Officer Dash also blocked the entry into the courtroom of two associates who accompanied me in order to assure my health and safety. I had filed a request for a court reporter which had been approved, but Judge Webber laughed at this and told me there would be a tape, and I could get a copy of this.

I was told to go to Room 303 for the tape, which I did. I filed for a copy of the recording. On or about April 10 2009 I spoke with Mr. Mark Sabel, who told me that I could record the tape onto my tape recorder, and get a transcript made. I did sit in Room 303 for several hours making a copy of the tape from April 1, and then Mr. Sabel gave me the copy to get transcribed.

I went to Ubcus, who gave me a certified copy of the two hour April 1, 2009 hearing for almost \$400.00.

On May 26, 2009 Mr. Sabel told me that this transcript would not be certified by the court, and I asked him to please request that indeed this transcript be certified, as I did not have another \$400 to spend.

I have not heard from Mr. Sabel about this.

On June 8, 2009 I filed a federal lawsuit in the United States District Court, against Judge Troy Webber, Mary Santamarina, Kenneth Wasserman, and Julia Danger.

A person known to me came with me to Surrogate Court to serve the lawsuit on Judge Webber and Mary Santamarina. He went to the Chambers of Surrogate Webber, where he was told to leave by Officer Dash (Badge 4689). He then went to Room 501 where he was told to go to the Judge's chambers. He went to Room 303, where he was told to go to Chambers. I went to Room 303, where Rene told me she had no idea where to serve, so she called the Chambers of Judge Webber. She was told that Judge Webber must be served in her Chambers, and Mary Santamarina must be served in Room 401.

We went to Room 401 at approximately 4:45PM. A person who said her name was "Mina" sat at her desk and would not speak with us until I asked if I could ask her a question. She told us that she was waiting for the Court Officer. Mr. Dash came in the room, and I told him that I needed to serve Judge Webber and Mary Santamarina. Officer Dash told us that I could not serve either person in the building. He was very belligerent.

A woman came out of her office who identified herself to me as "Barbara Levitan". I said, "Levitan?" and she said, "Yes, your recorder will pick this up".

I said, "I don't have a tape recorder, and I think that your statement is insulting."

Ms. Levitan said, as she turned around, "It was MEANT to be."

I and my process server left.

Throughout the eleven years that I have had to be attacked and victimized by the personnel in the Manhattan Surrogate Court, I have remained polite and respectful at all times, and intend on continuing this practice. I respectfully submit this complaint in order to highlight the inappropriate conduct of the people who work in this court, and to hopefully change the behavior of the Judge's staff and personnel.

Thank you.