

**Thomas B. Sperry**  
321 North Lincolnway  
North Aurora, IL 60542

November 27, 2001

The Honorable Donald J. Fabian  
Kane County Court House  
100 South Third St. - Courtroom 320  
Geneva, IL 60134

Re: Ford Motor Credit Company & Sycamore Auto Center, Inc.  
v. Thomas B. Sperry, d/b/a Thomas B. Sperry, Inc.  
Case No. LKA-94 999

Dear Judge Fabian:

The United States Supreme Court has repeatedly ruled that a judge acting without jurisdiction is engaged in treason. **U.S. v. Will**, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); **Cohens v. Virginia**, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

Courts have repeatedly held that access to the courts under the First Amendment of the U.S. Constitution, which is made applicable to this court through the Fourteenth Amendment, to meet Constitutional muster, means that any litigant must have an "adequate, complete, fair, full, impartial, meaningful, and timely" access to comply with the Constitutional mandate. I have not had the Constitutional requirements of the law granted me by this court.

I suggest that if you accurately review the question of jurisdiction of this court, the court will find that jurisdiction was never lawfully conferred upon this court. The court will also find in its investigation that multiple instances occurred where officers of the court acted in such a manner that if jurisdiction had been lawfully conferred upon this court, under the law, jurisdiction was lost. In **Armstrong v. Obucino**, 300 Ill. 140, 143, 133 N.E. 58 (1921), the court held that "The doctrine that where a court has once acquired jurisdiction it has a right to decide every question which arises in the cause, and its judgment or decree, however erroneous, cannot be collaterally assailed, is only correct when the court proceeds according to the established modes governing the class to which the case belongs and does not transcend in the extent and character of its judgment or decree the law or statute which is applicable to it." This court has acted in violation of the law, as will be delineated further in this letter. So even if jurisdiction had lawfully been conferred upon this court, which is definitely not the case, the court

**Thomas B. Sperry**  
321 North Lincolnway  
North Aurora, IL 60542

would be without jurisdiction.

Further, a judge has no jurisdiction in any case where he becomes an advocate for either side. Illinois law holds that where jurisdiction is challenged, the party claiming that the court holds jurisdiction has the **burden** to prove that the court holds lawful jurisdiction. During my October 9, 2001 court hearing, I challenged the jurisdiction of this court. This court did not require the opposing attorneys to prove that the court held lawful jurisdiction; this court acted on behalf of the opposing counsel to falsely claim that the court has jurisdiction in this court's void order of October 9, 2001. Under **The People v. Brewer**, 328 Ill. 472, 483 (1928), this court's jurisdiction has to be first proven, not alleged as the court did, before you can make such an assumption. My Constitutional Rights have been deliberately and intentionally violated.

Since attorneys Mary K. Schulz and Barry A. Robin **cannot** prove that this court holds lawful jurisdiction, the only alternative this court had was to issue a false order alleging that the court held jurisdiction. But without lawful authority, that order is equivalent to a blank piece of paper, as is all the other orders issued in this case. It is void ab initio.

As of this date, no party has proven that this court has jurisdiction of this matter.

As stated previously in the October 9, 2001 motion and the Memorandum of Law filed on October 19, 2001, that this court has ignored, the court's placing the burden upon me violates my Due Process Rights, violates your duty to support the Constitution, violates my First Amendment Rights, and deprives this court of any jurisdiction it may have had.

A void order is void even before a judge has ruled it to be void. It is void even if a judge has not declared it to be void, **Vallely v. Northern Fire & Marine Ins. Co.**, 254 U.S. 348, 41 S.Ct. 116 (1920), as it is void ab initio.

May I remind your Honor that you took an oath upon becoming a judge that you would support the U.S. Constitution (Article VI, clause 3). The law further requires you not to war against the Constitution, **Cooper v. Aaron**, 358 U.S. 1, 78 S.Ct. 1401 (1958) ("No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.").

**Thomas B. Sperry**  
321 North Lincolnway  
North Aurora, IL 60542

And where a judge has a duty, he has no discretion. **Littleton v. Berbling**, 468 F.2d 389, 412 (7th Cir. 1972).

Supreme Court Rules ("SCR") are binding both upon the court and the litigants. **Bright v. Dicke**, 166 Ill.2d 204, 210, 652 N.E.2d 275, 277-78 (1995); **North Avenue Building & Loan Ass'n v. Huber**, 286 Ill. 375, 383, 121 N.E. 721 (1918). SCR 13(c) mandates that an attorney of record cannot withdraw without first giving written notice and complying with service requirements, along with a written motion, and a court order granting leave to withdraw. And SCR 13(c)(1) requires that an attorney of record must file a written appearance. **Real Estate Buyer's Agents v. Foster**, 234 Ill.App.3d 257, 600 N.E.2d 83 (1992).

Since neither I nor the court has ever been served with a Notice of Withdrawal from either Vigil Berkley Schulz & Gordon, P.C. or Landau, Omahana & Kopka, Ltd., under Illinois law they are still the attorneys of record, and the only attorneys of record. Any action by any other purported representatives of the Plaintiffs violate Illinois law and are void. All orders issued by this court since April 2, 1997 or even before when Mary K. Schulz no longer was employed by Vigil Berkley Schulz & Gordon, P.C. are void.

Judges do not have lawful authority to enforce void orders, nor do they have jurisdiction to convert a void order into a valid order.

All orders issued under any motion by any representative other than Vigil Berkley Schulz & Gordon, P.C. or Landau, Omahana & Kopka, Ltd. were not brought before this court by any lawful representative of Ford Motor Credit Company or Sycamore Auto Center, Inc., and therefore are void.

Any attempt to strike any of my motions or file-stamped correspondence to this court would be another instance of a violation of my access to this court, a violation of my First Amendment Rights.

The Illinois Supreme Court, in **In re Eugene Lee Armentrout et al.**, 99 Ill.2d 242, 457 N.E.2d 1262 (1983) has defined fraud by any officer of the court, whether attorney or judge, as "Fraud encompasses a broad range of human behavior, including " ' \* \* \* anything calculated to deceive, \* \* \* whether it be by direct falsehood or by innuendo, by speech or by silence, by word of mouth or by look or gesture.' " (**Regenold v. Baby Fold, Inc.** (1977), 68 Ill.2d 419, 435, 12 Ill.Dec. 151, 369 N.E.2d 858,

**Thomas B. Sperry**  
321 North Lincolnway  
North Aurora, IL 60542

citing People ex rel. Chicago Bar Association v. Gilmore (1931), 345 Ill. 28, 46, 177 N.E. 710; In re Alschuler (1944), 388 Ill. 492, 503-04; Black's Law Dictionary 594 (5th ed. 1979).”.

In Kenner v. C.I.R., 387 F.2d 689 (7th Cir. 1968), the court held that “A decision produced by fraud upon the court is not in essence a decision at all, and never becomes final”.

In addition in Bulloch v. United States, 763 F.2d 1115 (1985), the court held that “fraud upon the court” is that “fraud where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function -- thus where the impartial functions of the court have been directly corrupted.”; see also Kenner v. C.I.R., 387 F.2d 689 (7th Cir. 1968).

As I am sure that this court is aware of the multitude of court cases that hold that where “fraud upon the court” is committed, the entire proceeding is void. Attorneys Mary K. Schulz and Barry A. Robin, and the respective attorneys in their firms and their firms have engaged in a pattern of “fraud upon this court”.

Since this court does not have any jurisdiction in this matter, your order of November 21, 2001 is also void, of no legal force or effect. The law only requires me to comply with lawful orders issued by a judge in a court of competent jurisdiction.

Yours truly,

Thomas B. Sperry

cc: Mary K. Schulz  
Barry Robin  
Court file LKA 94 999  
Chief Judge Grant S. Wegner

bcc: