

**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSOURI
AT POTOSI, MISSOURI DIVISION**

Woodland Lakes Trusteeship, Inc.)	
)	
Plaintiff,)	
vs.)	Cause No. 13WA-CC00410
)	
David Campbell [SIC], et ux,)	
)	
Defendants.)	

**DEFENDANTS' APPLICATION FOR
JUDGE HORN'S IMMEDIATE RECUSAL w/ CAUSE**

COME NOW DEFENDANTS Dave and Catrenia "Dawn" Campbell and moving for voluntary recusal of Judge Horn from the above-entitled matter under Missouri Supreme Court Rule 51.05(d).^{1 2 3} As cause for this motion, the defendants state the following:

1. In the April 20, 2015 ruling in this cause, Judge Horn represented that the motion *"DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' SECOND-AMENDED⁴ RESPONSE TO PLAINTIFF'S 'FIRST-AMENDED PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL' AND COUNTERCLAIMANTS' FIRST-AMENDED COUNTERCLAIMS"* was *"OVERRULED AND DENIED."*

2. The defendants filed a hearing notice to take up the aforesaid as well as *"DEFENDANTS' MOTION TO SUSTAIN COUNSEL MATHENY'S MOTION TO WITHDRAW FROM*

¹ *"However, no party shall be precluded from later requesting any change of judge for cause."*

² *"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."* Article VI of the United States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).

³ *State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law."* Marshall v Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980)

⁴ Said document was incorrectly titled and would actually have been the defendants first-amended response to Plaintiff's petition.

CASE."

3. On April 20, 2015, Judge Horn represented in the court's ruling:

"DEFENDANT'S [sic] MOTIONS OVERRULED AND DENIED."

4. On April 20, 2015, Judge Horn represented that she has the authority to deny and overrule the defendants motions that the defendants had not yet provided notice to the opposing party for hearing.

5. Because *"DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' SECOND-AMENDED RESPONSE TO PLAINTIFF'S 'FIRST-AMENDED PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL' AND COUNTERCLAIMANTS' FIRST-AMENDED COUNTERCLAIMS"* was the only technically-noticed motion for the defendants on 04/20/15 since the motion to sustain was never entered into this cause, Judge Horn acted outside the Court's jurisdiction in overruling and denying defendants' un-noticed motions.

6. Judge Horn entered the following ruling in this cause on April 20, 2015, *"PLAINTIFF PRESENT BY COUNSEL, DAMIAN STRUZZI. ATTORNEY GARY MATHENY MOVES THIS COURT TO WITHDRAW AS ATTORNEY FOR DEFENDANTS. NO OBJECTION HEARD. MATHENY ALLOWED TO WITHDRAW. DEFENDANT'S MOTIONS OVERRULED AND DENIED. DEFENDANT'S MUST APPEAR TO HAVE THEIR MOTIONS HEARD. CAUSE SET FOR JURY TRIAL ON AUGUST 25TH, 2015 @ 9:00 A.M., DIVISION-II, #9 SETTING. PRE-TRIAL CONFERENCE SCHEDULED FOR 8:30 A.M. CLERK TO NOTIFY. SO ORDERED! "*

7. Judge Horn's aforesaid ruling represents that if the defendants were to be standing before the Court, the defendants' motions would be heard.

8. On April 20, 2015, Judge Horn represented that she has personal jurisdiction to set this cause for jury trial without any input **[or notice]** from either of the

parties.

9. On July 20, 2015, Judge Horn represented to the defendants that she has the personal jurisdiction to deny the defendants' request for a verbatim court record of the pre-motion proceeding that occurred on said date.

10. At the time Defendant Dawn Campbell notified Judge Horn of the defendants' verbatim record request, Judge Horn represented that they were just "*talking*."

11. The court reporter did not record the pre-motion proceeding that took place on July 20, 2015.

12. After Judge Horn finished "*talking*" to the parties on July 20, 2015, Ms. Horn signaled to the court reporter to begin recording the remainder of the court proceedings.

13. During said "*talking*" proceeding, Judge Horn represented to the defendants that she was going to pass all of their motions to the following motion hearing.

14. One of the defendants' noticed motions was *DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO ANSWER PLAINTIFF'S MOTION TO DISMISS*."

15. Judge Horn represented to the parties in the pre-motion "*talking*," that Plaintiff's "*Motion to Dismiss*" should be passed, although it was heard during the July 20, 2015, on-the-record motion hearing.

16. On July 20, 2015, Judge Horn represented the following, "*CAUSE CALLED ON PLAINTIFF'S MOTION TO DISMISS. SAID MOTION IS TAKEN UNDER ADVISEMENT. CAUSE CALLED ON DEFENDANT'S MOTION TO TRANSFER VENUE AND MOTION TO APPEAR TELEPHONICALLY, MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES. ALL OF DEFENDANT'S MOTIONS ARE DENIED. CAUSE PLACED ON AUGUST 17TH,*

2015 FOR HEARING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. SO ORDERED!"

17. Judge Horn represented in the aforesaid ruling that neither of the parties were present for said hearing.

18. The aforesaid representation indicates that the defendants had a motion called, *"MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES."*

19. Judge Horn's April 20, 2015 ruling represents said alleged motion *"DEFENDANT'S MOTIONS OVERRULED AND DENIED."*

20. Defendants' 04/30/2015 filing, titled *"DEFENDANTS' AFFIRMATIVE DEFENSES,"* are represented as being denied by Judge Horn on 07/20/15, even though nothing was heard about the defendants' affirmative defenses.

21. On 07/20/15, Judge Horn represented that she believes she is the Court.

22. On 07/20/15, Judge Horn represented to everyone in the court room that the defendants have been saying for *"many, many months,"* that Defendants are seeking new legal counsel.

23. The 24th Judicial Circuit Court in Washington County, Missouri mailed the defendants a letter, postmarked July 22, 2015, which represents, "YOU ARE HEREBY NOTIFIED that the court duly entered **only** the following:

"Filing Date
20-Apr-2015

Description
Jury Trial Scheduled
Scheduled For: 25-Aug-2015 9:00 AM; WENDY LYNN
WEXLER HORN; Setting: 7; Washington
Event Location: 102 N Missouri, Potosi, Mo

20-July-2015

Judge/Clerk - Note
The above-styled cause is now a #7 setting for Jury Trial on
August 25, 2015."

24. Judge Horn's ruling on 06/01/15 represented that *"COURT GRANTS DEFENDANT'S TIME TO SECURE COUNSEL."*

25. Judge Horn's 07/20/15 ruling does represent to the defendants that their *"Application for Prohibitive Injunction,"* has been overruled and denied by Judge Horn without taking up said application and also without any opposition from the plaintiff.

26. On 08/03/15, Judge Horn represented the following reason for continuing the 08/25/15 Jury Trial that had been capriciously set by her despite defendants' written and oral objections to said rush:

"DUE TO THE NUMBER ONE CASE STILL ON FOR TRIAL AUGUST 25TH, 2015, AND AS DEFENDANTS RESIDE OUTSIDE THE STATE OF MISSOURI, THIS CASE IS REMOVED FROM ITS CURRENT JURY TRIAL SETTING OF AUGUST 25TH, 2015. THIS CAUSE SHALL BE PLACED ON THE SEPTEMBER 21ST, 2015 LAW DAY AT 9:00 A.M. FOR RESETTING OF TRIAL."

27. On 08/03/15, Judge Horn represented to the parties in this cause, as well as anyone else who should read her rulings, that she has personal jurisdiction to order that all unheard motions in this cause will be heard on a date predetermined by her and without the parties' input.

"ALL PENDING MOTIONS, NOT PREVIOUSLY RULED ON, SHALL BE TAKEN UP ON THAT DATE, INSTEAD OF THE AUGUST LAW DAY. SO ORDERED! /S/ WENDY WEXLER HORN"

28. The aforesaid ruling represents to anyone reading it that the "AUGUST LAW DAY" [08/17/15] is related to the excuse for canceling as being, *"DUE TO THE NUMBER ONE CASE STILL ON FOR TRIAL AUGUST 25TH, 2015, AND AS DEFENDANTS RESIDE OUTSIDE THE STATE OF MISSOURI, THIS CASE IS*

REMOVED FROM ITS CURRENT JURY TRIAL SETTING OF AUGUST 25TH, 2015."

29. Judge Horn's 04/20/15 representation that *"DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' SECOND-AMENDED RESPONSE TO PLAINTIFF'S 'FIRST-AMENDED PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL' AND COUNTERCLAIMANTS' FIRST-AMENDED COUNTERCLAIMS"* was *"OVERRULED AND DENIED,"* was false because Judge Horn arbitrarily reheard said motion in chambers and ruled on it again on 07/20/15, although she titled it, *"MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES."*

30. The aforesaid representations are false because: 1) a motion cannot arbitrarily be ruled on twice through the movement of a court of law; 2) a court of law would not deny new pro se defendants' their right to amend their answer, especially when the defendants are announcing to The 24th Judicial Circuit of Washington County Missouri their answer needs amending in order to reassert their counterclaims **[which was not done by Counsel Matheny]** and in order to assert affirmative defenses, which Counsel Matheny, also, had not done in the original answer to Plaintiff's **amended** petition.⁵

31. Judge Horn's 04/20/15 ruling is false because it represents to have denied more than one of the defendants' noticed motions and the defendants had only one noticed motion that day as a result of *"DEFENDANTS' MOTION TO SUSTAIN COUNSEL MATHENY'S MOTION TO WITHDRAW FROM CASE,"* being excluded.

32. Judge Horn's 04/20/15 ruling is false because it represents that the defendants must be present in order to be heard, yet said representation also does provide a ruling, which does represent that said motion was heard.

⁵ "[a] pro se litigant must be given leave to amend his or her complaint unless it is 'absolutely clear that the deficiencies of the complaint could not be cured by amendment.'" Noll v. Carlson, 809 F.2d 1446, 48 (9th Cir.'87) (quoting Broughton v. Cutter Labs., 622 F.2d 458, 60 (9th Cir.'80)).

33. Judge Horn represented to anyone reading this docket [which is also found on-line at the Missouri Court's website] that she is acting within the Court's jurisdiction in denying and overruling the defendants' motion for leave to amend their answer while representing that said motion was denied and overruled because the defendants were not standing before her, which was the same day that Counsel withdrawal was granted.⁶

34. In her attempt for concealment from the defendants some portions of her rulings in notices of entry, Judge Horn is representing to the defendants that they do not have the right to receive knowledge of said rulings, when INDEED THEY DO!

35. Judge Horn is representing a personal interest in this cause.

36. Judge Horn is representing to everyone who reads her rulings that the defendants' motion for leave to amend their answer that the defendants do not have the same civil rights as the plaintiff in this cause because the defendants have explained to Judge Horn through their pleadings that they need to amend their answer to include affirmative defenses, which Counsel Matheny did not do. Clearly, said deficiency is something easily cured by an amendment.

35. Because *"DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' SECOND-AMENDED RESPONSE TO PLAINTIFF'S 'FIRST-AMENDED PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL' AND COUNTERCLAIMANTS' FIRST-AMENDED COUNTERCLAIMS"* was the only technically-noticed motion for the defendants on April 20, 2015, Judge Horn acted outside the Court's jurisdiction in overruling and denying defendants' noticed motions.

37. Judge Horn's 04/20/15 ruling is false because it represents that if the

⁶ Counsel Matheny was present on 04/20/15, along with Counsel Struzzi. Both attorneys had received a written notice from the defendants that a verbatim court record of the proceedings was officially being requested by the defendants and a verbatim recorded is nowhere to be found in this matter for said date.

defendants were present, they would be heard, when in actuality, the defendants were present to be heard on 07/20/15 and Judge Horn did deny the defendants' right to be heard.

38. A court of law does not have the personal jurisdiction to arbitrarily take it upon themselves to set a cause for jury trial with the absence of the parties' input; Judge Horn's 04/20/15 Jury Trial setting in this cause was false.

39. A court of law does lack jurisdiction to deny a party's request for a verbatim court record of any court proceeding; Judge Horn's representation was false.

40. Judge Horn's pre-motion hearing cannot be considered as just "*talking*," because it discussed several of the issues before the court.

41. Despite during said "*talking*" proceeding, Judge Horn's representation to the defendants that she was going to pass all of their motions to the following motion hearing was false, because Judge Horn later represented in her ruling, "*ALL OF DEFENDANT'S MOTIONS ARE DENIED. CAUSE PLACED ON AUGUST 17TH, 2015 FOR HEARING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. SO ORDERED!*"

42. The aforesaid ruling does not indicate any of the defendants' motions that were noticed for the 07/20/15 motion hearing would have been heard on 08/17/15.

43. The aforesaid ruling is false because one of the defendants' noticed motions was *DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO ANSWER PLAINTIFF'S MOTION TO DISMISS*," for which said motion was heard in the presence of both parties and the defendants were not denied by the Court or opposed by Plaintiff in filing the motion for enlargement.

44. Judge Horn's 07/20/15 ruling falsely represents that both parties are

lacking in presence during said motion hearing; neither of the parties are mentioned.

45. Judge Horn's April 20, 2015 ruling is a false representation because since one of the motions the defendants faxed to the court was never entered into the record, defendants had only one noticed motion on said date.

46. Judge Horn's denial of the defendants' affirmative defenses on 07/20/15 is a false representation because the defendants never filed a document titled "*MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES*," and nothing remotely similar was even mentioned during the 07/20/15 motion hearing or the pre-motion hearing on said date.

47. Judge Horn's representation as to having denied the defendants' rights to have affirmative defenses filed in this cause is false because it is beyond her jurisdiction to arbitrarily deny matters that are not placed before her that would enable the Court's movement in said instance.

48. The defense counsel's withdrawal from this cause was granted on 04/20/15, which makes Judge Horn's representation on 07/20/15, that the defendants have been saying for "*many, many months*" that they are seeking new legal counsel is a false representation because there is no way the number three can be considered as "*many*,"⁷ much less, "*many, many*;" when the number three represents a few.⁸

49. Judge Horn misrepresented to the defendants what was entered into CASE NO: 13WA-CC00410, because the following entry is missing from the "*NOTICE OF ENTRY*" sent to the defendants by the 24th Judicial Circuit Court in Washington County, Missouri. (See Defendants' Exhibit S)

⁷ The dictionary defines the word "*many*" as "*a large number of*."

⁸ The dictionary defines a "*few*" as being "*used to emphasize how small a number of people or thing(s) is*."

"CAUSE CALLED ON PLAINTIFF'S MOTION TO DISMISS. SAID MOTION IS TAKEN UNDER ADVISEMENT. CAUSE CALLED ON DEFENDANT'S MOTION TO TRANSFER VENUE AND MOTION TO APPEAR TELEPHONICALLY, MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES. ALL OF DEFENDANT'S MOTIONS ARE DENIED. CAUSE PLACED ON AUGUST 17TH, 2015 FOR HEARING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. SO ORDERED!"

50. Judge Horn's ruling on 06/01/15 which represented *"COURT GRANTS DEFENDANT'S TIME TO SECURE COUNSEL,"* is false because as of this date (8/02/15) the jury trial was still set for August 25, 2015, causing anxiety and discord for the defendants.

51. On 07/20/15, the defendants objected on the record concerning an 08/25/15 jury trial date, pleading that their case is not yet ready for trial.

52. Judge Horn's representation in her 07/20/15 ruling that she is denying and overruling the defendants' *"Application for Prohibitory Injunction,"* is false because said application was not taken up on said date and said application was suggested in the off-the-record *"talking"* hearing by Judge Horn to be passed to the next motion hearing.

53. Judge Horn's following 08/03/15 representation is false because it indicates a false reason as to why the jury trial is now *"REMOVED FROM ITS CURRENT JURY TRIAL SETTING OF AUGUST 25TH, 2015,* rather than the real reason that it was removed, which does prejudice the defendants, who had a motion to continue said jury trial with cause, with supporting affidavit.

"DUE TO THE NUMBER ONE CASE STILL ON FOR TRIAL AUGUST 25TH, 2015, AND AS DEFENDANTS RESIDE OUTSIDE THE STATE OF MISSOURI, THIS CASE IS REMOVED FROM ITS CURRENT JURY TRIAL SETTING OF AUGUST 25TH, 2015. THIS CAUSE SHALL BE PLACED ON THE SEPTEMBER 21ST, 2015 LAW DAY AT 9:00 A.M. FOR RESETTING OF TRIAL."

54. On, Judge Horn's aforesaid representation is false because: 1) She is without personal jurisdiction to dictate to the parties when each parties' pending motions will be taken up for hearing; 2) There is currently no "*Request for Jury Trial Setting*" filed by either party that would enable the jurisdiction for her aforesaid move; 3) Approximately four months ago, Plaintiff was seeking depositions from the defendants in this cause and Judge Horn's personal non-jurisdictional interference does prejudice both parties.

55. On, Judge Horn's aforesaid representation is false because "*AUGUST LAW DAY*" [08/17/15] is not related or to be confused with the 08/25/15 Jury Trial date.

56. Judge Horn is representing to the defendants and anyone reading this cause that she can use her own personal movements to order the defendants' motions be heard on specific moments without any input from the defendants,⁹ while also representing to the parties that Plaintiff's motions receive the entitlement of being taken up over a year down the road.¹⁰

57. Judge Horn's words in this cause are relied upon as representing The 24th Judicial Circuit Court of Washington County, Missouri, in this cause. All of Judge Horn's words in this cause are material because they directly affect the outcome of the cause.

58. Judge Horn's aforesaid actions, which are herein incorporated as if being fully set forth, were knowledgeable to her because they are skillful in their unconcealed attempt to circumvent defendants' right to properly assert counterclaims.

⁹ Plaintiff's counsel should know the falsity of Judge Horn's representation since he went to law school, therefore, is participating in Judge Horn's actionable fraud!

¹⁰ Because Plaintiff was seeking dismissal of the defendants' compulsory counterclaim of ejectment, Plaintiff's motion was required by law to be taken up within ten days; not twenty months!

59. Judge Horn set this cause for an August jury trial on the same date that the defendants became pro se defendants and without being moved by either party.

60. Judge Horn had knowledge of "*DEFENDANT'S REQUEST FOR TRIAL SETTING FILED. (DEFENDANTS ARE REQUESTING A ONE DAY JURY TRIAL)*" that was filed on 04/10/15, which asked for a trial date after October of 2015 and she also had been notified that August was an exclusionary month for the defendants.

61. As of 04/20/15, the defendants "*Request To Set a Jury Trial*" was not noticed for hearing.

62. Judge Horn was told again on 07/20/15 by Defendant Dawn Campbell that August is an exclusionary date for the defendants, which resulted in Judge Horn shrugging her shoulders.

63. Judge Horn had knowledge of "*DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' SECOND-AMENDED[sic]¹¹ RESPONSE TO PLAINTIFF'S 'FIRST AMENDED PETITION FOR MALICIOUS PROSECUTION, DEFAMATION AND LIBEL' AND COUNTERCLAIMANTS' FIRST-AMENDED COUNTERCLAIMS,*" filed in this cause.

64. Judge Horn's 04/20/15 ruling states, "*DEFENDANT'S MOTIONS OVERRULED AND DENIED. DEFENDANT'S MUST APPEAR TO HAVE THEIR MOTIONS HEARD. CAUSE SET FOR JURY TRIAL ON AUGUST 25TH, 2015 @ 9:00 A.M., DIVISION-II, #9 SETTING. PRE-TRIAL CONFERENCE SCHEDULED FOR 8:30 A.M. CLERK TO NOTIFY. SO ORDERED!*"

65. Judge Horn is aware of her actions in this cause which is evident in the aforesaid ruling by the fact that she overruled and denied the defendants' motions she

¹¹ Said document was incorrectly titled and would actually have been the defendants first-amended response to Plaintiff's petition.

alleges to not have heard, rather than passing them.

66. Judge Horn represents in the aforesaid ruling that the defendants' motions will be heard if they are present, yet when the defendants were present on 07/20/15, Judge Horn, in an off-the-record proceeding where she denied the defendants a verbatim record, she recommended the defendants pass all of their motions; therefore, she knows!

67. After the 07/20/15 motion hearing was adjourned, Judge Horn ruled on two motions she did not hear at said hearing, one of which has never existed.

68. Also after 07/20/15 motion hearing was adjourned, Judge Horn took it upon herself to set a motion hearing to hear Plaintiff's "*Motion for Summary Judgment*," when Plaintiff's Reply and the defendants' sur-reply hasn't yet been submitted in this cause. Therefore, Judge Horn is aware of what she is doing in circumventing justice.

69. Judge Horn's attempt to conceal the "*Motion for Summary Judgment*" hearing from the defendants evidences her knowledge as to her fraud in this cause.

70. The reason Judge Horn suggested the defendants pass their motions to August is because one of the defendants motions was a motion for an enlargement of time to answer Plaintiff's motion to dismiss out of time, due to the fact that the defendants had not been aware of said motion until Plaintiff noticed it for hearing almost two years after filing it.

71. Judge Horn also suggested to Plaintiff during the off-the-record "*talking*" proceeding on 7/20/15, to pass Plaintiff's motion to dismiss to August, though Plaintiff's counsel refused to do so. Judge Horn's attempt to stifle the defendants' counterclaims in this instance proves she has knowledge of her actions.

72. Though Judge Horn's 07/20/15 ruling does not specifically represent that

the defendants' motion for enlargement of time to answer Plaintiff's motion to dismiss out of time is denied, said ruling does state, "*ALL OF DEFENDANT'S [sic] MOTIONS ARE DENIED.*" In the defendants' answer to the motion to dismiss, were permissive counterclaims.

73. Judge Horn's obvious prejudice against the defendants and her blatant attempts to circumvent the defendants permissive counterclaims are evidence that she is well aware of her fraudulent actions in this cause.

74. Judge Horn had knowledge 07/20/15 that the defendants filed an "*Application For Prohibitory Injunction,*" because the defendants noticed said application for hearing.

75. Judge Horn is aware of the fact that she did not take up the aforesaid application on 07/20/15 and that she denied and overruled said application in the absence of the parties.

76. Judge Horn is knowledgeable to the fact that she instructed the "*Clerk of Court*" to provide the defendants with a "*Notice of Entry,*" that excludes the following entry:

"CAUSE CALLED ON PLAINTIFF'S MOTION TO DISMISS. SAID MOTION IS TAKEN UNDER ADVISEMENT. CAUSE CALLED ON DEFENDANT'S MOTION TO TRANSFER VENUE AND MOTION TO APPEAR TELEPHONICALLY, MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES. ALL OF DEFENDANT'S MOTIONS ARE DENIED. CAUSE PLACED ON AUGUST 17TH, 2015 FOR HEARING ON PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT. SO ORDERED!"

77. As of 07/20/15, the defendants had filed two notices in this cause expressing their desire to have a verbatim record of all court proceedings, which Judge Horn possessed knowledge of.

78. Judge Horn also had knowledge Defendant Dawn Campbell was standing before her and requesting a verbatim record of the particular conversation that was occurring and Judge Horn also had knowledge that she denied the defendants their right to a verbatim record.

79. Judge Horn's aforesaid actions, which are herein incorporated as if being fully set forth, were made with the intention that the defendants will abide by said rulings and actions.

80. Judge Horn's attempt to conceal Plaintiff's "*Motion for Summary Judgment*" hearing was done in order to prevent the defendants from appearing to said hearing.

81. Judge Horn's representation that the defendants' "*Application For Prohibitory Injunction*," is denied, is intended to subterfuge said application from being further acted upon by the defendants.

82. Judge Horn telling the defendants that they could not have a verbatim record of the 07/20/15 "*talking*" proceeding was intended to knock the wind out the defendants so that they would not be able to properly defend themselves during the 07/20/15 hearing, a way of which the defendants did have every right to feel; one of them did feel that way!

83. Judge Horn telling the defendants that they could not have a verbatim record of the 07/20/15 "*talking*" proceeding was intended in order to enable Judge Horn's evasion from accountability.¹²

84. Judge Horn's 04/20/15 ruling in which the defendants' motion for leave to

¹² Judge Horn did label said off-the-record proceeding by telling the defendants that they could not receive a verbatim record of said proceeding because the parties were just talking. In said proceeding, Judge Horn spoke of the motions in this cause. Judge Horn brought up Plaintiff's "*Motion for Summary Judgment*" which has not been completely moved upon or noticed to hear by the plaintiff. Judge Horn suggested that the parties pass all of the motions forward to the August motion hearing.

amend their answer to Plaintiff's petition was "*OVERRULED AND DENIED*," because "*DEFENDANT'S MUST APPEAR TO HAVE THEIR MOTIONS HEARD*," was intended to lead the defendants into believing said move was no longer available, so that the defendants would not bring said motion up at a future motion hearing [07/20/15!].

85. To further emphasize the aforesaid fact, on 07/20/15, Judge Horn ruled, "*MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES. ALL OF DEFENDANT'S MOTIONS ARE DENIED*," as if to reiterate to the defendants that their attempt to validate their counterclaims in this cause had legitimately failed.

86. Judge Horns' insinuation that she overruled the defendants' motion for enlargement of time to answer the plaintiff's motion to dismiss [which contain permissive counterclaims] is false, because denying the defendants of an unopposed answer would be prejudicial to the defendants.

87. Although neither of the defendants are licensed to practice law, Judge Horn arbitrarily took it upon herself to set this cause for an August jury trial and did so while thinking the defendants would not realize that she is acting outside of legal jurisdiction.

88. Because the defendants are not licensed legal counsel and are operating in propria persona in this cause, defendants did assume that Judge Horn was applying Missouri Rules of Law to the decisions in this cause and, therefore, had every right to trust that her rulings would be impartial and without a personal interest.

89. Until very recently, the defendants believed that Judge Horn might possibly be an impartial party in this cause and, therefore, did rely on that fact in deciding to miss work and close work in order to travel from Florida to Missouri for a mock trial.

90. Judge Horn does have knowledge that she has not been made a party to this cause and therefore cannot arbitrarily make movements for the defendants when the defendants OBVIOUSLY HAVE NOT FAILED TO APPEAR!

91. Discerning from Judge Horn's position in the court, the defendants [as well as all of the inhabitants of Washington County] have every right to believe that Judge Horn would be an honorable person, motivated to uphold rules of law.

92. The fact that Judge Horn was recently assigned by the Governor of Missouri helped enable the defendants to believe Judge Horn would accurately apply rules of law in this cause.

93. It injured Defendants' that their "*Application for Prohibitive Injunction*," which they spent around \$1,000 out of pocket to travel around two thousand miles to have told by "*the Court*" that "*the Court*" prefers to hear said application the following month, was overruled and denied in Judge Horn's chambers after she'd deceitfully said it would be taken up in August. Defendants' time exhausted preparing said application, as well as the stated travel expense has PREJUDICIALLY wasted by Judge Horn!

94. The defendants had to miss work (and rest time) to attend the 07/20/15 motion hearing where all except one of their motions were overruled and denied without being taken up before The 24th Judicial Circuit Court.

95. The defendants have suffered stress, anxiety, fright, restlessness and deteriorated health, as a result of believing that Judge Horn was within her jurisdiction in setting the August 25th, 2015 Jury Trial in this cause.

96. Because the defendants believed Judge Horn's 04/20/15 ruling which stated, "*DEFENDANT'S MOTIONS OVERRULED AND DENIED. DEFENDANT'S MUST APPEAR TO HAVE THEIR MOTIONS HEARD*," they suffered by not realizing

they could apparently reassert said motion again on 07/20/15, according to said ruling.

97. Judge Horn overruled and denied said application without a hearing, thus nullifying the defendants' exhausting efforts in this instance, which is a loss!

98. The defendants felt shocked, severely distracted and humiliated when Judge Horn screamed at Defendant Dave Campbell to not talk to her in a specific way because she is "*THE COURT.*"

99. The Court's bailiff rushing to said defendant's side as if to escort the defendant away if the defendant should dare speak another word was an insulting deprivation of the defendants' civil rights because Defendants were present to be heard, yet they were treated as criminals by officers of The 24th Judicial Court!

100. In addition to missing work, the defendants spent approximately \$1,000.00 and traveled around 2,000 miles in order to attend a spurious hearing in this cause, as a result of being tricked by Judge Horn into believing their noticed motions would be heard on 07/20/15.

101. It is damaging that Judge Horn's actions in this claim has reduced trust toward the judicial system from a former dedicated servant of the court in witnessing through said actions that justice has indeed not been blind in this cause.

102. It also suffers the defendants from exhausting much time and energy defending themselves from abuse brought onto them by a judge who strongly appears with personal interests in this cause.

103. The defendants have lost a ton of time in defending themselves against the fraudulent and slanderous allegations brought by the plaintiff in this cause, which Judge Horn is aiding and abetting in her rulings.

104. Judge Horn's unconcealed bias for Plaintiff is apparent from Plaintiff's

counsel's proud comment in the *"Supplemental Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment,"* which swanked, *"The Defendants have not pled any timely affirmative defenses, therefore no affirmative defenses need to be addressed by this court."*

105. Judge Horn's maneuvered bulldoze to deprive the defendants of affirmative defenses in this cause is evident by the fact that the defendants' affirmative defenses were filed 04/30/15 and received zero opposition from Plaintiff.

106. Incorrectly, Judge Horn ruled in her 07/20/15 order, *"MOTION TO COUNT AMENDED COMPULSORY COUNTER-CLAIM AND AFFIRMATIVE DEFENSES. ALL OF DEFENDANT'S MOTIONS ARE DENIED"* [emphasis added]

107. Defendants did not file the aforesaid motion that was falsely represented by Judge Horn as being heard and ruled on in the aforesaid ruling.

108. Defendants' affirmative defenses were plead in a separate, supplemental pleading.

109. Nothing was said in the 07/20/15 motion hearing about the defendants' affirmative defenses and the defendants did not provide notice that said supplemental filing was a matter to be taken up.

110. Judge Horn's 07/20/15 ruling, and Counsel Struzzi's overconfident *"affirmative defenses"* remark provides evidence that Judge Horn and Counsel Struzzi are operating in this cause together.

111. Defendants have not yet received a fair ruling from Judge Horn¹³ and even the *"SUSTAINED"* ruling for defendants' motion for leave and motion for a

¹³ Judge Horn's words are represented to all parties present in the courtroom and to all those reading her words thereafter.

sufficient amount of time to seek new legal counsel is bogus,¹⁴ because Judge Horn also has ruled that she, personally, has legal jurisdiction to set this cause for a Jury Trial this August! Judge Horn did receive written pleadings from the defendants and the defendants also objected verbally to said setting on 07/20/15.¹⁵ It was not until 08/04/15 that Judge Horn changed her arbitrary setting, while representing to have forgotten that another matter would be occupying the courtroom on 08/25/15.

WHEREFORE, because Judge Horn has deliberately violated the defendants' liberties and has wantonly refused to provide due process and equal protection to both parties before the court and has acted in a manner inconsistent with that which is needed for full, fair and impartial hearings, which the United States Constitution guarantees will always be provided to litigants, with full protection of all rights, Defendants respectfully insist said judge will recuse herself in light of the evidence attached and evidenced within this cause's docket entries.

WHEREFORE, Defendants prayer to God is that Judge Horn will step down as a result of the aforesaid conduct, which gives Defendants good reason to believe that Judge Horn cannot hear this cause in a fair and impartial manner.

Signed this 5th day of August, 2015.
Respectfully Submitted,

¹⁴ Defendants also noticed their request that a jury trial not be set prior to October of 2015. Because Judge Horn "*granted*" their motion for sufficient time, her "*granting*," in this instance is a fraudulent "*grant*" while also being a manipulative denial, as the trial remained to be set for August 25, 2015.

¹⁵ Eyeball to eyeball, the defendants did inform Judge Horn that, being Florida residents, they would not be able to attend a Jury Trial this August and Judge Horn merely shrugged her shoulders while alleging Defendants have been saying for many, many months that they are trying to secure counsel. Judge Horn asked Defendants in front of co-counsel to tell her the name of the attorney whom Defendants are currently speaking with.

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**IN THE CIRCUIT COURT OF WASHINGTON COUNTY, MISSOURI
AT POTOSI, MISSOURI DIVISION**

Woodland Lakes Trusteeship, Inc.)	
)	
Plaintiff,)	
vs.)	Cause No. 13WA-CC00410
)	
David Campbell [SIC], et ux,)	
)	
Defendants.)	

**CERTIFICATE OF SERVICE TO
DEFENDANTS' APPLICATION FOR
JUDGE HORN'S IMMEDIATE RECUSAL w/ CAUSE**

The undersigned hereby certifies that a true and correct copy of Defendants' aforesaid document has been mailed via United States first class mail this 5th day of August, 2015, to the following:

Woodland Lakes Trusteeship, Inc. Attn: Damian Struzzi, Attorney At Law % Baylard, Billington, Dempsey & Jensen, P.C. 30 South McKinley Union, Missouri 63084	Woodland Lakes Trusteeship, Inc. Attn: Steven Kuenzel, Attorney At Law POB 228 Washington, Missouri 63090-0228
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As well, an electronic version ,via email addresses, has been provided to:

struzzi@bbd-law.com	nancy@bbd-law.com and	jim@eckelkampuenzel.com
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Respectfully Submitted,

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