

[REDACTED]

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Mary T. Robinson, Roslyn Kaplin, Sari Montgomery, Juleann Hornyack,
Jim Ryan, Lorena Merklin, Bernard Coleman, James Pogue, Michael Priess,
Andrew Symros Charles E. Freeman, Moses Harrison, II, Mary Ann McMorrow,
Benjamin K Miller, S. Louis Rathie, James D. Heiple, Michael A. Bilandic (Deceased),

in their private capacity.

Accused.

AFFIDAVIT OF MATERIAL FACTS

Cook County)
) ss:
Illinois State)

AFFIDAVIT OF ROBERT WAYNE HOPPER

I, Robert Wayne Hopper, Affiant herein, one of the Private People in the Illinois Republic, one of The United States, of America, a Union of republic states under penalties of perjury under The Laws of The United States of America and of the Illinois Republic, that Affiant is competent to be a witness and that the facts contained herein are true, correct, complete, and not misleading, to the best of Affiant's personal knowledge and belief, and do state the following.

1. That my name is Robert Wayne Hopper and my place of abode is on Eastwood Drive Non-Domestic, near Palos Hills, Illinois Republic pz [60465].
2. That I have personal knowledge of the facts as contained herein.
3. That, I have personally known Edward Benjamin Bartoli since 1992.
4. That I served as a Director for Heritage America, a private membership organization, from July of 1993 until January of 2000.

5. That I served as a Director of The Aegis Company, a private membership organization, from July of 1994 until January of 2000.
6. That inclusive of 1992, the pre-formation year of Heritage America, until his retirement, Bartoli was contracted, as legal counsel on behalf of members, specifically and limited to review and council regarding estate plans.
7. That Michael D. Richmond (hereinafter "Richmond") served as a Director of Heritage America until December 7, 1993.
8. That Richmond was removed as a Director of Heritage America on December 7, 1993 and barred from the organization premises on March 4, 1994.
9. That in April 1994, a civil action was brought by the Directors of Heritage America, against Michael D. Richmond for embezzlement of organization funds and other offenses.
10. That after his dismissal from Heritage America, Richmond filed frivolous, unfounded and vindictive complaints against Bartoli with the Illinois Attorney General's Office, the Illinois Attorney Registration and Disciplinary Commission and the Ohio Attorney Disciplinary Commission.
11. That after his dismissal from Heritage America, Richmond proceeded to embezzle 8.9 million dollars from 85 people in 14 different States, the majority of the victims being more than 60 years of age. SEC LITIGATION RELEASE NO. 17106 / August 21, 2001
12. That Bartoli answered the inquires of the above agencies and informed of Richmond's alleged embezzlements and pending civil and criminal prosecutions, that as legal counsel Bartoli had recommended Richmond's dismissal and the Director's complaint, and this explained Richmond's vindictive motives for filing his complaints.

13. That Bartoli received reports from the above agencies, indicating that Richmond's complaints did not contain facts warranting an investigation.
14. That Bartoli retired and petitioned the Illinois Supreme Court to have the State of Illinois' "law license" assigned to Bartoli, placed on "inactive" status.
15. That Bartoli received approval of inactive status for the license.
16. That twenty nine (29) days after retiring and receiving approval to place the law license on inactive status, the Administrator of the ARDC, Mary T. Robinson notified Bartoli that her office was initiating an investigation of his law practice.
17. That Bartoli hired attorney, Jennifer Sodaro, Chicago, to represent him regarding the Bar proceeding, challenged the existence Robinson's jurisdiction, under the Supreme Court Rules, and once again informed Robinson of Richmond's embezzlements at Heritage and the Director's complaint against Richmond.
18. That under the subsequent SEC criminal investigation of Richmond and subsequent criminal proceedings in federal district court in Boston, Richmond was sentenced to 52 months in federal prison.
19. That the Illinois AG office issued a defective Subpoena for the books and records of Heritage America and The Aegis Company, and the Subpoena was defeated.
20. That during discovery of Bartoli's Bar proceeding, Sodaro discovered a letter from Lorena Mercklin, Illinois Assistant Attorney General, to Robinson, ARDC, that recommended that the ARDC go after Heritage America and The Aegis Company's attorneys, in order to shut them down.
17. That Robinson pursued Bartoli for about six (6) years.

18. That during Robinson's unfounded investigation of Bartoli, Heritage America and The Aegis Company and Bartoli, were faced with numerous administrative Subpoenas from Robinson, called to depositions, called to appearances, and called to testify, and incurred hundreds of thousands in unnecessary and privately imposed legal fees and other expenses.
19. That the Directors of Heritage America and The Aegis Company cooperated with Robinson and submitted a sample listing of the elderly private member's files, under a protective order.
20. That Robinson's office called the elderly members and told them that Bartoli and Heritage America and The Aegis Company were trying to steal their assets.
21. That all motions, pleadings and petitions filed with the Illinois State Supreme Court, by both Bartoli and the Directors of Heritage America and The Aegis Company, came back in the mail, without a hearing, with a one-word response, "DENIED."
22. That Hopper questioned how a motion, pleading or petition could be summarily denied, without a hearing, and by not receiving a satisfactory answer from legal counsel, launched a private investigation.
23. That through investigative personnel, who are competent to be a witness, Hopper discovered that the Supreme Court Clerk, Juleann Hornyack was issuing the one-word rulings, without any of the Justices on the Illinois State Supreme Court, ever seeing the motions, pleadings and petitions, apparently computer scanning the signatures of the Justices on the documents.
24. That the Illinois Constitution requires four, (4) Justices to form a quorum.

25. That Bartoli, and the Directors of Heritage America and The Aegis Company, and the members thereof, were denied due process of law, equal access to the courts, and equal protection under the law.
26. That Cook County Circuit Court Judge, Solganick, after hearing arguments on a ARDC Subpoena for the private files and records of the private membership organizations, Heritage America and The Aegis Company, ruled that the records requested were private, were protected by the First Amendment, and that the Subpoena was defective on its face.
27. That a Illinois State Supreme Court Supervisory Order, allegedly signed by Chief Justice Charles E. Freeman, was issued, that ordered Judge Solganick to vacate his ruling.
28. That Chief Justice Charles E. Freeman admitted to investigative personnel, who are competent to be a witness, that he, nor any of the Supreme Court Justices, ever saw that Supervisory Order, or any of the motions, picadings or pctitions filed in the ARDC vs. Bartoli matter.
29. That, Bartoli was served by Robinson on April 19 2000, with a Illinois Supreme Court Rule 774 Petition for Interim Suspension of License, by County Sheriff in South Carolina, that stated it had been filed with the Clerk of the Illinois State Supreme Court on April 19, 2000.
30. That Hopper, upon inquiring of the Illinois State Supreme Court Clerk's office, for a copy of the 774 Petition, was informed by the Clerk's own office, that there was no 774 Petition for Bartoli, on file.
31. That Bartoli notified each of the seven Supreme Court Justices, separately and individually, and the bonding agent for the ARDC and the Administrator, the ISBA Mutual Insurance Company, of the fraud committed by the Administrator.

32. That on **May 25, 2000**, Bartoli received from Hornyack, the Clerk of the Supreme Court, State of Illinois, a "Notice of Filing" filed on behalf of the Administrator, by her attorney, Sari Montgomery, and file stamped **May 22, 2000**, that stated the filing of the 774 Petition, which Bartoli had served on him from the Administrator Robinson's office by County Sheriff on **April 19, 2000**, would now be filed by the Administrator on **May 16, 2000**.
33. That Illinois Supreme Court Rule 774(b) requires that a 774 Petition for Interim Suspension be verified or supported by affidavit or other evidence and shall be filed with the clerk, and there must be persuasive evidence to support the charge.
34. That no such verification or supporting affidavit or other evidence was filed with the back dated 774 Petition of May 16, 2000.
35. That Bartoli requested the Justices of the Illinois Supreme Court to look into the actions of Robinson and Hornyack, and the Court took no action to discipline their employees, Robinson or Hornyack.
36. That Robinson claimed the trusts, which Bartoli represented were shams.
37. That at Bartoli's Disbarment proceedings before the Illinois ARDC Hearing Board, the ARDC expert witness on trusts, Professor Marutski, who was called to support Robinson's claims, totally reversed himself under, cross-examination.
38. That with full knowledge, Robinson harbored a criminal, Richmond, because without his false and vindictive testimony, Robinson could not allege that the trusts were shams.
39. That Robinson, and her counsel, Sarah Montgomery, on two occasions turned over the ARDC Bartoli and Heritage America and The Aegis Company files to IRS Special Agent, Bernard Coleman, without notice to the parties. *on court order!*
BS

40. That on March 31 2000, the IRS-CID raided the Heritage America and The Aegis Company business offices.
41. That investigative personnel, who are competent to be a witness, reported, that sources, inside the Illinois AG's office stated that the Illinois Attorney General, Jim Ryan, was the driving force behind the IRS-CID investigation and raid of Bartoli, Heritage America and The Aegis Company.
- Further, Affiant Says not.
- Given under my hand and Seal this 29th day of October 2002 A. D.

Respectfully Submitted With Reservation
of All My Rights, Without Prejudice.

By: Robert Wayne Hopper Seal
Robert Wayne Hopper, Affiant
c/o Eastwood Drive Non-Domestic
near Palos Hills, Illinois Republic pz [60465]



Cook County)
) ss.
Illinois State)

I certify that on this 29 day of October, 2002 A. D., a Man who is known to me to be Robert Wayne Hopper, appeared to attest and affirm that He is the Man executing the foregoing Affidavit.

I, THEREFORE, set forth my hand and Seal in affirmation of the execution thereof.

Patricia Esparza 10-29-02
NOTARY PUBLIC Date:

10/27/06
My Commission Expires

Seal:

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