

**FILED**

OCT 13 2006

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA**

**We the People et al,**

**Plaintiff**

**Vs**

**CASE No. 06-CV-460-TCK-PJC**

**UNITED STATES et al,**


**DEFENDANTS**

**MOTION TO ADD PLAINTIFF (S) AFFIDAVITS AND FILING**

COMES NOW. We the people, I, Alexander M. Cooper, Pro Se Member of this Class Action Case filed, files this **MOTION TO ADD PLAINTIFF (S) AFFIDAVITS AND FILING** and state as follows

1. The attached Affidavit (s) marked as Exhibits respectfully requests to be added as Plaintiff(s) in this Class Action Suit under case # 06-CV-460-TCK-PJC.

Respectfully submitted

  
[LS]

**AFFIDAVIT OF FACT**

State of California

County of Contra Costa)

I, Alexander M. Cooper, Petitioner in Pro-Per, Case #D04-00762, state under oath as follows:

1. I have been witness thereto of the egregious acts and/or omissions, bias, overt prejudice and denial of evidence in direct violation of law by Commissioner Josanna Berkow in the above-mentioned tribunal.
2. I have provided the Court with sufficient evidence for determination of the minor child's custody. However, the court disregarded this evidence in violation of substantive due process of law.

*A defendant's right to present evidence in his own defense is so fundamental that it constitutes an element of due process of law. **People v. Perry**, 104 CA3d. 268 (1980) (Judicial Notice mandated, Evidence Code §451(a)).*

*In **U.S. v Cross**, 128 F.3d 145 (3d Cir. 1997) states that due process is not satisfied when the judge is not listening or when the decision is made before hand. Any denial of evidence in this matter is a violation of substantive due process of law.*

*Also note: Published California Penal Code Section 1124 states: "Court to decide questions of law arising during trial. The court must decide all questions of law which arise in the course of a trial." This must be accomplished by acceptance of evidence. Any denial of evidence is factually a denial of access to the court systems.*

3. Denial and disregard of evidence in my case resulted in brutal and detrimental to the child transfer of custody from me (Father) to Mother after 2 years of my continued physical custody of the child after separation.
4. Overwhelming evidence in this case regarding mother and her non-marital partner substantiates a history of domestic violence, battery, abuse of alcohol and illegal substance, mother's severe psychiatric illness and two attempted suicides, mother's unfitness as a parent. Beside the evidence indicated above, there is a fact of criminal proceedings regarding physical battery by mother's boyfriend upon my person in the presence of the minor child causing a serious injury.

- 1 5. There is also the trial court's failure to analyze evidence in this case applicable to the Family
- 2 Code. There was no evidence to support the minor child's removal from my (Father's) home.
- 3 Court proceedings are to be based on competent evidence and a fair and impartial procedure.
- 4 When instead, an insurmountable burden is placed on the wrong party based on hearsay and
- 5 speculation, this concept is turned on its head. There was no due process and no fair trial.
- 6 6. All of the evidence in my case supports a finding that the trial court denied significant and
- 7 extensive evidence and failed to provide sufficient evidence of a substantial change in
- 8 circumstances required to justify the change of custody from Father to Mother.
- 9 7. Annexure "A" is the first page of Petition for Dissolution filed February 13, 2004.

10 I further depose that the signature below is my own proper signature.

11 Date: October 10, 2006

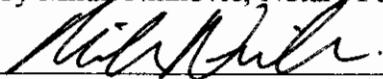
12 Name: Alexander M. Cooper

13 Signature 

14 Notary Public

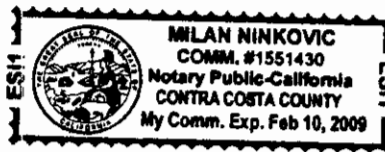
15 Signed and sworn to before me on this 10<sup>th</sup> day of October, 2006

16 by Milan Ninkovic, Notary Public

17  My Commission Expires: 2/10/2009

18 Signature

19 Commission # 1551430



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**Cause No.: 06-CV-460-TCK-PJC**

Alexander M. Cooper, individually, and	)
on behalf of all persons similarly situated,	)
We the People et al, Plaintiff	)
Vs.	)
UNITED STATES et al,	)
Defendants	)

**Alexander M. Cooper**

**Cause / related case number: D04-00762, State of California, County of Contra Costa.**

**Motion to Intervene as Plaintiff-Intervenor; and/or Motion for Joinder as a Necessary Party  
Plaintiff**

Comes now the undersigned proposed Plaintiff, Alexander M. Cooper, pursuant to Rules 19, 20, and 24 of the Federal Rules of Civil Procedure, and hereby respectfully moves for intervention as a plaintiff in this cause of action, or, in the alternative, for joinder as a necessary party plaintiff in this cause, by submitting the following, including the below memorandum, in direct support:

1. I am a noncustodial parent who fits the parameters of the class description submitted by the principal Plaintiff in this cause, and I have recently learned of the existence of this action.
2. The primary theme of the instant cause is that: (1) all natural parents have inalienable and fundamental rights to the care, custody, and management of their children; (2) these same rights have been consistently upheld by the United States Supreme Court as basic civil, liberty, and constitutional rights that must be protected by the due process of law before being taken away by the State; that (3) the State has regularly, and unlawfully, ignored these same due process protections, as a de facto standard practice or policy, in making the determinations of child custody awards between divorced, separated,

1 and unmarried parents; and that (4) there have also been various ancillary and subsequent violations  
2 committed by the State as a direct result.

3 3. In my own child custody case, the State also ignored my same rights to the care, custody, and  
4 management of my offspring, and unlawfully took those rights away without the proper application of  
5 the due process of law in first proving me unfit by clear and convincing evidence.

6 4. That, as a direct result of that initial violation, the State has also engaged in further unlawful  
7 takings regarding the due process protections to my life, liberty, and/or property.

8 5. That I am a real party in interest to this cause of action, and a necessary party to the same.

9 6. That pursuant to Rules 19, 20, and 24 of the Federal Rules of Civil Procedure, I now move this  
10 Court for leave to intervene in this matter as an additional party plaintiff, either by right or by permission,  
11 or, in the alternative, for joinder of myself as a necessary party plaintiff.

12  
13 **Memorandum of Law in Support of Intervention and/or Joinder**

14 7. Rule 24(a) of the Federal Rules of Civil Procedure provides for intervention as of right when a  
15 statute of the United States confers an unconditional right to intervene or when the applicant claims an  
16 interest in the subject matter of the action which may be affected. Rule 24(b) provides for permissive  
17 intervention when an applicant's claim and the main action have common questions of law or fact.

18 8. The undersigned has a strong interest in the proper and effective interpretation and application of  
19 the consistent and binding authority of the United States Supreme Court in regards to said due process  
20 and constitutional protections for parents and their children, which may be affected by this litigation,  
21 whether by omission or otherwise. The requirements for permissive intervention are therefore met, and  
22 Fed. R. Civ. P. 24(a)(2) should be liberally construed to permit intervention. *Grubbs v. Norris*, 870 F.2d  
23 343 (6th Cir. 1989).

24 9. Without class certification, and the mandatory appointment of counsel made pursuant to Rule  
25 23(g) subsequent to such certification, the undersigned Intervenor's interests may not be adequately  
represented by the principal Plaintiff. Thus, the undersigned's interests, as a practical matter, may be

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Affidavit of Fact and Motion to Intervene as Plaintiff-Intervenor; and/or Motion for Joinder as a  
Necessary Party Plaintiff

1 impaired or impeded by the inability to protect these interests without participation in the action,  
2 particularly given the fact that an adverse ruling by the Court could result in the denial or omission of  
3 properly applying said corresponding and binding authority of the United States Supreme Court in  
4 regards to the necessary protections for parents and children.

5 10. The burden for demonstrating the inadequacy of representation is minimal. Indeed, the United  
6 States Supreme Court has stated that "Rule [24] is satisfied if the applicant shows that the representation  
7 'may be' inadequate," so that the applicant's burden on this matter should be "minimal." *Trbovich v.*  
8 *United Mine Workers of America*, 404 U.S. 528, 538 n.10 (1982).

9 11. The motion is timely. No answer on the merits has yet been filed and no schedule has yet been set  
10 for discovery, summary judgment motions, or trial. Accordingly, Intervention will not delay the  
11 proceedings or prejudice either the principal Plaintiff or the Defendant.

12 12. The Intervenor clearly has an interest in the outcome of this matter. Since this case is still young  
13 and the ultimate issue has yet to be placed before this Court, the proposed intervention cannot and will  
14 not prejudice or delay the rights of any of the existing parties. The Intervenor therefore requests that the  
15 Court grant permissive intervention under Civil Rule 24(b).

16 13. A person is entitled to intervene when his position is comparable to that of a "necessary" party as  
17 defined by FRCP 19(a). If the stranger would be substantially affected in a practical sense by the  
18 determination made in an action, he should, as a general rule, be entitled to intervene. (Advisory  
19 Committee Note to Rule 24.) *See also* Friedenthal § 6.10.

20 14. In the alternative, the undersigned should be joined as a necessary party to this action.

21 15. FRCP 20 deals with permissive joinder of parties. The plaintiff has the option to join a party if the  
22 tests of Rule 20 are met. However, under FRCP 19, there are some instances where parties must be  
23 joined. This compulsory joinder of parties is an exception to the usual practice that leaves a plaintiff free  
24 to decide who shall be the parties to his lawsuit.

25 16. Necessary parties are those parties who must be joined if feasible. The label "necessary" is used if  
the party is one who ought to be joined if this is possible. (Wright, § 70).

1 17. FRCP 19(b) contains the standards a court should apply in determining whether a lawsuit should  
2 go forward in the absence of a necessary party. *Martin v. Wilks*, 490 U.S. 755 (1989). It consists of a four  
3 part test: (1) the court must determine whether "a judgment rendered in the person's absence might be  
4 prejudicial to him or those already parties"; (2) whether the court can reduce or eliminate prejudice by  
5 "the shaping of relief or other measures."; (3) whether the judgment rendered without the outsider will be  
6 "adequate."; and (4) the court must consider the costs to the plaintiff of a dismissal for nonjoinder.  
7 (Friedenthal § 6.5).

8 18. Again, without certification of the class described and submitted by the principal Plaintiff, the  
9 undersigned has not otherwise yet been made a formal party bound to the results of the litigation of this  
10 action, but yet has, submits, and maintains similar interests, issues, claims, facts, grounds, and wants for  
11 relief that the principal Plaintiff has advanced in this cause.

12  
13 **WHEREFORE**, the undersigned proposed Plaintiff, Alexander M. Cooper, hereby moves this  
14 Court for intervention as a plaintiff in this cause, or, in the alternative, for joinder as a necessary  
15 party plaintiff in this cause, and for all other relief just and proper in the premises.

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17 Respectfully submitted,

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Alexander M. Cooper

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**Annexure “A”**

FL-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>ALEXANDER M. COOPER</b> <b>1072 DEER OAK PLACE, CONCORD, CA 94521</b>  TELEPHONE NO. (Optional): 925-457-8474 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>IN PROPER</b>	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; display: inline-block;">FILED</div> 2006 FEB 13 AM 11:30 
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: <b>751 PINE ST.</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>MARTINEZ, CA 94553</b> BRANCH NAME:	
MARRIAGE OF PETITIONER: <b>ALEXANDER M. COOPER</b> RESPONDENT: <b>VERONICA KHRAMKINA</b>	
PETITION FOR <input checked="" type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Legal Separation <input type="checkbox"/> Nullity of Marriage	CASE NUMBER: <b>D04-00762</b> SUMMONS ISSUED

AMENDED

1. RESIDENCE (Dissolution only)  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this *Petition for Dissolution of Marriage*.

2. STATISTICAL FACTS  
 a. Date of marriage: **5/14/98** c. Period between marriage and separation  
 b. Date of separation: **12/31/03** Years: **4** Months: **7**

3. DECLARATION REGARDING MINOR CHILDREN (include children of this relationship born prior to or during the marriage or adopted during the marriage):

a. <input type="checkbox"/> There are no minor children.				
b. <input checked="" type="checkbox"/> The minor children are:	<u>Child's name</u>	<u>Birth date</u>	<u>Age</u>	<u>Sex</u>
	<b>MICHAEL A. COOPER</b>	<b>05/26/98</b>	<b>5YRS 9MUTS</b>	<b>M</b>

- Continued on Attachment 3b.
- c. If there are minor children of the Petitioner and Respondent, a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) must be attached.
- d.  A completed voluntary declaration of paternity regarding minor children born to the Petitioner and Respondent prior to the marriage is attached.

4.  Petitioner requests confirmation as separate property assets and debts the items listed  in Attachment 4  below:  
Item Confirm to

**NOTICE: Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.**