| Mrs. Christine L. Haan-Por | ter |
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| CLERK US DISTRICT COURT BY DEPUTY |

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

| Christine L. Haan-Porter |) Case No. |
|---|--------------------|
| Plaintiff |) CIV'110021PHXR0S |
| V. |) COMPLAINT |
| | (FRAUD) |
| Brian J. Theut, Esq.; Doe Individual, | |
| Theut, Theut & Theut, et al., |) Jury Demand |
| Brenda K. Church, Esq.; Doe Individual, | |
| Frazer, Ryan, Goldberg & Arnold LLP, et al. | |
| Defendant(s) | |
| | |

- 1). The Petitioner, Christine L. Haan-Porter files with the Court her complaint on behalf of my deceased husband, Kenneth W. Porter regarding a fraud committed upon the Court by the defendants, Brian J. Theut of the law firm Theut, Theut & Theut doing business in Phoenix, Arizona. Mr. Theut was assisted by Brenda K. Church, lawyer for my deceased husband, Kenneth W. Porter. Mr. Theut filed his application for payment of services on June 1, 2010 for \$28,184.58 and was expecting to get paid by an Order signed by the Court from his application so filed.
- 2). Rule 8-from the Federal Rules of Civil Procedure (a) Claims for Relief a pleading that states a claim for relief must contain: 1) a short and plain statement of the grounds for the Court's Jurisdiction; 2) a short and plain statement of the claim showing that the pleader is entitled to relief; and 3) a demand for the relief sought

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by the Plaintiff.

The Plaintiff makes her declaratory pleading as follows: 1). That I am a resident of the State of Michigan that under 28 USC & 1332 diversity of citizenship exists for myself for this Court to take jurisdiction in this matter. 2), Relief, damages & judgment is afforded the plaintiff because this action is taken for failure by the State Superior Court to protect myself from Brian J. Thuet & Brenda K. Church, tied to my husband's trust and estate, Kenneth W. Porter Trust and those who colluded to defraud the trust from moneys paid out which I have a direct interest from the Marital Trust my husband had structured for me upon his death. The amount is over \$75,000.00 the jurisdictional minimum because of the unknown amount spent due to the failure of securing a final accounting by Northern Trust Bank whom Mr. Theut wished them to pay him. One of the tacit issues at law is for the Plaintiff to secure a final accounting by Northern Trust Bank because neither State Law nor the trust document itself does not preclude it yet the Court has not allowed the accounting previous to my husband's death be revealed. Many of the parties who were paid didnt even file fee applications with the Court for prior written approval as State Law Requires and in fact were paid by the Trustee of the Bank. Defendants rather than protecting my husband used him and those appointed by the Court as Official "insiders" to embezzle from him with absolutely no accounting whatsoever; 3). Demand for relief for that which a claim is made for relief that can be granted in an amount equal to my actual damages including both compensatory and punitive including my costs as the prevailing party.

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HISTORY & BACKGROUND OF THE PARTIES

- 4). Specifically, the record shows that Commissioner David O. Cunanan signed an Order on a Motion to Vacate a Non-Appearance hearing for June 29, 2010 at 11am that appears to have been signed and filed by 11:40am on that date only an hour after filing my Objection To The Final Accounting Scheduled that same day at that time at 11am on June 29, 2010. Brian Theut's motion was filed the previous day on June 28, 2010 without any notice except to attorney Brenda K. Church with whom he had previously contacted according to his billing records, Exhibit "A". Northern Trust Bank had also been ignored as the payer because they too would have objected unless presented with a Court Order to pay the law firm. It appears that a circle of "insiders" created a scheme during and after my husband's death to use his trust account as their own Piggy Bank thereby depleting the assets and causing me, his wife financial harm.
 - Currens. Mr. Currens was his client, not my husband, Kenneth W. Porter yet

 Mr. Thuet believed that the Kenneth W. Porter Trust should pay his attorney fees
 by and through Northern Trust Bank. However, that did not happen because of
 my filing an Objection to the Final Accounting on June 29, 2010, the same day as
 as the non-appearance hearing for the Final Accounting. Mr. Theut expected for
 the Court to approve his fee application filed June 1st before I filed my objection.

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ARGUMENT

Fraud claims require Specificity & Particularity to show damage and injury to the plaintiff whose burden it is to show that such a scheme or artifice is in fact a "claim" for which relief can be granted" without malice or intent to harm. Rules 12(b)6; 11. In the matter of my husband's Final Accounting, the plaintiff believes that it was necessary for her to travel from Michigan in late June to file an objection and appear at the Maricopa County Superior Court Probate Division to contest the fees of all the parties because of the toxic relationship they created for me before and after the death of my late husband, Kenneth W. Porter. In an unrelated probate case, this same attorney, Brian J. Theut is fingered in the Marie Long case to have colluded with Brenda K. Church, Esq; the same attorney in the Kenneth W. Porter probate case who attempted to have me removed from my own home because she didn't want their scam revealed by my investigations on going while she represented my husband in Court and with Northern Trust Bank. The revelations coming from the Arizona Republic of the legal misconduct by these firms and these parties confirm what I have known for several months regarding the misconduct of these people how they manipulated the System and my family for their and others personal gain at my expense. The defendants have a history of deceptive practices based on documents that are included with this complaint. It is more than just circumstantial but exacting as to the motive and intent to defraud and exploit my husband, who was vulnerable and defenseless to a probate system gone bad for criminality to grow in a corrupt probate Court System.

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CONCLUSION

7). Plaintiff, Christine L. Haan-Porter requests of the Court to award her relief so petitioned and desired for the damages and injury created by the defendants and these attorneys. My husband's trust as of the date of his death was worth \$2.7 Million. What it was worth prior to that is still a question to be answered. My Marital Trust is significantly affected by the money remaining after his death. How much was stolen by the defendants is still a question I am seeking and so should this Court.

| Respectfully submitted this 4 of January, 2011 by: | |
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| Christine L. Haan-Botter | |

Mrs. Christine L. Haan-Porter, Petitioner