IN THE THIRD CIRCUIT COURT OF APPEALS

Jason Kokinda, Plaintiff,	:	**CIVIL ACTION**
	:	
vs.	:	**Case No. 18-2971**
Penn. Dept. of Corr., *et al.*, Defendant(s),	:	

REPLY TO RESPONSE REGARDING
"MOTION TO QUASH THE APPELLEE'S BRIEF
AND IMPOSE SANCTIONS"

TO THE CHIEF JUDGE AND JUDGES OF THE THIRD CIRCUIT:

Petitioner, Jason Kokinda, *AR*, hereby replies to the response filed regarding the motion to quash the appellee's brief and to impose sanctions against the attorney Benjamin M. Lombard of appellees CCS and Byunghak Jin, and represents:

A. The appellee brief filed by Benjamin M. Lombard is not an appellee counterbrief in the fundamental sense.

1. It is not responsive to the appellant brief and merely recites the **WHOLESALE IGNORANCE** of the actual claims presented as the Chancellor's Foot.

2. The response of Benjamin M. Lombard exhibits callousness and evinces the open-conspiracy in this case to subvert justice. It subscribes to the same stereotype stigma of the recent *Pearson v. Prison Health Service*, case cited by Mr. Kokinda in his opening brief.

(a) The stereotype is that only filings by the handful of BAR attorneys who work on civil rights cases in Pennsylvania are worthy of discussion. The rest can be demonized as frivolous, as a matter of principle, and systematically dismissed without cogent discussion, no matter how strong the actual claims may be.[1]

> *Pearson v. Prison Health Service*, No. 16-1140, (3d Cir. 2017) ([I]t is antithetical to the fair administration of justice to pre-judge an entire class of litigants, and we expect courts to conduct, at a minimum, a careful assessment of the claims of each party. By failing to exhibit such an individualized inquiry, these statements disserved the important principle that "justice must satisfy the appearance of justice." *Offutt v. United States*, 348 U.S. 11, 13 (1954).) *Dragovic*, 687 F.3d 292, 296 (6th Cir. 2012) (per curiam) (quoting 28 U.S.C. § 1927).

[1] *See* Opening Brief of Appellant Pgs. 19-22

3. Benjamin M. Lombard is conspiring with the unqualified law clerks who are assigned to dispose of *pro se* filings in the District Courts to further this "non-BAR attorney stigma" agenda at the cost of vexatious prolix litigation.

4. The obvious strategy of Lombard's filings is to pretend that Mr. Kokinda's **common sense** claims are so meritless that no discussion is needed because Mr. Kokinda is not licensed by the BAR association (despite a decade of experience and many victories). Lombard states "that he does not have to address Mr. Kokinda's arguments for relief point by point." But, in fact, he does not discuss them in any degree.[2]

   (a) The appellee's brief does not even add alternative theories for why the decision should be affirmed. It misleadingly repeats a few *vacuum analyses* from the opinion below as if the sum total of the issues in dispute on appeal.

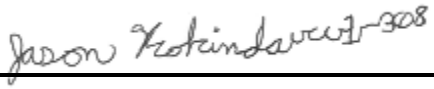
[2] Response at Pg. 3: "Appellee is not required to provide a point-by-point rebuttal of every contention, however spurious, which is set forth in the Appellant's Brief. It is not necessary to address Mr. Kokinda's seventy-six (76) page appellant brief point-by-point when the record evidence has not changed and the District Court's decision below was proper." (boilerplate excuses and grandstanding)

5. When the appellant brief argues that the opinion below is malicious on its face and fraudulent, the only appropriate response would be for the appellee to pinpoint an accurate rebuttal, point by point, when there is an absence of discussion in the opinion (citing appropriate rebuttals) to specific objections preserved below.
   (a) Achieving this would be very easy if the rationale of the opinion was remotely valid. For example, the Defendants could postulate that "*Helling* was overruled by such and such case and has no bearing on this case," or that "Margaret Gordon's testimony can stand as the unopposable truth of soy content without independent evidence because of such and such."[3]
   (b) It is obvious that there is an absence of cogent rebuttals in the opinions below, and that the appellees are unable to **utter one word** against the validity of Mr. Kokinda's arguments for relief.

THEREFORE, for each of the foregoing reasons Benjamin Lombard should be sanctioned, and the appellee brief should be quashed for lack of relevance to the disputed points.

[3] *See* Opening Brief of Appellant Pg. 54 and Pg. 30 ¶2.

The only true lover of humanity,

/s/ 

Jason Kokinda
Nemesis Paralegal Services
334 Cornelia St.., #3004
Plattsburgh, NY 12901
(802)-391-0921
jkoda@jkoda.org

SWORN CERTIFICATION

I, Jason Kokinda, certify under penalty of perjury that the facts set forth in the foregoing documents are true and correct to the best of my personal knowledge and belief.

Date: December 23rd, 2018 /s/ Jason Kokinda-308

Authorized Representative

PROOF OF SERVICE

Date: December 23rd, 2018

I, Jason Kokinda, hereby certify under penalty of perjury that this day I am serving the foregoing documents in the manner listed below, which service satisfies the civil rules of procedure applicable to a civil rights action under 42 U.S.C.S. §§ 1983, 1985(3), and 1986.

Service by Online/ECF Mail to all of the following parties:

Plaintiff has rarely served filings on the Office of the Attorney General, since they began extorting him and criminalizing his filings in 2015. Because the criminalization of filings, implicates Fifth Amendment Rights; plaintiff is not able to seek appropriate redress in the Courts on this issue. The OAG attempts to fabricate evidence through discussion of malicious claims, as if they have merit. Seeking qualified language on words in filings to pursue irrational legal theories. The indelible record of corruption is their ultimate undoing.

Date: December 23rd, 2018

/s/ Jason Kokinda-308

Jason Kokinda, AR, Nemesis Paralegal Services, 334 Cornelia St., #3004, Plattsburgh, NY 12901 (802)-391-0921 (jkoda@jkoda.org)