May 14, 2015

Amy Weber

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Fairview, NJ 07022

Phone: 917-847-5026

To:

William T. Walsh

Clerk of Court

United States District Court

Martin Luther King Building

& U.S. Courthouse

50 Walnut Street

Newark, NJ 0710

Regarding Docket Number: 14-CV-7340

Mr. Walsh;

Please consolidate this tort lawsuit filed in Bergen County under the Docket Number: L-1367-15 and enter into the Docket 14-CV-7340. Defendants Keith John Yonos and Defendant Ira Kaplan, Esq. are to be part of this Federal Civil Rights complaint since defendants never answered to this Tort complaint and Bergen County Courthouse continues to violate my Civil Rights and preventing me from reuniting with my minor son KEITH ALEXANDER after I have successfully completed Judge Frances McGrogan requirements but I am facing greater retaliation from Judges in Superior Court of New Jersey. Attached letter of request of removal of trot suit from Bergen County Courthouse.

Judge Terry Bottinelli regarding this filed Federal lawsuit I have filed -during my last reunification hearing dated April 10, 2015 where he obstructed the reunification between my son and I recently mocked me. I am facing severe retaliation by Bergen County Family Judges. I am contemplating in amending this Civil Rights Complaint and formally sue Judge Terry Bottinelli and Child Support Officers.

*Pursuant the Federal Rule of Civil Procedure Rule 55 Default and Default Judgment*

Please enter into the docket **Defendant Chris Christie** and Default Judgment since sixty (60) days past and he failed in answering my complaint.

Attached is a letter to Honorable Judge Claire Cecchi regarding defendant CHRISIE’S default judgment. Proof of mail will to be provide to this court.

Defendant Kathryn DYXON sent me a regular mailed letter, received on May 8th, 2015th, requesting a dismissal from this case. Defendant DYXON is late in her request for dismissal since she has been appropriate entered in to the docket as default judgment and have received documents of both default and default judgment via regular and certified mail. Please dismiss her letter of request dismissal from my case

*Pursuant the Federal Rule of Civil Procedure Rule 55 Default and Default Judgment states:*

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

In this case Defendant Kathryn DYXON, LCSW, failed to answer or otherwise defend Plaintiff WEBER and Minor KEITH ALEXANDER’S complaints.

Plaintiff WEBER and Minor KEITH ALEXANDER served Defendant Kathryn DYXON, LCSW, on February 12th, 2015 and opted to ignore Plaintiff’s complaints.

On the Federal Rules of Civil Procedure Rule 12 states:

(a) Time to Serve a Responsive Pleading.

(1) In General. Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer:

(i) within 21 days after being served with the summons and complaint; or

(ii) if it has timely waived service under *Rule 4(d),* within 60 days after the request for a waiver was sent, or within 90 days after it was sent to the defendant outside any judicial district of the United States.

In this case Defendant Kathryn DYXON, LCSW, failed to answer the complaint within the 21 days establish by the *Federal Rule 12*.

Defendant Kathryn DYXON, LCSW, did not waived service and did not resided outside the United States, which grants them no additional time to answer Plaintiff WEBER and KEITH ALEXANDER’S complaint;

(B) A party must serve an answer to a counterclaim or cross claim within 21 days after being served with the pleading that states the counterclaim or cross claim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

(2) United States and Its Agencies, Officers, or Employees Sued in an Official Capacity. The United States, a United States agency, or a United States officer or employee sued only in an official capacity must serve an answer to a complaint, counterclaim, or cross claim within 60 days after service on the United States attorney.

(3) United States Officers or Employees Sued in an Individual Capacity. A United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States’ behalf must serve an answer to a complaint, counterclaim, or cross claim within 60 days after service on the officer or employee or service on the United States attorney, whichever is later. Defendant Kathryn DYXON, LCSW, time that granted an extension to answer Plaintiff WEBER and Minor KEITH ALEXANDER’S complaint failed answering Plaintiff WEBER and Minor KEITH ALEXANDER’S Complaint.

(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

(b) How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

(1) lack of subject-matter jurisdiction;

(2) lack of personal jurisdiction;

(3) improper venue;

(4) insufficient process;

(5) insufficient service of process;

(6) failure to state a claim upon which relief can be granted; and

(7) failure to join a party under Rule 19.

In this case Defendant Kathryn DYXON, LCSW, made no claims mentioned above but stated that they will seek contribution to settlement if reach with other Defendants without need to file a cross-claim against other Defendants.

This statement is a clear indication of recognition of wrongdoing to Plaintiff WEBER and her Minor son KEITH ALEXANDER that Plaintiff annexes for Your Honors easy referral.

In this case against Defendant Kathryn DYXON, LCSW, there is no need to present a claim as Defendants inculpate themselves of the wrongful acts they committed against Plaintiff WEBER and Minor KEITH ALEXANDER

(b) Entering a Default Judgment.

(1) By the Clerk. If the plaintiff WEBER and KEITH ALEXANDER’S claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff WEBER and Minor KEITH ALEXANDER request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

(2) By the Court. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or incompetent person only if represented by a general guardian, conservator, or other like fiduciary who has appeared. If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing. The court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to:

(A) conduct an accounting;

(B) determine the amount of damages;

(C) establish the truth of any allegation by evidence; or

(D) investigate any other matter.

Plaintiff also alleges that Defendant Kathryn DYXON, LCSW, as a court and DCP&P ***appointed*** licensed “clinical social worker” focused on serving and protecting American Families, misconduct was "wanton and willful" and that defendants refused to acknowledge their errors or take any steps to correct them. Those allegations, if proven true, establish a colorable right to recover punitive damages under state law. As such, plaintiff WEBER and Minor KEITH ALEXANDER’S claim for punitive damages was sufficient to satisfy the jurisdictional amount for diversity jurisdiction.

In the case of Hritz v. Woma Corp., 732 F.2d 1178 Plaintiffs, an injured worker and his wife, filed an action against defendant mining equipment distributor for damages resulting from injuries suffered in a mining accident. Defendant Kathryn DYXON, LCSW, “failed to respond to the complaint or to plaintiffs' motion for a default judgment pursuant to *Fed. R. Civ. P. 55,* and the district court entered a default judgment. Four months later, defendant filed a motion to set aside the judgment. The district court denied the motion, and defendant appealed.

In this case Defendant Kathryn DYXON, LCSW, never explained to the court of Plaintiff WEBER and Minor KEITH ALEXANDER the reasons they had to delay or not respond to Plaintiff’s complaint, they just took on their hands to answer whenever they felt like, demonstrating not only disrespect for Plaintiff and discrimination for been a Pro Per litigant but for this Honorable Court that has its rules establish for years or hard work.

notification that she has been defaulted and default Judgment entered into the docket. I have forwarded DYXON’S attorney copies of default and default judgment. I never received an extension letter request form DYXON.

I will be filing a **Writ of Mandamus** next week regarding my case file documents being held hostage against my will and I am pleading that my records are to be transferred to me. I need my case documents records to be able to provide evidence to this court regarding my case.

Truly yours,

Amy Weber