

1 America” lacks standing, as he addressed his previous motions before this Court as
2 motions involving the “United States.” Smith claims the “United States of
3 America” and “United States” are not the same entity. In further support of his
4 motion, Mr. Smith indicates the undersigned is not properly admitted to appear
5 before this Court.
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7 The movant’s argument regarding standing is meritless and should be
8 dismissed. Numerous courts, confronted with the identical argument, found it
9 specious. United States v. Wacker, No. 98-3267, 1999 WL 176171, at *2 (10th Cir.
10 Mar. 31, 1999) (characterizing as “ludicrous” and “fanciful” the notion that the
11 federal government lacked authority because “the United States” and “the United
12 States of America” are not synonymous terms); Flores-Rosales v. United States,
13 No. EP-08-CV-98-KC, 2009 WL 1783703, at *3 (W.D. Tex. June 3, 2009) (“The
14 United States of America is the same party as the United States, and an argument to
15 the contrary is unsupported in law or common sense.”); United States v. Wright,
16 No. S-94-1183 EJM GGH, 1998 WL 990588, at *4 (E.D. Cal. Dec. 29, 1998)
17 (“[This] argument [is] patently frivolous and the motion is summarily denied.”);
18 United States v. Villanueva-Camacho, No. 5:08-5062, 2008 WL 4368939, at *3
19 (W.D. Ark. Sept. 24, 2008) (“‘The United States of America’ is often referred to as
20 the ‘United States.’ Whether the country is referred to as ‘United States of
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America,’ ‘the United States of America,’ ‘The United States,’ or ‘United States,’
the meaning is clear and petitioner’s argument is frivolous.”).

Additionally, movant’s claims that the undersigned may not appear before
this Court are likewise meritless and should be denied. “Any attorney employed
outside of this district on a regular basis by any agency of the United States who is a
member in good standing of the bar of any state, may appear in this court on behalf
of the United States on an individual case without being admitted to the bar
thereof” L.R. 83.2(a)(2). The undersigned is employed as a Trial Attorney by
the Department of Justice, Consumer Protection Branch.

For the foregoing reasons, the United States of America respectfully requests
this Honorable Court deny the movant’s “Emergency Motion to Strike U.S.A.
Pleadings, Arguments, and Witness Testimony for Lack of Standing.”

Dated: February 28, 2012

Respectfully submitted,

s/Christopher E. Parisi
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Certificate of Service

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I hereby certify that on this 28th day of February, 2012, I electronically filed the foregoing GOVERNMENT’S RESPONSE TO MOVANT’S EMERGENCY MOTION TO STRIKE U.S.A. PLEADINGS with the Clerk of the Court using the CM/ECF system and served a copy of the same on the following individuals by U.S.

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