

REQUEST FOR NEUTRAL ARBITRATION

TO: Hon. Peter DeFazio
U.S. House of Representatives
612 S.E Jackson Street, Room 9
Roseburg 97470
Oregon, USA

FROM: Larry Saccato, Trustee
Estate of Paul Andrew Mitchell, B.A., M.S.

DATE: June 29, 2016 A.D.

SUBJECT: Administrative Tort Claim (pending)
USMS No. 50397; IRS No. 16-021

Greetings Congressman DeFazio:

We are writing to request your official assistance with referral to a neutral arbitrator or other alternative means of resolving the pending Federal Tort Claim initially submitted to the U.S. Marshals Service ("USMS") by our client, Mr. Paul Andrew Mitchell, B.A., M.S.

We are the Trustees of his private estate, and we are authorized to make this request of the Congress of the United States.

Please refer now to the relevant Federal statutes at 28 U.S.C. 2672 and 5 U.S.C. 573. In pertinent parts, those statutes read as follows:

<https://www.law.cornell.edu/uscode/text/28/2672> :

*Each Federal agency may use **arbitration, or other alternative means of dispute resolution under the provisions of subchapter IV of chapter 5 of title 5, to settle any tort claim against the United States**, to the extent of the agency's authority to award, compromise, or settle such claim without the prior written approval of the Attorney General or his or her designee.*

<https://www.law.cornell.edu/uscode/text/5/573> :

- (a) *A neutral may be a permanent or temporary officer or employee of the Federal Government **or any other individual who is acceptable to the parties to a dispute resolution proceeding.** A neutral shall have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is fully disclosed in writing to all parties and all parties agree that the neutral may serve.*

The Office of General Counsel for the U.S. Marshals Service did refer Mr. Mitchell's Tort Claim to the IRS Office of Chief Counsel. However, it is painfully clear to us that neither the USMS nor the IRS can honestly pretend to be "neutral" in this matter.

As named respondents, personnel of both the USMS and the IRS appear to be acting also as judges and jurors, resulting in clear conflicts of interest, demonstrable bias and prejudice.

To illustrate these problems, we agree with Mr. Mitchell's recent rebuttal to Gerald M. Auerbach explaining why Mr. Auerbach's referral to the IRS was a **plain error** in the first instance. See enclosures.

Before opting to proceed with any request for reconsideration, as authorized by the implementing Regulation at 28 CFR 14.9(b), we are hereby proposing that your Office sponsor a **private relief bill** for the benefit of our client's private estate.

Here, see "*The Basics of the Federal Tort Claims Act*" by Joseph P. Griffith, Jr., Joe Griffith Law Firm, LLC, Charleston, South Carolina:

<http://www.joegriffith.com/THE%20FEDERAL%20TORT%20CLAIMS%20ACT%207-29-08%20ds.pdf>

Given the very real probability of stubborn stonewalling by the USMS and the IRS, a private relief bill could save us an enormous amount of time that should otherwise be spent on other professional priorities of similar importance.

Please have your staff schedule a private meeting in your local office where we confer with designated staff concerning this outstanding Federal Tort Claim, and ideally make progress towards a fair and reasonable resolution, with your active participation and approval.

Thank you for your official assistance in this matter.

Sincerely yours,

/s/ Larry Saccato

Larry Saccato, Trustee
Estate of Paul Andrew Mitchell, B.A., M.S.

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Enclosures (please access Internet links for documented details)