

Daniel Cobble, Secured Party
3401 Lesway Ct., #12 | Louisville, KY 40220 | 502-499-5249

April 4, 2012

Court Clerk
KY Court of Appeals
360 Democrat Dr,
Frankfort, KY 40601

COPY


RE: Court –stamp My Copy & Return to Me

Dear Court Clerk,

Enclosed please accept the filing fee of \$150.00 (by money-order) and original Petition for Writ of Mandamus for filing and processing.

Also enclosed is a marked-copy of the Petition w/ my self-addressed stamped envelope. Please court-stamp the copy and return to me in the self-addressed envelope.

Thank you, so much.

A handwritten signature in black ink that reads "Daniel Cobble". The signature is fluid and cursive, with the first name "Daniel" written in a larger, more prominent script than the last name "Cobble".

Daniel Cobble



CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT
FOR IMPORTANT CLAIM
INFORMATION

NOT
NEGOTIABLE

Pay to **KY COURT of APPEALS**

Address **3401 LESWAY CT., #12**

LOUISVILLE, KY 40220

KEEP THIS
RECEIPT FOR
YOUR RECORDS

Serial Number

19961931756

Year, Month, Day

2012-04-03

Post Office

402311

Amount

\$150.00

Clerk

0018



Serial Number

19961931756

POSTAL MONEY ORDER

Year, Month, Day

2012-04-03

Post Office

402311

U.S. Dollars and Cents

\$150.00

Amount **ONE HUNDRED FIFTY DOLLARS & 00¢ *******

Pay to **KENTUCKY
COURT OF APPEALS**

Address **360 DEMOCRAT DR.**

FRANKFORT, KY 40601

Memo **PETITION FOR WRIT of MANDAMUS**

From **DANIEL COBBLE** **0018**

Address **3401 LESWAY CT., #12**

LOUISVILLE, KY 40220

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10000080021

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

19961931756

IN THE KENTUCKY COURT OF APPEALS

- Frankfort, KY -

(Processing / filing fee attached: \$150.00)

Submitted by Certified Mail Item: 7009 1680 0000 2022 9389

- Lien #2008-2298237-43.01
- Lien #2011-2516531-27.01
- Lien #2011-2516533-49.01

Daniel Cobble, **SECURED PARTY**

v.

PETITION FOR WRIT OF MANDAMUS
FOR RATIFYING UNCONTESTED LIENS

COPY

(Debtor's Jan. 4, 2012 Concession Letter, attached, hereto)

U.S. DEPT. OF TREASURY, **DEBTORS**

METRO LOUISVILLE OFFICE OF RISK MANAGMENT

April 4, 2012 | Page 1 of Four

* * * * *

Jurisdiction

The Court has jurisdiction that concern three liens as UCC Financing Statements issued by the Kentucky Secretary of State, a state agency. Where the Jefferson County Circuit Court has original jurisdiction but refused to ratify and dispose of these liens, the Court has jurisdiction herein.

CIRCUIT COURT PLAYING "MUSCIAL JUDGES" TO AVOID RATIFYING UNCONTESTED LIENS FOR REMOVAL FROM COMMERCIAL REGISTRY

Now comes Secured Party Daniel Cobble to Petition the Court for a Writ of Mandamus ordering the Jefferson County Circuit Court (hereafter Circuit Court) to administratively process Liens #2008-2298237-43.01, #2011-2516531-27.01 and #2011-2516533-49.01 for payment **for disposal & removal from the Secretary of State's Commercial Registry** (hereafter as *Registry*). Filing fees totaling \$306.00 was paid to the Circuit Court for processing these undisputed, longstanding liens

as respective ***UCC Financing Statements***. But the Circuit Court has refused to dispose of the liens for removal from the *Registry*.

Debtors for the liens have not challenged their validity for jury trials, and thus the liens must be honored and processed as administrative functions for the Circuit Court (or any other court). There are no judicial issues to be considered by the Circuit Court.

1. **Lien #2008-2298237-43.01** has been on the *Registry* for over four years. In addition, please see, attached hereto, the Jan. 4, 2012 concession letter as the latest concession from Debtor's Agency U.S. Tort Branch passing the matter over to Debtor U.S. Treasury (Treasury) for payment of the lien. As shown, U.S. Tort Branch is not contesting Cobble's Tort Claim #1571637103, of which Lien #2008-2298237-43.01 is expressly based. U.S. Tort Branch and Treasury have refused the opportunity to appear in Court, and thus the Lien is cleared for ratification / payment.

Lien #2008-2298237-43.01 was filed with a \$153.00 filing fee in Circuit Court on Dec. 14, 2010 for ratification and disposition, presided by Chief Judge Audra Eckerle. Though Debtor Treasury and U.S. Tort Branch **have not appeared** before Circuit Court to challenge the lien, Judge Eckerle has since given Cobble the "runaround" in refusing to process / ratify the lien and transferring it to Judge Brian Edwards (**Div. 11**).

To wit, please see Judge Edwards' Mar. 28, 2012 recusal order, attached hereto, his refusal, too, to process Lien #2008-2298237-43.01. Then, see Judge Eckerle's Mar. 29, 2012 "RE-ALLOTMENT ORDER" assigning the lien to yet another judge, Judge Stengel of **Div. 4**.

Since there are no judicial issues / challenges for the Circuit Court, Lien #2008-2298237-43.01 is required to be promptly ratified as only an


administrative function. There is no cause to transfer the lien to another judge, **that has lingered in the Circuit Court for 16 months**. Whereby, Cobble requests the Court to require the Circuit Court to ratify the lien for payment, so it may be removed from the *Registry*. Or, the Court, itself, may so ratify the lien.

2. **Liens #2011-2516531-27.01 and #2011-2516533-49.01** were filed in Circuit Court on Aug. 29, ~~2011~~^{2011, *he*} with Cobble's \$153.00 paid processing / filing fee. These liens were also filed in Judge Eckerle's court, and too, she transferred them to Judge Edwards.

To wit, please see Cobble's Mar. 27, 2012 notarized Affidavit specifying his appearance in Judge Edwards' court on Mar. 26, 2012 for ratification of the liens. Yet even though Debtor Metro Louisville Office of Risk Management did not appear in Edwards' court, Judge Edwards still refused to ratify the liens. Debtor has not challenged Liens #2011-2516531-27.01 and #2011-2516533-49.01 for jury trial, and thus the valid liens must be ratified by the Circuit Court. Or, the Court, itself, may ratify the liens.

CONCLUSION: The liens have not been challenged in civil jury trials as offered by Secured Party Cobble. Wherefore, the Court has no legal recourse but to require the Circuit Court to ratify Liens #2008-2298237-43.01, #2011-2516531-27.01 and #2011-2516533-49.01 for payment, so they may be removed from the Registry. Or the Court, itself, may ratify the liens for payment and such removal.

This Petition respectfully submitted,

 APRIL 4, 2012

Daniel Cobble, Secured Party DATE
3401 Lesway Ct., #12 | Louisville, KY 40220 | 502-499-5249

ATTACHMENTS:

1. Jan. 4, 2012 Concession Letter from Debtor Agency U.S. Tort Branch,
2. Mar. 27, 2012 Recusal Order from Judge Brian Edwards,
3. Mar. 28, 2012 "ALLOTMENT ORDER" from Judge Audra Eckerle.
4. Postal Money-order: \$150.00 (U.S.), process / filing fee

* * * * *

Certificate of Service

A copy of the foregoing w/ three Attachments has been sent to the following by first-class mail on APRIL 4, 2012:

- Phyllis Pyles, Tort Branch
U.S. Dept. of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
- Tim Geithner, Secretary
U.S. Dept. of the Treasury (Debtor)
1500 Pennsylvania Ave., NW
Washington, DC 20220
- Leslie Faust, Director
Louisville Office of Risk Management (Debtor)
611 W. Jefferson St.
Louisville, KY 40202
- **Chief Judge Audra Eckerle**
Jefferson County Circuit Court, Div. 7
700 W. Jefferson St.
Louisville, KY 40202

Daniel Cobble



Original filed w/: Court Clerk
KY Court of Appeals
360 Democrat Dr.
Frankfort, KY 40601

by Certified Mail 7009 1680 0000 2022 9389

Mr. David Cobble
3401 Loring Court
#12
Louisville, KY 40220



U.S. Department of Justice

Civil Division, Torts Branch
Federal Tort Claims Act Staff

Post Office Box 888
Benjamin Franklin Station
Washington, D.C. 20044

BMP:KRJackson:krj
157-0-32-3

January 4, 2012

Mr. George W. Madison
General Counsel
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Room 3000
Washington, D.C. 20220

Re: New information re: Administrative Tort Claim for Daniel Cobble

Dear Mr. Madison:

This is in regard to a new submission dated December 20, 2011, regarding Mr. Cobble's administrative tort claim. The Department of Justice received this submission on December 27, 2011. As it appears that the related claim is being handled by the U.S. Department of the Treasury, I am forwarding this new correspondence to your office. If you have any questions, please feel free to contact me.

Very truly yours,

BRENT M. PHIPPS

Paralegal

Civil Division, Torts Branch

cc: Mr. Daniel Cobble
3401 Lesway Court
#12
Louisville, KY 40220

NO. 10CR8625

JEFFERSON CIRCUIT COURT
DIVISION ELEVEN (11)
JUDGE BRIAN EDWARDS

DANIEL COBBLE

PLAINTIFF

VS.

RECUSAL ORDER

TIM GEITHNER ET AL

DEFENDANT

This matter is before the Court. The Court noting that Judge Brian Edwards has a conflict with a party in this case and the Court being sufficiently advised:

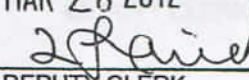
IT IS ORDERED that this Court does recue itself and remands this matter to the Chief Judge for appropriate re-allotment to another Division under the Rules of Court.


BRIAN EDWARDS, JUDGE
JEFFERSON CIRCUIT COURT

DATE: _____

cc: Lisa McLain, Circuit Court Administrator
All Parties

ENTERED IN COURT
DAVID L. NICHOLSON, CLERK

MAR 28 2012
BY 
DEPUTY CLERK

COMMONWEALTH OF KENTUCKY

JEFFERSON CIRCUIT COURT

NO. 10-CI-008625

DIVISION ELEVEN (11)

DANIEL COBBLE

PLAINTIFF

VS.

RE-ALLOTMENT ORDER

TIM GEITHNER, ET. AL

DEFENDANTS

By Order entered March 28, 2012, Judge Brian Edwards has recused from this case. IT IS HEREBY ORDERED that this action is re-allotted to Division Four (4). The presiding Judge of Division Four (4) is now required to transfer a like and similar case from his docket to Division Eleven (11).



AUDRA J. ECKERLE, CHIEF JUDGE
Jefferson Circuit Court

3.29.12
Date

ENTERED IN COURT
DAVID L. NICHOLSON, CLERK

MAR 30 2012
BY 
DEPUTY CLERK