Police Case Report and Congressional Report: Victim #127

Update 2018H-N-FDOJ

This case statement was prepared by Joint Task Force Ombudsmen on behalf of the thousands of Victims of the Obama Administration reprisals, vendettas and retribution campaigns.

Victim #127 is associated with NO political party, YET all of Victim #127's State and Federal filings for benefits, reviews and compensation have suffered delays, stone-walling and other POLITICAL reprisal actions by State and Federal employees since 2007 when Victim #127 was a federal witness for a law enforcement investigation involving corruption in the U.S. Department of Energy and the Obama Administration White House. Victim #127s suffered disabling factors, damages, injuries and losses that were caused by the actions of State and Federal employees and the elected officials to whom they reported.

The United States Department of Energy Inspector General, The FBI and the Pentagon's Inspector General are now investigating over one thousand retaliation, reprisal and vendetta attacks against those who reported corruption during the Obama Administration as documented at the repository at

http://www.my-news.biz and in hundreds of thousands of news articles and sites. The U.S. Federal Court has ruled, in Victim #127's other federal court cases, that Victim #127 "*was the Victim of political corruption payback campaign operated by government employees…" ;* Per official published government reports including: *"ASSESSING THE DEPARTMENT OF ENERGY LOAN GUARANTEE PROGRAM",* VERONIQUE DE RUGY - MERCATUS CENTER AT GEORGE MASON UNIVERSITY; The Multiple GAO investigation reports on the DOE from 2007 forward; and this Congressional indictment of the corruption and reprisals Victim #127 experienced:

As of this date, the most senior members of the FBI have been terminated and/or placed under investigation for covering-up this matter. The United States Congress has issued numerous final reports charging government employees with heinous crimes of corruption in this matter. Top government executives have been charged with "Contempt of Congress" in this matter and over 300 government employs have been fired or forced into ouster because of this matter. Over 100,000 published news reports have documented these crimes and corruption activities.

In one of the lawsuits, the following facts were set forth in Federal Court regarding this, and related cases:

1. ***Plaintiff XP TECHNOLOGY ("XP"), a California sole proprietorship, is the assignee of all rights, title and interest in claims by an energy system company called Limnia, Inc. (f/k/a "FuelSell Technologies, Inc.") ("Limnia"),***

and by its sister company, an advanced technology vehicle manufacturing company called XP Vehicles, Inc. ("XPV"), against the Defendants in this action. Limnia and XPV are Silicon Valley-based innovative "green technology" companies.

2. ***Defendants are THE UNITED STATES DEPARTMENT OF ENERGY ("DOE"), a federal agency; STEVEN CHU individually and in his capacity as Secretary of Energy ("Chu"); and LACHLAN SEWARD, individually and in his capacity as DOE Director of Advanced Technologies Manufacturing Loan Programs ("Seward").***

Jurisdiction, Venue and Declaratory Relief

3. ***Jurisdiction and venue are pursuant to Article III of the United States Constitution, 28 U.S.C. § 1331 (federal question), the Administrative Procedure Act, 5 U.S.C. § 702, and 28 U.S.C. § 1391(e).***
4. ***This Court's authority to grant declaratory relief and to award attorney fees and costs is pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq. and 28 U.S.C. § 2412.***

Facts

<u>Background</u>

5. ***Pursuant to 42 U.S.C. § 17013, DOE - through Chu, Seward, their staff, advisors and consultants - administered the "Advanced Technology Vehicle Manufacturing Loan Program" (the "ATVM Loan Program").***
6. ***Congress created the ATVM Loan Program to support the manufacture of advanced technology vehicles and components in the United States and to reduce U.S. dependency on foreign oil. In 2008, Congress authorized DOE to make $25 billion in ATVM loans. DOE currently has approximately $16 billion of unused lending authority.***
7. ***At all times relevant, Defendants had actual or constructive knowledge that the ATVM Loan Program had evaporated private investment capital for advanced technology vehicle development because venture capital and institutional lenders could not compete with government interest and repayment terms (1%-3% and up to 35 years, respectively), and that delaying or denying a small company's ATVM Loan Program application was a business death sentence, particularly in the economic climate at the time.***
8. ***Pursuant to 42 U.S.C. §§ 16511 and 16513, DOE through Chu, Seward, their staff, advisors and consultants also administered the "§1703 Loan Guarantee Program" (the "LGP")***
9. ***Congress created the LGP to support innovative clean energy technologies that are typically unable to obtain conventional private financing due to high technology risks. Through LGP, DOE guaranteed up to eighty percent of a loan***

for projects that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued." DOE currently has approximately $34 billion in loan authority, with an additional $170 million in appropriated credit subsidy carried over from previous years.

10. ***Since 2002, Limnia and XPV have worked directly and extensively with DOE scientists at Sandia National Laboratory ("Sandia") and elsewhere to develop advanced technology vehicles.***

11. ***Limnia and XPV have provided DOE with confidential business information, including intellectual property and prototypes, all relevant to advanced technology vehicle energy storage systems, chassis and body materials and construction, and electronics. DOE, in turn, has helped fund Limnia's and XPV's work through grants and provided technical support and validation.***

12. ***At all times relevant, Defendants had actual and/or constructive knowledge of DOE's extensive history of work with Limnia and XPV on advanced technology vehicle energy systems, auto chassis and body construction, and electronics.***

<u>XPV's ATVM Loan Program Application</u>

13. ***Responding to a DOE solicitation,*** *XPV applied on November 10, 2008, for $40 million in ATVM Loan Program funds to mass produce an advanced technology SUV-style vehicle ("XPV's SUV"). It offered DOE collateral independently valued at over $100 million to secure this loan.*

14. ***At all times relevant, XPV had design and business operations and/or had secured manufacturing and other facilities in Detroit, through Rausch Roush Automotive, and leasing companies in the Mountain West and the San Francisco Bay area.***

15. ***Its vehicle design team included highly experienced automotive designers and senior Detroit automotive management staff, including the senior creation staff for the Corvette and the Mustang, and aerospace industry professionals.***

16. *XPV's SUV was designed to be affordable (less than $20,000 in its base configuration); to have nearly an unlimited range, charge rapidly without the need for either gasoline, a garage, or extension cords to charge; to be produced quickly and cheaply by subcontracting existing and underutilized factories, workers and machines; and to be easily repaired.*

17. ***One key innovation, based on a decade of research, was the use of polymer plastics and skinned pressure membranes to replace metal doors, body panels, hoods and roofs on a lightweight alloy frame. Consequently, XPV's SUV had a curb weight of less than 1,400 pounds (approximately one-third the weight of a Toyota Prius). The polymer plastic***

construction also added to vehicle safety because the foam-skinned polymer membranes functioned as a wraparound, pre-deployed "airbag" to withstand impacts and damp out crash damage.

18. ***At all times relevant, all of XPV's SUV's key parts either had been tested or used in industry-proven "off the shelf" applications. For example, the SUV's pressure membrane body technology was widely used in military applications, airbags, Mars landing equipment and even buildings and arenas.***

19. ***XPV's primary financial and technical partnerspending customers included the Ranson Green Community Development Foundation, ZAP, Detroit Electric, over 40 vehicle distributors and resellers, its sister company Limnia and Sandia and other national laboratories. At all times relevant, XPV was actively engaging in discussions fored private sources of capital including Wells Fargo Bank; developing a distribution network; and otherwise preparing to commence production and sales.***

20. ***XPV's ATVM Loan Program application contained confidential business information as defined by 10 CFR §§ 1004.10(b)(4) and (11), and 5 U.S.C. § 552(b)(4) including advanced technology vehicle energy storage and pressure membrane technology, among other things.***

21. ***Defendants promised to guard this information and prevent its unauthorized disclosure and use or infringement. They also promised to evaluate ATVM Loan Program applications on a "first in, first out" basis; to treat all Victim #127s fairly and to judge applications based on objective published***

criteria; and to make ATVM Loan Program funds available in January, 2009, for those who qualified.

22. ***On December 2, 2008, Seward wrote to XPV acknowledging receipt of its ATVM Loan Program application and requesting additional information. See Exhibit 1. XPV provided this and on December 31, 2008, Seward deemed XPV's application to be "substantially complete." He said additional information would be requested if required during the review process. See Exhibit 2.***

23. ***Upon information and belief, XPV's ATVM Loan Program application was among the very first to be deemed substantially complete.***

24. ***At all times relevant, XPV qualified for ATVM Loan Program funds under DOE's published criteria and was, in fact, deemed a "qualified Victim #127" by Defendants. DOE's own Excel comparison matrices dated Dec. 29, 2008 and March 2, 2009 placed XP in the top 5% of all Victim #127s.***

25. ***Defendants' representations and promises led XPV to believe that DOE would began processing XPV's ATVM Loan Program application right after January 1, 2009before the end of December and no later than January 1, 2009, and that the review process would take a matter of weeks, consistent with normal financial practices and procedures.***

26. ***However, XPV soon found that Defendants had reneged on their promises and that the review process was taking months, not weeks. Discomfited by the delay, which blocked private capital and prevented SUV production, XPV repeatedly offered Defendants***

engineering, financial and other information to proactively speed and inform its application review.

27. ***At all times relevant, XPV was unaware both that its ATVM Loan Program application had been "set aside" in favor of applications from politically-connected government cronies and that Defendants had "fixed" the ATVM Loan Program process to benefit political donors. XPV also was unaware that Defendants had no intention of approving XPV's ATVM Loan Program application under any circumstances, notwithstanding all of their representations and assurances to the contrary, because XPV competed with government-favored companies. Instead, XPV assumed Defendants were acting in good faith, and in accordance with law, to carry out Congress's intent by lending up to $25 billion for the development and production of advanced technology vehicles in the United States to reduce U.S. dependency on foreign oil.***

28. ***On April 23, 2009, Jason Gerbsman, the Chief of Staff and Senior Investment Officer, at the Loan Programs Office, Automotive Division, of DOE, notified XPV that:***

[XPV] has submitted a substantially complete application and has been assigned to both a technical eligibility and merit review team, as well as a financial viability analysis team. The technical team is very close to finishing their evaluations on both eligibility and project merit, and the financial team will be launching a more detailed and interactive due diligence phase of the [XPV] application review very soon. Following the technical and financial evaluation under the second stage of the process, we will move into the underwriting phase where our goal is to negotiate a conditional commitment, including a

detailed term sheet. This will be followed by the fourth phase of the loan process where the final details will be negotiated and the loan will be closed.

29. ***On May 26, 2009, Gerbsman offered XPV an in-person meeting to discuss "next steps."***
30. ***On May 28, 2009, XPV flew a representative from California to meet with Gerbsman. Gerbsman said that DOE had determined "everything was in order" with XPV's ATVM Loan Program application; that "everything looked good;" and that XPV "appeared to be fully compliant and passed technical review."***
31. ***Shortly thereafter,*** *XPV discovered that Tesla Motors, Inc. ("Tesla") and Fisker Motors, Inc. ("Fisker") were receiving special assistance from DOE staff with the ATVM Loan Program application process. Fisker even was given special and exceptional access to DOE staff, offices and conference rooms in DOE's headquarters at no charge. Both Tesla and Fisker were XPV competitors.*
32. *XPV requested similar assistance from DOE staff but was denied it because, as DOE staff put it, XPV's application was so good that special assistance was unnecessary.*
33. ***Notwithstanding DOE's delays and the bankruptcy of other industry players due to the U.S. economic collapse and the***

failure of those other players to produce a product which the market found attractive and which met market needs as XPV's design did, XPV continued to grow throughout 2009. On June 15, 2009, XPV informed DOE that it was a semi-finalist in the Forbes "America's Most Promising Companies List" for 2009.

34. ***On or about June 22, 2009, DOE advised XPV that a Northern California solar energy company called Redwood Renewables ("Redwood") had requested a copy of XPV's ATVM Loan Program application from DOE through the Freedom of Information Act ("FOIA").***

35. ***XPV contacted Redwood to see why it was interested in XPV's ATVM Loan Program application, and spoke with Redwood's principal, Tom Faust.***

36. ***Faust said that he had been "screwed over" by Defendants and had wanted to know if others had similar experiences.***

37. ***Faust said that his company had suffered "bad dealings" with Matt Rogers, a "stimulus advisor" to Chu from McKinsey & Company, and Steven Spinner, a key player in DOE's loan program office.***

38. ***Spinner was an accomplished campaign bundler who had raised millions for the White House. He had been appointed to his government position in exchange for his fund raising, also had worked at McKinsey & Company and, according to a biography posted by the Center for American Progress, had served as an active advisor and investor to Tesla.***

39. ***Faust claimed that Rogers and Spinner were "rigging the game" with respect to all DOE loans. He gave XPV Spinner's personal cell***

phone number and told XPV to call Spinner and ask him why XPV's ATVM Loan Program application was not moving forward.

40. ***XPV texted Spinner and then called him. Spinner answered the phone and said words to the effect of "Do not ever call me again. The awards have already been decided."***

41. ***On June 24, 2009, DOE announced that it was making $8 billion in ATVM Loan Program funds available to Ford Motor Company ("Ford"), Nissan North America, Inc. ("Nissan") and Tesla. DOE gave* Tesla $465 million of taxpayer funds at an interest rate of 1.6% to manufacture an expensive electric car that was far outside of American consumer budgets and demands.**

42. ***On June 29, 2009, XPV wrote to Gerbsman again asking for action on its ATVM Loan Program application. XPV told Gerbsman that other lenders were hanging back until after DOE issued its term sheets.***

43. ***Over the next seven weeks Gerbsman and other authorized DOE representatives repeatedly assured XPV that "everything was fine;""everything is on-track;"and "you [XPV] appear to meet every criteria" with respect to its ATVM Loan Program application. XPV was even told that "we [DOE] should be able to announce [a loan] any day now..."***

44. ***However, on August 21, 2009, Seward denied XPV's ATVM Loan Program application. See Exhibit 3.***

45. ***Seward said XPV's application was "determined to be eligible" in accordance with the "evaluation criteria" in 10 C.F.R. §611.103 but that DOE was "not in a position to award every eligible application***

[ATVM Loan Program funds].” He also said necessity required DOE to “choose applications that are most likely to use [ATVM Loan Program] proceeds in a way that will best achieve the goals of the program” and that XPV’s application was rejected on this basis.

46. *Seward did not disclose the criteria DOE used to weigh competing qualified applications or explain how or why XPV fell short in the “merit review.”*

47. *XPV then asked DOE to specify its reasons for denial.*

48. *In an email to DOE’s Chris Foster, XPV requested DOE’s merit review documents and asked how DOE could reasonably conduct a ten month comparative merit review of XPV’s ATVM Loan Program application without working with a single company engineer or senior project staff member for even one percent of the time that DOE staff spent with Tesla, Nissan, Ford and/or Fisker during the same period of time.*

49. *Foster did not answer.*

50. *On or about August 26, 2009, XPV called Foster directly and Foster picked up the phone.*

51. *Foster told XPV that he would pull XPV’s file and read to XPV the reasons given there for DOE’s denial.*

52. *Foster said that the file indicated that DOE had denied XPV’s application because its SUV did not use E85 gasoline; XPV was not planning on building “enough” vehicles; XPV was not planning on government sales; XPV’s electric motors and batteries were too futuristic and not developed for commercial use; XPV’s SUV was a*

"hydrogen car;" and XPV had underestimated the cost of metal body fabrication.

53. *These "reasons" were baseless pretexts.*

54. *First, none of XPV's competitors that received ATVM Loan Program funds used E85 gasoline in their electric vehicles and most used no gasoline at all..*

55. *Second, XPV's family-friendly SUV was designed for fast and inexpensive mass production. This is why it was based on the use of commonly available parts from existing commercial sources with multiple points of supply and why it could be sold for only $20,000.00 base in volume production.*

56. *Third, XPV's business plan and staff hires specifically provided for large government and fleet sales.*

57. *Fourth, XPV's SUV's "futuristic" electric motor and battery configuration had been in commercial and government use for decades.*

58. *Fifth, XPV's SUV was an electric and not a hydrogen vehicle.*

59. *Sixth, XPV's SUV contained minimal minimized amounts of metal, using safer, and easier to source and fabricate, polymers and plastics.*

60. *As XPV was explaining to Foster that the "reasons" given for denial were actually no reasons at all, Seward entered Foster's office and directed him to terminate the call. Seward told Foster to advise XPV that it would receive a letter from DOE with respect to its concerns.*

61. ***Despite the passage of weeks, no letter was forthcoming.***

62. ***Therefore, on September 21, 2009, XPV wrote to Chu requesting reconsideration of DOE's ATVM Loan Program denial. See Exhibit 4.***

63. ***In this letter, XPV demonstrated that the "reasons" for DOE's denial read by Foster from XPV's file were false. It asked Chu to explain why DOE staff repeatedly assured XPV that approval would be forthcoming and that no additional information was necessary; to describe the merit review criteria; and to justify why government cronies that applied for ATVM Loan Program funds after XPV were reviewed earlier, given the benefit of extensive access to and interaction with DOE staff (a benefit denied to XPV), and then awarded funds.***

64. ***On October 23, 2009, Seward wrote to XPV. See Exhibit 5. He did not answer XPV's questions. Instead, he attempted to backfill the record with new but equally baseless justifications for the denial of XPV's qualified application.***

65. ***To begin with, Seward said that XPV's application was "deemed Substantially Complete on November 10, 2009." In fact, XPV's application had been deemed substantially complete on December 31, 2008.***

66. ***Seward said that the "proposed technology appeared…to be at a development stage and not yet ready for commercialization" and that the "assumption that the vehicle concept would be ready for production in three years" was a "significant weakness" due to the "high level of***

risk associated with the design." In fact, XPV's SUV technology had been in use commercially by the U.S. Department of Defense, NASA and the automobile industry; the politically-connected companies that were awarded ATVM Loan Program funds were no further ahead in production than XPV, less in some cases,; and elements of XPV's "high risk design" were already in use by Toyota and Nissan in volume commercial retail sales to the mainstream market.

67. ***Seward said "the proposed project's impact on fuel economy…was determined to be weak." In fact, non-gasoline powered automobiles are uniformly recognized to offer the most significant impact on fuel economy performance in the world. And, XPV's family-friendly SUV promised even better fuel economy than any of the ATVM Loan Program "winners" (Tesla, Nissan, Ford or Fisker) proposed, or actually offer, to this day.***

68. ***Seward said "A review of the advanced fuels in your project and the feasibility of that energy source…was [sic] questionable." In fact, the fuels, products and subparts of the "questionable" energy source were are readily available to consumers at REI Sporting Goods, Amazon.com and Safeway supermarkets, among other places.***

69. ***Seward said "A review of the calculations and assumptions supporting your claims for reductions in petroleum use were deemed to be unrealistic." In fact, over 200 institutional research and white papers from respected government and university agencies from around the world supported XPV's claimed reductions.***

70. ***Seward said that XPV's project "may be commercializable [sic] in the future, but is far too early in the development process to qualify" for ATVM Loan Program funds. In fact, XPV was further along in the "development process" than the politically-connected companies DOE had funded and electric cars have been sold commercially by Detroit Electric since 1907, the technologies were what were called "off-the-shelf" delivered in a clever manner.***

71. ***Seward's letter was the first time any of these issues had been raised by Defendants with XPV, notwithstanding ten months of review and "underwriting" involving large numbers of meetings, phone calls and emails. In fact, not only had Defendants never before raised these "issues" with XPV, they had affirmatively refused, over a period of months, to consult with any of XPV's engineers and denied XPV the "interactive" review that they had promised to give in April, 2009, and that had been given to politically-connected ATVM Loan Program "winners," including Tesla and Fisker.***

72. ***Critically, Defendants did not say, in Seward's October 21, 2009 letter or anywhere else, that XPV had offered inadequate security for the loan; Defendants did not say that XPV was a repayment risk; Defendants did not say that XPV had failed to demonstrate that there was a "reasonable prospect of repayment" of the proposed loan; Defendants did not say that XPV had failed to demonstrate it was capable of building, Defendants did not say distributing or selling the proposed SUV; Defendants did not sayor that XPV had failed***

to demonstrate "financial viability without the loan" as required by law.

73. ***To this day, neither Foster nor Chu nor Seward nor anyone else at DOE has ever provided XPV with DOE's "merit review" evaluation records and criteria. DOE has refused to provide those results via FOIA requests by the media and the public.***

74. ***At all times relevant, XPV qualified for the requested ATVM Loan Program funds pursuant to 10 C.F.R. Part 611.***

75. ***At all times relevant, XPV had numerous and viable offers from and business opportunities with potential investors, manufacturing partners, distributors and customers. However, Defendants' wrongdoing, including their purposeful delay and baseless denial of XPV's ATVM Loan Program application, denied XPV the benefit of these business opportunities.***

<u>Limnia's ATVM Application</u>

76. ***Or about February 1, 2009, Limnia applied for $15 million in ATVM Loan Program funds to produce a "best of breed and state of the art" advanced technology vehicle energy storage system using Limnia's patented technology. Sandia was designated as a key subcontractor in this effort.***

77. ***On April 10, 2009, Seward denied Limnia's application on the grounds that the components "do not appear to be designed for installation in an advanced technology vehicle…" See***

Exhibit 6. However, these grounds were false and a mere pretext to preserve ATVM Loan Program funds for government-favored companies and/or to protect those companies from competition.

78. ***On April 11, 2009, Limnia requested reconsideration, reminding Seward that the relevant patents provided the components were for use in advanced technology vehicles; that Sandia's vehicle technologies group was the prime subcontractor for the project; and that DOE had funded the technology specifically for use in advanced technology vehicles. See Exhibit 7.***

79. ***On May 13, 2009, Seward again denied the application because the technology was "not installed in the advanced technology vehicle." This time, though, he asked for more information. See Exhibit 8. On June 3, 2009, Limnia responded with the requested information. It again requested reconsideration, pointing out that the components in question "must be installed prior to use in an advanced technology vehicle and are, accordingly, designed for such installation and therefore…'qualifying components.'" See Exhibit 9.***

80. ***Defendants never responded to this letter.***

81. ***At all times relevant, Limnia qualified for the requested ATVM Loan Program funds pursuant to 10 C.F.R. Part 611.***

Limnia's LGP Application

82. ***At all times relevant, DOE recognized that the LGP application fees and process were unduly onerous and burdensome.***

83. ***On or about February 1, 2009, Limnia participated in a conference call with John Podesta, Chu and Interior Secretary Kenneth Salazar during which Chu promised to waive the application fee. In that call, Mr. Chu stated that the fees were onerous..***

84. ***Relying on this promise, Limnia filed a LGP application on or about February 10, 2009, with a cover letter stating that it was Limnia's understanding Defendants had waived the application fee.***

85. ***Limnia heard nothing from DOE until the deadline date of February 26, 2009. At that time, DOE's Myrtle Gross called and said that the initial application fee of $18,000 had to be paid by midnight for the LGP application to be considered. This was Limnia's first notice Defendants reneged on their promise to waive the LGP application fee.***

86. ***Limnia had the funds to make payment but could not complete the transaction by the midnight deadline. Therefore, it assumed the matter was closed.***

87. ***On February 27, 2009, Daniel Tobin, DOE's Loan Programs Office Senior Investment Officer, called and said that there were "a few days of flexibility" to send in the application fee and promised to provide wire instructions. Tobin also***

promised to "pre-review" the application and to call back with feedback for Limnia's investors.

88. ***However, Defendants again reneged on their promise. Limnia never heard back from Tobin or anyone else at DOE, either with wire instructions or with the promised "pre-review."***

89. ***Instead, on April 9, 2009, Limnia received a letter from Tobin dismissing it from the LGP without recourse. See Exhibit 10.***

90. ***Defendants denied Limnia's requested reconsideration.***

Defendants' Cronyism And Program Abuses

91. ***Because DOE's "merit review" criteria and process were so opaque, the taxpayer-funded ATVM Loan Program and LGP became cash cows for government cronies.***

92. ***Politics and political pressure infected these programs, shaping, in whole or in part, the judgment of the ultimate decision makers including Defendants Chu and Seward, their staffs, advisors and consultants.***

93. ***In February, 2011, GAO issued an investigative report on DOE's ATVM Loan Program. See Exhibit 11 "Advanced Technology Vehicle Loan Program Implementation Is Under Way, but Enhanced Technical Oversight and Performance Measures Are Needed," GAO-11-145 (Feb 28, 2011)(the "GAO ATVM Loan Report").***

94. ***GAO found that DOE had made billions in loans without engaging "engineering expertise needed for technical oversight." As a result, GAO said "DOE cannot be adequately assured that the projects will be delivered as agreed."***

95. ***Furthermore, GAO found that "DOE has not developed sufficient performance measures that would enable it to fully assess the extent to which it has achieved its…program goals" contrary to sound administrative agency practices.***

96. ***The irrational absence of engineering expertise and the arbitrary and capricious failure to create objective performance measures facilitated the politicization of DOE's loan programs.*** ***In truth, Defendants used the ATVM Loan Program as nothing more than a veil to steer hundreds of millions of taxpayer dollars to government cronies, including Tesla and Fisker.***

97. ***For example, Tesla's loan of $465 million, announced on June 24, 2009, was obtained in whole or material part through the efforts and influence of political patrons.***

98. ***These patrons included Steven Westly, who was a major "bundler" of political contributions for the White House. His fundraising bought Westly special White House access and an appointment on a key advisory board counseling Chu and Seward. Upon information and belief, Westly sat on Tesla's board from March 2007 to December 2009, when DOE gave Tesla $465 million.***

99. ***These patrons also included DOE's Spinner, who had a key role in DOE's loan programs because he too was a major "bundler" of contributions for the White House and a Tesla investor and advisor.***

100. ***Tesla's patrons' contributions, and the political access secured thereby, were material factors in Defendants' favorable treatment of and preferences for Tesla during the ATVM Loan Program application process and in Defendants' decision to lend Tesla nearly half a billion taxpayer dollars at incredibly favorable rates and terms.***

101. ***Predictably, Tesla's business results have not justified Defendants' special favors.***

102. ***For example, Tesla, using taxpayer money to build a luxury vehicle aimed at rich actors, media personalities and businessmen, has repeatedly missed production targets, burned through case and required DOE to repeatedly renegotiate loan terms to survive. . The renegotiation of the loan terms and the tax favors created for cronies created an unfair burden on the taxpayer.***

103. ***On November 12, 2012, Tesla notified the Securities and Exchange Commission that:***

On January 20, 2010, we entered into a loan facility with the Federal Financing Bank (FFB), and the Department of Energy (DOE), pursuant to the Advanced Technology Vehicles Manufacturing (ATVM) Incentive Program. This loan facility was amended in June 2011 to expand our cash investment options, in February 2012 to modify the timing of certain future financial covenants and funding of the debt service reserve account, and in June 2012 to allow us to effect certain initiatives in our business plan. We entered into another amendment with the DOE in September 2012 to remove our obligation to comply with

the current ratio financial covenant as of September 30, 2012 and amend the timing of pre-funding the principal payment due in June 2013. Under the DOE Loan Facility, the FFB has made available to us two multi-draw term loan facilities in an aggregate principal amount of up to $465.0 million. Up to an aggregate principal amount of $101.2 million had been made available under the first term loan facility to finance up to 80% of the costs eligible for funding for the powertrain engineering and the build out of a facility to design and manufacture lithium-ion battery packs, electric motors and electric components (the Powertrain Facility). Up to an aggregate principal amount of $363.9 million has been made available under the second term loan facility to finance up to 80% of the costs eligible for funding for the development of, and to build out the manufacturing facility for, our Model S sedan (the Model S Facility). Under the DOE Loan Facility, we are responsible for the remaining 20% of the costs eligible for funding under the ATVM Program for the projects as well as any cost overruns for each project. As of August 31, 2012, we have fully drawn down the aforementioned facilities.

104. ***In other words, all of the taxpayer funds are gone and Tesla needs new loan terms because it cannot keep its original commitments.***

105. ***Tesla has also reported delivering a grand total of 256 vehicles for sale to customers. However, it promises "mass production" will begin in 2013. XPV had a far higher set of fleet sales leads, numbering in***

the tens of thousands, which had to be put on hold due to the DOE misdeeds.

106. ***Fisker's ATVM Loan Program application for $528.7 million, announced on September 22, 2009 (approximately a month after Defendants had rejected XPV's qualified ATVM Loan Program application), also was obtained in whole or in material part through the efforts and influence of political patrons on DOE's decisionmakers, Defendants Chu and Seward.***

107. ***Fisker's patrons were John Doerr and the investment firm of Kleiner, Perkins, Caufield & Byers ("KPCB"). At all times relevant, Doerr was a KPCB partner along with former Vice President Al Gore, among others, and KPCB was a Fisker investor.***

108. ***Doerr and his partners donated millions to the 2008 Obama campaign and related Democrat political causes, buying preferential government treatment for their business interests. Among other things, Doerr's political contributions earned him high-level White House access and a seat on the President's Council on Jobs and Competitiveness.***

109. ***Contributions by Fisker's patrons, and the political influence secured thereby, were material factors in Defendants' favorable treatment of and preferences for Fisker during the ATVM Loan Program application process and in Defendants' decision to lend Fisker over half a billion taxpayer dollars at incredibly favorable rates and terms.***

110. ***Predictably, Fisker's performance has not justified Defendants' favors. For example, DOE gave Fisker approximately $169.3 million for "engineering integration" of a high-cost electric luxury car in***

Finland, and approximately $359 million for manufacturing a low-cost plug-in hybrid sedan in the U.S. known as "Project Kx." See <u>Exhibit 12</u> "Conditional Commitment Letter by and between United States Department of Energy and Fisker Automotive, Inc. – Execution Copy (September 18, 2009).

111. ***Defendants committed this money to Project Kx without a prototype or properly verifying Fisker's engineering, sales and supply chain claims and assumptions. Nevertheless, DOE asserted Fisker's loan would "create or save about 5,000 jobs" just for domestic parts suppliers" and parroted Fisker's claim that "up to 75,000-100,000 [Project Kx] vehicles will roll off assembly lines in the U.S. every year beginning in late 2012."***

112. ***Fisker did not make Kx prototype available to the public or begin Kx production in 2010.***

113. ***Fisker did not make a Kx prototype available to the public or begin Kx production in 2011, although it promised "mass production" would begin by the end of 2012.***

114. ***On or about February 7, 2012, after Fisker had spent over $170 million taxpayer funds, DOE froze its credit facility due to many missed deadlines. In June, 2012, Fisker made the Kx prototype available to the public. The "low cost" sedan approved by Defendants in 2009 turned out to be a $55,000 luxury car called the "Atlantic."***

115. ***Defendants had claimed that 75,000 – 100,000 Fisker Kx cars would be rolling off domestic assembly lines by the end of 2012. On October 18, 2012, Fisker reported that mass production of the "Atlantic," which had not yet begun, was delayed until 2014 or 2015.***

116. ***Since 2008, Fisker has sold approximately 1,500 vehicles world-wide. Upon information and belief, Defendants' "loan" to Fisker of the taxpayers' $170 million has "saved or created" one hundred or fewer jobs.***

117. ***In March, 2012, and in response to complaints by Limnia and others, GAO reported on DOE's LGP performance. See Exhibit 13 "DOE Loan Guarantees: Further Actions Needed to Improve Tracking and Review of Applications," GAO-12-157 (March, 2012). GAO found that DOE treated LGP Victim #127s inconsistently, favoring some and disadvantaging others; lacked systematic mechanisms for LGP Victim #127s to administratively appeal adverse decisions; often ignored its own underwriting standards and skipped review steps; and re-reviewed rejected applications on an ad hoc basis. It also found that DOE's practice of "[o]mitting or poorly documenting [LGP application] reviews reduces LGP's assurance that it has treated Victim #127s fairly and equitably."***

118. ***In October, 2012, emails released by Congress confirmed that at least several major LGP guarantee decisions were based on political factors and not on the merits of the various applications. See e.g. Exhibit 14 (Email from Jonathan Silver, former Executive Director, DOE Loan Programs Office, to James C. McCrea, DOE LPO credit adviser, dated June 25, 2010, stating "WH wants to move Abound [project] forward. Policy will have to wait…"); Exhibit 15 (Email from James C. McCrea to B. Oakley stating "Pressure is on real heavy…due to interest from VP"); Exhibit 16 (Email from Monique Fridell to Kimberly Heimert, et al. dated May 25, 2010 stating "DOE has made a political commitment to get Unistar***

through the approval process by 6/15"; Exhibit 17 (Email from James C. McCrea to Monique Fridell dated June 1, 2010 stating "Secretary [of Energy]…is adamant that this transaction is going to OMB by the end of the day Fri if not sooner. Not a way to do things but a direct order")

119. ***Defendants bent the rules for political favorites such as Sen. Harry Reid and Rep. Steny Hoyer while government cronies received special personal access to high-ranking DOE loan program officials. See e.g. Exhibit 18 (Email from James C. McCrea to "barbiar" dated December 5, 2009 stating "[Harry] Reid may be desperate. WH may want to help. Short term considerations may be more important than long term considerations and what's a billion anyhow?"); Exhibit 19 (Email from James C. McCrea to Julie Stewart dated May 25, 2010 stating "7th Floor has decided mid June CRB…there has been a commitment from S1 [Secretary Chu] to Steny Hoyer on this. Nothing like over committing and under delivering"; Exhibit 20 (Email from Brightsource Chairman John Woolard, an LGP Victim #127, to Jonathan Silver, DOE Loan Office Director dated November 10, 2010 stating "Thanks for offering to meet at your house tomorrow morning." Silver replied "Came [sic] anytime. Guest bedroom is ready.")***

Defendants' Abuse of XPV and Limnia

120. ***Defendants did not review XPV's and Limnia's ATVM Loan Program applications in good faith and in accordance with the criteria specified in DOE's regulations, policies and promises. Instead, Chu and Seward, who were DOE's ultimate decision makers, stonewalled XPV to benefit Tesla,***

Fisker and others favored because of their political contributions and connections. This damaged XPV and Limnia severely.

121. ***To begin with, when Defendants "fixed" the ATVM Loan Program and LGP to benefit government cronies, they knowingly and intentionally rendered the ATVM Loan Program and LGP applications by XPV, Limnia and other similarly situated companies futile and meaningless. They intentionally induced XPV and Limnia though multiple written and verbal representations to spend hundreds of thousands of dollars and invest thousands of hours of engineering and professional time on a meaningless snipe hunt, to cover and protect government cronies.***

122. ***Defendants' abuses of the ATVM Loan Program by delaying term sheets and wrongly denying loans, among other things, denied XPV and Limnia access to private capital.***

123. ***At all times relevant, Defendants had actual or constructive knowledge that delaying or denying a small company's ATVM Loan Program application would be a business death sentence. Yet, Chu and Seward skewed, manipulated and fixed DOE's ATVM Loan Program review and "underwriting" to protect and advance the business and political interests of government cronies at XPV's and Limnia's expense.***

1. ***At all times relevant, Defendants had actual or constructive knowledge that delaying or denying a small company's ATVM Loan Program application would be a business death sentence. Yet, Chu and Seward skewed, manipulated and fixed***

DOE's ATVM Loan Program review and "underwriting" to protect and advance the business and political interests of government cronies at XPV's and Limnia's expense.

2. ***For example:***

a. ***The ATVM Loan Program funds distribution date and the "first in, first out" review process were changed to benefit companies Defendants favored. Cronies that applied for an ATVM loan after XPV were reviewed earlier; walked through the "underwriting" process by DOE staff; given the benefit of unique agency interaction; and then awarded funds. XPV and Limnia, lacking White House connections and political patrons, were denied these things.***

b. ***Defendants discriminated among Victim #127s based on political contributions and connections. On the one hand, Tesla, Fisker and others received special favors and assistance from DOE, all to ensure that these companies' ATVM Loan Program and LGP reviews would be "successful." On the other hand, XPV , Limnia and others similarly situated were denied these favors and access. For these disfavored companies DOE paid outside, unqualified technical reviewers to conduct pretext diligence. For example, XPV spoke with Carol Battershel, who claimed to be the due diligence technical lead on XPV's application. She said she had gotten everything she needed "off [XPV's] website." However, neither she nor any other DOE technical reviewer talked to XPV's founder, inventor, engineers, project leads or primary contractors. In fact, Defendants actually declined to speak with XPV's engineers, even after XPV's engineers called and visited them to offer data and other information.***

c. ***DOE employees were ordered by Defendants to ignore non-favored***

Victim #127s until deadlines had passed to shrink the Victim #127 pool.

d. ***Defendants ignored standard commercial loan processes, including the use of competent engineers to carry out technical review and the consistent application of the same underwriting criteria to each application. Instead, the "loan review process" was intentionally manipulated, bypassed or stalled, to ensure that funds were given to government favored "winners" but not to XPV, Limina or other companies that lacked large political contributions and White House access.***

e. ***Political officials made final ATVM Loan Program and LGP review and "underwriting" decisions without material regard for DOE's published criteria and regulations. For example, in or about October, 2009, XPV and Limnia were told by a DOE contractor who worked for Seward that Seward had been angered by XPV's and Limnia's public complaints about DOE's loan program administration and that Seward told his staff in late 2008 that it would be "a cold day in hell before I let them [XPV and Limnia] get any money."***

f. ***Defendants have only granted ATVM Loan Program applications for companies with direct political connections to the White House. Notwithstanding billions in lending authority and multiple qualified Victim #127s, Defendants have, in the years since September 22, 2009, failed to make even one ATVM loan. Upon information and belief, this failure is in material part to protect government favorites such as Fisker and Tesla from competition.***

g. ***Upon information and belief and at all times relevant, Chu and Seward "carved out" funds from DOE's authorized lending authority and "held" same for government cronies who made political***

contributions; provided political support for and assistance to the Administration; and/or hired political fixers to obtain "top-tier status" and "special relationships" with Defendants and others.

h. ***Defendants repeatedly renegotiated the Tesla and Fisker loans to protect their competitive positions and to guard their political patrons, contrary to sound commercial lending practices.***

i. ***Defendants denied XPV's and Limnia's ATVM Loan Program applications on baseless pretexts. These included false XPV application "defects" and the assertion that energy storage technology developed by Limina with DOE for use as a component in an advanced technology vehicle was, in fact, not a component in an advanced technology vehicle for ATVM Loan Program purposes.***

j. ***Defendants promised to waive the LGP application fee for Limnia. Hours before the payment deadline, DOE reneged. The next day, DOE contacted Limnia promising to accept late payment. Again, DOE reneged.***

k. ***DOE hid the "merit review" data, reviewer identities, reviewer work histories, and other information from XPV, Limnia, all other ATVM Loan Program Victim #127s and the public. This information, if disclosed, would have allowed for an open and transparent loan process and allowed XPV, Limnia, the other ATVM Loan Program Victim #127s and the public to evaluate the efficacy of DOE's merit review.***

l. ***DOE willfully, intentionally and substantially overestimated government crony company production capabilities and sales performance to justify its approval of their ATVM Loan***

Program applications. For example, DOE promised that Fisker alone would have "75,000 – 100,000" ATVM Loan Program-funded cars rolling off of U.S. assembly lines. In 2012, Ford, Nissan, Fisker and Tesla (the ATVM Loan Program "winners") combined sold fewer than 25,000 ATVM Loan Program-funded vehicles nationwide.

3. ***As a direct consequence of Defendants' wrongdoing, broken promises and political cronyism, XPV and Limnia were improperly denied ATVM Loan Program funds and LGP guarantees; deprived of the opportunity to compete for government funds on a level playing field; and prevented from creating good American jobs through the production, marketing and sale of advanced technology vehicles and systems developed in conjunction with DOE's own scientists.***

Claims for Relief

First Claim for Relief: Due Process Violations by Chu and Seward.

4. ***XP repeats paragraphs 1-125.***
5. ***At all times relevant, XPV and Limnia each had a procedural Fifth Amendment due process right to have their ATVM Loan Program applications considered fairly and equally on their merits, without regard for political contributions, political influence or the***

competitive interests of government crony companies such as Tesla and Fisker.

6. ***At all times relevant, XPV and Limnia satisfied all of DOE's ATVM Loan Program eligibility criteria and DOE had sufficient funding and appropriate legal authority to make the loans XPV and Limnia had applied for in response to a government solicitation. XPV, in fact, was officially deemed a "qualified Victim #127" by DOE. Therefore, XPV and Limnia each had a substantive Fifth Amendment due process right and a constitutionally-protected property interest in those funds.***

7. ***However, in abuse of their authority and contrary to law Chu and Seward conspired and agreed to violate XPV's and Limnia's constitutional rights by skewing and manipulating the ATVM Loan Program to steer funds to and protect government cronies.***

8. ***Improperly elevating political contributions to and connections in the White House as factors in the consideration of applications and the award of ATVM Loan Program funds, Chu and Seward deprived XPV and Limnia of their right to a fair and level review of their applications, and denied them access to the government loan funds they were entitled to receive as qualified ATVM Loan Program Victim #127s.***

9. ***Chu and Seward did not have either the legal authority or the bureaucratic discretion to do these things.***

10. ***XPV and Limnia were aware of Defendants' manifest mismanagement almost immediately, in December, 2008.***

11. ***On or about June 22, 2009, XPV was told by Redwood that all DOE***

loans had been "rigged" by Spinner, among others.

12. ***In October, 2009, XPV was told by a DOE contractor in a phone call that Seward was retaliating against it for complaining about DOE's loan program administration by denying XPV and Limnia funds.***

13. ***In or about February, 2011, GAO issued its ATVM Loan Program Report containing serious programmatic criticisms of Defendants' ATVM Loan Program administration. XPV and Limnia became aware of GAO's criticisms shortly after they were published.***

14. ***However, it was not until September 29, 2011, with the publication of credible, sourced media stories tying ATVM Loan Program funding decisions to White House political bundlers that XPV and Limnia discovered that political influence and campaign contributions had impermissibly infected Chu's and Seward's decision making and that these considerations had likely caused Defendants to deny XPV's and Limnia's ATVM Loan Program applications to protect the government's political cronies. See, e.g., Exhibit 21 Mosk and Greene, "Obama Fundraisers Tied to Green Firms That Got Federal Cash," ABC News (Sept. 19, 2011).***

15. ***Chu's and Seward's due process violations, jointly and severally, have damaged XPV and Limnia in excess of $225 million.***

Second Claim for Relief: Administrative Procedure Act (XPV ATVM Loan).

16. ***XP repeats paragraphs 1-137.***

17. ***DOE's final agency action denying XPV's ATVM Loan Program application was contrary to law, arbitrary and capricious, and in excess of its statutory authority.***

18. ***Furthermore, the agency's action in this case was impermissibly infected with political pressure, which shaped, in whole or in part, the judgment of the ultimate agency decision makers with respect to that application.***

19. ***As a result, XPV has been directly harmed and aggrieved.***

20. ***XPV has exhausted all administrative remedies.***

21. ***Alternatively, such exhaustion would be futile as DOE has fixed the ATVM Loan Program to benefit government cronies and there are no circumstances under which XPV's ATVM Loan Program application would ever be approved by the agency.***

Third Claim for Relief: Administrative Procedure Act (Limnia ATVM Loan).

22. ***XP repeats paragraphs 1-143.***

23. ***DOE's final agency action denying Limnia's ATVM Loan Program application was contrary to law, arbitrary and capricious, and in excess of its statutory authority.***

24. ***Furthermore, the agency's action in this case was impermissibly infected with political pressure, which shaped, in whole or in part,***

the judgment of the ultimate agency decision makers with respect to that application. As a result, Limnia has been directly harmed and aggrieved.

25. ***Limnia has exhausted all administrative remedies.***

26. ***Alternatively, such exhaustion would be futile as DOE has fixed the ATVM Loan Program to benefit government cronies and there are no circumstances under which Limnia's ATVM Loan Program application would ever be approved by the agency…."***

27. ***In the lawsuits filed by Victim #127, working with Congressional parties, the goal was to recover damages for Victim #127, expose and document the corruption by State and Federal employees and change State and Federal laws so that public officials could never again engage in such crimes. For his effort, and in retribution, vendetta and reprisal by The Obama Administration, now notoriously documented in the news and Congressional investigations for having employed armies of hit-men, character assassins and reprisal services like Fusion GPS, Mossad's Black Cube, Media Matters, Stratfor, Gawker, etc,; Victim #127 was poisoned, injured and otherwise attacked in manners which permanently disable him, on orders from State and Federal officials.***

Victim #127 has sworn to the veracity of the following facts:

Victim #127 was asked to participate in these federal programs and then asked to testify in these matters by State and Federal elected officials and senior government executives.

Victim #127 has been employed since 1973. He worked for his

community and his country as a law enforcement and intelligence researcher (law/IC) in which he closed cases that saved Americans billions of dollars. He held numerous state and federal certifications and credentials to this effect and was certified as an investigator under the State Government at the California Office Of Consumer Affairs. He also worked as a CEO, Inventor and Product Development Director for which the U.S. Government has awarded him dozens of seminal patent awards for products in use by Microsoft, Sony and other major companies to provide products and services to billions of people. He has received commendation letters from U.S. Presidents, Agency heads and Mayors. He is pictured in videos, photographs, articles, meetings and on letterhead government and corporate correspondence with some of the most famous public and White House figures in America since the 1970's.

After he reported the corruption in a trillion dollar Department of Energy embezzlement scam involving crooked mining deals for uranium, lithium, indium and other metals, he was attacked by State and Federal employees, many of whom have now been terminated because of their actions and their involvements in political corruption.

The industry metricized standard for person's with, at least, the skills and experience of Victim #127, in his demographic, is a minimum of $10,000 per month in the local technology market for those with less hours, less patent awards, less past work reference letters and less experience than Victim #127. In fact, the past pay-stubs for Victim #127 prove that he was valued at a minimum of $10,000.00 per month by various corporations. For State and Federal officials, who are making tens of millions of dollars in insider stock trading at Victim's expense, to state that

his work history and state-caused damages limit Victim #127 to only $800.00 per month is not tolerable. Victim #127 was FORCED to take early retirement at the lowest possible amount. This was not a choice Victim #127 would have made under any other conditions. The U.S. Government should provide Victim #127 damages offset due to the defrauding of Victim #127 by Government officials in order to exploit those officials illicit stock market insider trading scam at the expense of Victim #127 and the American taxpayers. It is primarily the fault of Federal and State employee actions that led to Victim #127's most damaging conditions and caused all of the victims to suffer the obvious damages from a multi-million dollar financed state-sponsored reprisal attack as part of a widely documented vendetta and reprisal program by the Obama Administration.

Victim #127 has applied for his Constitutionally guaranteed rights and government beneficiary rights since 2007, and every year thereafter. Victim #127 applied when his government benefit rights were fully active and available for him. Victim #127 has been intentionally discriminated against as part of an illegal political reprisal. In other cases, the federal courts and law enforcement have ruled, and hold proof, that Victim #127, and the other Victims, were subject to reprisal, vendetta and revenge tactics by State and Federal employees exposed in one of the law enforcement cases Victim #127 worked on and testified in.

Even though Victim #127 has been an extraordinarily productive, working member of the community and the U.S. Government; and Victim #127 has organized companies and programs which have paid millions of dollars in taxes to the State and Federal Government, Victim #127 is currently black-listed from receiving damages compensation or even the most minimal benefits. In

other words, Victim #127 has saved billions of dollars for the Government and the taxpayers and, additionally, has organized companies and programs which paid millions of dollars in taxes and free services to The Government yet Victim #127 seems to be getting only reprisals as gratitude.

The current benefits amount is so low it is impossible to live on. County officials have suggested Victim #127 should "*move to Panama*" where it is cheaper. Even Panama, and other third world countries, won't let you live there unless you are receiving at least $1000.00 to $1500.00 in benefits. State and Federal services were not created to try to send natural born citizen taxpayers to third-world countries and deplete the nation of its native human resources. The Government should not be in the position of forcing hard-working, natural born, U.S. Citizens into becoming immigrants to third world countries.

State and Federal employee corruption and reprisal actions cost Victim #127 his life savings and nearly a billion dollars of potential income by intentionally sabotaging and terminating his operating, Congressionally financed, Congressionally commended electric car company and his national energy company.

Corrupt State and Federal employees engaged in these benefit blockade reprisals because Victim #127's companies competed with the illicit stock market holdings of those corrupt State and Federal employees. These are the very same public officials who have interdiction capability at SSA and other state and federal agencies. It is quite reasonable to assume that these State and Federal employees with a court record of using reprisal actions against others just like Victim #127, did not also call for Benefit

and Compensation blockades and black-listing against Victim #127. These public officials defrauded Victim #127 by asking him and his Team to invest in their program but it turns out they were using Victim #127's business ventures to cover their crimes at the expense of Victim #127 and the taxpayers.

To be clear, Government employees put hundreds of millions of dollars of stock market profits in their, and their associates pockets, part of which they took from Victim #127's State and Federal funding, and then attacked Victim #127, in a large number of reprisal actions, when Victim #127 reported this and the FBI raided Solyndra, opened the Uranium One investigation and then had to have the FBI's Director fired for illicit political manipulations.

Part of Victim #127's work involved creating America's next national energy solutions. Victim #127 worked with the U.S. Department of Energy, HUD, NAHB and related entities in work with the national weapons and energy labs since 2000. Victim #127 worked with nuclear, heavy metals, sintered rare earth metals, extreme solvents and nano-particulated exotic chemistries and won a historical Congressional commendation, first-ever seminal U.S. Government patent awards, industry and press acclaim, customer acclaim and a multi-million dollar lab research grant in the Congressional Iraq War Bill.

Victim #127 was one of the people tasked with building America's back-up energy technologies for the potential disruption of the Middle East.

In the course of Victim #127's work Victim #127, and his Team, uncovered a nearly one trillion dollar Energy Department

corruption matter which led to the termination of senior staff at the U.S. Department of Energy, the FBI raid on their facilities and an ongoing FBI investigation. This also led to a suspected reprisal exposure to toxic materials which will remain in Victim #127's body, at a cellular level, for the rest of his life. This led to black-listing and HR database manipulation attacks by attack firms such as Fusion GPS, Stratfor, In-Q-Tel, Gawker Media, Google, Gizmodo Media, David Brock Group, Podesta Group, Media Matters, Black Cube and related contract reprisal services featured in contemporary news headlines, all documented as reporting to the Obama Administration in order to provide reprisal services and attack resources. These character assassination and damage delivery services were hired to poison Victim #127 and terminate his career in every sense of the word.

Because of Victim #127's service to his country, Victim #127 has been denied his legal rights, his rights to a home and he has been forced to live like a refugee. Victim #127's U.S. Constitution and California Constitutional rights have been denied because he *"did the right thing"* and helped law enforcement.

Victim #127's has been physically injured. His vehicle was rammed on two different occasions. He has been injured and damaged by state-sponsored attacks in a number of ways. Would the attackers resort to such extreme measures. Victim knew Google creator Rajeev Motwani and Solar CEO Gary D. Conley along with two Tesla employees. All four of them died suddenly, coincidentally and mysteriously after stating that they feared "someone was after them for what they knew" and all of them had conflicts with Obama Administration executives.

There can be no possible question about the fact that Victim

#127 is unable to ever work again. Any decision to the contrary may continue to indicate that reviewers are still co-opted and compromised by State and Federal officials set upon revenge and vendetta.

Victim #127's family, friends, supporters, reporters and the public will never let this matter lapse without a fair review. Every unbiased third-party review of this matter has concluded that Victim #127 "got screwed" by the Federal and State officials who were supposed to represent him in a non-partisan manner and who own portions of his competitors business and stock market ventures. In the opinion of the public: "That us a felony conflict of interest!" by those who are supposed to be working in Victim #127's interest.

SSA is challenged to source a government job which is commensurate with Victim #127's experience, earnings record and capability, salary.com bay area compensation standards, limitations and circumstances, if the Victim is not black-listed, as proof of their assertions.

The FBI case files, SFPD case files, GAO case files, associated cases federal court files (which have already had rulings confirming these assertions) and Congressional investigation case files prove Victim #127's assertions of government staff corruption and a system of organized vendetta campaigns against Victim #127 and hundreds of his associates.

This is not about politics as far as Victim #127 is concerned. Victim #127 is not associated with any political party. This is about Government-financed and managed vendettas and revenge. This is a law enforcement and corruption matter.

The U.S. Attorney General, The Head of the White House Press Office, The Director of the FBI, The Secretary of Energy and his staff have been fired, or forced to quit, because of this case. This is a very large matter but it is not about politics. It is about felony level crime and the physical, toxicological, emotional, reputational, brand and strategic attacks on Victim #127 by government officials who own stock market holdings in Victim #127's competitors and their financiers.

Senior Federal and State executive government officials, and their campaign financiers at Google and Tesla Motors, ordered, operated and paid for the disabling attacks described herein and that those disabling states are life-long and, indeed, disabling.

Over 10+ different life-long disabling and economic black-listing circumstances affecting Victim #127 have documented.

Victim #127's advisors believe that his rights applications are being stone-walled, just like the hundreds of applications and cases of his peers, also now in many courts, because they testified in a productive criminal case that resulted in terminations and indictments. The IRS "Lois Lerner" Vendetta Cases and The Veterans Administration Vendetta cases clearly prove that the Obama Administration engaged in the vindictive bullying of citizens.

If Government sponsored reprisals, including the state-sponsored hacking of HR databases and the placement of defamation data on databases around the world for the rest of Victim #127's life is not a disabling impairment, then what is?

Victim #127's qualifying matters are more than enough to qualify Victim #127 for full damages offsets, benefits and reprisal coverage. The career sabotage, operated by State and Federal officials is, certainly, almost more than enough in this extraordinary circumstance. If ever a citizen qualified for favorable variance and coverage approval, it is Victim #127.

Victim #127 and his advisors have asked the Police Department, The FBI, The GAO, The NLRB, Journalists and Congressional Investigation committees to track this next stage of his appeals because of previous conflicts of interest by State and Federal reviewers and consultants in this case. In the earlier portions of Victims offset applications, up to this date, most of the reviewers, judges, administrators, and consultants, providing input or rulings have been shown, by investigators, to have had a political and economic affiliation with the DNC. All of the parties that his case has caused to be fired, arrested and otherwise terminated had a political and economic affiliation with the DNC as proven by their archived emails, social media data, photographic postings, event attendance, campaign contributions and forensic records.

Victim #127's donation to The City of San Francisco of the Clean Tech Green community center building and his electric car company, along with his extensive spoke-person work for green energy and his help in producing the Federal Jobs Act Law would lead one to believe that he would receive support from DNC entities rather than hit-jobs. The organized crime profiteering by DNC bosses seems to have led things in another direction, based on the involvement of some of those parties, in crony corruption payola schemes. This has forced the Victim's to suffer political reprisals in matters in which they have no political involvements.

Even though Victim #127 has no political involvements, Victim #127 has been targeted and attacked by State and Federal officials who are seeking to run reprisals because of their embedded emotional political triggers and their crony illicit profiteering schemes.

While review agencies have denied these conflicts-of-interest, FBI/Congressional-class forensic evidence acquired on every party who has handled this case, so far, proves that those agencies are lying.

Over 500 lawsuits and federal investigations on other people's cases for VA, IRS, DOE, etc., has proven that state and federal agencies do indeed conduct illegal reprisal decisions against whistle-blowers, witnesses and others such as Victim #127.

In fact, if any other participant in Victim #127's review is found to have such an unreported conflict of interest, Victim #127's associates intend to pursue those continued violation of his rights as a felony, with the full force of the law, the media and public information resources.

Tens of thousands of pages of evidence and hours of videos proving these assertions have been posted on-line by multiple journalists, the public and investigation organizations, on multiple web site copies globally, for the convenience of the court and related investigators, such file repositories include: www.outloud.biz, www.my-news.biz, www.theintercept.com, and hundreds more, hold confirming evidence

Since 2007, State and Federal agencies have spent ten times

more taxpayer money and time delaying Victim #127's case than if State and Federal agencies had approved his original filing. It would seem to be a smarter bargain for the Government and the taxpayers to approve his rights, benefits and damages compensation application and end this dispute, rather than waste more taxpayer funds fighting it. Victim #127 has always won each portion of his dispute in this matter when he had fair and adequate legal representation. There is no reason to think that the ongoing prosecution of this matter will not fall on the side of the Victims and cost the reprisal parties at State and Federal agencies their jobs, credibility and public support. It is ethically and economically prudent to settle this case with Victim #127 now rather than wait until hundreds of millions of voters are crying out for justice.

As this hearing is underway, the most senior FBI and DOJ executives including

James Comey, Andrew McCabe, Peter Strzok, David Oh and others are under federal investigation for running character assassinations and working with the economic assassins from Fusion GPS, Google Media, Gawker Media and other illicit attack organizations. Victim #127 reported to some of these men. Charges of FBI, DOJ, VA and SSA executive reprisal manipulations and attacks against citizens would have sounded ludicrous a decade ago but, in the post-Snowden world, catching those who pervert State and Federal offices has become common-place. It is beyond reasonable to assume that Victim #127's charges of benefits reprisal-stonewalling are well founded and have full legal merit. The services who charge to perform the support work for such attacks would charge a minimum of $30,000,000.00 for the same reprisal and vendetta services used against the Victims. Ie: the life-time placement of negative attack data on Google and on all of the Axciom, Taleo and other hiring HR and hiring databases, globally; and the locking, on the front top page of Google search results, forever, as they did under the orders of White House officials, of the attack and defamation data, was done because Victim #127, and the other victims became Federal witnesses.

The award winning Netflix television documentary entitled WORMWOOD, details the murder of U.S. employee Frank Olsen, in New York by a federal agency. The family of Frank Olsen received an in-person apology from President Ford, for the government caused death of Mr. Olsen. World renown investigative reporter: Seymor Hersh, featured in that documentary, has stated that he is aware of hundreds of such attacks on U.S. citizens. Lawyer Alan Stein, who has represented numerous survivors who were once Victimized by the U.S. Federal officials at the Allan Memorial Institute in Montreal has provided vast amounts of evidence confirming the validity of these charges. This even further validates the fact that rogue State and Federal agency executives do actually, poison, murder, character assassinate and career sabotage those they feel may expose their illicit schemes, as they attempted to do with Victim #127. The facts prove that there are no limits to the depravities that a rogue government official will undertake when operating in the dark.

The attacks on Victim #127 were "State Sponsored Attacks" directed, financed and managed by California State public officials, Elected Officials including U.S. Senators, and the highest level Federal Agency officers.

Instead of the "*Thanks of a grateful nation*", Victim #127 has received political reprisals, revenge and vendettas using taxpayer financed resources. Victim #127 has contributed more in the service of his country and community than most non-veteran current benefits approved recipients, yet Victim #127 is treated to reprisal and vendetta actions by the politics of State and Federal agency staff. That does not seem quite fair.

We ask the State ad Federal agencies to correct the record and bring fairness and justice to the finalization of this case. Victim #127, his family, friends, associates and others will pursue this forever, through the media, law enforcement and alternative

means ...until it is fairly resolved.

Thank you for your valued consideration in this matter.