

US Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

Criminal Section ☐ PHB

Washington, DC 20530

In the Matter of:)
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Harry N. Arger)
Rosa M. Tumialan)
Christina Brunty)
Todd Gale)
Joseph J. Tirello Jr)
Defendants)

NOTICE OF FILING U.S. JUSTICE DEPARTMENT COMPLAINT

Christopher Stoller, Complainant files his Criminal Complaint against the following Illinois Attorneys Harry N. Arger, Rosa M. Tumialan, Christina Brunty and Todd Gale and the Arizona Attorneys Joseph J. Tirello Jr., with the Clerk of the U.S. JUSTICE DEPARTMENT COMPLAINT on Sept 5, 2019

/s/Christopher Stoller Executive Director
Americans for the Enforcement of Attorney Ethics
(AEAE)
P.O. Box 60645
Chicago, Illinois 60660
773-746--3163
email cns40@hotmail.com
www.rentamark.net

Service list:

Harry N. Arger
Rosa M. Tumialan
Christina Brunty
Todd Gale
Dykema Gossett PLLC
10 South Wacker Drive Suite 2300
Chicago, Illinois 60606

: Joseph J. Tirello Jr Esq
jtirello@zbslaw.com
Zieve, Brodnax & Steel LLP
3550 North Central Avenue, Suite 625
Phoenix, AZ 85012
Phone 602 865 8086
Attorney for Plaintiff

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In the Matter of:)
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 Harry N. Arger)
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 Christina Brunty)
 Todd Gale)
 Joseph J. Tirello Jr)
)

COMPALINT

The Defendants Joseph J. Triello Jr., is charged with perjury.

Joseph J. Triello, defendant herein, knowingly and fraudulently made a material false declaration, certificate and verification under the penalty of perjury, as permitted under Section 1746 of Title 28, in and in relation to a case under Title 11, *In re John Doe* No. _____, by submitting Schedules of Assets and Liabilities and a Statement of Financial Affairs, in which the defendant fraudulently omitted to disclose all bank accounts he had maintained within two years immediately preceding the filing of the bankruptcy petition, property held by third persons in which he had an interest, including two Rembrandt paintings, and the fact that he had previously filed bankruptcy within the past six years.

Harry N. Arger, Rosa M. Tumialan, Christina Brunty, and Todd Gale are Charged with subornation of perjury.

On or about the _____ day of _____, in the _____ District of _____,

COMES NOW, Complaint Christopher Stoller and hereby moves this Commission for investigation of possible professional misconduct, perjury, based on the evidentiary record supplied herein and the perjurious declaration by Arizona Attorney Joseph J. Tirello Jr., filed in this court on July 17, 2017,(Exhibit B) and subornation of perjury by Chicago Attorneys Harry H. Arger, Rosa M. Tumialan, Christina Brunty and Todd Gale s (“Respondents”)(Exhibit A Appearances) who drafted and filed the alleged perjurious Declaration of Mr. Tirello on July 17, 2019 (“**Exhibit B**”).

The serious allegations of perjury and subornation of perjury grow out of a fraudulent civil eviction action initial filed unlawfully filed in the State Court of Arizona. By Arizona Attorney Joseph J. Tirello Jr., on behalf of Wilmington Trust and a fraudulent pleading filed in this court entitled Motion to Remand for Sanctions and Other Relief (Doc 14 18 cv-01821 Northern District of Illinois) incorporated herein by reference as if fully copied and attached.

The named Defendant, Philip Stone, in Federal District Court Case No. 18 cv-01821 whose rights have inured to Christopher Stoller, through an Assignment of Claims, and causes action (“Exhibit 2”) in and to the subject property, known as 28437 N. 112th Way, Scottsdale, AZ. Christopher Stoller, 70, a disabled person as defined by the Americans for Disability Act (ADA) and Michael Stoller¹, 27, a disabled person, a protected person as defined by the Americans for Disability Act, who is the sole owner of the subject property and holds a Warranty Deed clear and free of any mortgage or liens which is marked as (“Exhibit 3”).

The debts of Phillip Stone a New Mexico Resident, Stoller’s predecessor in interest in the property, were discharged in bankruptcy (“Exhibit 4”), and the Respondents have violated the discharge injunction 11 U.S.C. § 524(a)(2). Plaintiff sent out an unlawful debt

¹ Michael Stoller has assigned to Christopher Stoller, under the Law of Assignments of Causes of Action insofar as permitted by law, forever, any and all causes of action, remedies or claims now or in the future, that Assignor Michael Stoller have against any party, not limited to financial institutions, contractors, builders and their employees, affiliates, successors and assigns.

collection letter, unlawfully using the mails,² “Notice to Vacate” to Philip Stone marked as (Exhibit 5”). (Violation of 8.4 (c) & (d). The Respondents knew that Philip Stone³, a former owner of the subject property, did not own nor occupy the subject property since September 19, 2008, when Mr. Stone moved to New Mexico. Plaintiff’s violated the discharge injunction in that Wilmington Trust when they filed their fraudulent Forcible Entry and Detainer lawsuit against a non-party, Philip Stone, in order to avoid diversity, and to deprive the lawful owner, Christopher Stoller and Michael Stoller of the subject property from removing the case to Federal Court.

There is irrefutable evidence that counsel, **Joseph Triello Jr.**, for Wilmington Trust, committed perjury, when he signed the Forcible Entry and Detainer lawsuit on 30th day of October, 2018. **Exhibit 5** as well known to the Respondents Harry H. Arger, Rosa M. Tumialan, Christina Brunty, Todd Gale and **Joseph Triello Jr.**

In the first paragraph of the Defendants’ suit (Exhibit 6) it falsely states that “**Defendants are residents of Maricopa County, Arizona.** Attorney Joseph Triello Jr., knew that this was a false statement. Philip Stone is a resident of New Mexico and has not occupied the subject property in 10 years⁴. Joseph Triello was advised who the true names of the owners

² 940. 18 U.S.C. Section 1341 Wilmington Trust said letter met the two elements in mail fraud: (1) Wilmington Trust having devised or intending to devise a scheme to defraud (or to perform specified fraudulent acts), and (2) Wilmington Trust use of the mail for the purpose of executing, or attempting to execute, the scheme (or specified fraudulent acts).” *Schmuck v. United States*, 489 U.S. 705, 721 n. 10 (1989); *see also Pereira v. United States*, 347 U.S. 1, 8 (1954) (“The elements of the offense of mail fraud under . . . § 1341 are (1) a scheme to defraud, and (2) the mailing of a letter, etc., for the purpose of executing the scheme.”); Laura A. Eilers & Harvey B. Silikovitz, *Mail and Wire Fraud*, 31 Am. Crim. L. Rev. 703, 704 (1994) (cases cited).

³ Email Chain as between Christopher Stoller and Plaintiff’s attorney prior to Wilmington Trust filing their fraudulent forcible detainer law suit CV 2018-013457 on Oct 30, 2018 under penalty of perjury. Attorney Joseph J. Tirello Jr., committed perjury 18 U.S. Code § 1621 - Perjury when he signed the fraudulent detainer lawsuit. See affidavit of Christopher Stoller

⁴ Christopher Stoller informed Joseph Triello giving him actual notice that Philip Stone had moved out of the said property, 10 years earlier. Mr. Triello was informed that Michael Stoller was the owner. Christopher Stoller informed Mr. Triello that if he intends to sue to put the names of Christopher Stoller and Michael Stoller into the complaint. Mr. Triello intentionally placed Philip Stone, a now party, as defendant in his Forcible Detainer lawsuit in order to

of the subject property were. (See email communications as between Mr Triello and Christopher Stoller Exhibit) Please refer to the email chain of communication as between Christopher Stoller and Joseph Triello prior to Mr. Triello filing suit on October 30, 2018. See below true and correct copies of paragraph 1 of the fraudulent Forcible Entry and Detainer. See also a true and correct copy of the signature of attorney Joseph Triello under penalty of perjury on page 4 of the Forcible Entry complaint **Exhibit 6**.

Respondents Harry N. Arger, Rosa M. Tumialan, Christina Brunty ,Todd Gale and **Joseph Triello Jr.** knew or should have known that the Eviction Lawsuit (**Exhibit 6**)filed by Joseph Triello contained a perjured statement, yet Mr. Arger,, Ms. Tumialan with the endorsement and ratification of Respondents of Christina Brunty and Todd Gale and **Joseph Triello Jr.** filed a fraudulent Motion for Removal (Doc 14 Illinois Northern District , Case No. 18-cv-01821) incorporated herein by reference, enforcing the perjury of Joseph Triello before the court in the Northern District of Illinois. Ergo, the need for this Commission to investigate Joseph Triello , Harry N. Arger, Rosa M. Tumialan Christina Brunty and Todd Gale and for professional misconduct ..

The following is an exact reproduction of the complaint lines 19 through 25 which establish a prima facie and irrefutable evidence of Mr. Triello's perjury before this Commission. Mr. Tirello stated that all of the "Defendants (i.e. Philip Stone) were residents of Maricopa County Arizona" in the fraudulent Arizona Eviction lawsuit (**Exhibit 6**).. That this was a false statement given under oath as well known to Mr. Harry N. Arger, Rosa M. Tumialan Christina Brunty , Todd Gale and **Joseph Triello Jr.**.

First of all, Mr. Triello knew that Philip Stone was not a resident of Maricopa County Arizona, and the subject property. Secondly, Mr. Triello knew that Philip Stone was not a

avoid diversity and to prevent the correct parties Defendants from being named in the suit in clear violation of the THE FRAUDULENT JOINER PREVENTION ACT OF 2016 (FJPA). Mr. Triello fraud was willfully and deliberate fraud.

resident at the subject property when he filed the fraudulent eviction lawsuit **Exhibit 6** as well known to Mr. Harry N. Arger, Rosa M. Tumialan, Christina Brunty and Todd Gale who have engaged in witness tampering, and obstruction of justice. See a true and correct reproduction of the Arizona Eviction Lawsuit below which provides clear judicial evidence for the perjury of Joseph Triello. When he falsely states under oath that **“Defendants are all residents of Maricopa County Arizona.”** The defendants were **NOT** all residents of Maricopa County Arizona. That is evidence of perjury!

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**YOU ARE BEING SUED TO BE EVICTED FROM THE RESIDENCE.
PLEASE READ CAREFULLY.**

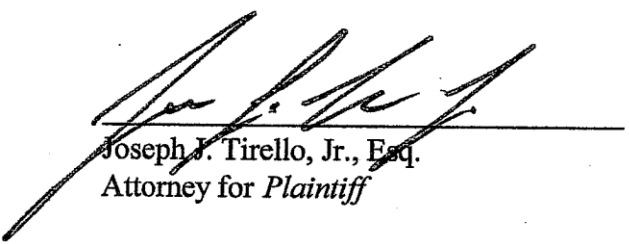
Wilmington Trust, National Association, not in its individual capacity but as Trustee of ARLP Securitization Trust Series 2014-2, as Plaintiff in this action for its Complaint alleges as follows:

1. Plaintiff is authorized to bring this action in Arizona. The Defendants are all residents of Maricopa County, Arizona. The real property (the “Property”) that is the subject

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H. For such other and further relief as the Court deems just and equitable.
I declare under penalty of perjury that the foregoing is true and correct.
DATED this 30th day of October 2018.

ZIEVE, BRODNAX & STEELE, LLP



Joseph J. Tirello, Jr., Esq.
Attorney for Plaintiff

Harry N. Anger charged with sorboration of perjury, witness tempering, obstruction of justice



Rosa Tumialan charged with sorboration, witness tempering, obstruction of Justice



Aiding and abetting

DYKEMA GOSSETT ATTORNEYS HARRY N. ARGER AND ROSA M. TUMIALAN ARE CHARGED WITH PROFESSIONAL MISCONDUCT, SORBORNATION OF PERJURY, WITNESS TEMPERING AND OBSTRUCTION OF JUSTICE

Plaintiff's Wilmington Trust Corporation, not in its individual capacity but as Trustee of ALRP Securitization Trust, Series 2014-2 ("ALRP") a defunct trust. See a true and correct copy of a certificate of Revocation.

KENTUCKY SECRETARY OF STATE
P.O. BOX 718
FRANKFORT, KY 40602



First Class Mail
US Postage Paid
Frankfort, KY
Permit No. 888

Certificate of Revocation

I, Alison Lundergan Grimes, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

IMPORTANT NOTICE

**ARLP SECURITIZATION TRUST,
SERIES 2014-2**

did not file its 2016 annual report within sixty days after it was due. Accordingly, the Secretary of State revoked the Business Trust's authority to transact business in Kentucky on October 1, 2016.

**ARLP SECURITIZATION TRUST, SERIES
2014-2
C/O ALTISOURCE ASSET MANAGEMENT
CORPORATION
402 STRAND ST.
FREDERIKSTED VI 00840-3531**



Alison Lundergan Grimes
Alison Lundergan Grimes
Secretary of State

HARRY N. ARGER AND ROSA M. TUMIALAN endorsed and ratified by Christina Brunty and Todd Gale filed a fraudulent pleading before in Northern District of Illinois Case

No. 18 cv 01821 entitled **Motion to Remand, for Sanctions and other relief** (Doc 14) incorporated herein by reference.: See a true and correct reproduction of the first two paragraphs of the Respondents false pleading.

MOTION TO REMAND, FOR SANCTIONS AND OTHER RELIEF

NOW COMES plaintiff, WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT AS TRUSTEE OF ALRP SECURITIZATION TRUST, SERIES 2014-2 (“ALRP Trust”) by and through its attorneys and under 28 U.S.C. § 1447(c) moves for an order remanding this matter to the Superior Court of the State of Arizona in and for the County of Maricopa. ALRP Trust states as follows in support of its motion.

INTRODUCTION

ALRP Trust is the plaintiff in a forcible entry and detainer case pending in the Superior Court of the State of Arizona in and for the County of Maricopa under case number 18-13457. The forcible complaint was filed in Maricopa County on October 30, 2018. Philip B. Stone was named as a defendant along with unnamed occupants and parties in possession. The Arizona eviction case has been held in abeyance since the fall of 2018 because of two purported removals to federal court in Chicago, Illinois. See Declaration of Joseph Tirello, Jr., attached as **Exhibit A** at ¶ 18.

The respondents are aiding and abetting Wilmington Trust Corporation’s fraud when they confirm the damning admission that “Philip B. Stone was named as a defendant, when the respondents and their client Wilmington Trust Corporation know that Mr. Philip Stone did not

own the subject property and did not live at the subject property since 2009 yet they intentionally named a non-party to avoid diversity jurisdiction and to avoid naming the correct party Christopher Stoller and/or Michael Stoller. See attached Emails (Exhibit 7 to Wilmington Trust Corporations' Arizona lawyers and Mr. Joseph J. Tirello Jr.)



Wilmington Trust Corporation attorneys Harry N. Arger and Rosa M. Tumialan drafted and filed a declaration endorsed and ratified by Christina Brunty and Todd signed by Arizona Attorney Joseph J. Tirello Jr., which contained perjured statements as well known to Respondents Attorneys Harry N. Arger, Rosa M. Tumialan, Christina Brunty and Todd Gale and **Joseph Triello Jr.** See a true and accurate reproduction of the perjured declaration (Doc 14 page 10) of Joseph J. Tirello.

DECLARATION OF JOSEPH J. TIRELLO, JR.

I, Joseph Tirello, Jr., hereby declare as follows:

1. I am an attorney licensed to practice in the State of Arizona. I am a member of the firm Zieve, Brodnax & Steele, LLP. This declaration is based on my personal knowledge as the attorney of record for Wilmington Trust National Association, Not In Its Individual Capacity, But as Trustee of ALRP Securitization Trust, Series 2014-2. If called and sworn as a witness, I could and would testify competently thereto.
2. I am counsel of record for Wilmington in an eviction case filed in Maricopa County, Arizona pending under case number CV2018-013457.
3. The eviction case relates to property that is located in Maricopa County, commonly known as 28437 N. 112th Way, Scottsdale, Arizona (the "Property"). Wilmington is the holder of a note secured by a deed of trust that was recorded against the Property.
4. The note went into the default and a non-judicial foreclosure proceeded in accordance with Arizona law.
5. The eviction action was filed on October 30, 2018.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of July 2019.



Joseph J. Tirello, Jr.

Paragraph 3: "Wilmington is the holder of a note secured by a deed of trust that was recorded against the property." This is a perjured statement. Wilmington is not the holder of any valid Note that was recorded against the property." No Note was attached to the eviction

lawsuit. They do not have any valid Assignment of any original Note with by an Officer of Countrywide Bank to Wilmington Trust. This fact is well known to Joseph J. Tirello Jr., Harry N. Arger, Rosa M. Tumialan Christina Brunty and Todd Gale .

Paragraph 4: “The note went into default and a non-judicial foreclosure proceeded.” This is a false and perjurious. Wilmington Trust never had an original assignment of the Note from Country Wide Bank. The judicial foreclosure was a fraud, Christopher Stoller, as Sole Trustee, conducted a prior Trustee Sale which foreclosed Wilmington Trust’s interest in the property as well known to Wilmington Trust, Joseph J. Tirello Jr., Harry N. Arger and Rosa M. Tumialan.

FACTUAL BACKGROUND

1. Plaintiff Christopher Stoller, purchased property known as 28437 N. 112th Way, Scottsdale, AZ from Philip Stone who Quit Claimed his interest to Christopher Stoller Pension and Profit Sharing Plan Limited (CPPSP) on September 19, 2008. This was recorded in the Maricopa County Recorder’s Office on September 22, 2008, under 2008-0815422.

2. On September 19, 2008, Philip Stone transferred and conveyed to CSPPS, a Bahamas Corporation and/or Christopher Stoller and Leo Stoller (collectively Assignees) under the Law of Assignments of Causes of Action insofar as permitted by law, forever, any and all causes of action, remedies or claims now or in the future, that Assignor CSPPSP have against any party, not limited to financial institutions, contractors, builders and their employees, affiliates, successors and assigns, et al., as well as the right to prosecute such causes of action in the name of the Assignor or Assignees or any of them and the right to settle or otherwise resolve such causes of action as Assignees sees fit, regarding the following real property in Maricopa County, State of Arizona:

Lot 3, Pinnacle Foothills, according to Book 398 of Maps, Page 50, and Affidavit of Correction recorded in Document No: 96-0145582, records of Maricopa County, Arizona. Assessor’s Parcel Number: 216-74-044.

Commonly known as: 28437 N. 112th Way, Scottsdale, Arizona 85262.

Notice(s) of Lis Pendens were filed by Christopher Stoller on the subject real estate on December 29, 2008 under No: 2008-1090943 with the Maricopa County Recorder's Office and another Lis Pendens filed on December 2, 2013 under No: 20131025435.

The Christopher Stoller and Michael Stollers do not owe any delinquency payments, nor did Philip Stone owe any unpaid principle balances on said property. All of Philip Stone's debts were discharged in his Bankruptcy ("**Exhibit 4**"). This fact is well known to Joseph J. Tirello Jr., Harry N. Arger, Rosa M. Tumialan Christina Brunty and Todd Gale ., yet they were still attempting to collect on debts which violates the Federal Debt Collection Act and the Illinois Consumer Fraud Act.

3. Philip Stone's Promissory Note secured by a Deed of Trust and the Adjustable Rate Note together was cancelled as a result of the United States Bankruptcy Code 10-11558-17. Christopher Stoller filed a full release and full re-conveyance of said Deed of Trust and all other debts in connection with same including the Adjustable Rate Note secured by the Deed of Trust was filed with the Maricopa County Recorder's Office on August 1, 2014, under no: 2014-0512240 ("**Exhibit 4**").

5. The evidence is clear and convincing that the Arizona eviction law suit filed on October 30, 2018, represented a fraud on the court and contained the perjured statement of Attorney Joseph J. Tirello Jr., when he stated under oath that all of the defendants were residents of Maricopa County. The Commission s has jurisdiction over Attorneys are Illinois Attorneys or Attorneys who come into the State of Illinois who are guilty of professional misconduct, committing perjury, subornation of perjury and fraud on the court. (Rule 3.3(a))



6. Attorney Joseph J. Tirello Jr., perjury was more conclusive, when Jon Burges made a simple six word denial contained in an interrogatory in a civil case “denying torturing prisoners into making confessions”. Mr. Burges was charged and convicted of perjury⁵. Mr. Burges was sent to Federal Prison for 5 years. The filing of the Arizona Eviction Lawsuit by Attorney Joseph J. Tirello and the drafting and filing of the Tirello Declaration (Doc 14, Page 10) by Harry N. Arger and Rosa M. Tumialan affirmatively establishes probably cause that professional misconduct, perjury and subornation of perjury has been committed in this case demanding that the Commission open an investigation into the misconduct of attorney(s) Harry N. Arger , Rosa M. Tumialan Joseph J. Tirello Jr., Christina Brunty and Todd Gale .

WHEREFORE, Complainant prays that the Inquiry Board immediately assign this matter to a hearing, panel, that a date for hearing be immediately set, that the hearing be conducted and that the panel make findings of fact, conclusions of law and a recommendation for such discipline as is warranted by its findings.

That the ARDC issue an order to suspend) Harry N. Arger , Rosa M. Tumialan Joseph J. Tirello Jr., Christina Brunty and Todd Gale from the practice of law pending its investigation.

⁵ https://www.democracynow.org/2010/6/29/jury_convicts_chicago_police_commander_jon

Respectfully Submitted,

/s/Christopher Stoller

Christopher Stoller
415 Wesley Suite 1
Oak Park, Illinois 60302
(773) 746-3163
Cns40@hotmail.com

Certificate of Mailing

I hereby certify that this motion is being deposited with the U.S. Postal Service as first Class mail in an envelope addressed to:

Illinois Attorney Registration
and Disciplinary Commission
130 N. Randolph Street, Suite 1500
Chicago, Illinois 60601

Date: August 6, 2019

