

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

- - - - -

KHOR CHIN LIM,

Plaintiff,

OPINION AND ORDER

v.

12-cv-625-bbc

SCOTT WALKER, JOHN J. McALARY,
DIANE F. BOSSE, BRYAN R. WILLIAMS,
ROBES S. McMILLEN, E. LEO MILONAS,
MICHAEL COLODNER, STAPLES, INC.,
RON SARGANT, CITY OF MILPITAS,
JOSE ESTEVES, MARK GRIFFITHS, DREW WINTERS,
BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM,
GOH CHOK TONG, QUEST DIAGNOSTICS, INC.,
KENNETH W. FREEMAN, SURYA MOHAPATRA,
MARK KHOO, FRANK VAN ORDEN, RICKY LAU,
ELIZABETH LAU, WIATR, LLC., MITT ROMNEY, ED GALLARDO,
LAURIE SMITH, SARAH HOLIDAY, M. MILLER,
BAYMONT INNS AND SUITES, BARBARA B. CRABB,
FRANK EASTBROOK, WILLIAM BAUER,
ANN WILLIAMS, J.B. VAN HOLLEN,
RONALD HACKER, AMIR SAM DIBAEI,
YOK LAW, LLOYD SMITH LLC,
MATTHEW PALMER, LLOYD SMITH,
JOHN REID, CHARLES N. CLEVERT, MOTEL 6,
RAEWADEE PARNWUKH, BRENT WILKENING,
RONG SHENG, INC., KITTY CHIANG, JOSE ORDUNA,
PAUL RYAN, DAYS INN, BARBARA CRABB,
PETER OPPENEER and
DOES 1 through 18, inclusive,

Defendants.

- - - - -

Plaintiff Khor Chin Lim has filed a complaint against Governor Scott Walker, in his

personal and official capacity, along with more than sixty other defendants, including me.

Plaintiff alleges that these defendants have conspired to stalk, harass and abuse him in diverse ways. The complaint is accompanied by a motion for a temporary restraining order in which plaintiff asks, in particular, for this court to enjoin Mitt Romney from running as a candidate in the upcoming presidential election, among other things. Plaintiff also has filed a motion to consolidate this case with several others that he has filed in this district and elsewhere, including the Eastern District of Wisconsin and the Northern District of Illinois.

Plaintiff is proceeding pro se and has paid the filing fee. Because the complaint repeats allegations that have been considered and dismissed previously, his motion for a temporary restraining order will be denied and this case will be dismissed.

The proposed complaint sets out the following allegations of fact.

ALLEGATIONS OF FACT

In the complaint, plaintiff Khor Chin Lim states that he is a resident of Janesville, Wisconsin. In his motion to consolidate, plaintiff states that he resides in Naperville, Illinois.

Many of the defendants in this case are domiciled in Wisconsin, including Governor Scott Walker, United States Representative Paul Ryan, United States District Judge Charles Clevert, Clerk of Court Peter Oppeneer, Mark Griffiths, Drew Winters, the Board of Regents of the University of Wisconsin System, Attorney General J.B. Van Hollen, Lloyd M. Smith, LLC, Lloyd M. Smith, Matthew G. Palmer and me. The remaining defendants are domiciled

in other states or in countries outside the United States.

Defendants John J. McAlary, Diane F. Bosse, Bryan R. Williams, Robes S. McMillen, E. Leo Milonas and Michael Colodner are members of the New York State Board of Law Examiners, located in Albany, New York.

Defendant Quest Diagnostics, Inc., has a corporate headquarters located in New Jersey, where Defendant Surya Mohapatra is its present chairman and CEO. Defendant Kenneth Freeman, who was chairman and CEO of Quest Diagnostics from 1996 through 2004, resides in Massachusetts. Staples, Inc., is a corporation with its headquarters located in Framingham, Massachusetts, where defendant Sargent is its chairman and CEO. Defendant Mitt Romney also resides in Massachusetts.

Several defendants reside in Illinois, including defendants Frank H. Easterbrook, William J. Bauer and Ann Claire Williams, who serve as judges on the United States Court of Appeals for the Seventh Circuit. Wiatr LLC is a business located “around Chicago, Illinois.” Defendant Baymont Inn and Suites is a hotel carrying on business in Rockford, Illinois. Defendants Motel 6 and Days Inn are hotels that operate in Elk Grove Village, Illinois.

All other defendants are domiciled in California, where defendant City of Milpitas is located. Defendant Jose S. Esteves is mayor of Milpitas, where defendants Ed Gallardo, Sarah Holiday and M. Miller are employed as police officers. Defendant Lauri Smith is the sheriff of Santa Clara County and a resident of California. Defendant Mark Khoo is a physician and a resident of California. Defendant Frank Van Orden is a psychiatrist who

also resides in California. Defendants Ricky and Elizabeth Lau are individuals who reside in California. Defendant Yok Law is a resident of the State of California in the City of Milpitas. Defendant John Reid is a judge and a resident of California. Defendant Brent Wilkening is a police officer employed by the Santa Monica Police Department. Defendant Ronald Hacker is a resident of California who does business in Los Angeles. Defendant Amir Sam Dibaei is an attorney who represents defendant Hacker and “Bag Fund LLC” in a case (Case No. SC112269) that is pending in the Superior Court of California in Los Angeles. Raewadee Parnwukh is a resident of California. Rong Shen Inc. and Kitty Chiang are owners of the Win All EZ Inn, which operates as a motel in Southern California.

One of the main defendants is Goh Chok Tong. Defendant Tong is a Court of Appeals justice and “purported expert on land law in Singapore.” Together with Justice L.P. Thean, who is not a defendant, Tong violated the law by drafting a judgment that dismissed a claim brought by plaintiff’s previous employer, Lee Kai Corporation, in what plaintiff characterizes as “stupid reasoning of unprecedented magnitude . . . [of] a level never seen in history.” After news of the judgment “leaked” to the news media, Tong hired a “hit-man to [throw] a brick at plaintiff” in the restroom of the National University of Singapore law library. The brick hit plaintiff in the back of the head. Since that incident, which occurred near the end of 1992, defendant Tong has continued to pursue a personal and political vendetta against plaintiff. Meanwhile, plaintiff has filed several unsuccessful lawsuits against defendant Tong in California and in the Northern District of Illinois.

In 1995, plaintiff was dismissed from the University of Wisconsin-Milwaukee after

his instructor, defendant Mark Griffiths, suggested that he seek “counseling to withdraw.” Plaintiff was dismissed from the university after two semesters.

In 1996 to 1997, plaintiff attended the University of New South Wales. He quit attending classes, however, after a law professor referred to the 1992 incident in which the hitman hired by defendant Tong threw a brick at plaintiff’s head.

From 1998 through 2002, defendants Khoo and Van Orden, with the help of defendant Quest Diagnostics and their executives, drew blood from plaintiff. After considering the results, which reportedly showed an “iron level of 6.9,” defendant Khoo issued plaintiff a referral for a liver biopsy.

Plaintiff had more academic difficulties in 2002 through 2004, when a professor at De Anza Community College, which is located in Cupertino, California, refused to let plaintiff stay in class. In 2005, a professor at the University of Dubuque, which is located in Iowa, asked him to get “speech lessons.” In 2007, another professor at the University of Dubuque accused plaintiff of plagiarism. Plaintiff received a diploma from the University of Dubuque, but had to pay late fees because he was forced to spend extended time in a hospital for an unspecified condition.

Plaintiff performed unspecified work for defendant Ronald Hacker in Los Angeles, from 2010 through 2011, but was never paid. Plaintiff also reportedly worked at the rate of \$12.00 an hour as a paralegal for the Global Law Group. Plaintiff claims that he endured rude treatment during his employment and that he was eventually terminated after defendant Tong circulated false accusations against plaintiff.

In state court litigation involving defendant Hacker and his attorney, defendant Dibaei, defendant Reid refused to recuse himself as the presiding judge of that action (Case No. SC112269), which is pending in the Superior Court of California. Defendant Reid has “imposed sanctions and ordered discovery” without any jurisdiction in that case.

In July of 2011, plaintiff returned to Janesville, Wisconsin, where his bank (M&I or BMO) “fraudulently manipulated” his accounts. Then, “totally out of nowhere,” the reference librarian at the UW-Madison library asked plaintiff to explain himself. During this encounter, the librarian and other “cronies” of defendant Scott Walker started to touch themselves on the back of their heads, mimicking the incident in which a hitman threw a brick at plaintiff in 1992.

Plaintiff was assaulted at a Staples store in August 2011. The assault was committed by a person who purported to be the store “manager,” but was actually a “hired bouncer/gangster” intent on inflicting physical or bodily injury on plaintiff. Staples has a “close connection” to defendant Romney. In a calculated attempt to curry favor with defendant Romney, all Staples stores have refused plaintiff a refund on software and a laptop.

In September of 2011, plaintiff began filing lawsuits in the Eastern District of Wisconsin. On September 29, 2011, plaintiff traveled to Santa Monica, California, to attend a court hearing. At around 6:30 a.m., he was involved in a car accident with defendant Jose Orduna, who intentionally caused the incident. A police officer for the City of Santa Monica (defendant Brad Wilkening) promptly appeared and issued plaintiff a

citation for driving without proof of insurance. Plaintiff's insurance was stolen at the Win All EZ Inn. Defendants Mitt Romney and Walker orchestrated the theft of insurance, the car accident and the citation because plaintiff has been sending e-mails to Romney's presidential campaign headquarters, demanding access to Romney's tax returns.

Plaintiff purchased cough medicine at Walgreens on October 23, 2011, which caused him to "feel drowsy" and go "to sleep." Several days later, on October 28, 2011, plaintiff purchased some "diet mountain dew" from Walgreens, which caused "severe pain" in his stomach and back. On October 31, 2011, plaintiff purchased unspecified "drugs" at Target, which "exacerbated the problem caused by the diet mountain dew." Pharmacists employed by Target "subsequently sent emails harassing plaintiff." Defendant Clevert, who presided over several cases filed by plaintiff in the Eastern District of Wisconsin, failed to prevent this harm by ruling on motions for a temporary restraining order that plaintiff had filed against Walgreens and Target.

In February of 2012, defendant Wiatr, "trading in the style as Discount Locker, fraudulently induced plaintiff to engage their service to rekey the lock of [his] car door." A "service technician" employed by defendant Wiatr duplicated the key to plaintiff's car illegally and distributed copies to all of the named defendants. On numerous occasions, defendants have "trespassed" by entering his car and stealing items "ranging from mobile phones, clothing, accessories, etc."

In April of 2012, Defendant Lau "fraudulently induced" plaintiff to rent a room in San Gabriel, California. Defendant Lau did so "to inflict harm on plaintiff" by stealing items

of plaintiff's personal property, including his "partial bridge." Dentists employed at defendant Lloyd M. Smith S.C. then "fraudulently induced plaintiff to engage their services only to mail to plaintiff a defective 'partial bridge.'"

Plaintiff has been unable to gain admission to the State Bar of New York. On April 16, 2012, plaintiff learned that he received a low score of 77 on the Multistate Professional Responsibility Exam (MPRE), which is administered by the National Conference of Bar Examiners. The New York State Bar requires a score of 85. Plaintiff believes he did very well on the exam. The National Conference of Bar Examiners has refused his repeated requests to recheck the score and to disclose the method used for computing his score.

On April 18, 2012, plaintiff was assaulted in front of a "tea house" known as the "Half and Half" in Pasadena, California, where "two Asian men attempted to commit battery" and to "assassinate plaintiff by trying to provoke plaintiff" and to inflict harm by causing a fight. Defendants are responsible for these incidents.

On May 1, 2012, plaintiff learned that he did not pass the New York bar exam, which he took in February 2012. Plaintiff received a score of 601, which was "way below the 665 required to pass the exams." By reporting plaintiff's failure to the New York Bar, the New York Board of Law Examiners has engaged in fraud and discrimination. Plaintiff was denied the ability to practice immigration law in New York and he has suffered loss of income as a result.

On May 9, 2012, defendant Esteves, Mayor of Milpitas, caused the water supply to plaintiff's residence at 170 Rose Drive to be filthy, rendering the premises uninhabitable.

Defendant Yok Law caused the toilet to malfunction. At the urging of defendants Walker and Romney, defendant Law instituted eviction proceedings against plaintiff on June 18, 2012, in the Superior Court of California, in Santa Clara County. Defendant Law then called the Milpitas Police to remove plaintiff from the property. During the eviction process, defendant Gallardo pointed his pistol at plaintiff and other police officers engaged in actions that constituted “apprehension, amounting to false arrest and inflicted severe emotional distress.”

In July 2012, defendant Baymont Inn in Rockford, Illinois, stole plaintiff’s mobile phone. Defendant Baymont Inn also refused to refund the cost of plaintiff’s room even though he did not stay there.

Sometime thereafter, plaintiff returned to California, where he was charged with a felony after police officers printed out a picture taken from “the closed circuit television,” which showed plaintiff holding a knife at a fitness center in San Jose. The arrest was “false.” Plaintiff was the victim because the video shows only the police and a “group of hit-men who surrounded plaintiff in the locker room in the fitness center.”

On July 29, 2012, defendants Romney and Walker caused defendant Raweeda Parnwukh to damage plaintiff’s car by intentionally tying an unidentified “structure” to the bumper of her car and then backing into plaintiff’s car.

On August 9, 2012, defendants Romney and Walker caused a “poisoned pin to be embedded in the bed linings and or bed sheet” of plaintiff’s bed at the Motel 6 in Elm Grove Village, Illinois. Defendants Romney and Walker also stole plaintiff’s printer cable and

power cord so that plaintiff could not print documents to file in unspecified legal proceedings.

On August 17, 2012, defendant Days Inn stole plaintiff's mobile phone, laptop charger, keys, and prepaid credit cards. Hotel employees trespassed by entering his room and placing a scissors in the bed, hoping that plaintiff would injure himself.

Defendants Easterbrook, Bauer and Williams presided over one of his appeals to the Seventh Circuit and voted wrongfully to deny his motion to recuse in Case No. 12-1265 and took other actions without jurisdiction in connection with several other civil actions that were dismissed by the Eastern District of Wisconsin. Defendant Van Hollen had "no power" to defend Governor Walker or to appear in any of the proceedings that were dismissed by the Eastern District.

Defendant Walker aided and abetted defendant Tong by interfering in a series of lawsuits that plaintiff filed in the United States District Court for the Eastern District of Wisconsin, including: Lim v. Marvin Hellenbrand, No. 12-cv-296; Lim v. Walgreens, Inc., No. 12-cv-168; Lim v. Mark Griffiths, No. 12-cv-264; Lim v. Quest Diagnostics, Inc., No. 11-cv-875; and Lim v. New York State Board of Law Examiners, No. 11-cv-429. Defendant Walker was recruited into the conspiracy by defendant Romney, because plaintiff has been writing emails commenting on Romney's presidential campaign and refusal to disclose tax return information. All of the defendants have "acted in concert, in conspiracy" with defendants Romney and Walker "to inflict harm on plaintiff, and the conspiracy, aiding and abetting among the defendants is ongoing."

OPINION

Plaintiff accuses various combinations of defendants with engaging in deceit, fraud, intentional misrepresentation, libel, breach of statutory duties, false arrest, false imprisonment, breach of contract, breach of fiduciary duties, assault, battery, abuse of legal process and violations of the Foreign Corrupt Practices Act. He contends that all defendants are vicariously liable as conspirators and for aiding and abetting the wrongful actions of the others and he seeks punitive damages and injunctive relief. In particular, plaintiff asks this court to issue an injunction against defendant Romney to prevent him from running as a candidate in the presidential election and to freeze his bank account, as well as the bank account of defendant Walker.

I note that plaintiff has listed me as a defendant in this case, alleging correctly that I dismissed the lawsuits that he filed previously in Khor Chin Lim v. Scott Walker, No. 12-cv-492 (W.D. Wis.) and Khor Chin Lim v. Scott Walker, No. 12-cv-552 (W.D. Wis.). He contends that the dismissals were “without jurisdiction and or without legal basis[,]” dkt. #1 at 27, ¶ 87a, and that defendant Peter Oppeneer, as Clerk of Court, participated in this “abuse of legal process” by referring these cases to me.

Plaintiff contends that I may not preside over his lawsuits because of a conflict of interest. He made the same argument in his previous cases. There, as here, plaintiff does not allege facts that establish a conflict of interest. As I have explained repeatedly, judicial rulings are not a sufficient basis for recusal, by themselves. Litekey v. United States, 510 U.S. 540, 555 (1994). In other words, a recusal motion may not be based solely on a party’s

dissatisfaction with adverse rulings. Id. at 549. Because plaintiff does not identify any basis for inferring personal bias or prejudice, I decline to recuse myself.

Although plaintiff has paid the filing fee, I have a duty to “screen the complaint and dismiss frivolous or transparently defective suits spontaneously.” Hoskins v. Poelstra, 320 F.3d 761, 763 (7th Cir. 2003); Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999). Although pro se pleadings are entitled to a liberal construction, Haines, 404 U.S. at 521, such a complaint is subject to dismissal as frivolous if it lacks an arguable basis in fact or law. Neitzke v. Williams, 490 U.S. 319, 325 (1989). A complaint lacks an arguable basis in fact when the plaintiff’s allegations are so “fanciful,” “fantastic,” and “delusional” as to be “wholly incredible.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (citing Neitzke, 490 U.S. at 325). Stated another way, a complaint is factually frivolous if its allegations are “bizarre, irrational or incredible.” Edwards v. Snyder, 478 F.3d 827, 829 (7th Cir. 2007) (citations omitted).

To proceed with a complaint alleging “a vast, encompassing conspiracy,” a plaintiff must meet “a high standard of plausibility.” Cooney v. Rossiter, 583 F.3d 967, 971 (7th Cir. 2009). Plaintiff falls far short of that standard. Unfortunately, plaintiff repeats many of the same allegations he has made in other lawsuits that he filed previously in the federal district courts. Many of his allegations repeat those that were dismissed previously in Khor Chin Lim v. Scott Walker, No. 12-cv-492 (W.D. Wis. July 25, 2012) and Khor Chin Lim v. Scott Walker, No. 12-cv-552 (W.D. Wis.). Other claims repeat those made in other cases involving allegations of conspiracy, which have been dismissed as frivolous. Lim v. BMO

Financial Group, No. 11-cv-666 (E.D. Wis. Jan. 19, 2012); Lim v. Walker, No. 11-cv-708 (E.D. Wis. Sept. 14, 2011); Lim v. Courtcall, Inc., No. 11-cv-748 (E.D. Wis. April 30, 2011); Lim v. Staples Inc., No. 11-cv-866 (E.D. Wis. Nov. 17, 2011); Lim v. Lim, No. 11-980 (E.D. Wis. Oct. 21, 2011); Lim v. Courtcall, Inc., No. 12-cv-5 (E.D. Wis. Jan. 19, 2012); Lim v. New York State Bd. of Law Examiners, No. 12-cv-429 (E.D. Wis. July 13, 2012). Plaintiff's claims against defendants Mark Khoo and Frank Van Orden have been dismissed for lack of personal jurisdiction. Khor Chin Lim v. Mark Khoo and Frank Van Orden, No. 11-cv-875 (E.D. Wis. July 10, 2012), but his claims against defendants Quest Diagnostics, Inc., Surya Mohapatra and Kenneth Freeman remain pending. Khor Chin Lim v. Quest Diagnostics, Inc., No. 11-cv-875 (E.D. Wis.).

As I have explained to plaintiff, repetitive allegations of the sort made by plaintiff are considered malicious and are not allowed. Lindell v. McCallum, 352 F.3d 1107, 1109-10 (7th Cir. 2003) (citing Pittman v. Moore, 980 F.2d 994, 995 (5th Cir. 1993) (noting that it is "malicious" for pro se litigant to file lawsuit that duplicates allegations of another pending federal lawsuit by same plaintiff). Courts do not allow litigants to pursue claims that have been raised and rejected previously by other federal courts. Doing so would mean the persons named as defendants would be subjected to unreasonable fees and expenses incurred in defending themselves over and over again against the same meritless claims. Hagee v. City of Evanston, 729 F.2d 510, 514 (7th Cir. 1984) (explaining that doctrine of res judicata is designed to protect litigants from facing multiple lawsuits and "to enhance judicial economy by prohibiting repetitive litigation").

Plaintiff's current complaint is frivolous as well. His allegations are so implausible as to be wholly incredible. Neitzke, 490 U.S. at 325. His federal law claims will be dismissed as either frivolous or malicious.

Insofar as plaintiff's allegations arise under state law, I decline to exercise supplemental jurisdiction over them in the absence of an actionable or non-frivolous claim arising under federal law. Ridings v. Riverside Medical Center, 537 F.3d 755, 772 (7th Cir. 2008). Accordingly, plaintiff's state law claims will be dismissed.

In conclusion, I warned plaintiff in an August 9, 2012 order that he would be sanctioned if he continued filing meritless motions and repetitive claims. Khor Chin Lim v. Scott Walker, No. 12-cv-552 (W.D. Wis.) (Dkt. # 3). He has failed to heed the warning. His disregard for court orders invites sanctions. Homola v. McNamara, 59 F.2d 647, 651 (7th Cir. 1995) (emphasizing that the judicial system cannot and need not "tolerate litigants who refuse to accept adverse decisions"). In the future, any motions, complaints or other materials he files in this district will be docketed and sent to chambers for review. If any part or all of his submissions seem to have any plausible merit, those portions will be addressed. If not, they will be denied or dismissed summarily, without opinion. Alexander v. United States, 121 F.3d 312, 315 (7th Cir. 1997). Plaintiff is warned that he risks additional sanctions, including monetary penalties, if he continues to abuse court resources with repetitive filings. Homola, 59 F.3d at 651; United States v. Robinson, 251 F.3d 594, 595 (7th Cir. 2001) (approving sanctions for litigants who inundate court with frivolous motions, imposing costs in time and paperwork on court and its staff and delaying

disposition of meritorious matters).

ORDER

IT IS ORDERED that

1. Plaintiff Khor Chin Lim's motion for a temporary restraining order, dkt. #2, and motion to consolidate, dkt. # 5, are DENIED;
2. The case is DISMISSED;
3. Other than a properly filed notice of appeal, all future motions, complaints or other materials filed by plaintiff in this district will be docketed and forwarded to chambers for a determination whether the matter should be addressed or denied summarily or dismissed without an opinion.

Entered this 17th day of September, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge