

Nicholas E. Purpura/ Donald R. Laster Jr.  
1802 Rue De La Port Dr.  
Wall, New Jersey 07719  
(732) 449-0856

January 8, 2010

U.S. District Court (D.N.J.)  
Hon. Freda L. Wolfson  
402 E. State Street, Rm. 2020  
Trenton, New Jersey

To Be Made Part of Official Record  
Re; PURPURA et al v SEBELIUS 3:10-cv-04814-GEB-DEA  
(Attachment to Plaintiffs Reply Opposition to Defendants Anticipated Motion)

Dear Judge Wolfson:

Your Honor has calendared the Summary Judgment Motion for Default for January 18, 2011. With respect to the matter "*We the People*" Plaintiffs, respectfully ask Your Honor, to grant Oral argument and afford the "*People*" an opportunity to be present any objections to Defendants arguments in the "*interest of substantial justice.*"

Plaintiffs are aware that under normal circumstances oral argument is not required, but in view of the complexity of the matter and based upon what could be finality without conducting an "oral argument" would deprive all parties concerned of a record.

The "*People*" are aware the Court must consider the pleadings and affidavits in light most favorable to Plaintiffs, Compuseve, 89 F3d 1262. In such a case, dismissal is appropriate *only if all the specific facts which Plaintiff...alleges collectively fail to state a prima facie case for jurisdiction.*

It is without argument the "*People*" overwhelmingly fulfilled their burden of proof by a preponderance of evidence of violations of the supreme law of the land; to quote Judge Hudson; the Act; "*is neither within the letter nor the spirit of the Constitution,*" since H.R. 3590 violates Articles and Amendments of the Constitution, to include established statutory legislation. *See United States v Local 560, International Brotherhood of teamsters*, No. 82-689, slip op (D.N.J.) Hirsch v. Enright Mfg., 577 F Supp. 339 (D.N.J.). Farmers Bank of State of Delaware v. Bell Mortgage Co., 452 F. Supp. 1278, See also Herman and McClean v. Huddleston, 10-3 S. Court 682.

Any denial of oral argument especially since the "*People*" have yet to be given any "evidentiary hearings and the Defendants propensity to present a vague and ambiguous response, based upon unsubstantiated conclusionary fact and law, in absence of a plausible legal theory. Instead of the required specific responsive pleading, that is mandated, *see, FRCP 8(b) and (d).*

The fundamental requisite of “*due process*” of law is the opportunity to be heard” *See Grannis v Ordean*, 234 U.S. 385, 394, *Milliken v. Meyer*, 311 U.S. 467; *Priest v Las Vegas*, 232 U.S. 604; *Roller v. Holly*, 176 U.S. 398 all of which held:

“An elementary and fundamental requirement of it “*due process of law*” in any proceeding which is accorded finality is notice reasonably calculated, under all the circumstances, to apprise interest parties of the pendency of the action and most importantly afford them an opportunity to be present, is the opportunity to present their objections. Surely, a Motion for Summary Judgment for Default qualifies concerning finality.

**Plaintiffs’ are *pro se*, our opposition is the entire DOJ consisting** of scores of attorneys, if no crimes or violations were committed as alleged. Surely such a mighty force of Attorneys’ should not object or fear arguing against two *pro se* litigants on the issues that can be more accurately accomplished after a factual record is developed. *See, Flu-Cured Tobacco Co-op Stabilization F. Supp* 2137, 1145, *Corp v United States EPA*, 857

If our Petition is meritless as Defendants counsels allege and no crime or violations were committed why should anyone object to a record?

The Honorable Judge Hudson stated concerning H.R.3590: “*is neither within the letter nor the spirit of the Constitution,*” But his ruling decision would not be the last we have heard on the matter. The same can be said concerning the action before this Court.

By established law, any “Dismissal” of Summary action is only appropriate, if it appears that no substantial Constitutional question is/was presented. [*our emphasis*] In the case at bar, numerous questions of law, related to the Constitution, statutes, and procedure, to include numerous violations of procedural “*due process*” and “*equal protection*” are at the forefront, that deserve oral argument in relationship to “H.R. 3590”.

Thank you in advance for your consideration to further assure a prayerfully just and Honorable decision.

Respectfully,

---

Nicholas E. Purpura, *pro se*

---

Donald R. Laster, *pro se*

cc. Ethan P. Davis United States Justice Department (Washington, D.C.)