

the  
Pro Se Litigant  
{The Olympic Record}

Leo LaBranche

*Attribution and appreciation are given to  
Mr. Lewis M. Brown for suggesting and naming the book.  
His suggestion came 24 years ago and acted on January 2010*

Legal Dedications

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Pursuing the Impossible Dream  
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**PART III**

## **Chapter 9** 11300 Vanowen Street, North Hollywood, California

Imagine a dark, windowless space with black and white (linoleum) squares on the floor likely not deep cleaned in 20 years. Two bath rooms, his and hers, and a small storage room at the back. The walls reflected the breathing, actions, and karma of local patrons over the years - I mean this isn't Cheers. The space is rented by an immigrant. He's been here 20 years. He moved and put his new version his bar, the Embers, less than 300 feet away in a separate building. The original Embers was the corner unit of old strip mall, front and back door only. In the 'mall' we have a Korean market, an adult book store, a laundry, and a suspicious never opened unit, and me in the ex-Embers bar. The owner of the mall is a nice guy from Beverly Hills, and his zip is 90210, like the TV show. Across the street, as earlier mentioned, was heavy duty aerospace companies and support technologies, in part, to support of the Burbank Airport a few miles down the road. I marveled at the Rolls Royce right across the street, 5 days a week. I could see it by looking through my peep hole.

This is before Olympic Records and I was driving a delivery truck at the time. In Southern California, like many large cities, businesses have difficulty disposing of large objects they don't need because it cost a fortune to get rid of them if required to pay someone to pick them up. When I would drive in the backs of businesses there would be things worth many thousands of dollars to someone if they would come and get it. There were wealthy salvage people who would make the rounds every few days. They were equipped with small cranes and lifts and could grab just about anything. The trouble with

salvage is you must have a place to put it, and there is little space in southern California for anything or anybody, and this was then (1981). One day I started salvaging because I drove/had a truck, I was barely making a living, and I had some space since I had nothing in it but the Fender Rhodes piano, a salvaged recliner, and a cat. One day I saw 50 2-ply solid glass windows which had been removed from a hi-rise. Some of the sides were chipped. They were encased with the rubber sealant which coated all edges. Must have already been installed and removed for flaws. These were silver plated windows you see in the skyscrapers. Each piece was 38 by 56 and came in at 54 pounds. This I wanted, treasure I guess, maybe sell some. I went back that night and picked up 40 windows, about a ton of 2-ply glass. They were absolutely beautiful (silver/steel grey glass with diffuser between the panes) and my rental unit could use a lift of any kind. I glassed in 1000 of the 1200 sq. ft.. When you walked in the room it was cool. No outside light so when you lit the room right with a few cheap lamps you could make the room look like heaven (subject to who was in it). It covered the ugly and was a one of a kind space. The future home of Olympic Records, not yet a gleam in this musician's eye. Everybody sits around looking at themselves, and as long as the light's right you look fine. After getting used to it you didn't see it at all. It was just the mirrored wall. Man it made the place quiet.

#### How Olympic Records came to be

(1982)

We were going into business. Start-up capital has been established. In August

1982 we're sitting around the table at Vanowen discussing how to organize our new company and music release. Present are Sally, me, Doug, Joe, and ever present T.O.. I was producer and musician, Sally was finance and therapist, Doug was computers and musician, and Joe was promotions and musician. Still in the talking stage: What to call the company? In many ways it didn't matter what it's called as in the music business, to a large extent, it is just a handle for identification. A tradename. You've got A&M, RCA, ABC, Capital, Columbia, Motown, MCA, Arista, Planet, Capital, Atlantic, Pacific, Liberty, American, Virgin, Sun, Moon, Stars, BMG, BMW, your kids name or your dog's name it doesn't really matter - but could it? The value of the name of a music company or record company is directly associated with the value and popularity of the music and artists it owns and releases for public consumption. Like a song, no one really cares or knows, or even thinks about, who wrote the song. It makes no difference in their accepting of a recording. They only absorb who is singing the song and it don't make a 'hill of beans' who wrote it. Everyone thinks Elvis songs are Elvis songs. Elvis wrote few of them. So, something germane would be the right name. The word Records prefaced by something. And soon there wasn't gonna be any more records 'cause records were vinyl and vinyl was leaving. PS: A good vinyl pressing (record) played on a record player with better than average needle going to a decent reproduction system (amp and speakers) is better than any music fidelity you will ever experience anywhere except for, or with, metal masters, which you would never hear. Had to say it. Aficionados still buy and special order vinyl records.

### Doug's Suggestion

After a few beers, Doug (our soon to be computer programmer when PC's were just arriving) suggested Olympic Records. We all laughed knowing full well it existed already. The name was so common and obvious we were sure it was in use. I would have lost everything (I had nothing in reality) on the bet that Olympic Records was somewhere just around the corner in L.A. or Hollywood, I would have bet my life on it, figuratively speaking. My experience in the music business made me more sure than anyone, and more wrong than anyone. The meeting adjourned when we ran out of beer and we later proceeded with normal start-up activities. Sally Singer, Doug Belli, Joseph Kelly, Kindra Koury - the singer, and I were the principal characters. And T.O. was climbing around in the rafters as always. Five people and cat became the core of the company.

### Song Material

I began the process and searched for song material for the artist, Kindra, who wanted to record a gospel music album. This was good idea since that market is small compared to the general market and we would be able to handle it with our modest start-up resources. Religious radio stations, sometimes referred to as Christian radio stations, were nationwide so it would be possible to cover the country and see if we could make a mark in that genre with our first recording. Month to month we prepared for the first recording sessions which would begin in October with a release of the record to radio in

the early Spring. The Vanowen studio space was just right for rehearsals and after locating and choosing the songs we got them ready for the recording sessions to follow.

### TI-99 Texas Instrument

One of the first PC's on the market was a Texas Instrument product called the TI-99. The only place you could buy one was Toy's R Us and they didn't seem to be selling like hot cakes. They were right next to GI Joe. It cost about \$1,000 and it was simply hardware which you had to assemble. If you wanted it to function you had to get the programming manual and program it yourself. If you wanted the CPU to do anything else you had to buy hardware plug-in modules and then program for that particular task. Thank God for Doug 'cause without him we were going to be using pencils, paper, and a typewriter. He spent many hours daily learning to program the box so we could have a rudimentary data base with which we could make and keep records as well as print labels and letters. Radio station data was the main reason for needing it. Eventually invoices and such. We had to be able to print mailing labels as well as keep track of things state by state and station by station. Doug worked many hours just to experience what crashing was all about, I mean hours and days. Sometimes a week would go by and he would have nothing to show for it but a blank screen. A very dedicated man and a fine bass player. How he could sit there all day I will never know, actually I do know. I paid him from budget maybe twenty dollars a week for gas and we had lunch.



## Go Find Olympic Records

To say the least, I went about trying to locate Olympic Records. In the local Library I found recent business directory publications and I first searched in California, then New York, then Illinois, and Tennessee presuming any record company using that name would be in one of the large metropolitan areas. I could not locate any company or corporation by that name. I later looked in all states, nope, none there either. Very strange. I did find one reference to the name Olympic Records which had closed in 1978 in New York state. On further investigation I found they were an American company which exclusively imported Classical music from Italy. They had a logo of a guy throwing a discus. They were in no way involved in recording or producing music in America. This couldn't be true. How on earth could this fantastic and obvious trade name in the record business not be in use? Especially since we were collectively so sure. - *As we later found, 90% of all radio we contacted during the promotion period were equally sure that the company was, and had been, in existence forever and they believed we were that company* - . These radio stations were also adamant that they be put on our list of radio stations and that we provided them with all future products from our company. Eventually we stopped arguing with them, and agree with them. We apologized for not sending them records in the past. This happened every day during promotion cycle. Hey, "how you been and where you been so long and why haven't we heard from you in the past?" This is what we heard day after day. They thought we were 'somebody' and I assure you we were not - who they thought. This was the ever present and mysterious

myth or mystery attached to the tradename.

OK, let me try to use it. I obtained, as required, 2 businesses licenses from Los Angeles County (wholesale and retail); a d/b/a from the state of California; a re-sales tax permit from the state of California; the federal Employer Identification Number from the I.R.S.; you know, the Treasury Department. A local business license was also required from North Hollywood. That was about it. Now what else can I do to legitimize myself and my company? I now have local, city, county, state, and federal permission and authorization to be Olympic Records. This thing has got me now. This is really a valuable suggestion, thanks Doug.

## **Chapter 10** California Department of Corporations

Since we are all working for no pay, just occasional expenses, there needed to be a way to legalize or officialize our relationships with, and to, each other so we would know where we stood with respect to shares of the company and profits. No one was to get any salary of any sort. Capital needed to be protected and each of us needed some written documentation or proof as partners so to speak. Well, we need to incorporate. A logical next step and the only next step available. No problem. I telephone California Secretary of State Corporations Division and request a name reservation. I know we are the only one using the name so it should be an easy task as all licensing has previously been. Here comes my first shock. I am informed over the phone that the name is not available because of the Olympic Committee's federal statute prohibiting use of the word

Olympic for the purposes of trade. I apply by mail to get a written refusal and do. There is reference to the federal law known as The Amateur Sports Act of 1978 and the specific prohibitive section is § 380. I called and ordered a copy of the law from the Clerk of the House of Representatives and it arrives in about a month. There is no internet so . . .

The NEW YORK Corporation: Olympic Records, Inc. (01.05.83)

Now I need a lawyer. Though I was steeped in U.S. Copyright law for many years, being a composer with U.S. Copyrights, this did not seem correct. I knew nothing of any laws, statutes, or regulations, pertaining to anything except copyright law. But I believe the law is in all of us and I know it was in me. What I believed in my gut at that instant in time was as true then as it is now, 28 years later. Olympic is already in the Public Domain and is in legal use all over the country for every class of goods and services that exist in our Country. That's what this story is all about.

Sally says we will go see Ruth. Sally's acquaintance is Ruth C. Tachna, an attorney living in Marina del Rey. She was about 80 years old then and a semi-retired criminal prosecutor from New York state. Her New York office was in White Plains and she was partners with Cherry Krassner. Ruth was also a law professor and taught at Northrop University near LAX and a course she called, Space Law, as in outer space. I presumed satellite technology and stuff like that. I never asked. At the first meeting she advised incorporating in New York state. It hadn't occurred to me. Since she had an office in New York it would be considered Olympic Records location for service of

process as is required by state and corporate law. She applied through Prentiss-Hall Corporation Service that very day and we were granted a reservation for the name and accomplish incorporation status 2 days later January 5th, 1983. Though inked in New York how do we manifest this corporation in California. California will not grant foreign corporation status to us due to the restriction now in effect. So Olympic Records, Inc. could not legally do business in California under or using it's own name. A few days after inking Ruth says, form a California Corporation under a different name and have Olympic Records, Inc. issue it a license to do business in California as Olympic Records. Great idea and solution. Now what to call the California corporation and have it be germane or connected in some way. I believe or recall olympic had a connection to Mount Olympus so we formed the Mount Olympus Records Corporation. We file in California which goes without a hitch and later issue ourselves a corporate license to do business in California from NY as Olympic Records, effectively licensing our own name to ourselves. Now I feel like we're safe and sound for a while and we are, for a while. Now we are corporate legal.

I have to admit that though the original reason for the effort was to start a record label using Kindra as the first recording and product, my main reason for the entire effort and ever present focus and soon to be obsession (watch out) was to adhere and conform to the federal trademark laws requirement that you be in interstate commerce before you can apply for a registered trademark in the Patent & Trademark Office (hereinafter "trademark office"). We were undoubtedly going to be in interstate commerce (you can't

sell a record in just one state unless it is a state song or something local like that). The law is satisfied many times by a person seeking a trade mark simply selling a product over one state border (even once) and that is enough to satisfy that requirement of being in interstate commerce. The world is full of exceptions, loopholes, and circumvents.

Now my focus is strictly on the trademark and I'm about to be inducted into tunnel vision. Make money fine, sell some records fine, make a name for ourselves, fine, create goodwill, fine and all manner of these things necessary, but that is not my reason for this any more. I want ownership of the trademark. Let's put the record out, promote it, sell some and after doing so apply to the Trademark Office, register the trademark and logo design and go after capital investment for a run at competing with the bigger dogs. You need more capital than we were going to have (present coffers) to compete with even minor independent labels who had deep pockets. Not Michael Jackson or Elton John and the superstars but some companies back then, and surely now, would invest 100's of thousands of dollars in promotion to get there recordings heard (radio play) and sold (distribution). Even when they didn't "need" to spend tons of cash this was a biggest part of business. Mega companies go head to head with million dollar promotion budgets and independent labels with deserving artists and products were somewhat foreclosed from competing in the game, at least in the game for the biggest radio markets. It's all radio then, no internet. Radio play is advertising and the larger the metro-market the more listeners and the more exposure and sales. Autonomous radio promoters made one hell of a living calling their friends, programmers, and DJ's in major markets and telling them

what songs they needed them to play. Thousands of dollars a week to get Harry to tell Joe which cuts to push of the newest release. Even if your record and artist 'stinks' you can still promote the hell out of it and it will get airtime and sales will result. You are in competition with all things, good, bad, or mediocre, and the factor most in play is promotion money; not the merit of the recording, or the artist, or the song. Also, stink is in the ear of the beholder.

Olympic Records needed the registration and notice (® circle with 'R' in the middle) to begin to think it could raise money and protect the share holders and investors. And by virtue of owning the mark, company, and corporate stock this could be addressed. With no proof of ownership of the company name there was going to be no Olympic Records. We need United States proof, authorization, and permission (sanction).

## **Chapter 11**                    The Recordings and Sessions

The sessions begin at Monterey Sound in Glendale, engineered by Wayne Neuendorf and continue at Producer's Workshop in Hollywood with Ben Rodgers, later mastered at the Mastering Lab by Ron Hitchcock, singles mastered by Arnie Acosta. The players are William "Smitty" Smith, on Piano and Hammond Organ (2 songs). Will Boulware on Piano (his song). Joe Kelly, Guitars and Doug Belli, Bass. Doane Perry, Drums and Novi, Viola and Synthesizer. I was on Fender Rhodes piano and Flugelhorn.

FYIO - *Album title:* For Your Inspiration Only                    *Kindra Koury*

Two things were agreed between Kindra and I. One was that you need not Praise the Lord with every breathe in order to be singing a 'spiritual" song and message. And we agreed 'subtle' was the idea for the main song that we would try to promote. You can praise the Lord and not even mention His name. What matters is in your heart. She picked two songs we agreed are inspirational but not overtly religious. Kindra's first choice was a fine song by *David Lasley & Alice Willis* "Come What May" (I think she knew Alice). One of the most beautiful songs I ever heard. This was gonna be the 'single.' Kindra's vocal was as good as anyone ever sang anything, and Amen. (sound like her producer?) Her soulful style came from early influences: Bessie Smith; Ella Fitzgerald; Dinah Washington; among the best female singers who lived. Kindra is also of Greek descent and this may add to the color of her voice. I asked her before she sang that first and final take, "when you arrived at the 'last music note' of the song, the word 'May,' add a smile to that word. You should hear it. The other song was "Over the Rainbow" [*Harold Arlen - E.Y. Harburg* song] in a gospel style. She requested a specific musician to accompany her on this song and he was William "Smitty" Smith, a famous Hollywood pianist, singer, and writer. When he played you didn't need anybody else. Kindra also chose a song he wrote, "Saved by the Grace of Your Love." Another song was one by, now famous jazz pianist and composer, Will Boulware, "Everyone Needs a Hiding Place" (go to his site). Kindra picked one of my songs I wrote with Joe Wilson called "Satisfied Mind" (Don't know where Joe is). Smitty contributed "Saved By the Grace . ." and Kindra and Joe Kelly penned two songs together, Don't Cry No More and Sweet Ride

Jesus. Kindra also chose "You Must Not Fear It" by Rob Moltoza and the hymn "Precious Lord," her Mom's favorite.

## **Chapter 12**      Thomas Briccetti - Mentor and Maestro

At this time I am in the union (A.F.M. - 20 years) and my re-use checks come to the L.A. local. There are still occasions when membership is advantageous. If you were to play on television or films you want to be union. If you're a big shot you make our own deals, but you're still in Union. Membership includes a newspaper called "The International Musician." The back ten pages are ads mostly posting vacancies in Symphony Orchestras around the country and the world. I would sometimes read these ads wistfully wishing I was in a secure position as a player in a symphony orchestra might be. So it was like reading the 'help wanted' for entertainment. I came across an ad for an opening in the Omaha Symphony Orchestra, and the music director-conductor was Thomas Briccetti who I saw last in '64' (fishing/sunburned) before leaving for Denver for my short college education. I got together some tunes, put them on a cassette and sent it to him with a letter of gratitude for all he was back then for me. He knew me only as trumpet. I sent him songs. He was a fine composer and I wanted him to hear the 'product of my time' as it is called. You can't help loving your teacher. He called a week later and I heard his voice and had a system crash. He meant so much to me 'then' that when transported back to 'then' by his voice it was realization of how much I loved the man. The largest mentor for sure.



We exchange pleasantries and he says, "that guy singing on the tape ain't no Frank Sinatra but he might sound good with my orchestra or chamber group. He was saying I would fit singing with the Symphony. You and I have dreams that we admit to no one (I think) and this was one of those and I'm hearing a dream come true from my mentor and maestro. And I can't do a thing about it. Recording an orchestra is no small proposition and the fees for 35 or 90 musicians is nothing to look forward to, though they are worth it. If Olympic was going to be "me only" then all funds available might be used for this debut of my performing with orchestras. I missed the boat on this one, it left without me - but there may be other ships. Olympic Records is starting up and all plans have been made for its capital. Maybe later after we start up and get going, sure. Got a spare 30 thousand?

Mr. Briccetti mentioned his favorite song of those sent.

### A Monkey's Broken Dreams

The song came after seeing an organ grinder, in early days (70's) of Underground Atlanta, with a monkey and being hopeful that I, we, were not chained to the organ grinder. We have a choice, the monkey doesn't. I'm not so sure. *One Verse and Chorus below.*

A Monkey in the street is doing tricks to win a coin  
The animal is leashed, he's in a club he didn't join  
His employer feeds him often and he's visibly kind  
But once in a while he loses his mind  
And the Monkey Feels His Broken Dreams

And as the Organ Grinds the World is Spinning  
People dying, People winning  
On their way to Somewhere called Unknown  
And as the Organ Grinds try not to Worry  
No one has the time Hurry

Choice sets Us apart from (a) Monkey's Broken Dreams

© Eleo Music ASCAP

Later Mr. Briccetti writes and puts his proposal in print regarding a possible deal between us. I will cherish that letter. We lose contact again as you will see what's coming does not bode well for close communications with almost anyone.

PASTE GRAPHIC of Omaha Letter

Fast Forward: In 2002 in locate Mr. Briccetti (email search) in Perugia, Italy teaching master classes. We communicate warmly back and forth several times (we had the same Mac Computer, Music Software, Kurzweil keyboard, and the Scoring/printing program). My last mailing to Mr. Briccetti, including CD's of my new musical (Truth & Justice) is answered by his partner and librettist Robert Levin. Mr. Briccetti had passed away suddenly. A story on Bob Levin in Part VIII and Briccetti's Opera, "The Contract."

Back to Olympic startup

RADIOLYMPIC

In these ancient times radio stations were still receiving and playing single 45 R.P.M. records. A company would send out what were called "singles" from the album to test the waters and see if a certain song was going to become popular. Sometimes if the first single didn't attract attention the company would send, release as it was called, a different single and see if that had a better response. People still bought 45's back then but that was soon to change and album sales (LP's) were what kept a company in business.

### The Trademark design

Paul Roells fine engraving work. G & W Trophies, in North Hollywood. I requested he use the torch on the Roosevelt dime as example, fatten it and give it different flames. Incredibly fine artistic engraving. Starting with a [one ounce] Canadian Maple Leaf he hammered it down to make a round wafer. I never saw gold look so good, hell I never saw gold before, not as in coin in hand. How many of us handle gold?

### PASTE GRAPHIC

We released "Come What May" first, it being the more sophisticated song on the record. Some love it and aired it right out of the mailer and others thought it was not religious enough for their demographic. So we sent them a single song from the album which was more to their audiences taste.

### Radio Promotion

This means getting the station to locate your mailing, review it, see if they will play it, even once, and see how their audience responds. We would follow up and hear what happened. We would log the data and use it for promotions to other radio stations. Two guys on the telephone several hours a day for several months. Joe Kelly was a natural at telephone radio promotions. Gift of gab, great sounding voice, and a great musician

(guitar). He could talk the talk. Kindra did telephone (on-air) interviews and I did my share of calling. I concentrated on the northeast and there were fewer non-profit religious stations but they were important and in the largest metro areas. Doug, as always, is stuck face to face with the computer.

The records are shipped and the radio stations begin playing and we find out we were already well known, mysteriously. But there's a problem. Some of the more conservative stations balk at her record cover where they submit she looks too provocative. I didn't put the record out to offend people with the art work and she could look like a fallen angel to some. Too much attention paid to airbrushing and all that, my fault. Some thought she looked like a hooker. The Mary Magdalen syndrome, I called it. I coulda shoulda ignored it but my knee jerked and I designed a plain cover and re released it. This was really unnecessary, but was an effort not to offend and had nothing to do with profit because there was not going to be any, sadly to some. We sold records and tapes but nothing to suggest any profit was going to erupt. We got the machine working.

When you sent a record to a radio station they would seldom know it arrived until you called them about it. Hundreds of records a day could arrive, at the larger station, and no one would know, or care, about it unless you called about it. First step in radio promotion, "Did you get my record? What record? It's the one with the girl with overly made up face. Oh, yeah, "that one!" Are you sure you sent this to the right place, you know we're a Christian station, don't you? And so it would go. Some had no problem

with the cover picture, but others thought we were based in the bad place or maybe had no Christian sense. I sinned, I'm sorry. I got the record aired all over the country, no small feat. Some stations, no kidding, played her whole album once a day for a weeks. Very small sales. Sales are seldom a start-up businesses main concern. You gotta be there first, spread some goodwill, get to know people, that's the first goal. And it was working.

I thank the Radio Stations listed for being there at the beginning of Olympic Records. I also thank them for revealing the *mysterious* phenomena of the existence of Olympic Records, in their minds and memories - one or the other) which was the exact *phenomena* which had affected me and the other founders of Olympic Records. This tradename has value and good will attached to it, in the recognition sense for sure, and how can that be? Was this name just sitting around in the ethers waiting for someone to use it. Is it a trap or trick? How about a curse? I earlier investigated, everywhere, and found evidence of all prior Olympic Records companies going back to 1921. I researched the (foreboding) Library of Congress for this ancient information. The last O.R. closed in '78' and imported classical recordings from Italy. OK, I'm convinced. Something good this way may come. It's summer 1983 and Kindra and Olympic aired in 34 States

#### RADIO - SOUTHERN REGION

WJHO, Opelika - HNDA, Huntsville - WRAG, Carrollton

WAGG, Birmingham - WCLS, Phenix City

WQCC, Charlotte - WHVN, Charlotte

WDJS, Mount Olive.

WQTI, Greenville - WPJX, Goose Creek

WFNE, Macon - WHGI, Augusta - WYNX, Smyrna

WLOR, Thomasville - WSOK, Savannah - WXLL, Decatur

WVCG, Coral Gables - WGLY, Miami - WVCF, Orlando - WEXY, Ft. Lauderdale

WAMF, Tallahassee - WCVC, Tallahassee - WPCF, Panama City Beach

WSST, Largo - WWBC, Cocoa - WMFJ, Daytona Beach

***Alabama***

***North Carolina***

***South Carolina***

***Georgia***

***Florida***

KWAM, Memphis - WCOR, Lebanon - WDEB, Jamestown  
WITA, Knoxville  
WSKY, Dallas - WJAK, Lubbock  
KWLW, Many - KDXI, Mansfield - KCIJ, Shreveport  
RADIO - NORTHEAST REGION

WEZE, Milton

***Massachusetts***

WTOW, Baltimore  
WWWG, Rochester  
WPIT, Pittsburgh - WPLW, Pittsburgh - WTIV, Titusville  
WKBA, Roanoke - WZAP, Bristol - WTTX, Appomattox  
WNLR, Churchville - WQPO, Harrisonburg  
WNNN, Salem  
WOTW, Nashua  
WOXO, Norway - WLOB, Portland  
WYCB, Washington

***Tennessee***

***Texas***

***Louisiana***

***Maryland***

***New York***

***Pennsylvania***

***Virginia***

***New Jersey***

***New Hampshire***

***Maine***

***D.C.***

RADIO - CENTRAL REGION

WQBH, Detroit - WFUR, Grand Rapids - WDFP, Battle Creek  
WKJR, Muskegon Heights  
KNOF, St. Paul - WNCB, Duluth  
WPEO, Peoria - WIBI, Carlinville - WEIC, Charleston  
WTOF, Cedar Rapids  
WXLW, Indianapolis - WSLM, Salem  
WFMW, Madisonville - WHKK, Erlanger  
WSUM, No. Royalton - WGIC, Xenia  
KCNW, Shawnee Mission  
WJJQ, Tomahawk - WGMO, Shell Lake

***Michigan***

***Minnesota***

***Illinois***

***Iowa***

***Indiana***

***Kentucky***

***Ohio***

***Kansas***

***Wisconsin***

RADIO - WESTERN REGION

KEST, San Francisco - KWSO, Wasco - KDAR, Oxnard  
KJAY, Sacramento - KMAY, Riverside - KEWQ, Paradise  
KMJC, San Diego - KRML, Carmel - KTED, Fresno  
KQXI, Denver - KWYD, Security - KPIK, Colorado Springs  
KDAZ, Albuquerque  
KXEG, Phoenix - KRDS, Phoenix - KVOI, Tucson  
KSWY, Cheyenne  
KURL, Billings  
KBBX, Salt Lake City  
KGDN, Seattle - KBLE, Seattle - KCKO, Spokane  
KICR, Coos Bay

***California***

***Colorado***

***New Mexico***

***Arizona***

***Wyoming***

***Montana***

***Utah***

***Washington***

***Oregon***

Advertised on Radio in Major Markets

Radio spots four times a day for 10 days.

WPLW, Pittsburgh - WSLM, Salem, In., WGLY, Miami - WGCC, Charlotte  
WPJX, Memphis, WEZE, Boston - WTOW, Baltimore

This was my last effort to get some company to raise its head and say, "Hey buddy, I'm Olympic Records." If you're advertising in major markets using the Olympic Records tradename on the radio someone will turn up if some is out there). No one was.

### Instrumental Music Sessions

Shortly after Kindra's recording I went to a studio called, Sunset Sound Factory. I had long a desire to record a few of my instrumental songs featuring the trumpet and flugelhorn. I assembled the players, Carlos Vega and Lenny Castro on drums; Doug on Bass; Joe Kelly on guitars; myself on piano and trumpet/flugel. We recorded three instrumentals and with time remaining I added a song written back in Vietnam days, lyric from 1972 and music added in 1983 called, "The Victors, The Victims."

### THE VICTORS, THE VICTIMS

© Eleo Music ASCAP

THE REBELLION IS OVER, I SEE A WHITE FLAG  
SOMEONE HAS SURRENDERED, THE CAT'S IN THE BAG  
THE TOWER HAS FALLEN, WE TORE THE GATES DOWN  
CALL UP THE DRUMMERS, LET'S MARCH INTO TOWN

A TRIAL BY ERROR, A COSTLY MISTAKE  
SOME ARE UNLUCKY AND SOME GET A AK  
ONE LOST A FORTUNE, ANOTHER, A SON  
WHO WAS THE WINNER WHEN NOBODY WON?

\*

HERE'S TO THE VICTORS, THE VICTIMS  
AND THOSE IN BETWEEN  
THE WINNERS AND LOSERS WHO ALL HAD THE SAME DREAM  
THE KNIGHTS AND THE PAWNS ON SOME FAR AWAY SHORE  
AND WHEN THEY FALL DOWN WE JUST SEND UP SOME MORE  
2nd time: WILL THERE BE ANY MORE?

A WINNER, A LOSER, A PRO AND A CON  
WON'T IT BE LONELY WHEN EVERYONE'S GONE?  
WHEN THE BATTLES ARE OVER AND NOTHING'S AT STAKE  
WHO'LL GIVE A DAMN IF YOU HAVE WHAT IT TAKES? Repeat \*

*The song is archived at the Emory University archive "Music & War."*

We mix at Producer's Workshop with Ben. We master at the Lab with Ron Hitchcock. Ron was well known and unknown in Hollywood. He was Neal Diamond's recording engineer and mixer for 15 years. Everything you heard of Neal was Ron's work. He was also responsible for the (edits) making the song between Barbara Streisand and Neal, "You Don't Bring Me Flowers Anymore" possible. He was instrumental in the "Jazz Singer." He seldom had opportunity to work for other than Neal so few knew him. I had some great sessions with him. The instrumental recordings go on the shelf.

### **Chapter 13** The Patent & Trademark Office

By years end I made the application to the trademark office. The first reply came back negative because I had included the wrong fee, it had gone up. Four months later after moving to a new location (less space/costs) on Wyoming Avenue in Burbank I received the real refusal. I was refused registration because of the Amateur Sports Act of 1978, the same reason California refused me the right to incorporate. It was a hellava day. This was the same day I was located by telephone when my ex decided after 5 years that I'd needed to talk with my eldest daughter because they could no longer control her. Lori was 16 at the time and I had no contact with her or Amy for the prior 5 years. This woman (and husband) illegally adopted both children through my forged signature in Maryland and my kids thought I was a long gone deadbeat dad musician. And I wasn't long gone or a deadbeat dad, though my heart had a few dead spots. I came to understand why the ex wanted no child support. I had remarried (Christine) and had a son and on that



event my two girls were no longer going to be part of my life. My kids were told I had never worked since I was home every day (and to some extent raised them). However I would put them to bed at night and then go to work. Musicians work in clubs at night, go figure. I would be there in the morning and take them to school, even if working until the wee hours which was usually the case. But I digress.

### Trademark Registration Refusal

What to do now with this trademark office refusal. I re-read it and it says to 'appeal' this decision there is a six month window within which you must respond. The trademark office had it's own administrative court (like most agencies) and that was where one would go to prosecute or defend any action you would take in support of your application. Six months wasn't a long time. What to do now with the people of Olympic Records and the two new recordings we had which were soon to be released. It didn't take long to realize Olympic Records was dead, for now. Without the trademark registration there was no reason to continue. I could continue without the registration of the mark but that was my reason for living and also be circumventing the law. Remaining capital was needed to prosecute our rights, if any, and who knew how long or whether we could prevail. This is going to have to be a singular effort. I turn over the new singer/recording artist project to Doug and shelve the instrumental music project just completed. Tell Joe all is over, for now, and thanks and sorry for the journey to nowhere. I am devastated. One federal agency says you are OK and legal to be who you are, (Treasury Department),

and in fact, tacitly authorizes you to be, and another agency says you are not supposed to exist. Doug takes over the office, gets financial support and goes on with life and forms Melody Marketing with the artist, Billy Milo, and they go about preparing to market and release his recordings. What am I to do, where am I to go, and how am I going to continue. And what is it that I am missing about this? I've been in a daze before but . . . . .

### Move to Idyllwild, California

Sally had a second home seldom used except in summer. 24640 Upper Rim Rock Road, I was there once. It was built for summer and not insulated. Idyllwild was in the San Jacinto mountains above Palm Springs and was between 5 and 7 thousand foot elevation. I called her and suggested, in panic, that I go there and live while I sorted this trademark thing out. We didn't come to an immediate agreement but she relented and I will not forget the day I drove from Burbank in my ancient Oldsmobile 98, the tank, up the hill from Hemet to the Idyllwild house. This car got 9 miles a gallon. Law enforcement stopped me for some reason, maybe I or my car looked suspicious, and Leo was sleeping under a sleeping bag on the front seat. While being questioned Leo woke up and came out from under the bag and startled the officer so much he drew his firearm. All was well though and he let me go and I continued up the hill. Leo spent every summer with me since he was five, until he was 17. Otherwise he was with his Mom in Hawaii where she lived on the Big Island and does to this day.

### Preparing for the Trademark action

On moving to Idyllwild and three months before the C.B.S. Program "Crossroads" aired, I began trips to the Riverside County Law Library (RCLL) which was 60 miles away, up and down the hill to Banning and I-10. One mistake on that road and you're not found unless you burst into flames. The road took many a life, especially in winter. Once someone disappeared and was found three years later, they thought he had skipped town. He skipped alright - right off the cliff. I would go to RCLL and locate materials to begin my education. I had successfully avoided education my entire life by being immersed in music. At least I can read and I can use the copier. I would make photocopies of all things pertinent to trademark law and administrative court rules and regulations and how to write a complaint in a federal forum. Photocopies at the Law Library were 15¢ a piece and I was taking home \$50 worth of photopaper each trip. I made about three trips weekly. Me and the copier were great friends or enemies, I'm not sure. I would go home, build a fire and read until I was catatonic. Then would walk a few miles, as I still do, and back to read until no brain left. I never read anything in my life except music and science fiction. I would have to read many things five or more times just to understand 'part of it.' When I thought I understood it I was often wrong, as understanding is subjective. Eventually the pile and boxes weighed a hundred pounds. There was a lot more to learn but that comes later. I investigated origins of trademarks since it's a basic property right. I opened books that had not been opened in years, if ever, since they were put on the

shelves. I read every case in Supreme Court digest and reports that was relative trademarks back to 1880's when it was then a property right and there was no trademark law. I knew in my heart and soul I was right, but many a man has believed that on his way to oblivion, or worse. If you read forty hours a week you will eventually get it, whatever it is. And what's right got to do with it; not much. Though connected I could not face the music and play piano, sing, write or, God forbid, play trumpet. The brain knew the condition and the heart wouldn't stand for it. A solitary existence was the order of the day, night, week, and year(s). I did get away with Sally every week or so. Jump in the car, drive down to Palm Desert to I-10 and then across the desert to Parker Dam and then anywhere you wanted. Get a cheap fishing boat and enjoy the break. We knew all the lakes in the Colorado River chain. If you can't renew you can't work. In my case I needed not to read a few days. We went away during the week so not to be anywhere anyone was. I've always felt if you go somewhere and everyone is there you might as well be home. Typical artist reasoning, I guess.

#### The CBS Broadcast news program titled CROSSROADS

The TV aires "Crossroads" with Charles Kuralt and Bill Moyers. My son Leo is flipping the channel changer in the other room while I'm in the kitchen fixing supper. Had he (now 6) not been sampling different stations and landed on that August CBS broadcast this whole ordeal could have ended in the administrative court of the trademark office in 1984 because that's where I was to go to pursue it. I overhear the program and shout from

the kitchen Don't Change that Channel. I was mesmerized by what I was seeing and hearing. One of my first real experiences with fight or flight. You know, like a guy standing there with a gun in your face. This was three months exactly into my preparation for the trademark office. Three months remaining in the time frame for responding. Clear as day I can no longer go to the trademark courts to pursue my beef, which is the rejection of my trademark application. Two years later during the third summer from hell Leo asks, "are you going to do this the rest of your life?" Ouch, I've been doing this three years now and that's a third of his life. And in retro I had no idea I'd be paying for from then to now. As this output and story indicates I'm still doing it (after a 20 year pause).

### Federal Court

Back to RCLL. Oh God, please, no. Now I need to know 101 things that I don't know and I don't even know what I don't know. But it's all down there at the RCLL. Three more months of sixty miles down, sixty miles back and watch the curves. I was their most frequent and best customer. They named the copier after me. It was like I worked there.

One morning at 4 AM that summer I was awakened by a loud roar that seemed far off, but not for long. A six pointer was upon us centered on the Banning Fault about 50 miles down elevation and underground, of course. The Idyllwild house was built on top of solid granite (all of it) and the house went up and down instead of side to side, as is the usual for quakes, and I never heard volume or sound like that in my life. It was as if a giant was upon us. It threw me out of bed to the floor. My only thought, once I had one,

was that my son was in the finished basement and the night before we had built a fort out of containers of Olympic Records. Each pack had 25 in it weighing about 15 pounds and we had an entire area, including a roof made from these containers. I couldn't even get to the door from the bedroom to the next room to go down the hall and down the stairs to the basement. The shaking stopped in about 30 seconds; it was the longest 30 seconds of my life. I go to the basement and the 'fort' of Olympic Records containers has collapsed on Leo. He wasn't hurt but had no idea what on earth had happened. That's my earthquake story.

The First Summer from Hell (three more to go, good not to know)

Now I find I need to locate, photocopy, and study federal rules of procedure; local federal rules (D.C. rules); the judicial codes (for jurisdictional); Constitutional law (eventually bought Chester Antieau, Modern Constitutional Law (2 vols) and Federal Trial Handbook 2nd (Hunter)); *case law* re The Fifth, First, Fourteenth Amendments; Article IV; Ninth and Tenth Amendment; Copyright law; Trademark law; Sherman and Clayton antitrust acts; and Article I. I did not know I needed to know this list of laws but one law led to the next and I became familiar with all of them. I also had to read anything that suggested an underpinning of any of the laws. As familiar as possible with the three months of time I had left. Technology is catching up with us and I have a Macintosh Computer for all things needed to be saved and printed, including my first complaint. This was the first Mac, 128k, with the humongous 8 inch screen and a dot matrix printer.

I thought I knew how to read and was proud of knowledge acquired during the first three months of study. It's a good thing I had practice reading 'cause "now I'm reading with a vengeance." Leo went home to Hawaii as usual the end of August, always as an unaccompanied minor (he flew more by the time he was twelve than I did my whole life) and he had no short trips. LA to Kona over and over. One time Atlanta to L.A. to Kona, he and his skate board. We would not look each other in the eye when he boarded 'cause we knew it was gonna be a while till Christmas, he came for a month at Christmas too. And much longer separation when he went back after Christmas. He was my boy.

Now I have September and one week in October remaining before the statutory time clock lapses. This time period is a blur. Fight or flight equivalent to being on the edge of stroking out any minute. It's now or it's over. Ruth said in her quiet way, "fish or cut bait." The first three months had served me. I knew my way around RCLL so when I needed something it simply appeared. I could not read at the library as I would have had to live there. Hundreds of Supreme Court digests and decisions were studied. In point of fact, every one that existed in the books even remotely pertaining to my issues, at least the synopsis. I was an over-doer or over-duer. I have no life but this. As the judge later said, pursuing the "Impossible Dream." This isn't supposed to be "impossible," and I'm wondering whether this is dream or curse. How about the "Impossible Curse?"

#### **Chapter 14** Washington D.C. federal court

California was not fair to me (go figure and big surprise) and though a state and not a federal entity I felt filing my complaint in California federal court would be a mistake, maybe fatal. Call it instinct or physic vision or plain paranoia. I could not have been more right. And though the case ended up back in L.A. (by transfer from D.C.) it was more than fortunate that I made that trip to D.C. to file. The Law says: You can sue anyone wherever they may be located and the USOC general counsel was in D.C. so I fly to Washington and to the federal court house to file. Some say the most important federal district court in the land and I would to agree. That's where much of the big stuff starts and where the big guys are, and where everyone has some sort of repretation, even us Public.

#### D. C. Federal Court filing

I arrive in D.C. timed to avoid staying overnight. At eleven I'm at the clerk's intake desk and they're open. A day prior the President closed the federal government and sent 550,000 people home because of budget arguments with Congress. All U.S. agencies were closed until the difficulty reconciled. The young clerk smiled and told me, "We're always open." I handed him the complaint and he said, \$10. There's a fee I could handle. I wait, he dates it (October 5, 1984) and informed me it is assigned to Judge Barrington Parker. *I later found he was Hinkley's judge.* Judges in the D.C. district court are not lightweights. That's done and I fly home to LA (had drinks on the plane and fell asleep). Now with a slight hangover it's back up the hill to Idyllwild, a three hour drive from



LAX. On the way I drive by the RCLL and it's 3 A.M.. I guess I'll see if going there so much was going to pay off, or if I've got it all wrong. I made the deadline imposed by the trademark office to respond within six (6) months. Now I will wait until the response comes in thirty days.

Not exactly relaxing I feverishly reviewed all that I had done in anticipation of what could be the worst possible outcome; that being a dismissal (by the court on it's own motion) for something defective with the complaint, or, a motion for dismissal by the USOC (hereinafter "USOC or defendant") for something deficient that the Court, on it's own motion could not dismiss, unless complained about by the defendant. I don't know whether I felt worse before I filed or after. This filing was a bare bones complaint. No evidence necessary, only the charges as is proper. I had no hard evidence yet. It wasn't too many pages but it was filled with everything that it should be. I was either right in practice and procedure and the judicial codes or the complaint was going to be rejected, likely subject to re-filing, I hoped. This could be the end my case.

Within thirty days the answer to the complaint arrives. I served the general counsel for the defendant at the firm *Beveridge, DeGrandi, and Kline*. In most courts, you must make a defense or objection to something in a timely manner or after a certain point in time you cannot raise that objection or defense again, no matter what. In other words, raise the objection or issue *now* or forever hold your peace because it's too late. This is general procedure and a normal part of litigation since law began. I knew this but it escaped me and I was alarmed in the event I had to answer this accusation of serving

the wrong person. Mr. Kline, properly doing his job, objected to my filing by saying I had not served the right person, in the right place, at the right time, and on the right planet. Meaning that he was not the proper person to receive the compliant and that I had mistakenly served the wrong lawyer and firm, which meant I had *not sued* the USOC properly. I had read during my 'reading olympics' a judge's comments in a journal indicating: "if you cannot assert proper service upon an attorney for a client then just sue the attorney and add him to the complaint." Had I had experience in court (now at 30 days) I would have understood that Mr. Kline's response was normal as dictated by the rules of litigation. But I took it seriously so when I replied to the answer I added a one page document and sued Mr. Kline and added him to the complaint. A naive blunder. When the next papers came to pass between us there was a new law firm representing the USOC and it was *Kline, Rommel, and Colbert*. It took me a while to figure that one. But if anyone needed to be sued it was surely he. Also I didn't realize Mr. Kline remained a party to the complaint until later in the litigation where at a meeting of the parties I agreed to drop him as a defendant in the suit. So reading and reading and reading is a good thing. Things ancillary to your points can bring rewards and you can even stumble into good results, sometimes.

### Transfer the Case

On the USOC's Answer to my Complaint there was a Motion for Transfer to the federal court in Los Angeles since there was no perceivable nexus (connection) to my

case against the USOC in District of Columbia. Judge Parker said my misperceptions (which I stated in opposing the motion) that the Los Angeles federal court was not going to be "fair" was unfounded and misguided and for that reason and the 'nexus' situation he granted the Motion to Transfer and the case went to Los Angeles federal court. I didn't want to fight in D.C. anyway, just file there. The Judge also mentioned I might have sued the Trademark Office and had I done so that would have made the case stay in D.C.. If Judge Parker had followed this case, he would have observed without question that my fears and trepidation were absolutely well founded regarding the California federal court. Judge Parker said that my 'constitutional claims' were unclear and this proved to be very important. Judicial codes say you cannot transfer a case unless it has been properly filed and is not subject to dismissal by the court, on it's own motion, or motion to dismiss by the defendant which might be granted. This means by transferring the case to Los Angeles I really have a case. I took a few days off and went to Arizona and spent a few warm days at Lake Havasu. You know, that town with the rebuilt London Bridge. It's cold in Idyllwild and now November. On returning from Havasu it had snowed three feet in our absence. I parked in town, hitched a ride up the hill with a snowplow, walked three hundred yards (downhill) to the house (unprepared, no snow clothes), shoveled the drive way to extract the 4-wheel drive Land Cruiser and drove downhill [the never-to-be plowed road] in three feet of snow making the first tracks. *That Land Cruiser was tough, those Japanese made a good jeep.* Go to town, pick up Sally, go up the road toward the house and enter from above the house through a five-foot snow bank left by plowing. The

LC climbed over it and following my footprints left prior we got home. Due to lack of minimal insulation it required one cord of Oak a month and 200 gallons of propane to keep the major rooms (3) in the house livable, and I don't mean warm. The fireplace and T.O. were my winter friends. The Oak had to be split so no worries about exercise.

## **Chapter 15**

### Los Angeles federal court

It's January now and the transfer motion has been affected and I am assigned a judge named Alice Marie Stottler. I'm glad I was assigned to a woman judge, why I don't know, but my gladness turns to sadness pretty quick. Another Motion is filed by the USOC to transfer the case to a judge who has already heard cases between the USOC and other parties. This is known in the codes as 'judicial economy' and does make certain amount of sense but wait a minute - *this is the first screw in the coffin*. Whether I know it, my case has already been decided before it has even been seen or heard.

I am assigned to Judge R. Gadbois. He's an expert on all things olympic because he has ruled in a case against 99 John Does on one complaint who were selling knock off t-shirts, unofficial hot dogs and chips, and the olympic burrito and other such minutia and trivia during the LA Games, usually on the streets (street vendors), in favor of the USOC where all of these major offenders (none of whom appeared or were likely to) were ruled against and the USOC won the case. Now that's a surprise. This judge also had a say (insider information) in the Gay Olympics case (appeal) which I knew nothing about at this time. The USOC later touts and publicizes their litigations as in the *hundreds* of cases

they have brought offenders of the sacred word. This was their first case in court using the Amateur Sports Act. *Judge Alice Marie Stotler where are you? I don't think this would have occurred in your Court. We could have had a impact on the 9th Circuit.*

In Judge Parker's opinion filed with the Transfer Motion he said, "plaintiff's unconstitutional claims are unclear." Had he not made that statement I might have been thrown out by this new olympic judge. One, I was appearing as my own attorney since I could not retain one to take the case (I was considered nutcase, and a musician too). And though I had some of the best corporate attorneys in town and the best personal attorney one could hope for, they were not trial lawyers. And, two, my complaint was several pages of unclear constitutional allegations supported by no evidence other than the claims. This is exactly how it was supposed to be. By virtue of Judge Parker's statements I was able to Motion for Leave to File an Amended Complaint. The judge granted the Motion and I was given six months leave to file my new complaint. Now six months to get the evidence and facts. A condensed version of the information is below enumerated.

### Ready Set - Start!

I first must locate and collect data relating to the proliferation of olympic companies who existed using the word olympic for the purposes of trade since 1950. A grandfather clause exempted businesses using olympic prior to 1950. (Olympic Paints for example) I thought there were hundreds but there were thousands. Six hundred Olympic businesses in New York state alone. Every conceivable product or service existed in the

U.S. with an olympic prefix. But listings and list have no validity in federal court, and almost without exception every document used as evidence must be certified by the licensing authority. Everything had to be certified. Thousands was spent on certifications. I obtained needed certifications from each state, usually a sampling. The states themselves established their enforcement policy by letter to me at my request. Forty-six states contributed records to my eventual filing of my amended complaint. This process took about 5 months.

### The Federal Agencies

I started first with the Executive Branch using the Freedom of Information and Privacy Act (FOIPA) to get information. Copyright Office; Interstate Commerce Commission; Comptroller of the Currency; Securities and Exchange Commission; F.D.I.C.; F.S.L.I.C.; Treasury Department (I.R.S.); Customs; Federal Communication Commission; and U.S. Department of Justice. In other words, every agency of the federal government other than the White House. Don't want to bother Ronny.

### Read All About It!

The U. S. Department of Justice (DOJ) had documents relating to the investigation of olympic committees and the application of U. S. unfair-competition laws to them. They indicated I could not have those documents because they were subject to the exemption privilege. I appealed (as you should) and sued the DOJ and added their

letter and refusal to my case file. It was noted as a "related case" to my judge. I never pursued the appeal. The DOJ had *gifted* me with the information. The DOJ said "olympic committees." Could that be the IOC and the USOC or Donald Duck and Goofy? Not such a stretch as you might think.

Graphic of letter

My filing in D.C. federal court against charged unfair competition under the same antitrust laws. In this moment I knew I was right, at least about unfair competition. If the DOJ is investigating what I myself have claimed then I could be correct. I had a short celebration that night. But celebrations are short lived and soon forgotten. Just because I may be right doesn't win me points but did take stress out of wondering if I was on track. Being right didn't make a difference, none. You and I are going together to Mars where Martian laws rules are in play, not like here on this planet, and all stated rules are negated and optional except I better follow them. Included are the rules of fact, truth, observation, precedent, and common sense. When you beat up on the olympic committee you must be *raping an angel* when in fact your trying to *trump the devil*.

At this moment in Universal time I won my lawsuit and it's February 1985. My points are made by the United States Department of Justice, my Heros. No, they won't give me those points and investigative documents because that would be using them, their deliberations, work product, and resources of the United States to fight my battle. The

federal government can't afford to back or support any litigant or lawsuit unless there is a compelling reason for them to and no nexus existed in my case.

### The States

Certifications from the states show olympic business in all fifty states. Exhibits 27 - 526.

Twenty-five hundred collected and compiled to be used as indisputable evidence in support of all my claims.

### USOC letter to the States. Exhibit 230-232

#### *What would a Fifth Grader do?*

The USOC informs all the States to not allow any olympic business to incorporate. No state went along with this except the golden state. When does the USOC have rights over a State and audacity to tell them what to do. It acknowledges that olympic companies exist and is asking the state to discriminate one as against the other. Does this retarded excuse for a law, the Amateur Act, empower them to make this request in the first place? Not one state except California, where I happened to be, went for this. I guess everybody's stupid except California whose always ahead of the curve. I couldn't sue California though they had injured me. I did end up fighting against a California law firm with over 450 lawyers.

#### *The Fifth Grade Question.*

If 'You' wanted to beat up on somebody, put somebody out of business - some



olympic business for example, are you going to attack Olympic Records Corporation who has 50 employees and 1800 share holders and stores business records for clients in warehouses in Oklahoma, OR, are you going to go beat up on Olympic Fried Chicken in Tupelo, Mississippi which is run by a widow who's barely making ends meet. The USOC olympic hunters will go to Mississippi. Send letters and threaten them at a minimum. This is an example of what *did happen* repeatedly and names/places are changed to protect the victims and the innocent.

*The Fifth Grade Answer.*

Let's go to Tupelo and stop that infringer of our olympic rights; after all we got a deal with Colorado Fried Chicken so she's infringing on our right to license fried chicken using the word olympic. This logic(?) was used again and again and the Supreme Court three years from now will agree with this contention. The tune ought to be "Blinded by the Olympic Light." Oh yes, Olympic Chicken is a financial burden, costing us money for all those threatening letters, so let's charge her legal fees and maybe get her house or business if she can't pay. *I've heard of sick . . .* These are my esteemed and honorable opponents. Heart the size of a molecule, balls the size of a truck, and arrogance beyond any existing on the planet. Makes me wonder "did this policy originate here" or was it imported from across the great water?

By the States (except the golden one) not allowing olympic businesses to incorporate they would be setting them up (the Mom and Pop business) for the olympic hunters when and if it suits the USOC to go after them. This must be the "hundred year"

plan. Why on Earth or Mars would a State agree to this ridiculous, obviously unconstitutional distinction, and request? None of them did, except California. You can't discriminate against your own businesses and people because of a idiotic, arrogant, aristocratic, vicious, and invasive law signed by president Jimmy Carter.

## **Chapter 16** The Gay Olympics

My lawyer Ruth calls and says get the L.A. Times, nothing more. I go the news dispenser, shove in 2 quarters, take the paper home and here it is. An article about the Gay Olympics. "Oh God," what now?

The International Olympic Committee (started in France in 1894) operating from Twitsterland) and our U. S. Olympic Committee have decided to put a stop to Dr. Tom Waddell's idea to have a "Gay Olympics". After all, the Amateur Sports Act was specifically written and made law to prevent this kind of blatant and flagrant amateur sports event infringing on the rights of the USOC and, I guess, the I.O.C. as well. It is not laughable. Question here: what the hell is the International Olympic Committee doing on this complaint and accessing our federal courts to beat up on the likes of Dr. Waddell (a past olympian), whether it's statutorily correct or not. Are we being visited by the honorable, saintly, and ordained by God bunch of usurpers? The article says the Gay Olympics people have been sued in San Francisco federal court, 500 miles north of here, and that puts us in the same judicial circuit and they're over a one year into it already. I don't know it at the time but everything I do, or don't do, from now until it's over is going

to be 100% controlled by what happens to them. And nothing I do, no matter how good, bad, or indifferent, will ever affect my action, not for a couple of years at least, and for sure not in this forum (the courts). I didn't know and had I known what to hell was I gonna do. A new and compelling reason me to quit. So it's good to be left in the dark on some things?

Dr. Tom Waddell, like myself, has the privilege and honor of living in the golden state, his organization in San Francisco called the San Francisco Arts & Athletic Association (hereinafter referred to as "SFAA"). As I mentioned CA is the *only state* which is party to this repugnant conspiracy of all the fifty states; the leader of the band for other states to later follow. The proving ground for the new Amateur Act has hit the legal ground in federal court. It's about to be tried and tested. So here we got France, Switzerland, and America going against a fine man who is a medical doctor, an ex-olympian, and soon will be dying from AIDS. Sounds like a fair deal and a good match up. The stuff of movies. A perfect test case for the new Amateur Act. The honorable ACLU agrees to defend SFAA. [Mary C. Dunlap & Anne E. Thorkelson, Attorneys at Law]

It's summer again and there's a few months left to re-file my amended complaint and evidence is stacking up. The court record will be eight (8) inches thick, including a forty page complaint. I had good experiences dealing with the States and Federal agencies, some of which would not supply documents once they knew why I was requesting them. I was lucky in New Jersey when the Honorable Representative James J.

Florio (later Governor Florio) made a request for me (thank you Sir) and assisted the Secretary of State decide to give up their listings of olympic businesses and corporations after they first refused. *It's against most state's laws to withhold public information from anyone who wants it for any reason as long as they pay for it.* I have to subpoena C.B.S. for a copy of the television program, "Crossroads," and a transcript. After doing this CBS changed their policy and if you wanted a video copy of a program you simply had to order it and pay for it.

#### Amended Complaint filing

I mail it and get it back, it's mis-numbered. Over 555 pages are now reconstituted and put in corrected order. I re-file and it stays put.

#### Ex-Parte Blunder ahead

After a time I am notified by the court of an ex-parte hearing on calendar and I believe ex-parte means a proceeding without the parties present. Every time you assume something it'll bite you. That's not what ex-parte means. So I miss the hearing, and though it's 90 miles to the L.A. court from my home I would have been there two hours early had I understood that ex-parte does not mean "without your presence." It escaped me. Maybe they thought I was chicken, no not Olympic Chicken. What transpired that day in front of the judge with LaBranche absent was that my complaint was "prolix." I'm sorry but I had to go look it up. How about you, did you know what prolix means? You

probably do.

Prolix means too much, overdoing it, piling on, more than necessary, and such. It also could mean, subject to which side your on, comprehensive. It was indicated the judge agreed with the defendant on that point but my record was never touched. And nothing occurred to, or with, my \$35,000 filing and six months labor. I wrote the judge apologized for my lack of appearing and explained my misunderstanding. Nothing further happened in this regard and it was not going to matter. The record was going to be ignored.

#### Meeting of the Parties

O'Melveny & Myers, downtown Los Angeles, 450 attorneys in the firm. That should be enough to take care of one pro-se litigant. We go to a room with a table large enough for a viking ship and there are three present. Good lawyer, bad lawyer, and a pro-se litigant. They tell me how bad it's gonna be for me to continue and this and that and the other, and they're right, but I don't know that. Meanwhile my questions to them revolve around when are they going to answer my request for a) documents; b) request for admissions; and, c) two interrogatories? They know they're going to get a Summary Judgment ruling against me before any of that is going to transpire. But I don't know that. And these guys keep talking about Bill. Bill this, and Bill that, they're sure enamored with Bill. So I gotta ask, "Bill who?"

Before I tell you their answer know this. When you sue somebody it doesn't matter whose

running the company or the show. Your suing the entity, in the this case, the non-profit corporation created by Congress. All olympic committee human beings (directors) are safe from liability because you are suing the "thing." The head of a corporation may end up 'doing time' because of what may occur during his watch but that's not going to happen here. So who runs things is irrelevant, certainly in this case. I had no clue who was in charge of the Olympic Committee. For all I knew or cared it could have been Sir Hugo Fottinthemouths turn. In my mind I was suing ALL the committee and everyone in it. So Bill who? Bill Simon of course.

This ends up being William E. Simon the recent Treasury Secretary of the United States under three presidents. Also known as a take-over specialist. He's the guy that signed the money for a long time. I'm sorry this makes no impression. The head of an organization is usually behind everything so this is his baby, his and those guys from across the great water. If Mickey Mouse is running the USOC I'm still not going to prevail.

The first in a series of requests served on the USOC, after the new complaint filing, demanded that they reveal every member of their organization in the U.S. and addresses of their representatives or real addresses. This is not supposed to be a *secret organization* and for sure if you're in a court proceeding your anonymity is going south. I did not need to know Mr. Simon was in charge, it would have made no difference except I would have been happy and privileged to put his name on the complaint and sued him along with the committee. They asked me about my suing Richard G. Kline earlier on and

if I was going to keep that in the record. I said no, take it out. (I sued him by accident). It takes a really good/bad lawyer to sue by accident. The meeting goes for a while and then I leave. We did what procedure required and that is the "Meeting of the Parties."

## **Chapter 17** You lose, Mr. LaBranche

Go to Los Angeles the night before the first real hearing on my case, other than the one I missed. Stay in a downtown hotel to be near the federal court house. It's now the morning of October 21, 1985. A Motion for Summary Judgement is made and accepted by the judge and I lose because the judge knows all about these issues. Actually he's off the hook for now because the Gay Olympics case had now moved to the U.S. Court of Appeals having had a Summary Judgement ruling against them *also* in their first court appearance which was some time back. Now they are in the 9th Circuit Court of Appeals (hereinafter "appeals court") in San Francisco. NOW my judge tells me I can go there too because "he's utterly convinced" that my case is meritless and he has not to deal with it at all and sends it up the legal ladder to the next court, where he once sat for a moment. (A federal appeal takes place before a three judge panel.)

I'm sorry but that hurt. Six months, 40-50 hours a week, thousands of dollars, months of fight or flight and a 5 minute hearing and "you lose bud." He called me "quixotic." I knew what it referred to but still went and looked it up. Oh yeah, the Impossible Dream, me and Don Coyote. Now another statutory clock begins to tick. Thirty days within which to appeal. I didn't think I would be in the appeals court this

soon. Silly me. After this hearing I got in the car and drove without stopping to Arizona. I couldn't handle being in California another minute. *The second screw in the coffin.* - Case never looked at or heard by the federal court. And, all had already been decided before I got there.