

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ROBERT L. SCHULZ, ANTHONY FUTIA, Jr.
and all others similarly situated ,

Plaintiffs

v.

CASE No. _____

CONGRESS OF THE UNITED STATES OF
AMERICA, each member of the Senate
and House of Representatives

Hon. _____

Defendant

PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR EXPEDITED SUMMARY JUDGMENT

February 14, 2021

_____/s/
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_____/s/
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PRELIMINARY STATEMENT

This Memorandum of Law (“MOL”) is filed in support of Plaintiffs’ Motion for an Expedited Summary Judgment granting Plaintiffs the relief requested in their Verified Complaint, namely:

- a. declaring the 2020 electoral college to have been unconstitutionally formed, and
- b. directing Defendant to choose immediately, by ballot, the President and Vice President of the United States, in accordance with the Twelfth Amendment to the Constitution, and
- c. for such other and further relief as the Court may deem just and fair.

The factual evidence proves the 2020 Electoral College was formed unconstitutionally due to violations by 31 States of Article II, Section 1 of the Constitution for the United States of America (the “Electors Clause”).

By Right, said violations nullified 401 electoral votes, meaning no candidate received a majority of the whole number of electors chosen by the States (538).

Thus, no candidate can rightly occupy the office of President or Vice President unless the Congress acts pursuant to the 12th Amendment.

STANDARD OF REVIEW

Summary judgment in favor of Plaintiffs is appropriate where, as here:

- a. The case can be decided on the facts of the case. *First Nat'l Bank v. Cities Service Co.*, 391 U.S. 253, and
- b. The record shows a right to judgment with such clarity as to leave no room to effectively refute under any circumstances. *Prince v. Pittston Co.*, 63 FRD 28 (D.W.Va. 1974), and
- c. It is quite clear what the truth is. *Quadra v. Superior Court of San Francisco*, 378 F. Supp. 605 (N.D. Cal. 1974), and
- d. There are no material issues of fact and formal trial would be fruitless. *Traverse v. World Service Life Ins. Co.*, 436 F.Supp. 810 (W.D. Oka. 1977), and
- e. Reasonable minds could not differ as to impact of evidence. *DiAmore v. Am. Honda Motor Co.*, 248 F. Supp. 2d 82 (D. Conn. 2002), and
- f. There is no factual dispute on essential elements of Plaintiff's claim. Any unresolved issues are primarily legal rather than factual. *EEOC v Oilgear Co.*, 250 F. Supp 2d 1193, (D. Neb. 2003).

PROMPT EFFICIENCY JUSTIFIED

An expeditious answer to the motion is justified. Time is obviously of the essence. There is an on-going crisis in our Constitutional Republic that will continue until resolved by Defendant Congress in accordance with the Twelfth Amendment to the Constitution.

FACTS

Plaintiffs incorporate as if repeated here the factual evidence included at paragraphs 14 through 29 and in Exhibits A- C of their Verified Complaint.

ARGUMENT

Plaintiffs incorporate as if repeated here the argument included at paragraphs 30-44 of their Verified Complaint.

CONCLUSION

Plaintiffs respectfully request the entry of an Order granting their motion for a expedited Summary Judgement:

- a. declaring the 2020 electoral college to have been unconstitutionally formed, resulting in less than an majority of the appointed electors able to legitimately vote for President and Vice-President, and
- b. directing Defendant to choose immediately, by ballot, the President and Vice President of the United States, in accordance with the Twelfth Amendment to the Constitution, and
- c. for such other and further relief as the Court may deem just and fair.

Dated: February 14, 2021

_____/s/
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