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IN THE IOWA DISTRICT COURT FOR POLK COUNTY

DRAKE ALDEN SHELTON,	* Case No. EQCE086503
	*
Petitioner,	*
	* TRANSCRIPT OF PROCEEDINGS
vs.	*
	*
KIMBERLY KAY REYNOLDS,	* Friday, May 21, 2021
	*
Respondent.	*

THE ABOVE-ENTITLED MATTER came on for a Motion to Dismiss before the Honorable Michael Huppert, District Court Judge, at 10:06 a.m., on Friday, May 21, 2021, at the Polk County Courthouse in the City of Des Moines, Iowa.

A P P E A R A N C E S

For the Petitioner:

Pro se

For the Respondent:

SAMUEL LANGHOLZ, Attorney at Law
ASSISTANT ATTORNEY GENERAL
Department of Justice
Hoover State Office Building
Des Moines, IA 50319

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I N D E X

WITNESSES

Page

No testimony taken.

E X H I B I T S

Exhibits

Offered/Received

No exhibits admitted.

P R O C E E D I N G S

(Proceedings commenced at 10:06 a.m. on the 21st day of May, 2021, via GoToMeeting.)

THE COURT: This is in the matter of Drake Alden Shelton versus Kimberly Kay Reynolds, Case No. EQCE086503. This is the date and time previously set for hearing on the respondent's motion to dismiss. The record should reflect that the parties and counsel are appearing for this hearing either by video conference or telephonically as previously directed.

Mr. Langholz, it's your motion. Can't hear you.

MR. LANGHOLZ: Good morning, Your Honor. My name is Sam Langholz. I'm with the Attorney General's Office. I'm sorry. Am I coming through?

THE COURT: Yeah. There's a delay that I didn't pick up on. You're fine.

MR. LANGHOLZ: Okay. Thank you. I represent Governor Reynolds in this matter. Our motion to dismiss argues that this case should be dismissed for two reasons, that it fails to state a claim because the proclamations were validly issued and also because Mr. Shelton lacks standing to challenge this claim.

It appears that Mr. Shelton's petition seeks to challenge both the current proclamations as well as

1 speculative future proclamations to declare that the
2 proclamations do not apply to him or any future orders
3 would not apply to him.

4 However, Mr. Shelton has not identified in
5 the petition any actual injury that he's currently
6 suffering from the proclamations currently in effect.
7 In fact, if one were to review the current
8 proclamations, there essentially are no directives that
9 affect any members of the public, even if being a
10 general member of the public would be sufficient injury
11 to challenge the proclamation. But in any event, both
12 being the general public and not identifying anything in
13 the proclamation that injures Mr. Shelton, he lacks any
14 standing to challenge the current proclamations.

15 To the extent he's challenging a future
16 order, he specifically identifies an order regarding
17 vaccination, you know, no -- any such challenge is
18 speculative and is insufficient as a matter of law to be
19 sufficient injury in order to proceed with this lawsuit.
20 With that, I will rest on our brief for the remainder
21 unless Your Honor has any questions.

22 THE COURT: No, thank you. Mr. Shelton, go
23 ahead.

24 MR. SHELTON: Okay. I, Drake Alden Shelton,
25 by way of special and material visitation with the Court

1 and not a general appearance or in public and I, the
2 living man, Drake Alden Shelton, personally appears a
3 member of the Shelton Family Society. I am happy to
4 address the judge with a term of respect such as Your
5 Honor as long as it is understood that when I use that
6 term of respect, we are still speaking man to man.

7 I require this Court to issue an order
8 acknowledging my exclusion, exemption, and immunity from
9 every present and future order, requirement, direction,
10 limitation, prohibition or restriction proceeding from
11 the alleged Novel Coronavirus 2019 disaster emergency,
12 especially any future orders of vaccination that would
13 discriminate against me or threaten my ability or right
14 to contract the employed or do business with any other
15 manner entities in the State of Iowa and the response
16 given it to it by the State of Iowa, Governor Kim
17 Reynolds, and every other agent or principal involved in
18 the Iowa governor's disaster proclamations.

19 Stating in support I, Drake Alden Shelton,
20 move this honorable Court for a default judgment against
21 defendant Kimberly Kay Reynolds, though there are many
22 matters I could bring up to this hearing, the fact that
23 the judge has confined our time to one hour, I believe
24 the following brief facts which would take me
25 approximately five minutes and 30 seconds to read are

1 sufficient to enter a default judgment in my favor.

2 THE REPORTER: Mr. Shelton, this is the
3 reporter. I know you're reading, and that's fine, but
4 could you slow down a tad bit? I want to make sure I
5 get it all down perfect.

6 MR. SHELTON: All right.

7 THE REPORTER: Thank you.

8 MR. SHELTON: Do you need me to repeat
9 anything or is it okay if I continue?

10 THE REPORTER: No, after the default
11 judgement sentence you can start there but slow it down
12 a tad. Thank you.

13 MR. SHELTON: Okay. It's around five
14 minutes and 30 seconds of reading. Is that concise
15 enough for the hearing?

16 THE COURT: That's up to you to decide how
17 you want to make your record, Mr. Shelton. I've got the
18 filings. If you're just repeating what's been filed,
19 what's somewhat redundant, but I'll leave it to you.

20 MR. SHELTON: All right. Number one, I have
21 done my due diligence to settle this matter privately.
22 I've fulfilled all requirements for administrative
23 remedy and my conditional acceptance of contract and
24 lawful notice to comply COVID-19 restrictions and
25 requirements. There are three defaults which I filed

1 with my original petition for declaratory judgment.
2 This Fifth Amendment process and due process requirement
3 of administrative remedy is explained in *Myers versus*
4 *Bethlehem Shipbuilding Corporation* at 4252 in the year
5 1938. Kim Reynolds has failed to meet her contractual
6 obligations that she acquiesced to her by silence. She
7 has breached our contract by failing to sign to
8 acknowledge my immunity. This is the cause of action.
9 I require the Court to enforce these contractual
10 obligations by entering a default judgment against the
11 defendant, Kimberly K. Reynolds.

12 Number 2, Kim Reynolds has not appeared to
13 this case as of yet. The statements of her attorneys
14 are not facts of this Court's consideration, as I
15 pointed out in my reply to affirmative defenses on
16 May 9th of 2021. First, the Sixth Amendment refers to
17 assistance of counsel, not representation. Second, the
18 Federal Rules of Evidence 602 repeated in Iowa
19 Rule 5.602 requires witnesses to have firsthand
20 knowledge of a matter. Thomas J. Miller, Jeffrey C.
21 Peterzalek or any other of her attorneys have no
22 firsthand knowledge of the case and are therefore not
23 lawful witnesses relevant to anything in this case.
24 Their statements are mere hearsay and lack competence.

25 Thirdly, *Trinsey versus Pagliaro*, 1964 civil

1 case reads quote, Statements of counsel and their briefs
2 or argument, while enlightening to the Court, are not
3 sufficient for purposes of granting a motion to dismiss
4 or summary judgment, unquote. Supreme Court case *Holt*
5 *versus United States*, 1910 at 250 reads, quote, No
6 instruction was asked. As we have said, the judge told
7 the jury that they were to regard only the evidence
8 admitted by him, not statements of counsel etc.,
9 unquote. Fifthly, a maxim of equity reads, "Equity acts
10 on the person." Notice that maxim does not say equity
11 acts on a representative of a person.

12 Main argument Number 3. In this case, I am
13 not directly challenging Kim Reynolds' claims to
14 emergency powers. I am challenging the existence of a
15 disaster that is the condition for her to claim her
16 emergency powers. According to her code that she joined
17 herself to in her proclamations, she must first put an
18 effort to verify that there's a disaster before she can
19 declare her claimed emergency powers. Her code reads at
20 29C.6, Proclamation of Disaster Emergency by Governor,
21 quote, in exercising the governor's powers and duties
22 under this chapter and to the effect of policy and
23 purpose, the governor may, one, after finding a disaster
24 exists or is threatened, proclaim a state of disaster or
25 emergency, unquote.

1 Kim Reynolds has put nothing into evidence
2 to prove the existence of any COVID-19 pandemic
3 disaster. There is no admissible evidence that Kim
4 Reynolds put in any effort to find any disaster or test
5 a single theory or claim being promoted by the World
6 Health Organization, the CDC, or any other government or
7 media outlet promoting this alleged Novel Coronavirus
8 2019 disaster emergency.

9 In Kim Reynolds' January 2021 proclamation,
10 Clauses 1, 2, 4 and 5, she cites hearsay from the World
11 Health Organization, the United States Department of
12 Health and Human Services, and Donald Trump. In Clause
13 3 and 7 she baselessly claims that a viral outbreak
14 disaster existed. And here's the key. She claimed the
15 existence of transmission of COVID-19. Thus in doing
16 so, she openly espoused the baseless and speculative
17 germ theory of disease and cited no admissible evidence
18 whatsoever for her claims. I filed many citations from
19 learned treatises that agree with my analysis and made
20 many reputations of the germ theory as it applies to the
21 alleged COVID-19 pandemic in my filings.

22 But for sake of brevity, I simply put this
23 question to the Court. Is there a man or woman coming
24 forward with firsthand knowledge making a claim of the
25 transmission of COVID-19? Yes or no? If the answer is

1 no, I Drake Alden Shelton, the living man, move this
2 honorable court to enter a default judgment against
3 defendant Kimberly Kay Reynolds. Thank you.

4 THE COURT: Thank you, Mr. Shelton.

5 Mr. Langholz, anything else from the
6 respondent?

7 MR. LANGHOLZ: Just briefly, Your Honor.

8 Initially I'd like to clarify -- you know,
9 we agree with Mr. Shelton that the Court should not take
10 any of my statements as evidence. We are merely
11 representing the governor and recognize that this is a
12 motion to dismiss. You know, the Court doesn't need to
13 reach the question of whether there is a proper disaster
14 proclamation if the Court finds that Mr. Shelton doesn't
15 have standing because he's not alleged any particular
16 injury. But even if the Court does reach it, the Court
17 may properly take notice of the full text of the
18 proclamation, the many government actions that have been
19 taken around the world, and could also properly conclude
20 that there is a public health disaster emergency going
21 on and dismiss this case on that basis as well. Thank
22 you, Your Honor.

23 THE COURT: Thank you. Mr. Shelton, I'll
24 give you the last word.

25 MR. SHELTON: Right. So I addressed what he

1 said directly from *Trinsey versus Pagliaro*. It stated,
2 "Statements of counsel and their briefs or argument,
3 while enlightening to the Court, are not sufficient for
4 purposes of granting a motion to dismiss." I directly
5 address what you said.

6 And secondly, again, he has offered -- first
7 of all, the man is not Kim Reynolds. Kim Reynolds has
8 not appeared to this case. There is absolutely no basis
9 for representation in American law whatsoever. And all
10 he did was cite hearsay, speculations, conjectures. He
11 has no firsthand knowledge. I asked a direct question:
12 Is there a man coming -- man or woman coming forward
13 with firsthand knowledge making claim of a transmission
14 of COVID-19? Yes or no. He had no answer. I motion
15 for default judgment.

16 THE COURT: All right. Thank you, sir. Let
17 me take a look at what's been filed. As soon as I'm in
18 a position to do so, I will enter a ruling on the
19 motion. And if the motion is granted, that will take
20 care of the case at this level. If it's denied, we'll
21 schedule further proceedings consistent with the
22 filings, and we're off the record.

23 (Proceedings concluded at 10:19 a.m. on the
24 21st day of May, 2021.)

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C E R T I F I C A T E

I, LINDSAY M. BENI, Certified Shorthand Reporter and Official Reporter for the Fifth Judicial District of Iowa, do hereby certify that I was present during the foregoing proceedings and took down in shorthand the testimony and other proceedings held; that said shorthand notes were transcribed by me by way of computer-aided transcription; and that the foregoing pages of transcript contain a true, complete, and correct transcript of said shorthand notes so taken.

DATED this 2nd day of June, 2021.

____/s/Lindsay M. Beni_____
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TRANSCRIPT ORDERED: 5/21/2021
TRANSCRIPT COMPLETED: 6/2/2021