

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, in his individual and official capacity as Speaker of the United States House of Representatives;
DONALD J. TRUMP, in his individual capacity as former and current President of the United States;
PAMELA J. BONDI, in her individual and official capacity as Attorney General of the United States;
BRENDAN T. CARR, in his individual and official capacity as Chairman of the Federal Communications Commission;
THE UNITED STATES HOUSE OF REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE COMMUNICATIONS, LLC;
METR (MODEL EVALUATION & THREAT RESEARCH);
and DOES 1-20, unknown co-conspirators,
Defendants.

Case No. 1:25-cv-02735-ACR

**NOTICE OF RELATED
CASES**

RELATED CASES

Case 1: Kirchner v. Acosta

Field	Information
Case Name	<i>Kirchner v. Acosta</i>
Court	United States District Court for the Southern District of Florida (West Palm Beach Division)
Case Number	9:26-cv-80296-DMM (originally assigned to Magistrate Judge Ryon M. McCabe as 9:26-cv-80296-RMM; reassigned to U.S. District Judge Donald M. Middlebrooks following Plaintiff's election to opt out of Magistrate jurisdiction per ECF No. 10, Order Regarding Jurisdiction, March 19, 2026)
Judge	Hon. Donald M. Middlebrooks, U.S. District Judge
Filing Date	March 18, 2026

Defendants	Alexander Acosta (individual capacity); Attorney General of the United States (official capacity)
Status	Pending. Reassignment to U.S. District Judge Middlebrooks complete (ECF No. 10). Filing fee correction in progress (Clerk's Notice of Filing Deficiency, ECF No. 8).

Case 2: *Kirchner v. Ellison*

Field	Information
Case Name	<i>Kirchner v. Ellison</i>
Court	United States District Court for the District of Minnesota
Case Number	0:26-cv-00726-PJS-ECW (originally assigned to Judge Jerry W. Blackwell as -JWB-, who recused January 29, 2026 (ECF No. 12); reassigned to Judge Jeffrey M. Bryan as -JMB-, who recused January 30, 2026 (ECF No. 13); subsequently reassigned to Chief Judge Patrick J. Schiltz)
Judge	Chief Judge Patrick J. Schiltz
Magistrate Judge	Hon. Elizabeth Cowan Wright
Filing Date	January 27, 2026
Status	Dismissed March 30, 2026; Notice of Appeal filed April 1, 2026; appeal pending in the United States Court of Appeals for the Eighth Circuit

RELATIONSHIP TO PRESENT ACTION

A. Common Plaintiff and Analytical Framework

1. Joseph Kirchner is the plaintiff in all three actions.
2. All three cases apply the same analytical framework—the Madisonian Separation of Powers Objective Compliance Test—to identify separation of powers violations through objective textual analysis, demonstrating the framework's universal applicability across federal and state constitutional contexts.

B. *Kirchner v. Acosta (S.D. Fla.) — Original Constitutional Violation*

3. The Florida case challenges the constitutional validity of the 2008 Epstein non-prosecution agreement's grant of immunity to "unnamed co-conspirators" as ultra vires government action that exceeded all constitutional limits on prosecutorial authority—including presidential pardon power. The case seeks declaratory judgment that the grants were ultra vires and void ab initio. The Florida action constitutes Plaintiff's direct response—after eighteen years of Justice Department disregard—to FBI Director Kash Patel's September 16, 2025 Senate Judiciary Committee testimony identifying the 2008 plea deal as "the original sin in the Epstein case"; it poses the threshold constitutional question that the Department of Justice, by Director Patel's own characterization, has declined to ask.

4. The Florida complaint requests judicial notice of filings in this case pursuant to Fed. R. Evid. 201(b)(2), including Plaintiff's pleadings in this matter (ECF Nos. 13 and 51), as evidence supporting allegations that officials with authority to challenge the 2008 immunity are instead protecting the same criminal enterprise.

5. **Complementary Rather Than Duplicative:** This case addresses current officials' ongoing obstruction and concealment (2025-present), while the Florida case addresses the original constitutional violation by Acosta (2008). The relationship is causal, not merely parallel.

1. *The Madisonian Standing Framework*

6. The Florida complaint is accompanied by four supporting memoranda that establish a comprehensive standing and separation of powers framework with direct applicability to this action. Each Florida memorandum has been incorporated into Plaintiff's Third Amended Complaint in this matter (ECF No. 51) as follows:

Florida Filing	Subject	DDC 3AC Equivalent
MEMO A	The Recovery of Equitable Standing for Enumerated Constitutional Violations	MEMO I (ECF No. 51-9)
MEMO B	The Madisonian Separation of Powers Objective Compliance Test	MEMO J (ECF No. 51-10)
MEMO C	The Constitutional Necessity of Judicial Recognition of Separation of Powers Violations	MEMO K (ECF No. 51-11)
APPENDIX A	Application of the Six-Step Compliance Test to Seven Categories of Government Action	APPENDIX M (ECF No. 51-23)

7. These memoranda establish a doctrinal line from *Crampton v. Zabriskie*, 101 U.S. 601 (1879), and Madison's *Federalist* Nos. 47-51 through the unanimous decision in *Bond v. United States*, 564 U.S. 211 (2011), and operationalize that line through the Madisonian Six-Step Objective Compliance Test. APPENDIX M (ECF No. 51-23) validates the test against thirty-six Supreme Court separation-of-powers rulings spanning 154 years (1803-2021), achieving perfect correspondence between the test's predictions and the Court's actual rulings. The full doctrinal analysis appears in MEMO I (ECF No. 51-9), MEMO J (ECF No. 51-10), MEMO K (ECF No. 51-11), and APPENDIX M.

2. Incorporation of the Florida Framework into Plaintiff's Third Amended Complaint

8. The Florida framework has now superseded Memoranda in Support J and K filed with Plaintiff's Second Amended Complaint in this action (ECF No. 13). Memoranda J ("Kirchner Standing Framework Implementation Guide and Rule Proposals") and K ("Memorandum of Law in Support of Plaintiff's Universal Standing") represented an earlier attempt to establish standing through proposed rule amendments and novel doctrinal arguments.

9. With the filing of the Third Amended Complaint on April 30, 2026 (ECF No. 51), Plaintiff retired Memoranda J and K of the Second Amended Complaint and replaced them with

the Florida framework, doctrinally grounded in pre-1922 equity practice and binding unanimous precedent. Specifically, Florida MEMO A, MEMO B, MEMO C, and APPENDIX A have been incorporated into the Third Amended Complaint as MEMO I (ECF No. 51-9), MEMO J (ECF No. 51-10), MEMO K (ECF No. 51-11), and APPENDIX M (ECF No. 51-23), respectively.

10. The Florida framework does not invent standing; it recovers standing that Article III's equity jurisdiction has always provided for enumerated constitutional violations. The doctrinal line from Madison through *Bond* establishes that standing for separation of powers violations is not a gap in constitutional law requiring new rules—it is existing constitutional architecture that the 1922-1938 procedural collapse obscured. By incorporating the Florida framework into the Third Amended Complaint, Plaintiff has placed before this Court the same standing and separation of powers analysis being adjudicated in the Southern District of Florida, ensuring doctrinal consistency across the related actions.

3. Applicability to Separation of Powers Violations in This Action

11. The Madisonian test applies directly to the separation of powers violations alleged in this case:

Violation Alleged	Constitutional Clause	Test Application
Presidential authorship of H.R. 1	Art. I, § 7 (Presentment Clause)	President cannot present legislation to himself; authorship collapses the Presentment Clause check
Genesis Mission EO implementing what Congress rejected 99-1	Art. I, § 9, cl. 7 (Appropriations Clause); <i>Youngstown</i> Category Three	Executive action at "lowest ebb" where Congress has spoken against it
Federal IP policy without authorization	Art. I, § 8, cl. 8 (Progress Clause)	Patent and copyright policy assigned exclusively to Congress
Shadow docket ultra vires stays	28 U.S.C. § 2101(f); Art. III	Stays of preliminary injunctions exceed statutory authority for stays of "final judgment or decree"

FRE 901/607 conflation	Art. III (judicial power); Fed. R. Evid. 607, 901	Executive claimed authority to determine evidence credibility— power assigned exclusively to constitutional fact-finders
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12. Each violation fails the six-step test at identifiable steps, providing this Court with an objective framework to evaluate Plaintiff's claims rather than relying on subjective judicial balancing.

4. The Causal Chain — Acosta's "Original Sin" and This Action

13. FBI Director Kash Patel, testifying before the Senate Judiciary Committee on September 16, 2025, identified the 2008 Acosta immunity deal as "the original sin in the Epstein case":

"I'm here to testify that the original sin in the Epstein case was the way it was initially brought by Mr. Acosta back in 2006... Mr. Acosta allowed Epstein to enter in 2008 to a plea and nonprosecution agreement which then the courts issued mandates and protective orders legally prohibiting anyone from ever seeing that material ever again without the permission of the court."

See Exhibit A-1 (FRE 901/607 Conflation & Epstein Cover-Up Evidence), filed with the Third Amended Complaint (ECF No. 51-30); *see also* Exhibit N-9, filed with the Second Amended Complaint (ECF No. 13).

14. The Florida case and this case are not merely related by common plaintiff or common framework. They are causally connected: the Florida case challenges the root constitutional violation in the 2008 non-prosecution agreement; this case challenges the consequences that eighteen years of institutional protection of that violation have produced. The full causal chain — including the seventeen-year DOJ disregard, the July 7 – August 18, 2025 forty-three-day FRE 901/607 conflation period, and the cessation of that fraudulent legal framework within days

of Plaintiff's August 19, 2025 filing — is set forth in Memorandum F (ECF No. 51-6) and Appendix A (ECF No. 51-13).

C. *Kirchner v. Ellison* (D. Minn. / 8th Cir.) — State Executive Branch Violations and Pending Eighth Circuit Appeal

15. The Minnesota case demonstrates the **systematic pattern** of separation of powers violations across governmental levels. While involving different subject matter (state attorney general statutory authority), the case:

- Applies the same Madisonian objective compliance test to state constitutional structure
- Documents executive branch officials exceeding (and disclaiming) enumerated authority
- Establishes that separation of powers violations follow predictable patterns identifiable through objective textual analysis
- Documents the same pattern of selective enforcement by state attorneys general that enabled Acosta's "original sin"—*see* the Krischer-Ellison parallel documented in the Florida complaint

16. The Minnesota case is referenced as evidence that separation of powers violations are not isolated incidents but systematic failures requiring judicial adoption of objective compliance standards.

1. Procedural Posture

17. The Amended Complaint in *Kirchner v. Ellison* was dismissed on March 30, 2026 on Rule 8(a)(2) grounds, without adjudication of the merits of any claim. Plaintiff timely filed a Notice of Appeal on April 1, 2026; the appeal is pending in the United States Court of Appeals for the Eighth Circuit as *Kirchner v. Ellison*, No. 26-1615 (8th Cir.). The dismissal addressed pleading form, not the merits of any claim, and is therefore not preclusive of the Chapter 8 standalone refiling described below. *See Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 505-06 (2001).

18. The standing framework Plaintiff invokes in this action through MEMO I (ECF No. 51-9) — *Bond v. United States*, 564 U.S. 211 (2011), as developed in the Florida memoranda — is also presented on appeal in the Eighth Circuit. A ruling in either forum on the *Bond* framework would be complementary, not conflicting, because the framework is objective and produces the same result regardless of which court applies it.

2. Pending Chapter 8 Standalone Complaint

19. Independently of the Eighth Circuit appeal, Plaintiff is preparing to file a focused complaint in the District of Minnesota that will name Defendant Ellison alone, in his official capacity, and will seek declaratory and injunctive relief on a single statutory question: whether Minnesota Statutes Section 8.31, Subdivision 1—which provides that "[t]he attorney general *shall* investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade"—grants the Office of the Attorney General independent authority to investigate consumer fraud.

20. The refiling responds to a specific act: a February 26, 2026 letter from Defendant's office denying Plaintiff's criminal referral on the contrary ground that "the Minnesota Legislature... did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office." Six days after that denial, Defendant testified before the United States House Committee on Oversight and Government Reform that his office prosecutes fraud "every single day."

21. The refiling is supported by a 50-state survey of attorney general statutory authority, which establishes **Minnesota as the sole outlier whose Attorney General affirmatively disclaims criminal investigation authority that its own statutes expressly grant**. The same 50-state survey has been filed in this action as **Exhibit J** (50-State Attorney General Criminal

Investigation Authority, ECF No. 51-63), demonstrating evidentiary as well as analytical overlap between the related actions.

22. The Chapter 8 refiling is procedurally distinct from the appeal: the appeal challenges the manner of dismissal; the refiling presents the merits of the Chapter 8 claims on a four-corners statutory analysis the district court did not reach.

D. Different Defendants, No Risk of Inconsistent Judgments

23. Each case names different primary defendants:

- **This case:** Speaker Johnson, President Trump, Attorney General Bondi, Chairman Carr, Anthropic, OpenAI, Apple, Comcast, METR, and others
- **Florida case:** Alexander Acosta (individual capacity) and Attorney General (official capacity)
- **Minnesota case:** Attorney General Keith Ellison

24. The cases address distinct governmental actors and time periods while sharing the Madisonian analytical framework that courts can apply consistently. A ruling in any case on the validity of the Madisonian test would be complementary, not conflicting, because the test is objective and produces the same result regardless of which court applies it.

PURPOSE OF NOTICE

This notice is filed to:

1. Comply with LCvR 40.5(b)(3): The continuing duty to notify the Court of related cases;

2. Fulfill Duty of Candor: Proactive disclosure demonstrates Plaintiff's commitment to transparency and good faith litigation conduct;

3. Ensure Complete Judicial Record: Related complaints request judicial notice of filings across cases. This Court should be aware of this reliance when considering any matters in this action;

4. Confirm Doctrinal Consistency Across Related Actions: Plaintiff has incorporated the Florida memoranda (MEMO A, MEMO B, MEMO C, and APPENDIX A) into the Third Amended Complaint as MEMO I, MEMO J, MEMO K, and APPENDIX M (ECF Nos. 51-9, 51-10, 51-11, 51-23), superseding the standing memoranda filed with the Second Amended Complaint. This ensures that the same standing and separation of powers framework being adjudicated in the Southern District of Florida is properly before this Court for adjudication in the present action.

Respectfully submitted,

/s/ Joseph Kirchner

JOSEPH KIRCHNER

Pro Se Plaintiff

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DATED: May 5, 2026

CERTIFICATE OF SERVICE

I hereby certify that on **May 5, 2026**, I filed the foregoing **NOTICE OF RELATED CASES** via the Court's CM/ECF electronic filing system, which served counsel of record listed below; and that I will cause the foregoing to be served by certified mail, return receipt requested, upon the non-appearing Defendants and the United States listed below same day or on the next business day.

Counsel of record served via the Court's CM/ECF electronic filing system on May 5, 2026:

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*Defendants without counsel of record, to be served by certified mail, return receipt requested,
same day or on the next business day:*

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The White House
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Pamela J. Bondi

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Federal service per Federal Rule of Civil Procedure 4(i)(1), to be served by certified mail, return receipt requested, same day or on the next business day:

Civil Process Clerk
U.S. Attorney's Office for the District of Columbia
601 D Street NW
Washington, DC 20530

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dated: May 5, 2026

/s/ Joseph Kirchner

JOSEPH KIRCHNER

Pro Se Plaintiff