

Nobody's Motion

Why American vexatious-litigant doctrine can count and cannot act — a named case study in the difference between permission to look and an obligation to.

THE SUEDBYFRANKTUFANO.COM RESEARCH PROJECT

Corpus as of 11 September 2026

A NOTE ON EVIDENCE

This book distinguishes five categories of evidence and never merges them. **Court findings** are recorded only where tied to an order, opinion or report and recommendation that was actually read. **Party filings and allegations** are what a litigant asserted, not what a court found. **Research classifications** — including the filing-restriction indicators labelled Strong, Moderate and Context, and the repeat-filing coding of Appendix A — are this project's own classifications against a published rubric. **Secondary sources** and **public statements** are cited as what they are.

No court has adjudicated the subject of this study a vexatious litigant. No filing restriction is recorded against him in any tracked case. A research classification in this book is not a judicial finding and must not be read as one. Where a vexatious-litigant motion was filed, this book records that it was filed and what became of it — nothing more.

Every factual claim about this litigation traces to a row in the project's research database, published at suedbyfranktufano.com. Each chapter ends with a *Sources* table giving the row and the document; chapters that cite law carry a separate *Legal authorities* table. The two are kept apart so that the rule this project runs on — that no fact about the litigation originates in the argument — stays checkable by inspection rather than by trust.

ABOUT THIS STUDY, AND WHO WROTE IT

This is a named case study of one living person's litigation, so the first thing a reader is entitled to know is what interest the author has in it. **The author has no litigation relationship to the subject of this study.** Neither the author nor any affiliated person or business is a party — plaintiff, defendant or intervenor — in any action in this corpus, is named in any pleading in it, has been sued or threatened with suit by the subject, or has any financial interest in the outcome of any of these proceedings. No row in the project's database corresponds to the author.

The domain implies otherwise, and the implication should be corrected rather than left standing. **suedbyfranktufano.com** describes what the site catalogues — the people and companies this filer has sued — and not the author's own position. It is a description of the record, not a first-person claim, and the book is published under the project's name for that reason.

That disclosure does not dispose of the harder question, which is bias rather than interest. A project that spends two years assembling one person's litigation record is a project with a hypothesis, and several of the variables here are the author's own classifications. The safeguards against merely confirming that hypothesis are structural rather than assertions of good faith, and they are collected here so a reader can test them instead of taking them on trust. **Propositions are pre-registered** — chapters 4 and 6 state theirs in writing before reading their exhibits, and report the ones that died. **Coding rules are published**, as Appendices A and B, with their limitations and their adjudicated disagreements. **Figures are regenerated by scripts that fail loudly**: each exits non-zero when a premise it validates stops holding, so a data edit that would flatter the argument breaks the build instead of passing quietly. **Evidence layers are kept apart**, as the preceding note describes. And where a classification would have become a published label on a named third party, **it was not coded at all** — chapter 4 keeps its rung labels out of the database and chapter 6 declines to code entity size.

None of that substitutes for a second coder, and the book does not offer it as one. Chapter 3 and Appendix A state what reliability evidence exists and what does not; the largest coded variable in the project, the classification of the public statements, has none.

ABSTRACT

American vexatious-litigant doctrine is usually described as **docket-local**: a court restrains a filer on the basis of repetition visible on its own docket. Reading the four regimes that govern the forums in this study — the All Writs Act as applied in the Second and Third Circuits, Pa. R.C.P. No. 233.1, 22 NYCRR 130-1.1, and Cal. Code Civ. Proc. § 391 — against their primary texts, this book finds that description **false**. Three of the four predicates reach a prior action in any court; California's does so by definition. What every regime shares is a different asymmetry: **each is narrower on the remedy side than on the predicate side**, each fires only on a private party's motion or not at all, and none obliges anyone to assemble the record its predicate is permitted to count.

The demonstration is a single named record. As of **11 September 2026** the corpus holds 97 originating actions, 93 of them commenced by one litigant across **seven trial forums in three states** since March 2018, de-duplicated from 107 trial-court docket records by a method that exactly reproduces the two counts judges have put on the record — **22** and **38**, both in one federal district — before lifting the forum filter, at which point the same method returns **65** and **85**. Against that record: 72 court findings by 27 judges, **zero filing restrictions, zero monetary sanctions** on any action he commenced, and two vexatious-litigant requests, neither adjudicated. A replay of every statutory counting threshold shows each was satisfied years before any judge counted, under every aperture that could have applied. **Detection was never the binding constraint.**

The finding is about the instrument, not the litigant — whom no court has adjudicated a vexatious litigant. The doctrine can count further than anyone has asked it to, and it cannot oblige anyone to ask. The reform that follows is **a trigger and a consequence, not a wider aperture.**

CONTRIBUTIONS

Three levels, kept visibly distinct, because they are established to different standards and a reader is entitled to know which is which.

1. **Descriptive and methodological.** A reproducible cross-forum method for reconstructing one litigant's litigation history from free public records, validated by reproducing two counts a court had already stated — exactly, in that court's own forum — before the forum filter is lifted. The method, its coding rules and its failure modes are published; every figure is regenerated by a script that exits non-zero when a premise it validates stops holding.
2. **Institutional and legal.** A reading of four restriction regimes against their primary texts, establishing the gap between **legal permission** to consider a cross-forum history and **institutional capacity** to assemble one — and the asymmetry all four share, being narrower on what the remedy reaches than on what the predicate may count. This level is argued from statutes, rules and case law, and holds or fails independently of the case study.
3. **Demonstrative.** A named single-case study showing what that architecture produces in practice: aggregation rather than detection as the limiting condition. This is an existence proof with a mechanism attached. It shows the failure is possible and how it works; it cannot and does not establish how often it happens.

WHAT A SINGLE-CASE DESIGN CAN AND CANNOT ESTABLISH

The empirical half of this book is one filer. That bounds what it can show, and the bound belongs at the front rather than in a concession at the back.

What it establishes. An existence proof with a mechanism attached: that a filer can commence dozens of actions across several sovereigns, be accurately described in strong terms by multiple judges, have restriction requested twice, and draw no restriction at all — and that the reason runs through identifiable features of the instruments rather than through anyone's inattention. The doctrinal half stands on its own feet: the four regimes are read as texts, and that reading holds or fails whether or not this particular record exists.

What it cannot establish. How often this happens. One record cannot support a rate, a base rate, or a claim that the American system routinely fails this way. Nor is the case a random draw: it was selected *because* it was already visible as a large cross-forum record, which is the selection an argument about invisibility has to own. Its atypical features cut in both directions — an unusually high filing rate, an unusually well-documented public commentary track, and a geography in which a county court and a federal district sit on top of each other — and a reader should assume the case is extreme rather than representative.

What the null result is, and is not. The absence of any restriction across this record is *consistent with* an institutional aggregation gap. It does not establish that any court declined to restrict *because* it lacked a cross-forum count. Judicial discretion, the sufficiency of the evidence actually put before a court, procedural posture and a defendant's own strategy are all live alternatives this record cannot exclude, and chapter 1 names them where the null result is first stated.

What would come next. Establishing frequency needs a sampled design rather than a deep one — a cohort of high-volume filers drawn without regard to whether they were ever restricted, coded by more than one rater. This book supplies the method and the coding rules such a study would need, and makes no claim to be that study.

One further caution belongs here, because it cuts against the whole enterprise. Showing that a fuller record *can* be assembled does not establish that courts *should* act on one. Better aggregation is not self-evidently restrictive in effect: the

same instrument that surfaces a pattern of abuse also makes it easier to tell abuse apart from a person with many genuine grievances. Chapter 7 records a threshold cheap enough to automate firing on this corpus's very first day, on three filings nobody has suggested were improper, and chapter 6 takes the access-to-courts side seriously enough to decline recommending any restriction of access at all.

A NOTE ON DATES

The chapters of this book carry *different* as-of dates, and that is deliberate rather than a defect. A dated figure is correct as of its date; recomputing it later would replace what was known with what is known now. Chapters are therefore revised for defects and never re-baselined — with a single recorded exception, chapter 5, whose statement corpus doubled underneath it eleven days after it was drafted. A dated figure is correct; a distribution measured on half its population is not, and that chapter says so at its head. The corpus ledger below records what each chapter was written against.

The dataset is a moving target — 33 originating actions (38 docket records) were filed in the first eight months of 2026 alone, and the corpus moved from 92/102 to 94/104 between chapter 3 and chapter 5, three days apart, then to 95/105 when C105 arrived on 2026-09-06. Mind the grain: originating actions and docket records diverge, and quoting one figure for the other is the easiest mistake to make here. Every count in a chapter needs an explicit as-of date, and any figure should be regenerated rather than copied forward. `src/seo-build-report.json` carries the current totals after each build, and `thesis/exhibits/figure_audit.py` fails the moment a chapter dated today stops matching them.

An as-of date is not a filter, and this limits what a reader can check. The corpus grows by *discovery* as well as by filing, and the two are different clocks: C103 and C104 were filed in September and November 2025 but only found on 2026-08-30, and C105 was filed 2026-09-01 and found on 2026-09-06. So recomputing "as of 2026-08-28" against a later database returns 94/104, not the 92/102 chapters 1 to 3 correctly state, and nothing in the database records when a row was added, so the earlier states cannot be reconstructed from it. This is why chapters are revised for defects and not re-baselined: recomputing a dated figure would replace what was known with what is known now. Chapter 3's limitation 8 states it for readers.

One recorded exception, chapter 5, 2026-09-11. The rule holds for a *figure*. It does not hold for a *distribution measured on half its data*. Chapter 5 was drafted on 2026-08-31 against 817 statements from 333 videos; eleven days later the corpus held 1,691 from 620, because the archive feeding it was being built at the same time as the chapter. Two external reviews made the same objection and it is correct: "two-thirds of the statements carry no filing-conduct factor" is a claim about the shape of a population, and an as-of date does not rescue it if the population has doubled.

That chapter was therefore recomputed and its earlier figures retired, with the superseded values kept in its Sources table so nothing is lost. The re-run strengthened the chapter rather than weakening it, and every dated narrative claim in it survived unchanged. **Treat this as the bar for any future exception: a distribution, not a count, and only when the population it describes has moved by enough to change its shape.**

CORPUS LEDGER

Each chapter was written against the corpus as it stood on its own date, and the corpus grew while the book was being written. A figure in an earlier chapter is therefore smaller than the same figure in a later one, and neither is wrong. This table is what a reader needs to tell a dated figure from a disagreement. It is generated at build time by the same scan that fails the build when a chapter contradicts itself, so it cannot fall out of step with the chapters it describes.

CHAPTER	AS OF	ACTIONS	RECORDS	FORUMS	PARTIES	STMTS
1 · Two footnotes	2026-08-28	92	102	5	—	—
2 · The four regimes	2026-08-28	—	—	5	—	—
3 · Constructing the record	2026-08-28	—	102	5	—	—
4 · The distributed filer	2026-09-10	—	—	—	328	—
5 · The narrated docket	2026-09-11	—	—	—	—	1691
6 · The cost side	2026-09-06	95	—	—	327	1667
7 · Designing an aggregator	2026-09-03	94	104	—	—	—
8 · The null result	2026-09-06	95	105	6	327	1667
Live at build	2026-09-11	97	107	7	328	1691

Parties counts canonical party entities and *Stmts* the timestamped public statements of chapter 5. A blank cell means the chapter states no figure in that column — not that the figure was unknown to it. The corpus also grows by *discovery* as well as by filing, so an earlier chapter's total cannot be recovered by filtering a later database on dates; chapter 3's limitation 8 explains why, and the note on dates above states the rule and its one recorded exception.

HOW TO CHECK THE FIGURES

Every number in this book is regenerated by a script that reads the research database directly, and each exits non-zero if a premise it validates stops holding. They are why the figures here can be audited rather than believed. Each lives in `thesis/exhibits/` in the project repository.

EXHIBIT	WHAT IT REGENERATES
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<code>detection_gap.py</code>	The central exhibit: each judicial count, the same forum recomputed, and all forums. Fails if it stops reproducing the two judicial counts the whole argument rests on.
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<code>escalation_ladder.py</code>	Chapter 4: the dispute clusters, the removal overstatement under two forum definitions, and the escalation ladder.
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<code>cross_forum_web.py</code>	Chapter 4: the corpus as one lane per forum against filing date, with the two cross-forum counts kept apart.
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<code>narrated_docket.py</code>	Chapter 5: the statement corpus, the factor distribution, and publication-against-filing-date adjacency.
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<code>cost_side.py</code>	Chapter 6: recorded fee status, the parties one flat fee obliges, exposure duration, and the recovery arithmetic.
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<code>aggregator_test.py</code>	Chapter 7: the aperture lattice, the cumulative and velocity thresholds, and the statutory arithmetic run as written.
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<code>appellate_layer.py</code>	The appellate axis: dockets per originating action, per reviewing court, and the verified/unverified split.
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<code>figure_audit.py</code>	The gate over all of them: fails if a chapter contradicts itself on a corpus total, or if a chapter dated today disagrees with the live database.
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1 • Two footnotes

AS OF 28 AUGUST 2026

Revision, 2026-09-11. Two external reviews found that this chapter's close argued a claim the rest of the book refutes. Section VIII used to answer its own question with the keyhole image — that the doctrine hands a judge an aperture too small to see the record — and asserted that every restriction mechanism "is triggered by repetition visible to the court being asked." Chapter 2 disproves that on the text of the rules and chapter 8 §IV retracted it; this chapter now **poses** the question and hands it to chapter 2 rather than answering it wrongly first. Section VII's statement of the null result is also narrowed: the record is *consistent with* an institutional aggregation gap, which is not the same as establishing that any court declined to restrict because it lacked a count. **No figure in this chapter has changed**; its counts remain as of 2026-08-28 and are dated rather than stale.

I. A footnote

On 3 February 2026, Magistrate Judge Leo A. Latella issued a report and recommendation in *Tufano v. Saladino, MD*, No. 3:25-cv-01400 (M.D. Pa.). Most of it is unremarkable housekeeping. The interesting sentence is a footnote:

"Plaintiff has filed at least twenty-two separate actions in this Court within the past two years, half of which are closed."

That is a careful judicial statement. It is hedged ("at least"), bounded ("in this Court"), time-limited ("within the past two years"), and it declines to draw a conclusion from itself. It is not a vexatious-litigant determination, and no filing restriction followed it.

It is also, as far as it goes, exactly right.

Apply this project's de-duplication to the corpus — union-find over SameActionAsCaseID, so that a state case and its federal removal count once — and the number of originating actions in the Middle District of Pennsylvania on 3 February 2026 was **twenty-two**. Not approximately twenty-two. Twenty-two.

The number of originating actions this plaintiff had commenced by that date, across all forums, was **sixty-three**.

Forty-one actions existed that the footnote did not, and structurally could not, reach.

II. It happens again, five months later

On 13 July 2026, Judge Julia K. Munley dismissed *Tufano v. All-Ways Forwarding*, No. 3:25-cv-01558 (M.D. Pa.). Her order addressed, among other things, whether a magistrate judge had been unfair in characterising the plaintiff's litigation history. She reviewed the cited cases and concluded that the description — "a prodigious, but prodigiously unsuccessful, pro se litigant" — was not inaccurate. A footnote recorded that Clerk records showed 38 M.D. Pa. lawsuits since December 2023, many of them dismissed.

Same recomputation, same date. Middle District of Pennsylvania: **thirty-eight**. All forums: **eighty-three**.

Forty-five uncounted.

DATE	COURT'S OWN COUNT	SAME FORUM, RECOMPUTED	ALL FORUMS	UNCOUNTED
2026-02-03 — Latella, R&R footnote (C055)	"at least twenty-two"	22	63	41
2026-07-13 — Munley, order footnote (C057)	38 since Dec. 2023	38	83	45

Two judges, five months apart, in the same district, each counting accurately, each arriving at between a quarter and a half of the record.

III. The observation travelled. The count did not.

The tempting reading of Part II is that two judges happened to notice the same thing independently, and that a third might eventually have noticed more. The record does not support that reading, and the way it fails is this chapter's real

finding.

The phrase Munley endorsed was not hers. Its earliest appearance in this corpus is **4 November 2025**, in Magistrate Judge Martin C. Carlson's report and recommendation in *Tufano v. Google LLC*, No. 3:25-cv-01574 (M.D. Pa.), which described the plaintiff as a prodigious but prodigiously unsuccessful pro se litigant and cited multiple earlier federal cases that had been dismissed or otherwise adversely resolved. Latella's own February footnote records that substantially the same observation appears in the report and recommendation in the companion case No. 4:25-cv-01960. Munley, in July, adopted the characterisation after reviewing the cases it rested on.

So the observation was not isolated. It was made, repeated, cross-cited and expressly ratified across the reports and orders of one district over nine months. Judges of the Middle District of Pennsylvania were, in the most ordinary sense, telling each other about this plaintiff's filing history.

And in nine months of that, the number never once moved outside the district. It went 22, then 38 — both times a count of the federal docket, both times correct, both times roughly half the record. Nothing in the mechanism by which one judge learns of another's view carries a figure across a forum boundary, because there is no such mechanism. What travels between judges is a characterisation. What does not travel is a count.

IV. Why the reproduction matters

A reader has every reason to distrust an outside count that exceeds a court's own. Courts have clerks, dockets and PACER; a research project has a database and an argument to make. The larger number is exactly the kind of figure that gets inflated by double-counting removals, by treating an appeal as a new case, or by mistaking a caption change for a filing.

That is why the exhibit is built to reproduce the judicial figures first.

The de-duplication is a union-find over the `SameActionAsCaseID` column: a state complaint and its federal removal collapse into a single **originating action**, counted once and dated from its earliest docket. Both docket records survive in the corpus for auditability, but they are one action for counting. This is the same de-duplication the public site applies, and the same one the repeat-filing coding protocol takes as its unit of analysis.

Run that de-duplication, restrict it to one forum, cut it off at one date, and it returns the judge's own number. Twice — on two dates, for two judges, at two different values. Nothing in the method was tuned to those figures, and if it stops matching after a data edit, `detection_gap.py` exits non-zero and says so.

The exact match is not a flourish. It is the licence for the second number. A method that reproduces a court's count when restricted to that court's forum has earned the right to report what the same method returns when the restriction is lifted. The 63 and the 83 are not a different, looser count. They are the *same* count with the forum filter removed.

Which reframes what the gap measures. It is not a discrepancy between a judge's rigour and a researcher's. It is the size of the filter.

V. What the filter removes

The forty-one and the forty-five are not a scatter of stray filings. They are concentrated, and the concentration is the argument.

FORUM OF THE UNCOUNTED ACTION	AS OF 2026-02-03 (41)	AS OF 2026-07-13 (45)
Lackawanna County Court of Common Pleas	24	28
New York State Supreme Court	13	13
U.S. District Court, S.D.N.Y.	2	2
Superior Court of California, Los Angeles County	2	2

No uncounted action spans two of these forums, so each is attributed to exactly one court.

The single largest invisible block, on both dates, is one state trial court. More actions sat in the Lackawanna County Court of Common Pleas, unseen, than sat on the federal docket the judges were counting.

Nor is this a case of two court systems that never touch. Ten of the ninety-two originating actions in this corpus exist *because* a Lackawanna complaint was removed into the Middle District of Pennsylvania; the corpus records sixteen researched Pennsylvania cross-forum relationships, eight of them confirmed

removals. The federal court did not lack access to the state record in principle. It had ten pieces of it on its own docket, each arriving with a state caption and a state docket number attached.

What it lacked was any reason to count them as evidence of anything beyond the case in front of it. A removed case enters the federal docket as one case. It does not enter as a datum about the twenty-three others still in the county.

It is worth being precise about the shape of this. It is not distance — California is two actions, the smallest block on the table. It is not obscurity — every one of these dockets is a public record, and this project located them with free tools. It is **adjacency without aggregation**: the largest uncounted volume sits in the court procedurally nearest to the counting court, close enough to hand cases across, and there is no instrument on either side that adds them together.

VI. The honest arithmetic

The proposal for this thesis says the invisibility widens as the filing rate climbs. Over the window these two footnotes bracket, that is true of the gap and false of the share, and the distinction should be conceded before a sceptical reader finds it.

Between February and July 2026 the absolute gap grew: 41 uncounted, then 45. But the federal docket grew faster than the rest of the record over those five months — 22 to 38 in forum, against 63 to 83 overall — so the *proportion* of the record invisible to the counting court **fell**, from 65.1% to 54.2%.

The claim this chapter makes is therefore the narrow one. The absolute number of actions no court had counted rose over the period, and stood at forty-five when a judge of the Middle District of Pennsylvania last put a figure on the record. The share is volatile, moves with whichever forum happens to be busy in a given quarter, and should not be leaned on. Nothing in the argument requires it: forty-five uncounted actions is not a proportion problem, it is an aggregation problem, and it would be the same problem at any share.

For the record as it stands today — 2026-08-28 — the corpus holds **92 originating actions**, de-duplicated from **102 docket records**, across five trial forums in three states, naming 334 canonical defendants and grouped into 20 analytical disputes. Actions by year of filing: 3 in 2018, 1 in 2020, 1 in 2021, 1 in 2022, 3 in 2023, 10 in 2024, 40 in 2025, and 33 in the first eight months of 2026.

No court has counted them. The highest figure any court has stated is 38.

VII. The null result

If the aggregate record were merely large and otherwise unremarkable, the gap would be a curiosity. It is not.

Sixty-five court findings are recorded across these cases, involving 26 distinct judges. Their language is not gentle: frivolous claims and transparent attempts at jurisdictional manipulation; appeals expressly deemed frivolous and not taken in good faith; amendment futile; a legal theory rejected once and pleaded again. In the same document as the twenty-two-action footnote, Latella described three of these actions as a trilogy raising essentially the same claims against the same defendants, and found that one had repeated the identical factual allegations of another already dismissed.

Fourteen days later, on 17 February 2026, a fourth action against the same lead defendant was filed in the same district (No. 3:26-cv-00396). A fifth followed on 11 May 2026 (No. 3:26-cv-01266). The word "trilogy" did not survive contact with the docket.

Nor is that anecdotal. Under a coding rule published at `thesis/protocols/01-refiling.md` and applied to the whole corpus, 43 of the 88 actions this plaintiff commenced repeat an earlier one — 13 graded Strong, 25 Moderate, 5 Context — and the repeats track the filing rate almost exactly: 1 in 2022, 2 in 2023, 2 in 2024, 20 in 2025, 18 in the first eight months of 2026. Separately, 34 filing-restriction indicators are coded, 13 of them Strong.

Against all of that, the record contains:

- **Zero pre-filing orders.** No filing restriction of any kind has been entered in any tracked case, in any forum.
- **Zero monetary sanctions.** No Rule 11 or comparable monetary sanction has been verified anywhere in the corpus.
- **Two sanctions in total** — both non-monetary, both terminating, both entered by the same judge in the same department of the Los Angeles Superior Court, on that court's own order to show cause, for failing to appear and failing to file a case management statement (13 October 2025 and 14 July 2026).
- **Two vexatious-litigant requests, neither ever decided.** One was filed on 31 March 2026 in the action that began as No. 3:25-cv-00011 (M.D. Pa.) and moved to the Central District of California as No. 2:25-cv-00147; as of 28 August 2026 that docket had been read through entry 158 and records no ruling on it. The

other was raised on 8 July 2026 in the Los Angeles action, where the court held that a vexatious-litigant designation was beyond the scope of the motion to quash before it and that a separate motion would be required. That motion was never filed.

The two sanctions sharpen the point rather than blunt it. The only judge in this record who sanctioned this plaintiff twice did so for absence — for not turning up — and the sanctions did not aggregate into anything. They did not aggregate with each other, and neither of them, nor both together, brought a ninety-two-action pattern into any court's view.

The null result is the finding, and it has to be stated at exactly the strength the record supports. A record of this size, drawing this density of adverse judicial language and producing no restriction at all, is not evidence that restriction was unwarranted. Neither is it proof that the courts declined to restrict *because* they lacked a cross-forum count. What it is, precisely, is **consistent with an institutional aggregation gap** — and the rest of this book is an argument about how much more than that can be established.

The alternatives it cannot exclude belong here rather than in a later concession. A judge may decline to restrict as a matter of discretion, restriction being "very much the exception to the general rule of free access to the courts." The evidence actually put before any particular court may have been insufficient to support an order. The procedural posture may never have presented the question. And a defendant facing one suit may have had perfectly good reasons not to ask. This book cannot rule any of those out, and does not try.

What it can say is narrower and survives all of them: on the two occasions a party did ask, neither request was decided.

VIII. Not judicial error — and therefore a question

It would be easy, and wrong, to read the preceding sections as a criticism of the judges in them.

Latella's footnote is accurate. Munley's footnote is accurate. Carlson's characterisation was reviewed by a district judge against the underlying cases and found not inaccurate. Every judge who has put a number on this record has put a

correct number on it. Not one of them was careless — and the exhibit's design, reproducing the judicial figure before relaxing the filter, exists precisely so that this cannot be mistaken for a claim that they were.

That is what makes this record strange rather than scandalous, and the strangeness is worth stating exactly before anyone reaches for an explanation.

The pattern was perceived. It was perceived accurately, by more than one judge, described in strong terms, written into orders, and passed between the judges of a single district across nine months. Two parties asked a court to do something about it. Four restriction regimes were available across the forums involved, one of them written specifically for repeat pro se filers. And the outcome column is empty.

So the question this book has to answer is not *why did nobody notice?* Somebody did, twice, in writing. It is:

Why did an accurately-perceived pattern produce no consequence?

There is an obvious answer, and this project believed it for a long time: that the doctrine hands a judge a keyhole, that each of these judges described the keyhole accurately, and that the aperture is simply too narrow to hold the record. On the evidence assembled so far that answer is not merely plausible — it is the one the two footnotes appear to demand.

It is also wrong, and chapter 2 is where it comes apart. Read the four regimes against their own text and two of them are not docket-local at all: they name no forum, and one has already been applied by a state appellate court to a prior action in a federal one. Whatever produced the empty outcome column, it was not that the rules forbid a judge from looking further.

Chapter 2 therefore puts to each regime the narrow question this chapter has earned the right to ask. When the rule asks what the filer has done before, **where is it permitted to look — and what is it able to do about what it finds?**

A NOTE ON WHAT THE CLASSIFICATIONS HERE ARE

Two categories of statement appear above and must not be confused — a separation this project enforces throughout.

A **court finding** is something a court said, in an order, opinion or report and recommendation, sourced to that document. Latella's footnote, Munley's endorsement, the trilogy characterisation and the two Los Angeles sanctions are court findings.

A **research classification** is this project's own coding of the record under a published rule. The repeat-filing codes (`RefilingOfPriorCase`, and its Strong / Moderate / Context grade) and the filing-restriction indicators are research classifications. They are not judicial findings, and they are emphatically not a judicial determination that anyone is a vexatious litigant. No court has made that determination in this record. That is the chapter's point, and it would be self-defeating to blur the line while making it.

SOURCES

All rows are in `research-data/research.db` and published at <https://suedbyfranktufano.com>. Corpus case ids are given for traceability.

CLAIM	ROW	DOCUMENT
Latella footnote, "at least twenty-two separate actions in this Court" (2026-02-03)	<code>court_findings</code> id 62, C055	GovInfo, USCOURTS-pamd-3_25-cv-01400-0
Latella, C048 / C055 / C059 a trilogy raising essentially the same claims; identical factual allegations repeated	<code>court_findings</code> id 20, C055	same document
Latella, previously rejected § 241 theory repleaded; amendment futile	<code>court_findings</code> id 21, C055	same document
Munley order — Clerk records showing 38 M.D. Pa. lawsuits since Dec. 2023; "prodigious, but prodigiously unsuccessful, pro se litigant" not inaccurate (2026-07-13)	<code>court_findings</code> id 7, C057	midpage, <i>Tufano v. All-Ways Forwarding</i>
Carlson R&R, earliest recorded use of the "prodigious" characterisation (2025-11-04)	<code>court_findings</code> id 22, C058	GovInfo, USCOURTS-pamd-3_25-cv-01574-0
Carlson R&R, frivolous claims / jurisdictional manipulation (2024-08-28)	<code>court_findings</code> , C041	midpage, <i>Tufano v. Miller</i>
Saporito orders, appeals deemed frivolous and not taken in good faith (2024-11-13, 2024-12-11)	<code>court_findings</code> , C042 and C044	Casemine
Fourth Saladino action 14 days after the trilogy R&R (2026-02-17, No. 3:26-cv-00396); fifth on 2026-05-11 (No. 3:26-cv-01266)	<code>cases</code> C061, C074	—
Two non-monetary terminating sanctions, L.A. Superior Dept. 205, on the court's own OSC	<code>sanctions</code> ids 5 (C101, 2025-10-13) and 6 (C102, 2026-07-14)	LA Court Access Portal

CLAIM	ROW	DOCUMENT
No monetary sanction and no filing restriction verified in any tracked case	<code>sanctions_scope</code> notes, ids 1–2	—
Vexatious-litigant motion filed 2026-03-31, undecided through docket entry 158 as of 2026-08-28	<code>vexatious_motions</code> id 1, C046	CourtListener docket 69532577
Vexatious-litigant argument held beyond the scope of the motion to quash; separate motion never filed (2026-07-08)	<code>vexatious_motions</code> id 2, C102	LA Court Access Portal
22 / 63 and 38 / 83; 92 actions from 102 records	<code>thesis/exhibits/detecti</code> <code>on_gap.py</code> over cases	run the script
Composition of the uncounted blocks by forum	same union-find over cases	run the script
Ten actions spanning Lackawanna and M.D. Pa.; 16 researched relationships, 8 confirmed removals	<code>cases</code> , <code>pennsylvania_relationsh</code> <code>ips</code>	—
43 of 88 commenced actions coded as repeats (13 Strong / 25 Moderate / 5 Context); by year 1 / 2 / 2 / 20 / 18	<code>cases.RefilingOfPriorCa</code> <code>se</code> ; rule at <code>thesis/protocols/01-</code> <code>refiling.md</code>	<code>refiling_rule_</code> <code>coder.py --</code> <code>validate</code>
34 filing-restriction indicators, 13 Strong	<code>vexatious_indicators</code>	—
65 court findings, 26 distinct judges; 334 canonical defendants; 20 dispute groups	<code>court_findings</code> , <code>defendant_aliases</code> , <code>disputes</code>	—

Reliability caveat carried forward. The repeat-filing variable was coded by a single coder. No inter-rater check was run; a rule-versus-judgment audit against a deterministic screen ran in its place, at 80.4% agreement, with all 18 disagreements adjudicated in `thesis/protocols/01-refiling.md`. Chapter 3 states this limit in full, along with the 44 of 102 unrecorded pro se values and the known defendant-canonicalisation gaps.

2 · The four regimes

AS OF 28 AUGUST 2026

Revision, 2026-09-11 (second). Three legal points from the same two reviews. The summary table in Part VIII listed only 22 NYCRR 130-1.1 for New York and therefore **tested the wrong instrument** for the forum holding thirteen of these actions; the *Sassower* line of inherent authority, which Part IV already treats at length as New York's real mechanism, now has its own row. Part II concedes explicitly that **the Third Circuit's gloss does state requirements** even though § 1651 states none, so that "no predicate" is read as a claim about the statute's provenance rather than about the absence of a standard. And *Coulter v. Ramsden* was **verified as a published, precedential opinion** rather than a memorandum — see the verification note. No corpus figure changes.

Revision, 2026-09-11. This chapter was written as a *correction* to chapter 1 and is now the chapter that **states** the book's finding, per two external reviews which found that the front matter was still advertising a claim chapters 2, 7 and 8 refute. Section I is rewritten accordingly: the remedy/predicate asymmetry, the absence of any self-firing trigger and the absence of any artifact assembling the record are stated at the top as the chapter's thesis rather than arriving in section VIII as a summary. Section VIII's opening no longer describes the result as reframing chapter 1. **No figure, authority or argument changes**; the counts remain as of 2026-08-28.

Revision, 2026-09-06. The single citation defect this chapter flagged in its closing verification note has been repaired, and that note is rewritten to say what replaced it and what the replacement cannot do. No figure or argument in the chapter changes; its counts remain as of 2026-08-28.

I. The chapter that states the finding

Chapter 1 ended by posing a question it could not answer from a docket: why did an accurately-perceived pattern produce no consequence? This is the chapter that answers it, and the answer is a reading of law rather than a count of filings. Every chapter after this one is a demonstration of what the reading predicts.

The question is put to each of the four mechanisms American law offers for restraining a vexatious filer, and it is deliberately narrow. Not *is the standard strict?* — they vary, and some are strict. Not *is it fair?* — that is chapter 6. Two things only:

When the rule asks what the filer has done before, **where** is it permitted to look — and **what can it reach** once it has looked?

Asking those together is what produces the finding, because the two answers come apart. The intuition this project began with, and which chapter 1 makes it natural to hold, is that these rules are **docket-local**: that each counts what is in front of the court being asked and is blind to the rest by construction. Read against their own text, that is **false**.

Two of the four regimes are **textually open**. The Second Circuit's leading factor is "the litigant's history of litigation" — unqualified, naming no court. Pennsylvania's Rule 233.1 takes "a prior action" as its predicate, equally unqualified, and a state appellate court has already applied it where the prior action was federal. The All Writs Act states **no predicate at all**, so the federal standard is judge-made throughout. California goes further than any of them and solves aggregation by definition, in the statute's first sentence. Only one of the four is genuinely confined to the case in front of the judge — and it is the one that is not a filing rule at all.

The locality is therefore real and it is not in the words. What this chapter finds instead is an asymmetry the four share despite having nothing else in common — four sovereigns, four drafting histories, four remedies:

Every regime is narrower on the remedy side than on the predicate side.

California counts litigations "in any state or federal court" and can restrain only "in the courts of this state." *Safir* permits unlimited history, and the injunction it approved reached only federal actions. Rule 233.1 will count a federal prior and bars only same-defendant, same-claim, pro se refilings. Seeing further than you can reach produces nothing.

Two further properties travel with that one, and the three together are the architecture this book is about. **Nothing fires on its own:** Rule 233.1 requires a defendant's motion, a § 1651 injunction requires someone to seek one, § 391 requires a party to move. And **nothing assembles the record:** not one of the four obliges any person or office to put together the cross-forum history its own predicate is permitted to count. Permission without an instrument, and an instrument without a trigger, produce the same outcome as a prohibition — which is why the outcome column in chapter 1 is empty even though the rules would have allowed it to be filled.

The rest of this chapter takes the four in turn and shows it.

The corpus is unusually well suited to the test, because its five trial forums fall under all four regimes at once, with no forum left over:

REGIME	FORUM IN THIS CORPUS	ORIGINATING ACTIONS
All Writs Act, 28 U.S.C. § 1651 (Third Circuit standards)	M.D. Pa.	37
All Writs Act, 28 U.S.C. § 1651 (Second Circuit standards)	S.D.N.Y.	2
Pa. R.C.P. 233.1	Lackawanna County Court of Common Pleas	38
22 NYCRR 130-1.1	New York State Supreme Court	13
Cal. Code Civ. Proc. § 391 <i>et seq.</i>	L.A. Superior Court	2
Total		92

A note on the attribution, because it does work later. Each originating action is assigned to the forum in which it was **first filed**. Ten of the ninety-two began as Lackawanna complaints and were removed into the Middle District of Pennsylvania; they are counted once, in Lackawanna. That is why this table shows 37 M.D. Pa. actions where the docket-record count is 47. Both figures are correct at their own grain, and neither should be quoted for the other. It also means the ten removals were, at different moments, eligible for two regimes at once — live in a court with Rule 233.1 available, then live in a court with § 1651 available.

II. Federal: a power with no predicate

Start with what the All Writs Act actually says, because it is short and it is not what most people assume.

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate **in aid of their respective jurisdictions** and agreeable to the usages and principles of law.

That is the whole of the relevant text. **There is no predicate.** The statute states no finding a court must make about a filer's prior conduct, and therefore says nothing whatever about where that conduct occurred. The only limiting phrase is "in aid of their respective jurisdictions," which frames the power as each court protecting its own.

Every federal pre-filing-injunction standard is judge-made gloss on that sentence. Which means the federal filing-restriction predicate was never legislated at all, and so was never drafted by anyone weighing whether it ought to reach across forums.

"No predicate" is a claim about the statute and not about the law, and the distinction has to be made before the next paragraphs rely on it. The Third Circuit line does state requirements — *Oliver's* "continuous pattern of groundless and vexatious litigation", *Abdul-Akbar's* finding that a litigant "is intentionally abusing the judicial process and will continue to do so unless restrained", *Brow's* exigent circumstances, notice and narrow tailoring — and a district judge in this circuit is bound by them as surely as by a statute. A reader who took "§ 1651 states no predicate" to mean a federal court may enjoin on a whim would have it exactly backwards.

What follows from the statute's silence is narrower and is about **provenance**. Because the requirements were assembled case by case out of the records in front of the courts that assembled them, nobody at any point sat down to decide what a filing restriction *ought* to be allowed to count. A legislature drafting § 1915(g) in 1996 had to choose a scope and chose "a court of the United States". The Third Circuit never faced that choice, because the question never arose on any of the records that produced the standard — *Oliver's* fifty-plus cases were all in one district. Forum reach in the federal standard is not a considered judgment either way. It is a question the drafting process was never shaped to ask.

The Third Circuit, which governs the 37 M.D. Pa. actions, has built its gloss over three cases. *In re Oliver* (1982) held that "a continuous pattern of groundless and vexatious litigation can, at some point, support an order against further filings of complaints without the permission of the court," while insisting such orders "remain very much the exception to the general rule of free access to the courts." *Abdul-Akbar v. Watson* (1990) allowed restraint where a court "is confronted with a pattern of conduct from which it can only conclude that a litigant is intentionally abusing the judicial process and will continue to do so unless restrained." *Brow v. Farrelly* (1993) added the procedural frame: exigent circumstances, meaning "a litigant's continuous abuse of the judicial process by filing meritless and repetitive actions"; notice and an opportunity "to show cause why the proposed injunctive relief should not issue"; and an order "narrowly tailored to fit the particular circumstances of the case before the District Court."

Two observations, and the second is the one that matters.

The predicate — "continuous abuse of the judicial process" — **names no forum**. Read literally it would admit filings anywhere. But the records that produced it were, in each case, the enjoining court's own docket: *Oliver's* fifty-plus cases were all in the Western District of Pennsylvania, counted by the very court being burdened. The standard is silent about other forums; the practice is docket-local by default, because the burdened court is the one doing the counting.

And the tailoring requirement is expressly indexed to "the case before the District Court." Not to the filer's career. Not to the dispute. To the single case in front of the judge. *Abdul-Akbar* does look outward — the certification it approved requires the litigant to certify that claims are "new claims never before raised and disposed of on the merits by any federal courts" — but that is **forward-looking**. It governs what the enjoined filer must promise about future filings, not what the court counts in deciding to enjoin. And "any federal courts" still stops at the federal/state line, which in this corpus is where 53 of the 92 actions sit.

The Second Circuit, which governs the 2 S.D.N.Y. actions, is textually the most open of any federal standard. *Safir v. U.S. Lines* sets five factors:

(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.

No factor names a court. Factor (1) says "the litigant's history of litigation" — unqualified. Factor (4) says "the courts," plural and generic. On its face the *Safir* test would happily receive a Lackawanna County docket sheet.

This is the sharpest illustration in the chapter of what the failure actually is. A standard that *permits* consideration of cross-forum history but supplies no mechanism to surface it will be fed exactly whatever history the moving defendant happens to assemble and put in front of the judge — and nothing more. Permission is not an instrument. And even where the predicate is unbounded, the remedy was not: the injunction *Safir* approved reached only "additional federal court actions." A litigant restrained under it walks into New York Supreme Court unencumbered.

One federal provision does count across forums, and it proves the point rather than undermining it. The three-strikes rule of 28 U.S.C. § 1915(g) bars a prisoner from proceeding in forma pauperis who has, "on 3 or more prior occasions ... brought an action or appeal **in a court of the United States**" dismissed as frivolous, malicious, or for failure to state a claim. That phrase is a genuine cross-forum counting rule: a strike earned in Delaware counts in Pennsylvania.

So Congress can write one. It did, in 1996, once — and hedged it three ways. It applies to prisoners only, to in forma pauperis filings only, and to federal dismissals only. A three-striker who pays the fee files freely. The existence of § 1915(g) establishes that the aggregation problem is solvable by statute and that its drafters understood it. The absence of any equivalent for a non-incarcerated filer is therefore a choice about scope, not a failure of drafting technique.

What the federal record here shows. Across 39 federal originating actions and 26 distinct judges, one request for a filing restriction was ever made: a motion filed 31 March 2026 in the action that began as No. 3:25-cv-00011 (M.D. Pa.) and moved to the Central District of California as No. 2:25-cv-00147 (C046), seeking a vexatious-litigant declaration and prefiling restrictions or alternative Rule 11

relief. As of 28 August 2026 that docket had been read through entry 158 and records no ruling on it. The corpus is explicit that no order resolving it is obtainable at all: every RECAP entry on the docket is unavailable, the Internet Archive mirror holds three entries, and GovInfo returns a hard 404 for the case against a control package that returns 200. Five months, no decision, no readable record of one.

III. Pennsylvania: the rule that could have counted

This is the section the proposal for this thesis got wrong, and the correction improves the argument.

Pa. R.C.P. 233.1, adopted in 2010, is the only one of the four regimes written specifically for the situation this corpus describes. Its title is "Frivolous Litigation. Pro Se Plaintiff. Motion to Dismiss," and its terms are:

- (a) Upon the commencement of any action filed by a pro se plaintiff in the court of common pleas, a defendant may file a motion to dismiss the action on the basis that (1) the pro se plaintiff is alleging the same or related claims which the pro se plaintiff raised in a **prior action** against the same or related defendants, and (2) these claims have already been resolved pursuant to a written settlement agreement or a court proceeding.
- (c) Upon granting the motion and dismissing the action, the court may bar the pro se plaintiff from pursuing additional pro se litigation against the same or related defendants raising the same or related claims without leave of court.

The rule's own Explanatory Comment says it exists because "certain litigants are abusing the legal system by repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been previously adjudicated."

Now read the predicate. The *new* action must be "in the court of common pleas." The **prior** action is described only as "a prior action" — no court named, no jurisdiction, no state. That is not an ambiguity the rest of the rule resolves; the Explanatory Comment likewise refers only to "a court proceeding."

And Pennsylvania's Superior Court has applied it across the forum line. In *Coulter v. Ramsden* (Pa. Super. 2014) the prior action was in the United States District Court for the Western District of Pennsylvania, and the court held that "the parties and claims in the **federal court action** and the present case were sufficiently related to inform the trial court that Coulter's current claim has been

considered and resolved." The opinion nowhere suggests the prior action must have been in a Pennsylvania court. *Coulter* also holds that parties and claims need only be "sufficiently related" rather than identical, and that "resolved" does not require a final judgment on the merits.

So a Lackawanna judge, in 2025 or 2026, had a rule available that was drafted for repeat pro se filers, whose predicate reached a prior action in any court, and which had already been construed to count a federal one.

No invocation of Rule 233.1 appears anywhere in this corpus. Not in the 38 Lackawanna originating actions, not in the eight court findings recorded across them, not in any free-text field in the database. What those eight findings are instead: preliminary objections sustained, a personal-jurisdiction dismissal, a denial of a stay and recusal, a consolidated venue order, and an immunity dismissal.

Three features of the rule explain why, and together they are the section's real finding.

It has to be moved for. Rule 233.1 is triggered by "a defendant may file a motion." Nothing in it directs a court to look for prior actions on its own initiative. The instrument depends entirely on a defendant who knows the prior action exists and thinks to raise it — and in this record the defendants are overwhelmingly small, frequently unrepresented in the state proceedings, and largely strangers to one another. A rule whose cross-forum reach is available only to a party who has already done the cross-forum research is not, in practice, a cross-forum rule.

It requires the prior claims to have been *resolved*. Both elements are conjunctive, and condition (2) demands a written settlement agreement or resolution by a court proceeding. A duplicate filed while the first action is still pending — a substantial part of the conduct this corpus records — does not satisfy it.

Its remedy is defendant-scoped, not person-scoped. The bar in subdivision (c) reaches only "additional pro se litigation against the same or related defendants raising the same or related claims." A plaintiff barred under Rule 233.1 may file against anyone else, on anything else, the next day. Against a record grouped into 20 analytical disputes and naming 334 canonical defendants, a per-defendant bar is not an aggregate instrument.

There is a fourth reason worth noting for honesty: the rule reaches *pro se* plaintiffs only, and *ProSe* is unrecorded for 19 of the 38 Lackawanna docket records. The corpus cannot state how many of those 38 actions were within the rule's target population. Nineteen are confirmed *pro se*; the rest are unknown, not negative.

IV. New York: not a filing rule at all

New York is the regime the proposal listed alongside the other three, and it does not belong in the same category. 22 NYCRR 130-1.1 is a **sanctions rule**, and the distinction is not a technicality.

(a) The court, in its discretion, may award to any party or attorney **in any civil action or proceeding before the court** ... costs in the form of reimbursement for actual expenses reasonably incurred and reasonable attorney's fees, **resulting from frivolous conduct** as defined in this Part.

Conduct is frivolous if it is "completely without merit in law," undertaken "primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another," or asserts "material factual statements that are false."

Every locating phrase in the rule points at one proceeding. The award runs to a party "in any civil action or proceeding before the court." The costs must "result from" the conduct sanctioned — a causal link only coherent inside a single case, since a court cannot award a defendant here the fees it incurred somewhere else. The definition speaks of "the resolution of *the* litigation." The factors direct the court to weigh the circumstances under which "the conduct" took place and whether "the conduct was continued" after its lack of basis was apparent.

Nothing in Part 130 refers to conduct in other actions, prior actions, or other courts. There is no repeat-filing predicate, no counting rule, no lookback, and no prospective filing restriction of any kind. The remedies are money. A party could be sanctioned under Part 130 in twenty consecutive New York actions and Part 130 itself would never notice the twenty-first coming.

New York's actual mechanism for restraining a vexatious filer is judge-made, exercised as the court's inherent equitable authority, and stated in a formula that has recurred in the Appellate Division since *Sassower v. Signorelli* (2d Dep't 1984): public policy generally mandates free access to the courts, but a party may forfeit

that right by abusing the judicial process through "meritless litigation motivated by spite or ill will." That is a **motive test, not a counting test**. It has no threshold, no lookback period, and no forum rule, because it has no arithmetic at all.

And there is no register. New York has no vexatious-litigant statute, no prefiling-order statute, and no statewide list. This can be established affirmatively rather than by absence, because the legislature has tried: Assembly bills A6843 (2019–20) and A5234 (2021–22) would have added a CPLR § 1005 modelled closely on California's scheme — a four-part definition, a security motion, prefiling orders, and a **statewide registry maintained by the Administrative Board of the Courts**. Both were referred to the Judiciary Committee and died there.

The consequence for the 13 New York actions in this corpus is total. Part 130 does not look past the four corners of the pending case. The *Sassower* line produces an ad hoc order of one court, recorded nowhere central and unknown to the next judge who draws the same filer. There is no artifact anywhere in the New York system in which a filer's litigation history is assembled — a second judge cannot consult a list, because no list exists, and Part 130 gives that judge no reason to look for one.

The corpus bears this out. Five court findings are recorded across the thirteen New York actions: failure to serve, lack of subject-matter jurisdiction, deficient service on a default-judgment motion, no cognizable basis for the relief sought, and a procedural denial for non-compliance with a judge's individual practices. Each disposes of one case. None is about the others.

V. California: aggregation solved, then abandoned at the state line

California is the counter-example, and it is worth setting out properly, because it shows the problem is soluble and shows exactly where solution stops.

The statute begins by defining the unit of counting:

§ 391(a). "Litigation" means any civil action or proceeding, commenced, maintained or pending **in any state or federal court**.

That single sentence is the most consequential text in this chapter. California solved the aggregation problem **by definition**, at the top of the statute, before reaching any test — and every later use of "litigations" silently carries it. Where

the other three regimes leave forum reach to a judge's discretion or to a defendant's diligence, California fixed the unit once, broadly.

The definition then does its work. A vexatious litigant is a person who, in the immediately preceding seven-year period, "has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court" finally determined adversely to them or left pending two years without trial; or who repeatedly relitigates a determination against the same defendants; or who repeatedly files unmeritorious papers or engages in frivolous or dilatory tactics; or who "has previously been declared to be a vexatious litigant by **any state or federal court of record**" on the same or substantially similar facts.

That last limb is an express **inter-jurisdictional recognition rule** — California will adopt another sovereign's determination as its own predicate. Nothing comparable exists in the other three regimes.

Then § 391.7 provides the remedy: a prefiling order prohibiting a vexatious litigant from filing new litigation "**in the courts of this state**" in propria persona without leave of the presiding judge of the court where it is proposed to be filed. Unlike a Third Circuit injunction tailored to "the case before the District Court," this binds the filer in every superior court in California. And § 391.7(f) requires the clerk to send any prefiling order to the Judicial Council, which "shall maintain a record of vexatious litigants subject to those prefiling orders" and disseminate a list annually to court clerks.

That list exists. The Judicial Council of California publishes it — roughly 87 pages, last updated 10 August 2026, updated monthly, covering orders filed from 1991 onward. It is, so far as this project has verified, the only centralized, publicly consultable vexatious-litigant register in the United States.

And here is where it stops. The register records **§ 391.7(a) orders only**, and § 391.7(a) orders can only issue from California state courts. Section 391.7(f) obliges "the clerk of the court" — a California court clerk, under a California rule — to transmit, and directs dissemination "to the clerks of the courts of this state." A federal district judge who enters a pre-filing injunction has no obligation and no mechanism to report it there.

So the asymmetry is exact, and it is the single sharpest observation available in this body of law: **California counts a filer's federal and out-of-state litigations in deciding whether to declare them vexatious, and then cannot restrain them**

anywhere but its own courts, and records the result in a register that is structurally incapable of holding the very filings its own predicate counted. The information flows in. The remedy does not flow out.

What happened here. Two of the ninety-two actions were filed in California state court, so this corpus barely tests the best instrument American law has. What it does record is the one time § 391 was raised. On 8 July 2026, in *Tufano v. Taban* (C102, No. 25SMCV05503), the American Society of Ophthalmic Plastic and Reconstructive Surgery argued in a motion-to-quash proceeding that this plaintiff had become a vexatious litigant, based partly on the earlier California action and the refiling. Judge Edward B. Moreton, Jr. held that a vexatious-litigant designation was beyond the scope of a motion to quash and that a separate motion would be required.

No separate motion was ever filed. All 29 documents and all 5 proceedings published for that case have been reviewed and none is a vexatious-litigant, § 391, or prefiling-order filing. The case was dismissed six days later, on 14 July 2026, as a sanction for failing to appear, failing to file a case-management statement and failing to file proof of service — the second such terminating sanction from the same judge in the same department, after the same disposition in the companion action C101 on 13 October 2025. Both sanctions were non-monetary. Neither aggregated with the other.

The best-designed regime in the country was invoked once, in a proceeding that could not reach it, and the party who raised it never came back.

VI. The aggregation was done once — by a defendant

The strongest evidence that the missing thing is an *instrument* rather than *information* is that on one occasion the information was assembled, correctly and at private expense, put in front of a federal judge, and nothing followed.

On 3 April 2026 a defence filing in *Tufano v. The State of California*, No. 3:26-cv-00840 (M.D. Pa.) (C066), attached an exhibit set that is, in effect, the cross-forum record. The corpus indexes seven of its exhibits: the complaint in Los Angeles Superior Court No. 25SMCV00041 (C101) at Exhibit M; three California minute orders at Exhibits N, O and P; the October 2025 Los Angeles sanctions minute

order at Exhibit S; the complaint in Los Angeles Superior Court No. 25SMCV05503 (C102) at Exhibit T; and, at Exhibit X, the 31 March 2026 vexatious-litigant motion from the Central District of California.

That is a defendant, in Pennsylvania, doing by hand what no docket system does: collecting one filer's litigation across two states and four courts and laying it before a fifth.

Five days later, on 8 April 2026, the court issued an order. It ordered the plaintiff to show cause why the action should not be transferred or dismissed **for improper venue** under 28 U.S.C. § 1406(a).

That is not a criticism of the order, which was plainly right — a Pennsylvania federal court hearing claims against the State of California has a venue problem, and § 1406(a) is the statute that addresses it. It is the point. A judge holding an exhibit set documenting litigation in three states responded with the instrument the situation actually handed him, which was a venue instrument. No motion in that case asked for a filing restriction; the Third Circuit standard would have told him to tailor relief to "the case before the District Court"; and nothing would have told him what weight another sovereign's docket carried.

The information crossed the forum boundary. It arrived as attachments. It did not arrive as a count, and there was nothing for it to be a count *of*.

VII. The boundary, seen from the filing side

Three entries in the corpus's Pennsylvania cross-forum table are same-day parallel filings: the same dispute commenced in Lackawanna County and in the Middle District of Pennsylvania on the same date — 29 July 2025 (C019 / C055), 13 August 2025 (C020 / C056), and 17 February 2026 (C032 / C061). Two of the three are graded Medium confidence and the corpus expressly declines to call the claims identical until the state pleadings can be compared. The dates and forums, which is all this point needs, are verified.

Five further entries record a Lackawanna action followed later by a federal action against the same defendants. Four of those five federal actions — C077, C078, C080 and C081 — were filed on a single day, 29 July 2026, against defendants sued in Lackawanna County in 2024 and 2025. The corpus grades these as contextual repeated-party relationships and records no judicial finding that any is duplicative; that grading is this project's, not a court's.

Now put Part I's question against those dates. On 29 July 2025 a Lackawanna judge asked to dismiss under Rule 233.1 would have needed a defendant to move, and would have needed the prior claims already resolved. A Middle District judge asked the same day for a § 1651 injunction would have been told to tailor relief to the case before him. Both would have been right. Neither would have known the other was being asked.

Fifteen of the twenty coded disputes span more than one forum. The looser figure is eighteen of twenty, at the level of docket records; the honest one is lower, because collapsing each removal into a single originating action and attributing it to the forum of first filing drops three disputes whose only cross-forum span was a defendant's removal — and a removal is not the filer choosing a second court. Fifteen is the conservative number and it is the one the argument runs on. Both rest on the 73 of 102 records that carry a `DisputeID`; twenty-nine do not, and adding them could move the ratio either way.

VIII. The common architecture

Four regimes, four sovereigns, four drafting histories. The shared shape is not that they all look only at their own docket — two of them, textually, do not. It is this:

REGIME	WHERE THE PREDICATE LOOKS	WHAT THE REMEDY REACHES	CENTRAL REGISTER
§ 1651, 3d Cir.	unspecified; in practice the enjoining court's own docket	"the case before the District Court"	none
§ 1651, 2d Cir. (<i>Safir</i>)	"the litigant's history of litigation" — unqualified	federal actions	none
§ 1915(g)	any "court of the United States"	IFP status, prisoners only	none
Pa. R.C.P. 233.1	"a prior action" — unqualified; held to include federal	same or related defendants, same or related claims, prose only	none
22 NYCRR 130-1.1	the action before the court	money	none
N.Y. inherent authority (<i>Sassower</i> line)	unspecified; a motive test with no arithmetic	an ad hoc order of the issuing court	none

REGIME	WHERE THE PREDICATE LOOKS	WHAT THE REMEDY REACHES	CENTRAL REGISTER
Cal. C.C.P. § 391	"any state or federal court"	"the courts of this state"	yes — CA state prefilling orders only

New York appears twice, and the second row is the one that matters for the thirteen actions this corpus holds there. Part IV set out why: 130-1.1 is a sanctions rule that never looks past the case in front of it, and the instrument a New York court would actually use to restrain a filer is its inherent equitable authority under the *Sassower* line. Listing only the regulation would have tested the wrong instrument for the forum. Adding the right one does not rescue New York — it makes the row worse. A motive test with no threshold, no lookback and no arithmetic cannot be *satisfied* by a cross-forum count, because it does not count; and an order issued under it is recorded nowhere a second judge would look.

Read down the middle column and the pattern is unmistakable. **Every regime is narrower on the remedy side than on the predicate side.** California counts federal filings and cannot restrain them. *Safir* permits unlimited history and the approved injunction reached only federal actions. Pennsylvania will count a federal prior action and bars only same-defendant, same-claim, pro se refilings. Aggregation, where it happens at all, does not translate into proportionate restraint.

That is the finding section I stated, now shown across four sovereigns. The problem is not that the doctrine cannot see. In two of these regimes it is permitted to see and has no eyes — no register, no reporting duty, no trigger that fires without a private party's initiative. In the one regime that built an eye, the register cannot record what the predicate counts. And in every regime, seeing further than you can reach produces nothing.

IX. Not silence, but the wrong question

It would be a mistake to read this as saying no court noticed anything. Courts noticed a great deal and said so in strong terms; Chapter 1 catalogues it. What the record shows is narrower and stranger: noticing and restricting run on different tracks, and only the second has a forum-boundary problem, because only the second requires a count.

Latella's footnote counted twenty-two actions and drew no conclusion from the number. Munley reviewed a colleague's characterisation and found it not inaccurate. Mehalchick held claims barred by *res judicata* because they were identical to claims dismissed in an earlier case (C054, 25 February 2026) — the closest any court in this record came to treating one action as a fact about another. And that was preclusion: keyed to a prior judgment between the same parties, disposing of one case.

Three different things, and none of them a filing restriction. A characterisation travels between judges and requires no count. Preclusion requires a prior judgment and reaches one case. A filing restriction requires a **pattern** — and a pattern requires a count, and no institution in this record was constituted to keep one.

Ninety-two originating actions, five trial forums, three states, four available regimes, two requests, no decisions, no restriction.

A NOTE ON WHAT THE CLASSIFICATIONS HERE ARE

The separation Chapter 1 set out applies with more force here, because this chapter is about a determination no court has made.

A **court finding** is something a court said, in an order, opinion or report and recommendation, sourced to that document. Latella's footnote, Munley's endorsement, Mehalchick's *res judicata* holding, Zulick's immunity dismissal, Gibbons's venue order and Moreton's two sanctions and his motion-to-quash ruling are court findings.

A **party filing** is something a litigant asserted. The 31 March 2026 motion in C046 and ASOPRS's argument in C102 are party filings. Both *requested* a vexatious-litigant determination. Neither obtained one, and the assertions in them are not evidence of the facts they assert.

A **research classification** is this project's own coding under a published rule. The `RefilingOfPriorCase` grades, the filing-restriction indicators, the dispute groupings and the cross-forum relationship confidences are research classifications. They are not judicial findings, and none is a determination that anyone is a vexatious litigant. **No court in this record has made that determination.** That is this chapter's subject, and blurring the line while making the point would destroy it.

A LIMITATION THIS CHAPTER MUST CARRY

The negative findings in Parts III and IV — that no invocation of Pa. R.C.P. 233.1 or of Part 130 appears anywhere in this record — are statements about **what the corpus contains**, not proof that nothing happened. The corpus was built from what is publicly reachable without a paid subscription, and reachability is not evenly distributed. Federal opinions are free and full-text; Lackawanna County orders come one at a time from a portal that publishes a document list rather than searchable text.

The asymmetry is visible in the data. Across 37 M.D. Pa. originating actions the corpus records 21 filing-restriction indicators, 10 graded Strong. Across the larger block of 38 Lackawanna actions it records 7, two Strong. That ratio is better explained by what can be read than by what was done. Eight court findings are recorded for the entire Lackawanna set, and none concerns repeat filing.

So the accurate claim is: **no invocation of Rule 233.1 or of Part 130 appears in any document this project has been able to read, and searches of every free-text field in the database return nothing.** If a Lackawanna defendant filed a Rule 233.1 motion denied without a written opinion, this corpus would not know. What can be said without qualification is the thing that matters anyway — no filing restriction was entered, in any forum, under any of the four regimes, because a restriction that had been entered would appear on a docket.

SOURCES — CORPUS

All rows are in `research-data/research.db` and published at <https://suedbyfranktufano.com>.

CLAIM	ROW	DOCUMENT
Forum composition: 37 M.D. Pa. / 38 Lackawanna / 13 NY Supreme / 2 S.D.N.Y. / 2 L.A. Superior originating actions	<code>cases, via originating_actions()</code> in <code>thesis/exhibits/detection_gap.py</code>	run the script
Ten actions removed from Lackawanna into M.D. Pa.; 16 researched cross-forum relationships, 8 confirmed removals	<code>pennsylvania_relationships</code> PR001–PR008	—
Same-day parallel state/federal filings, 2025-07-29, 2025-08-13, 2026-02-17	<code>pennsylvania_relationships</code> PR010 (C019/C055), PR011 (C020/C056), PR009 (C032/C061)	—
Four federal actions filed 2026-07-29 against defendants previously sued in Lackawanna	<code>pennsylvania_relationships</code> PR013 (C081), PR014 (C077), PR015 (C080), PR016 (C078)	—
Vexatious-litigant motion filed 2026-03-31; undecided through docket entry 158 as of 2026-08-28	<code>vexatious_motions</code> id 1, C046	CourtListener docket 69532577

CLAIM	ROW	DOCUMENT
No order resolving that motion is obtainable (RECAP unavailable, Internet Archive partial, GovInfo 404)	research_notes ids 10 and 15, C046	—
Vexatious-litigant request held beyond the scope of the motion to quash; separate motion required (2026-07-08)	vexatious_motions id 2 and court_findings id 34, C102	LA Court Access Portal
No separate § 391 motion was ever filed — all 29 documents and 5 proceedings reviewed	research_notes id 32, C102	LA Court Access Portal
Two non-monetary terminating sanctions, L.A. Superior Dept. 205, same judge, on the court's own OSC	sanctions ids 5 (C101, 2025-10-13) and 6 (C102, 2026-07-14)	LA Court Access Portal
No monetary sanction and no filing restriction verified in any tracked case	sanctions scope notes, ids 1–2	—
Defence exhibit set assembling the cross-forum record, filed 2026-04-03 in C066	docketbird_research DB003 (Ex. M), DB004 (Ex. N), DB005 (Ex. O), DB006 (Ex. P), DB007 (Ex. S), DB008 (Ex. T), DB009 (Ex. X)	CourtListener docket 73136891
Venue show-cause order under § 1406(a) issued 2026-04-08, five days later	docketbird_research DB001, C066; cases C066	same docket
Mehalchick, claims identical to those dismissed in C040, barred by res judicata (2026-02-25)	court_findings id 5, C054	GovInfo, USCOURTS-pamd-3_25-cv-01227-0
Latella footnote, "at least twenty-two separate actions in this Court" (2026-02-03)	court_findings id 62 and vexatious_indicators VI034, C055	GovInfo, USCOURTS-pamd-3_25-cv-01400-0
Munley, 38 M.D. Pa. lawsuits since Dec. 2023; characterisation not inaccurate (2026-07-13)	court_findings id 7, C057	—
Eight court findings across the Lackawanna set, none concerning repeat filing	court_findings ids 45–52	—
Zulick, sovereign and judicial immunity dismissal after a full Lackawanna bench recusal (2026-07-16)	court_findings id 51, C038	LPA Prothonotary portal
Gibbons, consolidated denial of three motions to transfer venue to M.D. Pa. (2026-04-21)	court_findings ids 49 (C020), 50 (C024), 52 (C008)	LPA Prothonotary portal
Five court findings across the New York actions, each disposing of one case	court_findings ids 12 (C089), 13 (C093), 14 (C094), 15 (C095), 41 (C098)	NY iApps

CLAIM	ROW	DOCUMENT
15 of 20 coded disputes span more than one forum at action grain; 18 of 20 at record grain; 73 of 102 records carry a <code>DisputeID</code>	<code>cases.DisputeID</code> , <code>disputes</code>	—
34 filing-restriction indicators; 21 M.D. Pa. (10 Strong) against 7 Lackawanna (2 Strong)	<code>vexatious_indicators</code>	—
ProSe unrecorded for 19 of the 38 Lackawanna docket records	<code>cases.ProSe</code>	—
334 canonical defendants; 20 dispute groups	<code>defendant_aliases</code> , <code>disputes</code>	—

Reliability caveats carried forward. The repeat-filing variable was coded by a single coder; no inter-rater check was run, and a rule-versus-judgment audit at 80.4% agreement ran in its place, with all 18 disagreements adjudicated in `thesis/protocols/01-refiling.md`. The cross-forum relationships cited in Part VII carry their own confidence grades — PR010 and PR011 are Medium, and the corpus expressly declines to call those claims identical pending a pleading comparison. One citation defect was noted here rather than relied on, and has since been repaired: `court_findings` id 34 (C102) carried a Trellis URL, a host a reader cannot open, and the link went to the complaint rather than to the July 8, 2026 motion-to-quash ruling it was cited for — wrong twice over. On 2026-09-06 it was repointed at the Los Angeles Court Access Portal, which was already the citation this chapter used by way of `vexatious_motions` id 2. That portal is free but issues no stable per-case link: fetched cold, its per-case URL returns an empty application shell, so the citation names the portal and the case number, 25SMCV05503, to search. Twenty-eight citations elsewhere in the corpus still sit on hosts a reader cannot open; re-sourcing those is a separate pass and none of them is relied on in this chapter.

LEGAL AUTHORITIES

These are **not** corpus rows. Every item below was read from a free, publicly openable primary source; paywalled and bot-blocked hosts were excluded on the same standard the corpus applies to its own citations. Pin cites are omitted throughout: the free full-text hosts used here do not carry star pagination, and an unverified pin cite is worse than none.

AUTHORITY	PROPOSITION	FREE SOURCE
All Writs Act, 28 U.S.C. § 1651	Text; no predicate stated; "in aid of their respective jurisdictions"	Cornell LII
<i>In re Oliver</i> , 682 F.2d 443 (3d Cir. 1982)	"a continuous pattern of groundless and vexatious litigation"; restriction is "very much the exception to the general rule of free access to the courts"	law.resource.org · CourtListener

AUTHORITY	PROPOSITION	FREE SOURCE
<i>Abdul-Akbar v. Watson</i> , 901 F.2d 329 (3d Cir. 1990)	"intentionally abusing the judicial process and will continue to do so unless restrained"; certification as to claims "disposed of on the merits by any federal courts"	law.resource.org
<i>Brow v. Farrelly</i> , 994 F.2d 1027 (3d Cir. 1993)	Exigent circumstances; show cause; order "narrowly tailored to fit the particular circumstances of the case before the District Court"	CourtListe ner
<i>Safir v. U.S. Lines, Inc.</i> , 792 F.2d 19 (2d Cir. 1986)	The five factors, verbatim; injunction as modified reached only "additional federal court actions"	law.resource.org
28 U.S.C. § 1915(g)	Three strikes "in a court of the United States"; prisoners and IFP only	Cornell LII
Pa. R.C.P. 233.1, 231 Pa. Code § 233.1 (adopted 2010)	Full rule text; "a prior action" unqualified; defendant-initiated; bar limited to same or related defendants and claims	Pa. Code
Pa. Bulletin adoption notice, 40 Pa.B. 1490	Explanatory Comment: "repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been previously adjudicated"	Pa. Bulletin
<i>Coulter v. Ramsden</i> , 94 A.3d 1080, 2014 Pa. Super. 127 (Pa. Super. 2014) — published/precedential, verified 2026-09-11	Rule 233.1 applied where the prior action was in the U.S. District Court for the Western District of Pennsylvania; parties and claims need only be "sufficiently related"	FindLaw · CourtListe ner
22 NYCRR 130-1.1	Costs and sanctions "in any civil action or proceeding before the court," "resulting from frivolous conduct"; definition of frivolous in (c)	Cornell LII
<i>Sassower v. Signorelli</i> , 99 A.D.2d 358 (2d Dep't 1984)	Forfeiture of free access by "meritless litigation motivated by spite or ill will" — a motive test, applied through inherent authority	CourtListe ner
N.Y. Assembly Bills A6843 (2019–20), A5234 (2021–22)	Would have created a CPLR § 1005 vexatious-litigant scheme and a statewide registry; both died in the Judiciary Committee	A6843 · A5234
Cal. Code Civ. Proc. § 391	§ 391(a): "litigation" means any civil action or proceeding "in any state or federal court"; § 391(b) (1)–(4)	California Legislative Information
Cal. Code Civ. Proc. § 391.7	Prefiling order "in the courts of this state"; § 391.7(f) Judicial Council record and annual dissemination	California Legislative Information

AUTHORITY	PROPOSITION	FREE SOURCE
Judicial Council of California, Vexatious Litigant List	The register exists; orders from 1991 onward; updated monthly; records § 391.7 prefiling orders only	courts.ca.gov · list PDF

Verification notes. *Coulter v. Ramsden* is a **published, precedential opinion**, checked on 2026-09-11 through CourtListener's REST v4 search endpoint after an external review asked whether it might be a non-precedential memorandum — which would have required softening the "held" and "construed" this chapter's Part III rests on. It is not. The endpoint returns it as *Superior Court of Pennsylvania*, decided 2014-06-20, status **Published**, with citations 94 A.3d 1080 and 2014 Pa. Super. 127; the second of those is the Superior Court's own precedential-opinion number, which unpublished memoranda do not receive. Part III's verbs stand as written.

Safir and *Brow* are cited without pin cites because star pagination could not be confirmed from a free full-text host. *Gray v. Buonopane* (Pa. Super., 22 August 2012, No. 1403 EDA 2011), which supplies the standard characterisation of Rule 233.1's purpose, is omitted from the table because its reporter citation could not be verified freely. Cal. Code Civ. Proc. § 391.1 (the security motion) is described in Part V only in substance and is not quoted, because the official page rendered only partially. The Judicial Council list was last updated 10 August 2026 as of retrieval on 2026-08-28; it is republished monthly, so the figure will move.

3 · Constructing the record

AS OF 28 AUGUST 2026

Revision, 2026-09-11. Two external reviews found this chapter's methods discussion complete on everything except the design itself: it stated how the corpus was built and what is wrong with it, and never stated why *this* case, or what one case can establish. Section VII gains a passage separating **reproducibility from validity** — the exhibits guarantee a figure follows from the database and say nothing about whether the coding behind it is sound — and section IX gains limitations **9 (case selection)** and **10 (the null result is consistent with, not evidence of, the explanation offered)**. **No figure changes**; the counts remain as of 2026-08-28.

Revision, 2026-09-06. Two things this chapter reported as outstanding have been done, and saying so is part of what the chapter is for. The appellate layer is now first-class — section II is rewritten and `thesis/exhibits/appellate_layer.py` measures it — and all three of the canonicalisation defects named in section IX have been repaired, along with six more of the same kind found while repairing them. Section IX's limitation 8 gains the reason those repairs matter to a reader: the corpus grows by *discovery* as well as by filing, so a figure in this chapter cannot be recomputed from a later database by filtering on dates. Every count in the body is left at its 2026-08-28 value and is dated rather than wrong.

I. The claim this chapter has to earn

Chapter 1 asserted that ninety-two originating actions exist and that no court has counted them. Chapter 2 argued that no American filing-restriction mechanism is built to. Both claims depend entirely on a prior one, which has so far been asserted and not defended: **that ninety-two is the right number**.

That is not a trivial thing to establish, and the ways of getting it wrong all inflate it. Count a removed case twice and the total climbs. Count an appeal as a new action and it climbs further. Count a caption change, a consolidated companion, or

a case filed *against* this litigant, and it climbs again. Every one of those errors pushes in the direction the argument wants, which is exactly why the method has to be stated before the number is used.

This chapter states it: what was collected, what could not be, how docket records were collapsed into actions, how party names were resolved, how evidence of different kinds was kept apart, and how the one coded variable the argument leans on was defined and checked. It ends with the limitations, at length, because a methods chapter that reports only the parts that worked is not a methods chapter.

II. Collection, and what is not in it

The corpus holds **102 docket records** across five trial forums in three states.

Appeals are not counted among those records, and since 2026-09-06 they are no longer buried in prose either: the `appeals` table holds one row per appellate proceeding, keyed to the trial docket it was taken from. It now holds **30 appellate dockets arising from 22 trial-court docket records** — 12 in the Third Circuit, 5 each in the Superior Court of Pennsylvania and the Ninth Circuit, 3 each in the Second Circuit and California's Second Appellate District, and 2 whose court is recorded but whose number was never recovered. It held 27 from 20 when the table was built on 2026-09-06; the verification pass of 2026-09-10 found three more, none of them newly filed except one docketed the day before.

Keeping them out of the docket-record count is a modelling decision, not an oversight. A removal keeps both dockets as `cases` rows joined by `SameActionAsCaseID`, because both are trial-level records of one action; an appeal is a different grain, and folding it in would inflate the published record count without a new lawsuit existing. The site therefore names three grains and never mixes them — originating actions, trial-court docket records, and appellate dockets — and this chapter uses the middle one throughout.

The layer is measured by `python thesis/exhibits/appellate_layer.py`, and its first result is worth stating here because it bears on chapter 4's question about how one dispute multiplies into many records. **Not one of the 30 crosses a sovereign boundary.** Lackawanna appeals go to the Superior Court of Pennsylvania, federal appeals to the circuit for the district the case sits in at the time (following a transfer where one happened, as with C046 and C058, both of which moved to California districts and both of which appeal to the Ninth Circuit),

and the Los Angeles Superior Court appeals to California's Second Appellate District. The appellate layer adds docket records without adding cross-forum reach.

Verification followed on 2026-09-10. **19 of the 30** have now been checked against the reviewing court's own docket, up from 7; 8 carry a recorded docket number whose current status has not been independently confirmed, and 3 record an appeal established to exist whose number was never recovered — those keep a blank number rather than a guess. Posture counts drawn from this table are therefore still a floor, but a much higher one.

The pass is also its own small lesson about where appellate records live. Pennsylvania's Unified Judicial System portal publishes a full appeal docket sheet, disposition text and all, for anyone who asks; the federal side publishes almost nothing free. CourtListener's mirrors of the circuit dockets carry the case-opening entries and stop, so a federal appeal's disposition had to be read from the *district* docket below, where the mandate is entered when it returns — and only where the district mirror was current enough to have received it. Eight of the eleven appeals still unverified or unnumbered are federal for exactly that reason.

It was assembled from free public sources. There is no PACER account behind it, which is a methodological choice with a cost: PACER charges per page, and a corpus of this size read fully through PACER would run to a significant sum, so the project reads what CourtListener, GovInfo, the RECAP archive, the Los Angeles County Court Access Portal, New York's iApps e-filing portal and the Lackawanna County Prothonotary's own portal publish for free. Where a document could not be obtained, the corpus says so in the row rather than paraphrasing from an index.

The cost of that choice is unevenly distributed, and it shapes what the previous chapters could say. Of **502 citations carrying a URL, 80 — 15.9% — still point at hosts a reader cannot open**: DocketBird (20), Justia dockets (19), PacerMonitor (17), Casemine (11), Trellis (8), Rulings.law (3), Docket Alarm (2). The remaining 84% resolve on CourtListener (143 plus 11 RECAP documents), the Lackawanna portal (90 on ic-access.com, 48 on lpa-homes.org), New York's iApps (53), GovInfo (46) and the Los Angeles portal (14).

The asymmetry runs along the forum boundary that Chapter 2 is about. Federal opinions are free, full-text and searchable. Lackawanna County publishes a document list, one case at a time, behind a session-based portal; reading a Lackawanna order means opening that case's own page and retrieving that

document. The consequence shows up in the evidence density: across 37 M.D. Pa. originating actions the corpus records 21 filing-restriction indicators, 10 of them Strong, and across the larger block of 38 Lackawanna actions it records 7, two of them Strong. **That ratio is a fact about document accessibility, not about conduct,** and any chapter that uses indicator counts comparatively has to say so.

III. De-duplication: the originating action

The unit that matters is not the docket record. It is the **originating action** — one underlying lawsuit, however many dockets it has passed through.

The mechanism is a union-find over the `SameActionAsCaseID` column on `cases`. Where one record is marked as the same action as another, the two are merged; the merged action is counted once and dated from its earliest filing. Both records survive in the corpus and both keep their own case page, because a reader auditing the claim needs to see the state docket and the federal docket separately. They are one action only for counting.

Eighteen records carry a `SameActionAsCaseID` value, collapsing into **ten actions that span more than one docket record**. All ten are Lackawanna County complaints removed into the Middle District of Pennsylvania: C011/C052, C013/C054, C014/C053, C015/C057, C018/C058, C030/C064, C032/C074, C034/C065, C035/C066 and C036/C068.

102 records – 10 duplicated pairs = 92 originating actions.

Two further reductions matter for any claim about what this litigant *did*, as opposed to what exists. Four of the 102 records are actions brought *against* him — C100 (*Saladino v. Tufano*, S.D.N.Y.), C022 (*Fidelity Bank v. Free Range Meat LLC*) and C031 and C037 (both *American Express National Bank v. Tufano*, Lackawanna). So **88 of the 92 actions were commenced by this plaintiff**, and that is the denominator the repeat-filing variable uses. Direct appeals are not separate actions at all; they are recorded in the parent case's status.

This is the same de-duplication the public site applies. `tools/build_seo.py` implements it, `assets/app.js` reimplements it in JavaScript for the legacy dashboard, and `thesis/exhibits/detection_gap.py` implements it a third time for the thesis. Three implementations of one rule is a maintenance hazard and is named as such in `CLAUDE.md`; the thesis's protocols import the third rather than adding a fourth.

IV. Canonicalisation: 710 appearances, 334 parties

Defendant names arrive as free text in a semicolon-separated field, which means the same company appears under several spellings across several complaints.

Across the 102 records there are **710 defendant appearances**, carrying **366 distinct name-as-filed strings**, which resolve through `defendant_aliases` to **334 canonical parties**. A separate `attorneys` table records the six lawyers and law firms that appear as *parties* rather than as counsel — Jeffrey Davis, David D. Lin, Lavelly & Singer, Kjar McKenna & Stockalper, Lewis & Lin, and Cipriani & Wener (names given as the `attorneys` table records them, A001–A006).

Canonicalisation is where the corpus's most consequential defects live, and Part VIII returns to them. Three are known and unrepaired.

V. Five evidence layers, kept apart

The corpus does not have a table called "evidence." It has five categories that are structurally separated, and the separation is a hard constraint on the site's generator and on this thesis, not a presentational preference.

LAYER	TABLE	ROWS	WHAT A ROW MEANS
Court findings	<code>court_findings</code>	65	Something a court said, in an order, opinion or R&R, sourced to that document. 26 distinct judges.
Party filings	<code>vexatious_motions</code> , and party rows elsewhere	2	Something a litigant asserted. Not evidence of what it asserts.
Research classifications	<code>vexatious_indicators</code>	34	This project's coding under a published rule. Never a judicial finding.
Secondary sources	<code>secondary_sources</code>	2	Commentary. Leads and context only.
Public statements	<code>video_statements</code>	283	What the litigant said publicly, with a timestamped clip.

A court finding is recorded **only** when it can be tied to an order, opinion or report and recommendation. That rule is why the two vexatious-litigant *requests* live in `vexatious_motions` and not in `court_findings`: both asked a court to declare this litigant vexatious, and neither obtained a ruling, so neither is a finding of anything.

The `secondary_sources` layer is the smallest and the best illustration of why the separation is not fussiness. Both of its two rows are blog posts by **Jeffrey Davis**, a lawyer who represented this litigant, wrote publicly about the arbitration and the *Saladino* default, and is himself a defendant in two of the tracked actions — C004 in Lackawanna County, filed 12 February 2025, and C094 in New York State Supreme Court, filed six days later. His account is useful for chronology and for the arbitration language it quotes. It is also the account of an adverse party. The corpus records that in the row's own `EvidentiaryTreatment` field rather than leaving a reader to discover it.

Around these sit the working layers: 140 research notes, 158 dated timeline events grouped into 25 chronology sequences, 11 DocketBird index records, and 94 catalogued videos.

VI. The coding rule

One variable does real work in the argument, so it has a written rule, published at `thesis/protocols/01-refiling.md` and applied to all 92 actions on 2026-08-28.

An action is a **refiling** when, at the moment it was commenced, the plaintiff had already commenced a **prior, distinct originating action** arising from the **same underlying dispute**, and the new action **re-asserts substantially the same claims**.

All three conditions are required. Condition 1 excludes a removal or transfer of the same action (that is what the union-find is for), a direct appeal within the same action, an action not commenced by this plaintiff, and a same-day companion — where two actions share a filing date the data cannot order them, so neither can be the other's prior. Condition 2 is satisfied by a shared `DisputeID` or, for any pair, by two claims summaries describing the same real-world transaction. Condition 3 requires the same core wrong against at least one shared canonical defendant.

Adverse termination is deliberately not an element. This is the design decision that matters most, and it is what separates the measure from *res judicata*. A duplicate filed while the first action is still *pending* is precisely the conduct this thesis is about, and a rule that required a prior loss would exclude it. Prior adverse termination instead drives the strength grade, where `Strong` requires either a judicial characterisation of the pair, or prior adverse termination plus the same claims and defendants, or documented verbatim carryover between pleadings.

The result, at originating-action grain: **43 of the 88 commenced actions repeat an earlier one** — 13 Strong, 25 Moderate, 5 Context — against 46 coded No and 3 Unclear. By year of filing the repeats are 1 in 2022, 2 in 2023, 2 in 2024, 20 in 2025 and 18 in the first eight months of 2026.

Mind the grain here above all. Querying the `cases` table directly returns 52 Yes out of 102, because the coded value is written identically to every record in a same-action group so that the column is usable at either grain. 52/102 and 43/88 are the same finding at two units. Quoting one for the other is the easiest error available in this project and has already been made once, in an earlier draft of the proposal.

VII. Validation

A method that produces a number nobody else has produced cannot be checked against anything — unless it can first be made to produce a number somebody else already produced.

That is what `thesis/exhibits/detection_gap.py` does. It takes the two occasions on which a court stated a count of these filings, applies the union-find, restricts the result to that court's own forum, cuts it off at that date, and compares:

DATE	COURT'S OWN FIGURE	METHOD, FORUM- RESTRICTED	METHOD, ALL FORUMS
2026-02-03, Latella (C055)	"at least twenty- two"	22	63
2026-07-13, Munley (C057)	38 since Dec. 2023	38	83

Two dates, two judges, two different values, exact reproduction both times. Nothing in the de-duplication was tuned to those figures — the same union-find had already been written for the public site — and the script **exits non-zero if the reproduction ever breaks**, so a future data edit that invalidates the thesis's headline claim fails loudly rather than silently. It is not wired into CI; it is run by hand before the numbers are cited.

This is the licence for the all-forums figure, and it is a narrow licence. It establishes that the counting method matches judicial practice when given judicial inputs. It does not establish that the corpus is complete — an action nobody has found is invisible to a validation built on found actions.

And reproducibility is not validity. That distinction is worth labouring, because this project's most visible methodological feature is the thing most likely to be mistaken for something stronger. Every figure in this book is regenerated by a script; the scripts are read-only, stdlib-only, and each exits non-zero when a premise it validates stops holding. A reader can therefore check that the numbers follow from the database, exactly, every time.

None of that says anything about whether the database is right. A script reproduces a classification perfectly whether the classification was sound or biased, and the exhibits here are auditing arithmetic, not judgment. Where the input is a column somebody else recorded — a filing date, a docket number, a court's own disposition — reproducibility is most of what matters. Where the input is this project's own coding, it is close to none of it: `RefilingOfPriorCase`, the filing-restriction indicators, the statement tiers and factors and chapter 4's rung labels are all contestable readings that a script will reproduce to the last decimal.

So the gates are a guarantee against one class of error and silent about another. They stop a figure moving without anyone noticing. They cannot stop a coder from being wrong in a consistent direction, and a consistent direction is exactly what a single coder with a hypothesis produces. The reliability evidence that would speak to *that* is set out in section VIII and limitation 1 below, and it is thinner than the reproducibility layer by a wide margin.

VIII. What the audit found

`thesis/README.md` asked for an inter-rater reliability check on the refiling variable.

There was no second coder, and this project does not claim inter-rater reliability.

What ran instead is a **rule-versus-judgment audit**, which is a weaker instrument and is reported as one. `refiling_rule_coder.py` implements the mechanically decidable part of the rule — condition 1, condition 2 restricted to a shared `DisputeID`, canonical-defendant overlap, and a lookup of whether a court had already characterised the pair. It cannot read two claims summaries against each other, so it cannot implement condition 3 at all. Its predictions were generated before the coding pass and compared afterwards:

```
python thesis/protocols/refiling_rule_coder.py --compare
agreement: 74/92 = 80.4% (18 to adjudicate)
```

Because the screen is deliberately weaker than the rule, a disagreement is a finding about what reading the claims text added — not an error in either column. All 18 are adjudicated in the protocol, and the pattern in them is the most useful thing the audit produced:

The screen's failures are almost entirely failures of the corpus's own metadata, not of the rule. Two disagreements arose because a defendant roster omitted a party the case's own claims summary named as a lead defendant, or because two spellings of one company carried different canonical ids with no alias joining them. Five arose because neither case in the pair carried a `DisputeID`, leaving the screen no way to test condition 2 — and those five resolved two to `Yes`, two to `No` and one to `Context`, which is the useful result: a missing dispute group is genuinely uninformative in both directions, so the 29 `DisputeID`-blank cases could not have been coded by screen alone. Eight were strength changes that required reading the pleadings' summaries against each other. Two were cases where the pleading is unavailable and the honest code was `Unclear` even though party overlap alone would have supported `Yes`.

An audit that mostly indicts the data rather than the rule is a better outcome than one that finds nothing, and worse than one run by a second human being. Both things are true.

IX. Limitations

Stated plainly, and in the order of how much they cost the argument.

1. **No second coder.** The audit above substitutes for the inter-rater check and is not equivalent. Any published use of the repeat-filing variable must say so.
1. **Condition 3 rests on claims summaries, not on pleadings.** 101 of 102 cases carry a claims summary, but a substantial minority of those are sourced to docket coding rather than to the complaint's own text; the notes say which, case by case. Where that made comparison impossible the code is `Unclear` (3 actions); where it made it thinner but possible, the grade is capped at Moderate. **C092 has no claims summary at all.**
1. **Defendant canonicalisation had three known defects when this chapter was written; all three were repaired on 2026-09-06, and repairing them found six more.** The original three: C040's roster omitted the Shopify entities its own claims summary names as lead defendants; `Fenix Internet, LLC` and `Fenix`

Internet LLC carried different canonical ids with no alias joining them; and Taban was absent from C018's roster though its claims summary names him. Each had been worked around by hand.

The six found afterwards are one defect wearing one disguise: a party listed surname-first on a state docket and first-name-first on the federal docket it was removed to, with no alias joining the two spellings, so one person counted as two entities. Five sat inside removal pairs (C030/C064, C036/C068, C015/C057) and were found by changing a gate in `escalation_ladder.py` from a liveness check into a detection rule; the sixth, Jeffrey K. Davis, Esq., had survived the morning's repair pass because that pass aliased Jeffrey K. Davis without the , Esq. suffix the data actually carries, so it matched nothing. The canonical-entity count fell from 335 to 327. **A canonicalisation repair is only as good as the exact string it targets, and a defect of this shape is invisible to inspection — it takes a rule that recomputes rather than a constant that remembers.**

Repair remains scoped: the wider Shopify family holds 18 distinct canonical entities, 13 with their own published page, so consolidating them is a separate editorial decision and not a tidy-up.

1. **Dispute assignment is incomplete and, in one case, internally inconsistent.** 29 of 102 records carry no `DisputeID`. Within the single action C014/C053, the state record carries DSP018 and its own federal removal carries DSP001. Chapter 2's cross-forum dispute figures rest on the 73 records that are assigned.
1. **ProSe is unrecorded for 44 of 102 records**, including 19 of the 38 Lackawanna records. This is why Chapter 2 states the Rule 233.1 eligibility point in terms of the rule's target population rather than a coded count, and why the pro se claim cannot yet carry weight in the chapters that need it. Only 8 of the 44 blanks have any pro-se language anywhere in the database and 4 more resolve by the same-action twin rule; the remaining ~34 need a docket research pass before any coding rule can apply.
1. **15.9% of citations sit on hosts a reader cannot open**, and the blocked share is concentrated in the state-court material.
1. **Absence of a row is not absence of an event.** Chapter 2's negative findings — that no invocation of Pa. R.C.P. 233.1 or of 22 NYCRR 130-1.1 appears anywhere in this record — are claims about what this corpus contains. A motion denied

without a written opinion in a county court would not be visible here. What is safe is the narrower claim that no filing restriction was entered anywhere, because an entered restriction appears on a docket.

1. **A moving target, and an as-of date does not make a figure reproducible.** 33 of the 92 actions were filed in the first eight months of 2026. Every count needs its as-of date, and the exhibits should be re-run rather than quoted from a previous chapter.

The subtler half of this was only noticed on 2026-09-06, and it limits what a reader can check. **The corpus grows by discovery as well as by filing**, and the two are not the same clock. C103 and C104 were filed in September and November 2025 but only found on 2026-08-30, in a search run under a company name rather than an individual's; C105 was filed 2026-09-01 and found on 2026-09-06. So a reader who takes a later database and filters it to "actions filed on or before 2026-08-28" does not get this chapter's 92 and 102 — they get 94 and 104, because two actions that existed on that date were not yet in anyone's record of it.

Nothing in the database records when a row was added, so those earlier states cannot be reconstructed from it. The as-of date on each chapter therefore says *when the corpus was read*, not *what a date filter would return*, and the two diverge by exactly the discovery lag. This is the thesis's own subject turned on the thesis: a corpus, like a docket, shows what somebody went looking for, and the count depends on who looked and when. It is also the reason the figures in chapters 1 to 3 are left as written rather than recomputed — recomputing them would silently replace what was known with what is known now.

1. **The case was selected because it already looked like the thing the book argues about.** This is the limitation an argument about invisibility can least afford to leave implicit. The subject was not drawn from a sample frame of high-volume filers; he came to notice because a large cross-forum record was already visible, and the project then set out to assemble it. Everything this book says about detection therefore runs on a case that was, by construction, detected.

Two consequences follow. The corpus cannot support any claim about **how often** this happens — not a rate, not a base rate, not a statement that the American system routinely fails this way. And the features that made the case findable are the same features that make it atypical: an unusually high filing rate, an unusually complete public commentary track kept by the filer himself, and a geography in

which one county court and one federal district sit on top of each other so that ten removals all land in the same place. A reader should assume this record is extreme rather than representative.

What the selection does **not** damage is the doctrinal argument. Chapter 2 reads four regimes against their own text, and that reading holds or fails whether or not this filer exists. The empirical chapters are an existence proof with a mechanism attached, which is a weaker claim than a measurement and is the claim the book makes.

1. **The null result is consistent with the explanation offered, and does not establish it.** Zero filing restrictions across this record is compatible with an institutional aggregation gap. It is also compatible with judges exercising discretion against restriction, with the evidence actually put before any particular court being insufficient, with the procedural posture never presenting the question, and with defendants having sound strategic reasons not to move. This project cannot rule those out, does not try, and states the finding at the strength the record supports. Chapter 1 names the alternatives where the null result is first stated; chapter 8 turns instead on the narrower fact that survives all of them, which is that two parties did ask and neither request was decided.

X. Why the separation is load-bearing

It would be possible to build all of this and still ruin it in the last step, by letting the layers of Part V blend on the way into prose.

The argument of this thesis is that **no court has determined that this litigant is a vexatious litigant**, and that the reason is structural. That argument is destroyed, not supported, by a corpus that quietly treats a research classification as a judicial finding. If a `RefilingOfPriorCase` code graded Strong were allowed to read as though a court had said so, the thesis would be asserting the very determination whose absence is its subject.

So the discipline runs in the direction that costs the argument something. 34 filing-restriction indicators are recorded and none of them is a finding. 43 actions are coded as repeats and no court has called them that. Two motions asked for a

vexatious-litigant declaration and both are filed under party filings, where the assertions in them are not evidence of the facts they assert. The corpus is at its most careful precisely where a looser rule would help most.

SOURCES

All rows are in `research-data/research.db` and published at <https://suedbyfranktufano.com>. This chapter is about the database itself, so most rows here are aggregates rather than individual findings; each is reproducible from the query named.

CLAIM	ROW / QUERY	REGENERATE WITH
102 docket records, 92 originating actions, 5 trial forums, 3 states	<code>cases ; union-find over SameActionAsCaseID</code>	<code>detection_gap.py</code>
18 records carry <code>SameActionAsCaseID</code> , collapsing into 10 multi-record actions; all ten Lackawanna → M.D. Pa. removals	<code>cases , pennsylvania_relationships PR001-PR008</code>	<code>detection_gap.py</code>
4 records are actions against this litigant, so 88 were commenced by him	<code>cases C022, C031, C037, C100</code>	—
710 defendant appearances, 366 name-as-filed strings, 334 canonical parties	<code>defendants , defendant_aliases</code>	—
6 lawyers/law firms named as parties	<code>attorneys A001-A006</code>	—
65 court findings across 26 distinct judges	<code>court_findings</code>	—
34 filing-restriction indicators; 21 M.D. Pa. (10 Strong) against 7 Lackawanna (2 Strong)	<code>vexatious_indicators</code> joined to <code>cases.Court</code>	—
2 party-filed vexatious-litigant requests, neither adjudicated	<code>vexatious_motions</code> ids 1 (C046) and 2 (C102)	—
2 secondary sources, both by Jeffrey Davis; Davis is a defendant in C004 and C094	<code>secondary_sources SS001-SS002; cases C004, C094; attorneys A001</code>	—
283 public statements; 94 catalogued videos	<code>video_statements , youtube_lawsuit_videos</code>	—
140 research notes, 158 timeline events, 25 chronology sequences, 11 DocketBird records	<code>research_notes , litigation_timeline , chronology_summary , docketbird_research</code>	—
502 citations with a URL; 80 (15.9%) on hosts a reader cannot open	URL columns across 12 tables	—

CLAIM	ROW / QUERY	REGENERATE WITH
The rule, its three conditions, and the exclusion of adverse termination	thesis/protocols/01-refiling.md	—
43 of 88 commenced actions coded Yes (13 Strong / 25 Moderate / 5 Context); 46 No, 3 Unclear	cases.RefilingOfPriorCase, cases.RefilingEvidenceStrength	refiling_rule_coder.py -- validate
Grain: 52 of 102 at record grain is the same finding as 43 of 88 at action grain	same columns	refiling_rule_coder.py -- validate
Rule-versus-judgment audit at 74/92 = 80.4%, 18 disagreements adjudicated in Groups A–E	thesis/protocols/01-refiling.md §Reliability	refiling_rule_coder.py -- compare
22 / 63 and 38 / 83, reproducing Latella (C055) and Munley (C057)	court_findings id 62 (C055), id 7 (C057); cases	detection_gap.py
29 records carry no DisputeID; C014 carries DSP018 while its own removal C053 carries DSP001	cases.DisputeID	—
ProSe blank on 44 of 102 records, 19 of them Lackawanna	cases.ProSe	—
C092 has no claims summary	research_notes	—

What this chapter is not. Every code described here — `RefilingOfPriorCase` and its strength grade, the filing-restriction indicators, the dispute groupings, the cross-forum relationship confidences — is a **research classification** produced by this project under a published rule. None is a judicial finding, and none is a determination that anyone is a vexatious litigant. No court in this record has made that determination.

4 · The distributed filer

AS OF 10 SEPTEMBER 2026

This chapter cites law as well as corpus rows. The two are kept in separate tables at the end — **Sources** for the record, **Legal authorities** for the statutes — so that the rule this folder runs on, that no fact about the litigation originates in it, stays checkable by inspection.

Revision, later on 2026-09-06. C105 entered the corpus after this chapter was first drafted, on the same day, and moved the totals every section below reports: 94 originating actions became 95, and the 90 he commenced became 91. The figures here are the post-C105 ones. Nothing structural changed — all four pre-registered verdicts stand, and the quartile shape is still a dip and a rebound — but one cluster gained a second state, because the new action put a third forum on DSP006.

Revision, later still on 2026-09-06. The two canonicalisation defects section IX listed as sitting inside the measurement were repaired, and repairing them found five more of the same kind. The canonical-entity count fell from 335 to 327 (one entity has been added since, so the corpus now holds 328) and the evidence-anchoring audit from 50-of-69 to 49-of-68; the rung distribution, the cluster figures and all four pre-registered verdicts are unchanged. Section IX's limitation 3 is retired outright — the appellate layer became first-class the same day and is now measured by its own exhibit. Three cells in the Sources table that had not been carried forward from the C105 update are corrected here.

Revision, 2026-09-11. Two external reviews found two defects in section V, and both are repaired here. **E2 and E4 were reported as REFUTED on non-significant rank correlations** ($p = 0.111$, $p = 0.29$ and $p = 0.076$, $p = 0.46$, $n = 93$); a failure to find is not a refutation, they are now reported as **NOT SUPPORTED**, and the section states what the whole-sequence correlation was poorly placed to see — the quartile table's step change between Q1 and Q2. And **E1's refutation turned on an**

untested definitional choice: C099 reaches rung 6 only because a private arbitral institution is coded as an adjudicator alongside sitting judges, and the four original perturbation axes never split that rung. Two axes now do. **Under one of them E1 holds**, and the section says so. Section II gains the cluster-boundary sensitivity the same reviews asked for. No corpus figure changes; the chapter's counts remain as of 2026-09-10.

Revision, 2026-09-10. C106 and C107 entered the corpus on 2026-09-09 and moved every total below: 95 originating actions became 97, the 91 he commenced became 93, and 105 docket records became 107. Both arrived through `escalation_ladder.py` failing rather than through anyone noticing — C106's sole defendant, the City of Carbondale, tripped gate G3 as an entity the screen elevated and no one had adjudicated. It is now coded Government on the strength of the caption alone, because RECAP holds a docket shell and no complaint to read, so the anchoring audit reads 49-of-69 rather than 49-of-68. Nothing structural changed: all four pre-registered verdicts stand, the rung-opening table is untouched (C106 was filed long after the Government rung opened at #24), and the quartile shape is still a dip and a rebound. The counterparty rung also fell from 263 entities to 257, which the 2026-09-06 note above did not carry into the table: that revision recorded the rung distribution as unchanged by the canonicalisation repair, and on this row it was not. C107 also gave the corpus its first natively-Californian district filing, which is why the filed-court table below now carries a C.D. Cal. row.

I. A cluster is not a case

Chapter 2 found that none of the four regimes obliges any person or office to assemble a filer's record across forums, however far their predicates are permitted to count. This chapter is the **first of four demonstrations** of what that omission produces in a real record — here, in the shape of the litigation itself.

Chapter 1 counted actions and found that two judges had each counted correctly and each counted only what was in front of them. Chapter 3 explained how the actions were de-duplicated. This chapter asks a different question: not how many, but *what shape*.

The unit here is the **dispute cluster** — a set of originating actions arising from one underlying quarrel, recorded in the corpus as a `DisputeID` on each docket record. As of 2026-09-10 there are **22 clusters**, covering **71 of the 97 originating**

actions. The largest is DSP003, Saladino-related litigation: **8 actions over 1,928 days**, from 2020-11-07 to 2026-02-17. Two clusters contain a single action. Twenty-six actions carry no cluster assignment at all.

That last number is a quarter of the corpus and it is not a rounding error, so it goes at the front rather than in a footnote. Everything this chapter says about cluster structure is a statement about the seventy-one actions that carry an assignment. The refiling protocol found, when it hit the same gap, that unassigned actions are uninformative in *both* directions — some turned out to repeat an earlier action and some did not — so the gap is better described as missing than as evidence of dispersal.

There is a second limit, and it is structural rather than clerical. `cases.DisputeID` is a single column, so the corpus can record an action in one cluster and only one. Some actions genuinely belong to two. C014/C053, *Tufano v. TikTok*, names TikTok **and** the surgeon at the centre of the Taban cluster; on 2026-09-06 the two halves of that one removed action were found to be carrying two different cluster labels, and were reconciled onto the TikTok/ByteDance cluster because that is the dispute the complaint leads with. The reconciliation picks a defensible label; it does not make the overlap go away. **The clustering is a partition imposed on something that is not partitioned.**

II. Eighteen of twenty-two clusters cross a forum boundary

With that stated, the shape is unambiguous. **Eighteen of the 22 clusters span more than one court. Seven span more than one state.**

CLUSTER	ACTIONS	COURTS	STATES	FIRST	LAST	SPAN
DSP003 Saladino-related	8	3	2	2020-11-07	2026-02-17	1,928 d
DSP001 Taban / eye surgery	6	4	2	2025-01-02	2026-04-20	473 d
DSP002 Shopify / business platform	6	3	2	2024-05-22	2026-04-20	698 d
DSP020 Starowicz / arbitration / Davis	6	3	2	2021-04-22	2025-02-18	1,398 d
DSP011 USDA-related	4	2	1	2025-02-12	2026-04-20	432 d
DSP017 Reddit	4	2	1	2024-07-08	2026-01-22	563 d
DSP021 Fidelity Bank	4	1	1	2025-05-27	2026-01-05	223 d

Four of the seven largest clusters reach into two states. The Taban cluster reaches **four courts** — a California superior court, a Pennsylvania county court, a federal district in Pennsylvania and a federal district in California — across six actions in sixteen months.

Eighteen is the count of clusters that *touch* more than one court, and it is the number this section is named for. It is worth separating from the narrower one, because the two answer different questions. **Sixteen of the 22 clusters reach a second court because he commenced actions in more than one forum. The remaining two reach one only because a defendant removed the single action in them** — DSP007 and DSP009, each a lone Lackawanna case pulled into a federal district. Chapter 2 draws the same distinction and runs its argument on the narrower figure; the difference between the two is entirely a question of whose choice put the case in the second forum. `cross_forum_web.py` reports the narrower figure over the 20 clusters holding at least two actions, where no removal-only crossing appears at all: the two that qualify are precisely the two single-action clusters that rule excludes.

Because §I concedes that the partition is imposed on something that is not partitioned, the eighteen should be re-run with the known overlap reassigned the other way, and it is: `escalation_ladder.py` recomputes every cluster figure with C014/C053 moved off the TikTok/ByteDance cluster and onto the Taban cluster, the defensible alternative. **The headline moves by one: eighteen cross-forum clusters become seventeen, and the six that cross a state line are unchanged.** That is the price of the partition on the ambiguity this project knows about. It does not price the ambiguities it does not know about, and §IX limitation 2 says so.

This is the fact chapter 1 approached from the other side. A judge asked how many actions this plaintiff had filed *in this court* was, on the Taban cluster, looking at one of four places the same quarrel was being litigated. Nothing was hidden. The clusters are visible in the corpus because the corpus was built to make them visible; they are invisible to a court because no court has an instrument that reads across four dockets in two sovereigns.

III. Removal, and the arithmetic it creates

Ten of the 97 originating actions exist as **two** docket records rather than one. Each is a state case removed to federal court, and each therefore appears twice in any count that counts dockets.

The mechanism is statutory and unremarkable. Under 28 U.S.C. § 1441(a), a civil action brought in a state court of which the federal district courts have original jurisdiction "may be removed by the defendant or the defendants, to the district court of the United States for the **district and division embracing the place where such action is pending.**" Under § 1446(b)(1) the notice of removal must generally be filed "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading."

Both features show up in the record exactly as written. Nine of the ten removals fall between **21 and 38 days** after the state filing — the thirty-day clock plus service — with a median of 30; the tenth, C032 to C074, took 83. And every one of them lands in the Middle District of Pennsylvania, because § 1441(a) sends a Lackawanna County case to the federal district that geographically embraces Lackawanna County and nowhere else.

That second point is the one that matters, and it is worth stating plainly before the numbers: **removal does not scatter a case. It concentrates it.** The defendant's choice of forum is not a choice at all; the statute names the destination. Ten times, a state action was mechanically relocated onto the docket of the one court that would later try to count.

IV. The one court where the duplication shows

Counting dockets rather than actions overstates the corpus by ten — 107 records against 97 actions, **+10.3%**. The interesting question is where that overstatement lives.

If a docket is counted only in the court it was *filed* in, the answer is nowhere:

FORUM	RECORDS	ACTIONS	OVERSTATEMENT
M.D. Pa.	48	48	0.0%
Lackawanna County	40	40	0.0%
N.Y. Supreme Court	13	13	0.0%
LA. Superior Court	2	2	0.0%
S.D.N.Y.	2	2	0.0%
C.D. Cal.	1	1	0.0%
E.D.N.Y.	1	1	0.0%

FORUM	RECORDS	ACTIONS	OVERSTATEMENT
all forums	107	97	+10.3%

Every forum is internally consistent and the aggregate is not. That is what a removal does: it creates the second record in a *different* court from the first, so no single court's own filing register is inflated by it, and the inflation exists only in the union.

But a court does not search its own register by where a case was filed. It searches by what is on its docket, which includes what was removed onto it. Counted that way — the definition `detection_gap.in_forum()` uses, filed-in **or** now-sitting-in — the picture changes in exactly one place:

FORUM	RECORDS TOUCHED	ACTIONS	OVERSTATEMENT
M.D. Pa.	55	48	+14.6%
Lackawanna County	40	40	0.0%
every other forum	—	—	0.0%

The Middle District of Pennsylvania is the only forum in the corpus where docket-counting and action-counting disagree. It is also the only forum in the corpus where a judge ever stated a count. The court positioned to notice the pattern is the court whose own record most overstates it.

And the overstatement is recent. Cumulatively, records equalled actions through the end of 2024 — 19 and 19. The gap opens in 2025 (66 records, 61 actions) and reaches ten in 2026. **Before 2025 there was no de-duplication problem to solve.** It arrived with the filing rate.

What the judges did with it

Here the record cuts against the easy version of this chapter's argument, and the concession belongs in the text.

At the two dates a court stated a count, a naive docket count would have been wrong:

DATE	JUDGE	RECORDS ON THAT DOCKET	ORIGINATING ACTIONS	COURT'S STATED FIGURE
2026-02-03	Latella (C055)	24	22	22

DATE	JUDGE	RECORDS ON THAT DOCKET	ORIGINATING ACTIONS	COURT'S STATED FIGURE
2026-07- 13	Munley (C057)	45	38	38

Both judges stated the **de-duplicated** figure. Neither stated the record count, which would have overstated by 2 and then by 7. Whatever instrument produced those footnotes — the clerk's records in Munley's case — it collapsed the removed pairs correctly.

So the de-duplication problem is not the courts' failure. It is a problem they demonstrably solved, inside their own forum, twice. What they could not solve was the other direction: the same de-duplication run across all forums returns 65 and 85. **The court got the hard arithmetic right and the easy aggregation wrong, because only the arithmetic was in front of it.**

Two ways the corpus records the same movement

A count of removals taken from the union-find returns ten. The corpus also records cross-forum movement a second way, in `CurrentCourt`, and the two do not coincide. Twelve records carry a `CurrentCourt`; two of them — C046 (M.D. Pa. → C.D. Cal.) and C098 (N.Y. Supreme → S.D.N.Y.) — have no paired record and no same-action link, so they are invisible to a removal count taken from `SameActionAsCaseID` alone. A third, C074, carries a `CurrentCourt` identical to its `Court`, which is a no-op and a data defect.

The corpus therefore represents cross-forum movement twice, incompletely, in two columns that disagree — which is a small, concrete instance of the thing this thesis is about. Even a dataset *built* to track a filer across forums records his movements in two places and needs a script to reconcile them.

V. The ladder the outline expected

The proposal for this chapter asserted an escalation ladder: that the litigation moved outward from the parties to a transaction, through opposing counsel named as parties, to licensing boards, to platforms, to the county, and finally to eight sitting judges and the Commonwealth. (The last phrase is stronger than the record supports, and the correction is worth making before the argument starts: the C038

court finding dismisses "the eight individually-named Lackawanna County judicial defendants" and identifies **one** of them as a sitting county judge — which is what forced the full-bench recusal.)

Testing that requires a variable the corpus does not have. The dataset records *who* was sued; it has no column for what kind of thing they are. `thesis/protocols/02-escalation.md` supplies one under a published rule: six rungs ordered by distance from the underlying transaction — Counterparty, Counsel, Platform, Regulator, Government, Adjudicator — assigned to each of the 328 canonical entities, with every elevation above rung 1 required to point at an `attorneys` row, a `court_findings` row or a claims-summary sentence naming the role. Nothing is written to the database and nothing appears on the site; the values live in the exhibit.

The ladder's claim was then stated as four falsifiable propositions *before* the numbers were read. One is refuted outright, two fail to find any trend at all, and the one that passes does so on a test too weak to carry it.

CLAIM	VERDICT
E 1 Rungs open in ladder order.	REFUTED — on a single observation; §VI, and the split below
E 2 The top rung an action reaches rises over the sequence.	NOT SUPPORTED — $\rho = 0.111$, $p = 0.29$, $n = 93$
E 3 The counterparty rung's share declines over the sequence.	Holds on its endpoints, $0.57 \rightarrow 0.46$ — but see §VII
E 4 The number of rungs one action reaches rises over the sequence.	NOT SUPPORTED — $\rho = 0.076$, $p = 0.46$, $n = 93$

E2 and E4 are reported as *not supported* rather than refuted, and the distinction is not pedantry. A non-significant rank correlation is a failure to find a monotone trend. It is not evidence that no trend exists, and an earlier draft of this chapter labelled both REFUTED, which claims a great deal more than $\rho = 0.11$ at $p = 0.29$ can support. Getting it right matters here rather than in the abstract, because §VII's quartile table shows something a whole-sequence rank correlation is poorly designed to detect: mean top rung steps from 2.13 to 3.00 between the first and second quartiles and then stops — 3.00, 2.96, 2.75. That is a **step change, not a trend**, and Spearman over 93 ordinals will read it as noise, which is precisely what

it did. So the honest version is that E2 survives in a weaker, non-monotone form — something changed once, early in 2025, and then held — and that §VII's replacement finding is that story told properly.

The choice E1 turns on

E1 fails on a single observation, and that observation rests on a definitional decision, so the decision has to be tested rather than assumed.

The protocol's four original perturbation axes do not test it. They swap the Platform and Regulator ordering, drop the three mass-defendant actions, and substitute the corpus population for the filer population, and under all four every verdict above is unchanged. What none of them touches is **rung 6 itself**. C099 reaches the top rung because the American Arbitration Association and the arbitrator it appointed are coded as adjudicators alongside ten judges of a public court. Whether a private arbitral institution belongs on the same rung as a sitting county judge is a definitional call, and the refutation of E1 turns on it entirely. Two further axes now split it:

AXIS	N	E1	E2	E3	E4
as coded	93	refuted	not supported	holds	not supported
Platform/Regulator order swapped	93	refuted	not supported	holds	not supported
mass-defendant actions dropped (40+)	90	refuted	not supported	holds	not supported
corpus population (defendant-side kept)	97	refuted	not supported	holds	not supported
rung 6 split — arbitral bodies below the bench	93	refuted	not supported	holds	not supported
rung 6 split — arbitral bodies as service providers	93	HOLDS	not supported	holds	not supported

E1's refutation is not robust to that choice, and this chapter reports it rather than quoting the axis that suits it. If a private arbitral body is a kind of adjudicator — the reading this project coded — then the top rung opened at the sixth action and there is no progression to find. If instead it is a service provider the counterparty chose, nearer to a platform than to a judge, then C099 reaches only rung 3, the first public adjudicator is Judge Mehalchick in October 2025, the rungs do open in date order, and **E1 holds**.

Three things follow, in order of how much they cost the chapter.

It costs E1 and nothing else. E2, E3 and E4 return the same verdict under all six axes, and §VII's replacement finding — that the ladder is additive rather than substitutive — is untouched, because it rests on the rung-1 share and the

distribution table rather than on where the AAA sits.

The reading that rescues E1 is the weaker one on the facts of this action. C099 names the arbitrator personally, by name, as a defendant, and the claims summary records the AAA as the institution that administered the arbitration the suit attacks. A platform is sued for what it hosts; an adjudicator is sued for how it decided. That is why the coding went the way it did, and it is an argument rather than a stipulation — which is the point of publishing it.

And the dating observation in §VI survives both readings. Under the service-provider reading C099 still puts three distinct rungs into one complaint at the sixth action, and the filer still named his own former attorney as a party in January 2023. What the split changes is whether that counts as reaching the *top* — not whether the record shows a filer working patiently upward.

VI. The sixth action

E1 fails on a single observation, and it is the most important thing in this chapter.

Here is when each rung first opened, over the 93 actions this plaintiff commenced:

#	RUNG	FIRST OPENED	ACTION	ENTITY
1	Counterparty	2018-03-09	#1, C086	Bronxville Field Club, Inc.
2	Counsel	2023-01-11	#6, C099	Jeffrey Davis, Esq.
3	Platform	2024-05-22	#10, C040	Shopify (USA) Inc.
4	Regulator	2025-01-02	#19, C046	American Academy of Ophthalmology
5	Government	2025-02-12	#24, C049	U.S. Department of Agriculture
6	Adjudicator	2023-01-11	#6, C099	American Arbitration Association

C099 is *Tufano v. American Arbitration Association et al*, filed in the Southern District of New York on 2023-01-11 — the sixth action he commenced. It names exactly four defendants:

- **Adam Starowicz**, the opposing party in the underlying business dispute — rung 1;
- **Jeffrey K. Davis, Esq.**, his own former attorney — rung 2;
- **Sarah Thompson**, recorded in the case's claims summary as the **arbitrator**;

- the **American Arbitration Association**, the institution that administered the arbitration — rung 6.

One complaint, four defendants, spanning the bottom, the second rung and the top of the ladder. It was filed two and a half years before he first sued a judge (Karoline Mehalchick, C059, 2025-10-17), and before platforms, regulators or government bodies appeared in the corpus at all. The companion state filing, C091, reused the identical four-defendant lineup three weeks later.

There is no progression to find. Suing the adjudicator is not the end of an escalation; it is a move that was available, and taken, at the second dispute. Whatever explains the 2018–2026 record, it is not a filer who worked his way up a ladder.

The proposal's specific ordering is wrong in two further places, which matters less but should be corrected rather than quietly dropped. Platforms opened in May 2024, seven months *before* the first licensing or professional board — the reverse of the outline's sequence. And rung 5 was opened by a federal agency, the USDA, in February 2025, not by the county: the Lackawanna County Assistance Office follows in May and the county itself in July.

VII. Additive, not substitutive

If the ladder is not a progression, what does change over the sequence?

QUARTILE	N	FROM	TO	MEAN TOP RUNG	RUNG-1 SHARE	MEAN BREADTH
1	23	2018-03-09	2025-02-12	2.13	0.57	1.35
2	23	2025-02-12	2025-07-25	3.00	0.26	1.57
3	23	2025-07-29	2026-02-23	2.96	0.35	1.87
4	24	2026-02-23	2026-09-08	2.75	0.46	1.46

The first quartile spans nearly seven years; the last spans five months. That alone is the chapter's most robust observation, and it belongs to chapter 1's story rather than this one.

Within it: the mean top rung jumps between the first and second quartiles and then stops moving — 2.13, then 3.00, 2.96, 2.75. The counterparty share falls from 0.57 to 0.26 and then **climbs back to 0.46**. E3's pre-registered test compares only the endpoints and therefore passes, but the shape is a dip and a rebound, not a decline, and the endpoint result should not be reported as though it were a trend.

What the record supports is narrower and, I think, more interesting: **the ladder is additive rather than substitutive**. Rungs open and never close. By 2026 he is suing adjudicators *and* still suing counterparties — fifteen of the thirty-four actions filed in 2026 top out at rung 1. The distribution shows the same thing:

RUNG	ENTITIES	ACTIONS TOUCHING	ACTIONS TOPPING OUT
Counterparty	257	74	38
Counsel	6	18	6
Platform	31	23	22
Regulator	6	6	4
Government	14	19	18
Adjudicator	12	5	5
Unclear	2	5	0

Seventy-four of the ninety-three actions still name a counterparty. The base never empties. What the later period adds is not height but *volume* — and volume, not escalation, is what chapter 1's two footnotes were counting.

VIII. What the distribution is not

Two readings this chapter does not support.

It is not evidence of a strategy. Nothing in the corpus establishes that actions were distributed across forums *in order to* avoid aggregation. The clusters cross forum boundaries; ten of them do so because a defendant removed the case, which is the defendant's choice and not the plaintiff's. Chapter 5 records that he narrates his own filings constantly and in public, which is close to the opposite of concealment. Distribution is a property of the record. Intent is not in it.

It is not a finding about any of these entities. A rung label says what kind of party was named, under this project's published rule. It is not a holding that naming them was improper. The one court that has ruled on the top-rung defendants dismissed the claims against them on immunity grounds — which is a determination about the defendants' status, not about the plaintiff's filing conduct, and certainly not a vexatious-litigant determination. No court in this record has made one of those.

IX. What this chapter cannot see

Stated plainly, because the exhibit's gates cannot catch a gap that is uniform.

1. **Twenty-six of 97 actions carry no cluster assignment.** Every cluster figure describes the other seventy-one.
2. **cases.DisputeID is single-valued**, so overlapping disputes are recorded as a partition. C014/C053 is the known case; there may be others that were never noticed because nothing forces them to disagree with themselves the way that one did.
3. **The appellate layer is now first-class, and the axis it opens is measured — this limitation is retired.** When this chapter was drafted, appeals lived in `Status` prose rather than as rows and the second de-duplication axis went unmeasured: an appeal is another docket, in another court, arising from the same originating action. The `appeals` table landed later the same day, and `thesis/exhibits/appellate_layer.py` now measures it. The answer is that the axis multiplies records without widening reach — **30 appellate dockets from 22 trial-court records, and not one crossing a sovereign boundary.** Counting both layers, the corpus's 97 actions have produced 137 docket records: 107 at trial and 30 on appeal. Verification followed on 2026-09-10: 19 of the 30 are now checked against the reviewing court's own docket, up from 7, and the pass added three appeals that had not been recorded at all — which is itself an instance of this chapter's argument, since two of them were found only by sweeping a court's own party index rather than by following any case the tracker already held.
4. **The rung classification had one coder.** What stands in place of a second is an evidence-anchoring audit — 49 of the 69 elevated entities (71.0%) rest on a table, a court finding or a claims summary rather than on a name — and the four-axis perturbation run. Neither is inter-rater reliability and neither is offered as such.
5. **Both canonicalisation defects that sat inside the measurement have been repaired, and the repair found five more.** Jeffrey K. Davis, Esq. was unaliased, so under the name-matching scheme used elsewhere in this project the Counsel rung opened 762 days late; this chapter keyed on `DefendantID` to avoid it. And the same two people were recorded as four entities across the two halves of the C030/C064 removal. Repairing the second exposed the shape of both — a party listed surname-first on the state docket and first-name-first on

the federal one — and a gate rewritten to *recompute* that pattern rather than remember the known instances found five more, in C036/C068 and C015/C057. The canonical-entity count fell from 335 to 327; the rung distribution and every pre-registered verdict are unchanged, and the anchoring audit moved from 50-of-69 to 49-of-68 — and to 49-of-69 again on 2026-09-10, when C106's sole defendant, the City of Carbondale, was adjudicated onto the Government rung on the strength of the caption alone, RECAP holding no complaint to read. The residual limitation is not a defect but a method: the detection rule matches name-token permutations exactly, so it would not have caught a misspelling, and `McCarty Judith C` against `Judith C McCarthy` was found by reading two rosters rather than by any rule.

6. **ProSe is blank on 45 of 107 records.** Nothing in this chapter turns on it. Chapter 6 was drafted the same day and carries the same gap as a stated limit.

A NOTE ON WHAT THE CLASSIFICATIONS HERE ARE

Rung labels, cluster membership and the repeat-filing grades cited in passing are **research classifications** recorded by this project under published rules. They are not judicial findings. This site and this thesis keep five evidence layers apart — court findings, party filings, research classifications, secondary sources, public statements — and a rung is firmly in the third. The only judicial findings cited in this chapter are the two footnoted counts and the C038 immunity ruling, and each is identified as such where it appears.

SOURCES

Every claim above, mapped to the table and row it rests on. Regenerate the derived figures with `python thesis/exhibits/escalation_ladder.py`.

CLAIM	TABLE / ROW	SOURCE
107 docket records → 97 originating actions; 93 commenced by the plaintiff	<code>cases</code> , <code>union-find</code> over <code>SameActionAsCaseID</code>	<code>exhibits/detection_gap.py</code>
22 dispute clusters over 71 actions; 26 unassigned; 2 singletons	<code>cases.DisputeID</code> , <code>disputes</code>	<code>exhibits/escalation_ladder.py</code> §1
DSP003, 8 actions, 2020-11-07 → 2026-02-17, 1,928 days	<code>disputes</code> DSP003; <code>cases.Filed</code>	as above
18 of 22 clusters cross a court boundary; 6 cross a state line	<code>cases.Court</code> , <code>CurrentCourt</code> , <code>Jurisdiction</code>	as above

CLAIM	TABLE / ROW	SOURCE
16 of 22 cross because he filed in a second forum; 2 (DSP007, DSP009) only because a defendant removed the single action	<code>cases.Court</code> , <code>CurrentCourt</code> , <code>DisputeID</code>	<code>exhibits/cross_forum_web.py</code>
DSP001 spans four courts across six actions	<code>disputes</code> DSP001; <code>cases</code> C035, C046, C063, C066, C101, C102	as above
C014/C053 carried two different <code>DisputeID</code> s until 2026-09-06	<code>cases</code> C014, C053; <code>research_updates</code> RU026	RU026
10 originating actions comprise two docket records	<code>cases.SameActionAsCaseID</code>	exhibit §2
Removal lags 21–83 days, median 30	<code>cases.Filed</code> on the ten pairs	exhibit §2
Filed-court overstatement 0.0% in every forum; +10.3% overall	<code>cases.Court</code>	exhibit §2
M.D. Pa. +14.6% counted by courts touched (55 records / 48 actions)	<code>cases.Court</code> , <code>CurrentCourt</code>	exhibit §2, via <code>detection_gap.in_forum()</code>
Records equalled actions through 2024; +5 in 2025; +10 in 2026	<code>cases.Filed</code>	exhibit §2
Latella 2026-02-03 stated 22; 24 records, 22 actions	<code>court_findings</code> (C055); <code>cases</code>	<code>exhibits/detection_gap.py</code>
Munley 2026-07-13 stated 38; 45 records, 38 actions	<code>court_findings</code> (C057); <code>cases</code>	as above
C011/C052 and C013/C054 have no <code>pennsylvania_relationships</code> row	<code>pennsylvania_relationships</code>	exhibit §2
C046 and C098 record a forum move with no same-action link; C074's is a no-op	<code>cases.CurrentCourt</code>	exhibit §2
328 canonical entities; rung distribution	<code>defendants</code> , <code>defendant_aliases</code> , <code>attorneys</code>	exhibit §3
Counsel rung: 6 entities, all from the <code>attorneys</code> table	<code>attorneys</code> A001–A006	exhibit §3
C099 filed 2023-01-11, S.D.N.Y., naming Starowicz, Davis, Thompson and the AAA	<code>cases</code> C099; <code>defendants</code> D0003, D0137, D0263, D0019; <code>research_notes</code> (C099 Claims summary)	claims summary
Sarah Thompson recorded as the arbitrator; AAA as the arbitral institution	<code>research_notes</code> (C099, C091 Claims summary)	as above
C091 reused the identical four-defendant lineup on 2023-02-01	<code>cases</code> C091; <code>defendants</code>	as above

CLAIM	TABLE / ROW	SOURCE
Mehalchick first judge-defendant, C059, 2025-10-17	<code>defendants</code> D0159; <code>research_notes</code> (C059 Claims summary)	claims summary
C038's eight judicial defendants dismissed on judicial immunity; naming one forced a full county bench recusal	<code>court_findings</code> (C038, 2026-07-16, Zulick); <code>cases</code> C038 <code>OutcomeReason</code>	court opinion and order
Platform rung opened 2024-05-22 (C040); Regulator 2025-01-02 (C046); Government 2025-02-12 (C049)	<code>defendants</code> D0281, D0018, D0318; <code>cases</code> . <code>Filed</code>	exhibit §3
Quartile means and rung-1 shares; ρ and permutation p for E2 and E4	derived	exhibit §3
Six perturbation axes, including the two rung-6 splits; E1 holds under the service-provider reading only	derived	<code>exhibits/escalation_ladder.py</code> <code>perturbations()</code>
Cluster sensitivity: $18 \rightarrow 17$ cross-forum clusters with C014 reassigned to DSP001; cross-state unchanged at 6	<code>cases</code> . <code>DisputeID</code>	<code>exhibits/escalation_ladder.py</code> <code>cluster_sensitivity()</code>
71.0% of elevated entities (49 of 69) anchored on a table, finding or claims summary	derived	exhibit §3
45 of 107 records have no <code>ProSe</code> value	<code>cases</code> . <code>ProSe</code>	<code>thesis/README.md</code> open item 2

LEGAL AUTHORITIES

Read from free, publicly openable primary sources. Pin cites are omitted throughout: the free full-text hosts used here do not carry verifiable star pagination, and an unverified pin cite is worse than none.

AUTHORITY	PROPOSITION	SOURCE
28 U.S.C. § 1441(a)	A removable state action goes "to the district court of the United States for the district and division embracing the place where such action is pending" — the destination is fixed by geography, not chosen.	Cornell LII, <code>law.cornell.edu/uscode/text/28/1441</code>
28 U.S.C. § 1446(a)	The removing defendant files a notice of removal in that district court, with a short and plain statement of the grounds and copies of all process, pleadings and orders served.	Cornell LII, <code>law.cornell.edu/uscode/text/28/1446</code>

AUTHORITY	PROPOSITION	SOURCE
28 U.S.C. § 1446(b)(1)	The notice "shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading" — the clock behind the 21-to-38-day cluster of observed lags.	as above

Verification note. Both statutory sections were read in full text on Cornell LII and are quoted verbatim above. No case law is cited in this chapter; the doctrinal treatment of removal is not needed for the arithmetic, and the two propositions used here are on the face of the statute. The 83-day outlier (C032 → C074) is consistent with § 1446(b)'s later-served or amended-pleading triggers, but the corpus records no service date, so this chapter makes no claim about which trigger applied.

5 · The narrated docket

AS OF 11 SEPTEMBER 2026

This chapter cites law as well as corpus rows, so it carries two closing tables. **Sources** is the corpus; **Legal authorities** is everything that is not. Keeping them apart is how a reader checks the project's no-fact-originates-here rule by inspection rather than by trust.

Re-baselined 2026-09-11, and this is the project's one exception to a standing rule. Every other chapter here is revised for defects and never re-baselined, because a dated figure is correct as of its date and recomputing it would replace what was known with what is known now. This chapter was drafted on 2026-08-31 against **817 statements from 333 videos**. The corpus now holds **1,691 from 620** — it doubled in eleven days, because the archive that feeds it was being built at the same time as the chapter. Two external reviews made the same point, and it is right: a *distribution* measured on half its data is not a dated figure, it is a chapter built on a superseded corpus, and no as-of date rescues a claim that two-thirds of the statements carry no filing-conduct factor if the real figure might be different. So sections I to IV are recomputed here and the earlier figures are retired rather than preserved.

Two things are worth recording about what the re-run did. **The argument got stronger, not weaker:** cross-forum narration went from 147 statements to 395, and the announcing statements that precede a filing they name went from 32 to 76. **And every dated narrative claim survived verbatim** — each sequence in section IV was re-checked against the database and each still holds to the day. The corpus ledger in the front matter records both the old and the current figures.

I. A corpus that should not exist

Vexatious-litigant doctrine has an inference problem it almost never names. Several of its tests turn on why a person is filing. *Safir v. U.S. Lines* makes the second of its five factors "the litigant's motive in pursuing the litigation, e.g., does the

litigant have an objective good faith expectation of prevailing?" New York's frivolous-conduct rule, 22 NYCRR 130-1.1(c)(2), reaches conduct "undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another." California's § 391(b)(3) reaches tactics "solely intended to cause unnecessary delay." Each of those is a question about a state of mind.

Courts answer it, when they answer it at all, by inference from the docket — from the number of filings, their repetitiveness, the disposition of the earlier ones. They do this because the alternative is unavailable. A litigant's purpose is not ordinarily observable, and a litigant asked about it in the proceeding has every reason to describe it favourably.

In this record it is observable. As of 2026-09-11 the corpus holds **1,691 timestamped statements drawn from 620 videos** on the subject's own YouTube channel, published between **2022-06-01 and 2026-09-09**. Every one is transcribed verbatim from the video's own caption track and carries a start and end timestamp, so a reader can open the clip and check it. Three numbers describe the video population and they should be kept apart: **625 videos are catalogued, 624 of them are in scope** — one is coded `Not litigation-related` and is excluded from this project entirely, along with its statement rows — and **620 have produced at least one statement**. The gap between 624 and 620 is not an exclusion; it is four in-scope videos nobody has yet found anything quotable in.

What follows is a chapter about that corpus, and the first thing to say about it is what it mostly is not.

Of the 1,691 statements, 1,234 — nearly three-quarters — carry no filing-conduct factor at all. They are a man describing his disputes: a surgery that went wrong, a shipment that was destroyed, a tax assessment, a copied protein bar. The single largest classified factor in the corpus is `Judicial or forum bias alleged`, at 157 statements, which is an allegation about courts rather than a description of filing. The corpus is not a confession. It is a very long public diary that happens, in about a quarter of its entries, to describe litigation conduct.

That proportion is worth pausing on, because it moved the *wrong* way for this chapter when the corpus doubled and it is reported anyway. At 817 statements the no-factor share was two-thirds; at 1,691 it is 73%. The larger the archive gets, the smaller the fraction of it that is about filing at all.

The 457 statements that do carry a filing-conduct factor are the subject of this chapter. It is worth being exact about what a classification on one of them means. `pattern_relevance` — Strong, Moderate or Context — and `pattern_factor` are **this project's research classifications**, assigned under a rubric published on the site. They are not judicial findings, they are not adjudications of anything said in a video, and they are not a determination that anyone is a vexatious litigant. No court in this record has made that determination, which is the whole point of the thesis.

II. The taxonomy, and why it is closed

Each statement carries a `pattern_factor` naming which filing-restriction factor the speaker's own words describe. The vocabulary is closed at eight values plus one sentinel, and each value corresponds to a criterion recorded in the project's `vexatious_indicators` data — or, in three cases, says openly that it corresponds to none.

FACTOR	STATEMENTS
Repeat filing on the same dispute (<i>core</i>)	50
Filing after an adverse decision (<i>core</i>)	20
Cost imposition as stated motive (<i>core</i>)	17
Threatened or prospective filing	127
Self-reported filing volume	45
Filing announced or confirmed	125
Adverse outcome described	93
Judicial or forum bias alleged	157
<i>No filing-conduct factor</i>	1,234

A statement may carry more than one factor; 457 carry at least one, and **72 carry one of the three core factors**. Those three are core because they are exactly the conduct named in the published Strong rubric, so only they can qualify a statement as Strong. Sixty-five statements are classified Strong, 1,271 Moderate, 355 Context.

Two design decisions are worth stating because they cut *against* the classification's reach.

First, the vocabulary hard-fails. An unrecognised factor value, or the `No filing-conduct factor` sentinel combined with a real factor, aborts the site build outright rather than being silently dropped. `narrated_docket.py` reimplements the same check and exits non-zero on the same conditions, and additionally on a statement citing a case id the corpus does not contain. A silently-dropped classification is the failure mode the column exists to remove, so it is made loud in both places.

Second, **a direct appeal is deliberately not Filing after an adverse decision.** That factor means a new or repeat action; the ordinary appellate remedy is not evidence of anything except that a party lost and used the procedure available to them. VS657 is the clean illustration of the line: the speaker says "we're going to file a new lawsuit in the federal court. And we also appealed the state lawsuit." The new federal action is coded; the appeal is not.

This is the same discipline chapter 3 described for `RefilingOfPriorCase`, and it carries the same limitation: **there was no second coder.** The tiers and factors here were assigned by a single coder against a published rubric, without an inter-rater check. For the refiling variable a rule-versus-judgment audit ran in place of one, at 80.4% agreement; no equivalent audit has been run on the statement classification, which at 1,691 rows is now by a wide margin the largest coded variable in this project.

Two external reviews in September 2026 made the same point about that admission: stating a limit is not the same as respecting it, and a chapter that concedes it has no reliability evidence and then reports its classification as counts has not really conceded anything. They are right, so this chapter draws a line through its own figures.

Two kinds of number appear below, and only one of them is a count.

A figure resting on a **record join** is a count. Which cases a statement names, what court those cases sit in, and when a video was published against when an action was filed are recorded facts — `RelatedCaseIDs`, `cases.Court`, `cases.Filed` — and a second coder would return the same answer from the same rows. Section III's cross-forum narration figures are all of this kind.

A figure resting on the **classification** is **illustrative rather than a count.** How many statements carry a given `pattern_factor`, how many are tiered Strong: these describe how one coder read 1,691 passages against a published rubric, and nothing here establishes that a second reader would have drawn the lines in the

same places. The rubric is published and the vocabulary hard-fails, so the classification is *reproducible* — and chapter 3 §VII sets out at length why reproducible is not the same as valid.

The factor table below, the 457, the 72 core factors and the tier split are all of the second kind and are offered as illustration. So, necessarily, is section IV's restriction to "announcing" statements, since that restriction is made by factor. Section III's figures are of the first kind. Where this chapter's argument carries weight, it is built on the first kind wherever the record allows — which is why the cross-forum narration finding, and not the factor distribution, is what chapters 7 and 8 take from here.

III. He narrates the distribution

Chapter 1 described two judges, five months apart, each counting the actions before them. Magistrate Judge Latella counted twenty-two in the Middle District of Pennsylvania on 2026-02-03, when sixty-five originating actions existed across all forums (C055). Judge Munley counted thirty-eight on 2026-07-13, when eighty-five existed (C057). Both counts were exactly right and both were forum-bounded, and nothing in the system was positioned to cross that boundary.

Something was crossing it the whole time.

Three hundred and ninety-five statements name cases sitting in two or more different courts. Three hundred and eighty-four of those span the state-federal line. One hundred and thirty-six name cases in two or more different states. The aggregation no institution performed was being performed out loud, on a public channel, continuously, for four years.

Those three figures are the ones the re-baselining moved most — they were 147, 141 and 38 when this chapter was first drafted against half the archive. The direction is worth noting because it is the opposite of what a sceptic would predict. If cross-forum narration were an artifact of a few unusually discursive videos, doubling the corpus would dilute it. It concentrated instead.

Sometimes it is a bare self-report. On 2025-10-23, in a short about a platform ban, the speaker says (VS725, linked to C014, C043 and C053):

"You know, I filed multiple lawsuits in different courts. These judges don't care. They're all bought and paid for by all of these elite freaks that don't care about you."

Sometimes it is an itemised account of a single dispute distributed across two court systems. On 2025-08-16 (VS076):

"There's the main lawsuit against him — there's one in state court, one in federal court. The one in federal court actually got dismissed, I had to appeal it because I was incapacitated... The second lawsuit I filed against him was with the TikTok stuff. And then I filed a third lawsuit against him because of the Google reviews and the [Real Self] reviews."

And sometimes it is a complete narrated procedural history of an escalation, delivered in forty seconds. On 2026-08-06, about the county tax dispute (VS250, linked to C017 and C067):

"When I sued them in the state court, the judge wiped his tushy with it like my uh legal complaint was toilet paper and then I filed an appeal. They threw it out again. I went to the federal court, same thing. The federal court said, "Oh, well this is the state court's jurisdiction.""

That is, in the speaker's own compressed idiom, an accurate description of a state action (C017, Lackawanna County, filed 2025-07-25), an appeal, and a subsequent federal action (C067, M.D. Pa., filed 2026-04-06). It is precisely the cross-forum sequence the doctrine would need to see and has no instrument for assembling.

Eighty of the 107 docket records — 73 of the 97 originating actions — are named in at least one public statement. Not summarised, not alluded to: named, with a case or dispute identifiable well enough for a researcher to tie the statement to a docket row. **Roughly three-quarters of this litigation record** has a public, timestamped, first-person commentary track attached to it — up from five-eighths when this chapter was first drafted.

There is a complication here that cuts against reading the narrator as a reliable aggregator, and it should be conceded before it is found. **He undercounts too.** On 2025-07-17 he referred to "all 20 of my other lawsuits" (VS057). On that date the corpus records **forty-three** originating actions across all forums, and sixteen in the Middle District of Pennsylvania. His own figure sits between the forum-local count and the aggregate, closer to the former. The published record is far more complete than any docket, but it is not a register, and nobody — including the person keeping it — was holding the total.

IV. Announcement precedes filing

The stronger claim available from this corpus is temporal, and it needs to be made carefully because the obvious version of it is partly circular.

Of the 1,691 statements, 847 name at least one tracked case, and all 847 have both a video publication date and a filing date to compare. Of those, **423 were published on or before a filing they name** — 175 within thirty days of it, 108 within seven, 17 on the same day.

That 423 is an outer bound and should be treated as one. Some case links in the corpus were established partly by subject-matter and date correspondence rather than by anything in the words. VS622 is the honest example: a 2025-12-19 short describing a car accident, linked to C025 (filed the same day) because the facts described match three pleaded elements — but nothing in the speaker's words identifies a filing at all. Counting that as "published before a filing" measures the linking method, not the speaker.

So restrict to statements whose **own words** announce or threaten a filing — those carrying **Filing announced or confirmed** or **Threatened or prospective filing**. That leaves **76 statements published on or before a filing they name: 49 within thirty days, 39 within seven, 8 on the same day**.

Those 76 are the defensible core of the claim in one respect and its weakest point in another, and both belong in the same breath. The *dates* are records. The *restriction* is a classification, made by one coder, with no reliability evidence behind it — so the 76 is an illustrative figure in the sense §II sets out, and a second coder drawing the announcing line differently would return a different number. What does not depend on the classification at all is the handful of individual sequences below: each was read from the statement's own words against the docket, and each can be checked by anyone with the video and the case number. They are the reason this section matters, and they are why the argument rests on them rather than on the 76.

Two filings announced at once, in different court systems, both landing. On 2025-06-06 (VS042):

"I'm filing is against the law firm, Tabon, and Tik Tok for deplatforming me for no legitimate reason ... And then I'm filing a completely new separate lawsuit against Tik Tok, the law firm, as well as Tibon for trying to destroy my business. Tortious interference."

C014, *Tufano v. TikTok*, was filed in Lackawanna County that same day. C053, *Tufano v. TikTok et al*, was filed in the Middle District of Pennsylvania twenty-one days later. The two are recorded as the same originating action. A viewer of that video on the day it went up had, in one sentence, the fact of a second suit against the same defendants that no docket would show for three weeks.

A defendant added between announcement and filing. On 2026-03-06 (VS649): "I'm glad I didn't file my lawsuit yet because I guess this is another defendant." C036 was filed in Lackawanna County three days later. Ten days after that, on 2026-03-16 (VS490): "I filed my lawsuit last week and now I got to file a whole new separate one because I miss these guys." C036 had indeed been filed seven days earlier; the companion federal action C068 followed on 2026-04-13, twenty-eight days after the statement. The speaker's own "last week" checks out against the docket, which is a small but real validation of the corpus's date handling.

A suit against a Commonwealth and a county, announced five days out. On 2026-03-18 (VS118):

"and they just don't allow prosay [pro se] litigants to participate in the court system. So I either have to appeal or file a lawsuit against the state of Pennsylvania and the county of Lacwan [Lackawanna] explaining hey I have followed the civil procedure they are refusing to acknowledge me as a prosay litigant and acknowledge my motions for default."

C038, *Tufano v. The Commonwealth of Pennsylvania*, was filed on 2026-03-23 — five days later, naming both intended defendants.

And the same-day case. On 2026-04-06 (VS657): "but we're going to file a new lawsuit in the federal court." C067 was filed in the Middle District of Pennsylvania that day.

Three limits on all of this, stated plainly.

A publication date is not a statement date. The date recorded is the video's, and the speaker may have recorded it earlier. For same-day and one-day intervals that uncertainty is the whole margin.

Adjacency is chronology, not intent. A statement that precedes a filing establishes that the filing was contemplated publicly beforehand. It establishes nothing about why the filing was made, and this project's `video_filing_chronology` rows say so

on their face: the assessments there are recorded as "chronology/context, not a finding."

Not every announcement becomes a filing. A hundred and twenty-seven statements threaten or contemplate a filing; far fewer are followed by one. The most vivid threat in the corpus is a counter-example. On 2026-06-22, about the freight dispute already in suit in two forums (VS697):

"And then what? I'll file the lawsuit in I'll file the lawsuit in New York tomorrow before you even dismiss it. Like, what kind of BS is that? Like, just jerking me around trying to waste my time. don't want to pay me. If they want me to file I'll file a lawsuit in New Jersey, too. I'll file a lawsuit in every state I can drive to"

No New York action on that dispute appears in the corpus, and no New Jersey action appears anywhere in it. The plainest available statement of a strategy of forum multiplication is also, on this record, a statement of something that did not happen. Treating stated intention as accomplished conduct is exactly the error the factor vocabulary separates *Threatened or prospective filing* from *Filing announced or confirmed* to avoid.

V. The evidentiary question

Which brings the chapter to the question the outline promised and no court in this record has had to answer: **may a court considering a filing restriction take account of a party's own published statements about why he files?**

Three bodies of law meet here, and they do not point the same way.

Evidence law offers no obstacle. A party's own out-of-court statement offered against him is not hearsay at all: Fed. R. Evid. 801(d)(2)(A) excludes from the hearsay definition a statement "offered against an opposing party" that "was made by the party in an individual or representative capacity." A YouTube video published by a plaintiff, offered against that plaintiff, is the paradigm case. Authentication and relevance would be contested; the hearsay rule would not be the fight.

The restriction standards positively invite the inquiry. *Safir's* second factor asks about motive in terms. Section 391(b)(3) asks whether tactics were "solely intended to cause unnecessary delay." Rule 130-1.1(c)(2) asks whether conduct was "undertaken primarily to delay or prolong the resolution of the litigation, or to

harass or maliciously injure another." These are subjective-intent tests written into the operative text, and a court applying them ordinarily has nothing to work with but inference from the docket. A published statement of purpose is directly responsive evidence.

The corpus contains statements that answer those questions in terms. VS263, on 2026-08-11: "we'll just file another lawsuit stating the simple facts of the conspiracy just to continue to expose how crooked this system is. And as I've stated before, I never expected to win these lawsuits." *Safir* asks whether the litigant has "an objective good faith expectation of prevailing." That is a published answer to it. VS737, on 2026-08-01, addresses the cost question the same way: "whether I have to file this lawsuit every year for the rest of my life, state and federal court... I'll bury them in legal fees." Seventeen statements in the corpus are classified as stating cost imposition as a motive — 1.0% of it, a share chapter 6 states before it quotes any of them.

The First Amendment complicates it, and the complication is structural rather than absolute. Litigation is petitioning: "the right of access to the courts is indeed but one aspect of the right of petition" (*California Motor Transport*). Petitioning is immune unless it is a sham, and *Professional Real Estate Investors* fixed the order of that inquiry: "First, the lawsuit must be objectively baseless in the sense that no reasonable litigant could realistically expect success on the merits," and "[o]nly if challenged litigation is objectively meritless may a court examine the litigant's subjective motivation." If an objective litigant could think the suit reasonably calculated to elicit a favourable outcome, "the suit is immunized under *Noerr*." *Bill Johnson's Restaurants* had already paired the two elements in the labour context — a baseless suit prosecuted with retaliatory intent — and *BE&K Construction* later held that a standard reaching reasonably based but unsuccessful suits on motive alone was invalid, reasoning that "the genuineness of a grievance does not turn on whether it succeeds."

The structural consequence for a statement corpus is precise, and it is a limit rather than a prohibition: **published statements of purpose are second-step evidence.** Under *PRE*'s ordering they are reached only after an objective assessment of the filings themselves, and they cannot substitute for that assessment. A court could not restrict a filer because he said he wanted to impose costs; it could consider that he said so, once the filings had independently been found objectively meritless.

Two caveats keep that from being a tidy conclusion. *PRE* is an antitrust-immunity case, and the sham-litigation framework it orders is not formally the same inquiry as a court's supervisory power over its own docket under § 1651 or § 391 — chapter 2 traced how thin the textual footing of the federal standard is. And *California Motor Transport* already contemplated the aggregate: "a pattern of baseless, repetitive claims may emerge which leads the factfinder to conclude that the administrative and judicial processes have been abused." That sentence is about pattern, which is what this record has and no court has seen.

One court in this record has already used the videos. On 2026-08-07, in C046 (filed in the Middle District of Pennsylvania as 3:25-cv-00011, now before the Central District of California as 2:25-cv-00147), Judge Stephen V. Wilson excluded expert testimony under Rule 37 and made bad-faith and credibility findings. Among the grounds recorded is **"public video activity inconsistent with that claimed incapacity."** The channel is already in evidence somewhere in this litigation — used, entirely conventionally, to test a party's account of his own medical condition on a discovery motion.

What no court has done is use it on the aggregation question. That is not because the question was answered against the proposition. It is because the question was never reached.

VI. What it would take, and what this is not

Two vexatious-litigant requests exist in this record and neither has been adjudicated. In C046 a defence motion for a vexatious-litigant declaration or Rule 11 relief was filed on 2026-03-31; the docket was read through entry 158 as of 2026-08-28 and records no ruling. In C102 a party argued in July 2026 that the plaintiff had become a vexatious litigant; the court held the designation beyond the scope of the motion to quash then before it and said a separate motion would be required. No separate motion was ever filed.

So the honest close is a negative one. **None of the 1,691 statements has been received in evidence on the question this chapter is about**, because nothing has put that question before a court. The corpus exists; the doctrine has no procedural slot that reaches for it.

That gap is not primarily evidentiary. If a court were to reach the aggregation question, this material would be available to it on ordinary principles, subject to the ordering *PRE* imposes. The reason it has not been reached is the reason chapters 1 and 2 gave: no motion, no instrument, no artifact in which the record across forums is assembled. A published statement corpus does not fix that. It does something narrower and, for the argument, more useful — it shows that the invisibility in this record is **not an information problem**. The information was free, public, timestamped, and in the filer's own voice for more than four years. What was missing was an institution positioned to look.

Chapter 7 takes up what such an institution would have to be. This chapter's contribution to that design question is a caution: an aggregator that counted only dockets would have run a week behind the filings this record announced in advance, and an aggregator that counted announcements would have counted a suit in every state he could drive to, which was never filed.

SOURCES

All rows are in `research-data/research.db` and published at <https://suedbyfranktufano.com>. Corpus case ids and statement ids are given for traceability. Every quotation below is a verbatim `video_statements.StatementText` value; the auto-caption mis-transcriptions ("Tabon", "Tibon", "Lacwan", "prosay") are preserved as recorded rather than silently corrected, with the intended word in brackets where the corpus supplies it.

CLAIM	ROW	DOCUMENT
1,691 statements, 620 videos, 2022-06-01 to 2026-09-09; 624 of 625 catalogued videos in scope	<code>video_statements,</code> <code>youtube_lawsuit_videos</code>	<code>narrated_docket.py</code>
Tier split 65 Strong / 1,271 Moderate / 355 Context	<code>video_statements.Pattern</code> Relevance	same
Factor table; 457 with any factor, 1,234 with none, 72 with a core factor	<code>video_statements.Pattern</code> Factor	same
395 statements naming 2+ courts; 384 spanning state and federal; 136 spanning 2+ states	<code>video_statements.Related</code> CaseIDs joined to <code>cases.Court /</code> <code>cases.Jurisdiction</code>	same
80 of 107 docket records, 73 of 97 originating actions, named in a statement	same, via the <code>SameActionAsCaseID</code> union-find	same

CLAIM	ROW	DOCUMENT
847 statements with case links and computable dates; 423 published on/before a named filing (175 / 108 / 17 within 30 / 7 / 0 days)	<code>video_statements</code> × <code>youtube_lawsuit_videos.P</code> <code>ublishedDate</code> × <code>cases.Filed</code>	same
76 announcing statements published on/before a named filing (49 / 39 / 8 within 30 / 7 / 0 days)	same, restricted to the two announcing factors	same
Superseded 2026-08-31 figures, retired by the re-baselining: 817 statements / 333 videos; 272 / 545 / 44; 147 / 141 / 38; 65 of 104; 122 and 32	—	recorded here so the earlier draft's numbers remain traceable
22 vs 65 (2026-02-03, C055) and 38 vs 85 (2026-07-13, C057)	<code>court_findings</code> ids 62 and 7	<code>detection_gap.py</code>
43 originating actions all-forums and 16 in M.D. Pa. as of 2025-07-17	<code>cases</code> , same union-find	<code>detection_gap.py</code>
VS725, "filed multiple lawsuits in different courts" (2025-10-23; C014, C043, C053)	<code>video_statements</code> VS725	YouTube
VS076, "one in state court, one in federal court" (2025-08-16)	<code>video_statements</code> VS076	YouTube
VS250, state action → appeal → federal action (2026-08-06; C017, C067)	<code>video_statements</code> VS250	YouTube
VS057, "all 20 of my other lawsuits" (2025-07-17)	<code>video_statements</code> VS057	YouTube
VS042, two filings announced (2025-06-06); C014 filed same day, C053 filed 2025-06-27	<code>video_statements</code> VS042; <code>cases</code> C014, C053	YouTube
VS649 (2026-03-06) and VS490 (2026-03-16); C036 filed 2026-03-09, C068 filed 2026-04-13	<code>video_statements</code> VS649, VS490; <code>cases</code> C036, C068	VS649 · VS490
VS118 (2026-03-18); C038 <i>Tufano v. The Commonwealth of Pennsylvania</i> filed 2026-03-23	<code>video_statements</code> VS118; <code>cases</code> C038	YouTube
VS657 (2026-04-06); C067 filed same day; appeal deliberately not coded	<code>video_statements</code> VS657; <code>cases</code> C067	YouTube
VS697, "a lawsuit in every state I can drive to" (2026-06-22); no NY or NJ action on that dispute in the corpus	<code>video_statements</code> VS697; <code>cases</code> C015, C057	YouTube
VS622, link resting on subject matter and date, not on words (2025-12-19; C025)	<code>video_statements</code> VS622	YouTube
VS263, "I never expected to win these lawsuits" (2026-08-11; C046)	<code>video_statements</code> VS263	YouTube
VS737, "I'll bury them in legal fees" (2026-08-01; C036, C068)	<code>video_statements</code> VS737	YouTube

CLAIM	ROW	DOCUMENT
Rule 37 exclusion; bad-faith and credibility findings citing "public video activity inconsistent with that claimed incapacity" (2026-08-07, Judge Stephen V. Wilson)	<code>court_findings</code> id 37, C046	CourtListener docket 69532577, entry 152
C046 filed M.D. Pa. 3:25-cv-00011, now C.D. Cal. 2:25-cv-00147	<code>cases</code> C046	—
Vexatious-litigant motion filed 2026-03-31, undecided through entry 158 as of 2026-08-28	<code>vexatious_motions</code> id 1, C046	CourtListener docket 69532577
Vexatious-litigant argument held beyond the scope of the motion to quash; separate motion never filed (2026-07-08)	<code>vexatious_motions</code> id 2, C102	LA Court Access Portal
<code>video_filing_chronology</code> assessments recorded as chronology/context, not findings	<code>video_filing_chronology</code>	—

LEGAL AUTHORITIES

These are **not** corpus rows. Every item was read from a free, publicly openable primary source, on the same standard `audit-source-citations` applies to the corpus. Pin cites are omitted throughout; the free full-text hosts used here do not reliably carry star pagination, and an unverified pin cite is worse than none.

AUTHORITY	PROPOSITION	FREE SOURCE
Fed. R. Evid. 801(d)(2)(A)	A statement "offered against an opposing party" that "was made by the party in an individual or representative capacity" is not hearsay	Cornell LII
<i>Safir v. U.S. Lines, Inc.</i> , 792 F.2d 19 (2d Cir. 1986)	Factor 2: "the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?"	law.resourc ce.org
22 NYCRR 130-1.1(c)(2)	Frivolous conduct includes conduct "undertaken primarily to delay or prolong the resolution of the litigation, or to harass or maliciously injure another"	Cornell LII
Cal. Code Civ. Proc. § 391(b)(3)	Repeatedly filing unmeritorious papers or engaging in tactics "that are frivolous or solely intended to cause unnecessary delay"	California Legislative Information
<i>California Motor Transport Co. v. Trucking Unlimited</i> , 404 U.S. 508 (1972)	"The right of access to the courts is indeed but one aspect of the right of petition"; "a pattern of baseless, repetitive claims may emerge which leads the factfinder to conclude that the administrative and judicial processes have been abused"	Cornell LII

AUTHORITY	PROPOSITION	FREE SOURC E
<i>Professional Real Estate Investors, Inc. v. Columbia Pictures Indus., Inc.</i> , 508 U.S. 49 (1993)	Two-step sham test: "First, the lawsuit must be objectively baseless..."; "Only if challenged litigation is objectively meritless may a court examine the litigant's subjective motivation"; "If an objective litigant could conclude that the suit is reasonably calculated to elicit a favorable outcome, the suit is immunized under <i>Noerr</i> "	Cornell LII
<i>Bill Johnson's Restaurants, Inc. v. NLRB</i> , 461 U.S. 731 (1983)	"[I]t is an enjoined unfair labor practice to prosecute a baseless lawsuit with the intent of retaliating against an employee for the exercise of rights protected by the Act" — baselessness <i>and</i> motive	Cornell LII
<i>BE&K Construction Co. v. NLRB</i> , 536 U.S. 516 (2002)	A standard reaching reasonably based but unsuccessful suits on retaliatory motive alone is invalid; "the genuineness of a grievance does not turn on whether it succeeds"	Cornell LII

Verification notes. All eight authorities were retrieved and read on 2026-08-31. Pin cites are omitted for the same reason chapter 2 omitted them. *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961) is referred to in the text only through *PRE*'s own reference to "*Noerr*" immunity and is not separately cited, because it was not independently retrieved for this chapter. The doctrinal reading in section V is argument, not authority: no case cited here concerns a vexatious-litigant designation founded on a party's published statements, and none was found that does.

Evidence-layer note, carried forward. A `pattern_relevance` tier and a `pattern_factor` are this project's research classifications under a published rubric. They are not judicial findings, and naming a factor records what the speaker said — not that a court found it, and not that anyone has been determined a vexatious litigant. The statement corpus is kept in a separate evidence layer from court findings, party filings, secondary sources and research classifications throughout the dataset, and this chapter inherits that separation. The classification was assigned by a single coder with no inter-rater check and no equivalent of the rule-versus-judgment audit run on `RefilingOfPriorCase`; chapter 3 states the corpus's limits in full.

6 · The cost side

AS OF 6 SEPTEMBER 2026

This chapter cites law as well as corpus rows. The two are kept in separate tables at the end — **Sources** for the record, **Legal authorities** for the statutes, rules and opinions — so that the rule this folder runs on, that no fact about the litigation originates in it, stays checkable by inspection.

Revision, 2026-09-11. Two external reviews found four defects here, and all four are repaired. **P1 was reported as refuted on a selected sample:** the chapter said in one paragraph that its fee table is "a floor, not a rate" and in the next that the table refutes P1. It does not — fee status is recorded where a court had reason to remark on it, and payment is the remarkable case — so P1 is now **unsupported**, with the narrower claims that *are* established set out beside it. **The exposure bias now has a direction:** the 45 excluded records skew long, so the 149-day median is a floor. **A units slip in §VI** said defendants are named in exactly one action "in 38.8% of cases"; 38.8% is a share of entities. And section II's "last two rows" pointed at a pair the table as printed does not make identifiable, so the rows are now named. Separately, this chapter carries material added on 2026-09-10 — the appellate fees — under a 2026-09-06 as-of date; the body figures remain as of 2026-09-06 and the appellate rows are dated where they appear.

Revision, later on 2026-09-06. Eight duplicate party records were merged that evening — one person recorded twice, surname-first on a state docket and first-name-first on the federal docket it was removed to — so every entity figure in section III moves: 335 canonical entities become **327**, 680 party-slots become **673**, the mean parties per action falls from 7.23 to **7.08** and the median from 2.5 to **2**, and the one-shot share falls from 40.3% to **38.8%**. None of it disturbs the argument; section III's point is that burden accrues per name while the fee is charged per filing, and a slightly smaller denominator sharpens rather than softens it. Two stale counts are also corrected: P3 was pre-registered over "the ninety actions he commenced" and section IV repeated it, while five other passages already said 91 — 91 is right, and C105 is why. Section VI's fee-paid count is brought into line with the table in section II, which says 12.

Revision, later on 2026-09-06. C105 entered the corpus after this chapter was first drafted and immediately tripped the exhibit's fee-closure gate, which is what that gate is for. Two things changed as a result. C105 is recorded fee-paid, so §II's table gains a row. And the dollar arithmetic was narrowed to the records that state the amount: it had been multiplying \$405 by every fee-paid record, including C073, which says only that he "paid the full filing fee" and names no sum. A fourteenth gate now checks that base in both directions. No claim in this chapter turned on the affected figure — §II quotes the sourced \$2,835, not the aggregate — but the aggregate was wrong and is now \$4,050 over the ten records that name the amount.

I. Four propositions, before the numbers

This is the **third of four demonstrations** that nothing converts a visible pattern into a consequence. Chapter 4 took the shape of the litigation and chapter 5 took its narration; this one takes the money, which is the currency in which a consequence would actually have to be denominated if one ever landed.

Chapter 4 stated its claims as falsifiable propositions before reading its exhibit, and reported on each. That habit is worth keeping, so here are this chapter's, written down first.

P1. The filer's marginal cost per action is near zero, because he proceeds *in forma pauperis*.

P2. What a filing costs him scales, at least loosely, with what it costs the people it names.

P3. Somewhere across the ninety-one actions he commenced, the system recovered some of that cost from him — a monetary sanction, a fee award, or both.

P4. Cost imposition is a marginal theme in what he says publicly: incidental to the disputes rather than characteristic of them.

P2 and P3 are refuted. **P1 is not refuted — it is unsupported**, and on a sample selected by the very mechanism that recorded it; §II states why the difference matters. P4 survives, and it is the one that limits this chapter rather than supporting it, so it is reported plainly in §V and not argued away.

II. What a filing costs the filer

28 U.S.C. § 1914(a) prices a federal civil case at "a filing fee of \$350," payable by "the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise," with § 1914(b) authorising such "additional fees only as are prescribed by the Judicial Conference of the United States." The corpus records the sum actually charged in this district as **\$405**, and it records it the same way each time.

P1 is unsupported. Of the 101 docket records this plaintiff commenced, **20 carry any recorded statement about how the filing was paid for** — 19 originating actions, once the union-find collapses one state-and-removal pair. Where the record speaks, it says the fee was paid roughly three times as often as it says the fee was waived:

WHAT THE RECORD STATES	RECOR CASE IDS DS
Fee paid	12 C073, C075, C076, C077, C078, C079, C080, C081, C082, C083, C085, C105
IFP granted	4 C010, C011, C012, C056
IFP sought on appeal	2 C057, C067
IFP denied	2 C042, C052
IFP sought, not perfected	1 C049
Fee ordered, not paid	1 C017
<i>nothing recorded</i>	81 —

Two of those twelve — C073 and C105 — record that the fee was paid but name no sum, so they are outside the dollar arithmetic even though they are inside the count. Ten records name **\$405**, and \$4,050 is the whole of what this corpus can be made to say about money paid at intake.

The *IFP sought on appeal* and *fee ordered, not paid* rows were added on 2026-09-10, when the appellate verification pass read dispositions that turned on money rather than on merits. They are **appellate** fees, which is a different price from the one this section has been pricing: \$91.25 in the Superior Court of Pennsylvania, \$605 in a federal circuit. **Three appeals in this corpus were dismissed for an unpaid fee**, and the three are not alike, so they are separated here.

In one the fee was the whole of it. The Third Circuit dismissed No. 24-3329 "for failure to timely prosecute insofar as appellant failed to pay the requisite fee as directed," six months after the district court had certified that the appeal was not taken in good faith and denied leave to proceed in forma pauperis — the C042 row above. Nothing else disposed of it.

In the other two the fee was an **independent and sufficient ground rather than the only one**. The Superior Court quashed Nos. 711 and 723 MDA 2026 *sua sponte* on jurisdictional grounds — in the first because the order appealed from was not final, claims against one defendant never having been adjudicated; in the second because an order denying recusal and a stay is interlocutory, and because appellate jurisdiction over tort claims against a local agency lies exclusively in the Commonwealth Court under 42 Pa.C.S.A. § 762(a)(7) — **and separately** dismissed each for the unpaid \$91.25, recording in each case that the \$202.91 Lackawanna County card transaction he produced "does not correlate with the filing fee for this appeal."

That is worth stating precisely, because it cuts against the shape of this chapter's argument rather than with it. Everywhere else here, the fee is the one cost the filer *does* pay and the defendant's costs are the ones nobody records. On appeal the fee bites the filer instead — once on its own, and twice more as a ground that would have sufficed by itself. **It is the only price anywhere in this record that has repeatedly stopped a proceeding**, and it stopped them without anyone having to ask.

That table is a floor, not a rate, and the reason matters. Fee status is not a column anyone set out to populate; it entered the corpus incidentally, because a report and recommendation happened to mention it in a footnote or a docket entry happened to name a receipt. Eighty-one records say nothing either way. The honest statement is therefore narrow: **among the actions whose fee status the record establishes, paying the fee is the common case and waiver is the exception** — not that he pays 12 times for every 4 waivers across the corpus.

Why that is "unsupported" and not "refuted"

An earlier draft of this chapter concluded that the table above refutes P1, and it does not. The reason is a selection problem sitting inside the recording mechanism, and it is worth setting out because it recurs wherever a corpus is built from whatever the record happens to mention.

Fee status is **selected toward fee-paid by the thing that records it**. Nobody set out to populate this column; a value exists only where a court or a docket entry had some reason to say so. And the reason is usually that the fact was *remarkable*. The clearest case is C073: the report and recommendation notes that he "paid the full filing fee rather than proceeding in forma pauperis" precisely because that fact carries a procedural consequence — no § 1915(e)(2) screening track attaches to a fee-paid complaint. An IFP filing, by contrast, generates its own paperwork and then stops being notable. So the mechanism that put twelve fee-paid records into this corpus is a mechanism with a reason to notice fee payment, and the 81 silent records are not a random sample of the rest.

What can be said, then, is narrower than a refutation and still fatal to P1 as written:

- **Where the record speaks, it says paid**, roughly three times as often as it says waived.
- **At least \$4,050 was paid at intake**, across the ten records that name the amount, and \$2,835 of it in a single day. That figure is a floor with a document behind every dollar.
- **Only four records he commenced sit on an IFP track at all**, so the premise that the marginal cost is near zero *because he proceeds in forma pauperis* has no support anywhere in this corpus.

A marginal cost of "near zero" is falsified by \$4,050 in receipts. What is *not* established is the rate — that he pays three times for every waiver — and this chapter makes no such claim. The distinction is the difference between a proposition that died and a proposition nobody could test, and the second is what happened here.

The clearest instance of what the record does establish is the seven actions of **2026-07-29**. C077 through C083 were filed on a single day, at 3:26-cv-02132 through 3:26-cv-02138, and the record states they "were fee-paid at \$405 under a single shared receipt number 333120943, not filed in forma pauperis." One receipt. Seven actions. **\$2,835 paid in a day**. They were assigned across five different magistrate judges with no consolidation and no common screening order — the intake system treated them as seven unrelated cases, which is chapter 1's finding arriving again at the cashier's window.

Two further recorded facts cut the same way. The report and recommendation in C060 records in its own footnote 1 that when he filed C073 — "raising the identical claims brought in" C060 — he "paid the full filing fee rather than proceeding in forma pauperis," with the consequence that "no 28 U.S.C. 1915(e)(2) screening track applies to it." And in C012 he has repeatedly asked the Lackawanna court either to rule on his pending motions **or refund his filing fees so he can pursue the claims elsewhere**. A litigant asking for his fees back is a litigant to whom the fee is a real number.

The ability to pay is itself docket-local

The single most telling row in this section is a pair. **C011 and C052 are the same originating action**. C011 was filed in Lackawanna County, where in forma pauperis status was **granted** on 2025-05-27 by Judge Nealon. Fenix Internet LLC removed it on 2025-06-26, and in the Middle District of Pennsylvania in forma pauperis status was **denied** on 2025-08-27.

Neither court was wrong. They were applying different instruments — Pa. R.C.P. No. 240, which routes fee waiver through Pa.R.J.A. 1990, and 28 U.S.C. § 1915(a) (1), which asks for an affidavit that "the person is unable to pay such fees." But the two determinations are about the same person, the same action and the same three months, and they came out opposite ways because each court asked the question inside its own docket. The thesis's central claim is usually stated about counting filings. Here it applies to the poverty determination itself.

III. What one payment obliges

P2 is refuted, and not marginally. § 1914(a) prices *the case*. The obligation to appear, answer or move is owed by *each party named*. Nothing connects the two.

As of 2026-09-06 the corpus records **327 canonical entities** across the 95 originating actions, filling **673 party-slots**. The distribution is extremely uneven:

DEFENDANTS NAMED IN ONE ACTION	MIN	MEDIAN	MEAN	MAX
	1	2	7.08	144

The five largest actions by parties named:

ACTIO N	DEFENDANT S	FILED	TITLE
C054	144	2025-07-07	<i>Tufano v. SHOPIFY (USA) Inc. Corporation Service Company et al</i>
C050	142	2025-06-02	<i>Tufano v. SHOPIFY (USA) Inc. Corporation Service Company et al</i>
C040	67	2024-05-22	<i>Tufano v. Frankies Free Range Meat Conspirators</i>
C068	25	2026-04-13	<i>Tufano v. Better Life Foods Inc. et al</i>
C066	12	2026-04-02	<i>Tufano v. The State of California et al</i>

C054 named 144 entities for the same \$405 that C078 paid to name one. That is **\$2.81 per party**. Across the 2026-07-29 block, \$2,835 named 21 distinct entities — **\$135 per party**. The filing fee is not a weak proxy for the burden a filing creates; it is uncorrelated with it by construction, because it is charged per docket number and the burden accrues per name in the caption.

The dispersal is as notable as the concentration. **127 of the 327 entities — 38.8% — are named in exactly one originating action**, and 104 more in exactly two. Whatever this record looks like from the inside, from the position of well over a third of the people in it, it is a single lawsuit that arrived once.

How long it stayed is measurable on part of the corpus. Sixty of the 105 docket records carry both a filing date and an outcome date; the other 45 lack one or both, and every figure here is over those 60 and not over the corpus. **The direction of that exclusion is knowable and should be stated rather than merely flagged:** a record lacking an outcome date usually lacks one because the case has not ended, so the excluded 45 skew toward the longest exposures and every figure below is **biased downward**. The median is a floor on how long a defendant is kept in, not an estimate of it. Median **149 days** open, first quartile 80, third quartile 326. Seventeen resolved inside 90 days and 34 inside 180 — so roughly half the measurable records closed within about six months, and a quarter ran past eleven. The longest is 2,021 days, and it is **C100**, which is one of the four actions filed *against* him.

What this chapter refuses to say about the defendants

`00-proposal.md`'s outline described this chapter's subject as "336 defendants, overwhelmingly small." The count is 327 as of this date, at the canonical-entity grain. The characterisation is withdrawn, and the reason is a rule rather than a stylistic preference.

Entity size is not in the corpus. There is no column for it, and coding one would mean attaching a judgment — *small, institutional* — by name to living people and going businesses. Chapter 4 established what governs here: `build_seo.py` gives every canonical party with 2+ originating actions its own `/defendants/` page, so a coded value written to `research.db` becomes a published label on a named person. A one-coder classification with no second rater does not earn that, which is why chapter 4's rung labels stayed in its exhibit. This chapter goes one step further and does not code the variable at all, because unlike the ladder it does not need it: the argument runs on party counts, one-shot share and exposure, which are all recorded facts.

One figure in this area is easy to over-read, so it is stated with its limitation attached. The corpus records counsel for exactly **6 entities**. That number is not "only six defendants had lawyers." The `attorneys` table exists because those six lawyers and law firms were themselves *sued* and became parties; the corpus has no field for defence representation and does not track it. What the six support is a narrow point made in chapter 4 — that counsel appear in this record as opponents — and nothing about how the other 329 responded.

IV. The recovery, and which way it ran

P3 is refuted, and this is the chapter's principal finding.

Under the American Rule, as *Alyeska Pipeline Service Co. v. Wilderness Society* put it in 1975, "the prevailing litigant is ordinarily not entitled to collect a reasonable attorneys' fee from the loser." Three instruments could displace that here, and each has a trigger. Fed. R. Civ. P. 11(c)(1) permits a sanction "on any attorney, law firm, or party that violated the rule," but 11(c)(4) allows payment of the other side's fees only "if imposed on motion and warranted for effective deterrence," and 11(c)(2) requires the motion to be served and then withheld for 21 days while the challenged paper can be "withdrawn or appropriately corrected." 28 U.S.C. § 1927 reaches "[a]ny attorney or other person admitted to conduct cases" who

"multiplies the proceedings ... unreasonably and vexatiously" — by its terms, a counsel-facing provision. And the vexatious-litigant regimes chapter 2 surveyed restrain future filing rather than price past filing.

Across the **91 originating actions this plaintiff commenced**, the corpus records:

- **zero monetary sanctions;**
- **zero fee awards to any defendant;**
- **two sanctions of any kind**, both non-monetary, both in Los Angeles Superior Court Department 205 before Judge Edward B. Moreton, Jr., both entered on the court's own order to show cause rather than on a defendant's motion, and both consisting of dismissing the complaint *without prejudice* (C101, 2025-10-13; C102, 2026-07-14);
- **one vexatious-litigant motion still undecided.** It was filed in C046 on 2026-03-31 and no ruling appeared on the docket read through entry 158 as of 2026-08-28 — five months. A second such argument, raised by ASOPRS in C102 on 2026-07-08, was held beyond the scope of the motion to quash it was raised in; the separate motion the court said would be required was never filed.

A terminating sanction without prejudice is worth pausing on. It ends the case, which is relief; it returns nothing, and it does not bar the next filing. In cost terms it is a refund of future expense, not a recovery of past expense.

The one time a court priced litigation, it priced his

There is exactly one measured legal-cost figure anywhere in this corpus, and it runs the other way. On **2026-05-21** final judgment was entered in **C100** — *Saladino, MD v. Frank Tufano*, S.D.N.Y. 7:20-cv-09346 — for "\$1 nominal damages, \$52,500 punitive damages, \$100,000 statutory damages under 15 U.S.C. Sec. 1125(d), **\$76,514 in attorney's fees**, and **\$4,867.55 in costs**."

Four things about that judgment matter here.

It is a **defendant-side** action: C100 is a suit brought against him, one of only four in the corpus. The plaintiff there was represented, and obtained a default judgment on 2025-01-30 after the court held on 2022-07-12 that the defaults were willful and no meritorious defence had been presented.

The fee award rests on a **substantive** fee-shifting provision, not a procedural one. 15 U.S.C. § 1117(a) provides that "[t]he court in exceptional cases may award reasonable attorney fees to the prevailing party," and the \$100,000 is § 1117(d)'s statutory maximum for a cyberpiracy violation — "not less than \$1,000 and not more than \$100,000 per domain name." Nothing in that machinery has anything to do with how many actions anyone has filed. It attaches to a cause of action, and it fired because someone pleaded that cause of action and won on it.

It is **larger than everything the vexatious-litigant regimes produced in this record combined**, which is zero.

And C100 is the corpus's longest-running docket at 2,021 days — longer than any of the 91 actions he commenced.

That is the cost-side restatement of chapter 7's conclusion. Chapter 7 found that detection was never the binding constraint, and that the load-bearing reform is the trigger and the consequence rather than the aperture. Here the same shape appears in the money: **the only consequence that landed in six years came from a statute that does not count filings at all**. Every instrument that does count filings — Rule 11, § 1927, § 391, Rule 233.1, § 1651 — either needs a motion from a defendant, or reaches counsel rather than a party, or restrains the future without pricing the past.

V. What he says the other side pays

P4 survives, and the arithmetic that upholds it is stated before the quotations rather than after them. Of **1,667 statements** in the corpus, **17 carry the factor Cost imposition as stated motive** — **1.02%** of the corpus, and **3.8%** of the 445 statements carrying any filing-conduct factor at all.

Those three figures rest on this project's own classification of the statement corpus, which has no second coder and no reliability audit, so chapter 5 §II now reports figures of that kind as **illustrative rather than as counts**, and this section inherits the label. It cuts in the direction of caution here rather than against it: P4 claims the theme is *marginal*, and a classification that is wrong in either direction by a factor of two or three leaves it marginal. Nothing in this chapter turns on 17 being exactly 17. What it turns on is that the set is small, and that the seventeen

passages in it are quoted verbatim and can be read. By volume it is a minor theme. Anyone reading the passages below and inferring that this is what the four-year statement record is mostly about would be reading it wrong.

What makes the 17 worth a section anyway is not their share. It is that fourteen of them are tiered **Strong**, that `Cost imposition as stated motive` is one of the three core factors in the published rubric, and that these are the statements in which a reason for filing is given in the same breath as the filing. Eleven of the 17 link to a tracked case.

The passages below are verbatim `video_statements.StatementText` values. Auto-caption mis-transcriptions are preserved rather than silently corrected, which is chapter 5's convention, and the [_] markers are YouTube's own profanity masking.

Two of the seventeen are reproduced here and the rest are cited by id. That restraint is the point of putting the 1% first: a section that quoted at length from all seventeen would read like the corpus's dominant theme, and it is not.

He prices his own input in hours and the other side's in dollars, explicitly, and more than once — VS003, VS035, VS049, VS065, VS189 and VS1199 all do the same arithmetic. VS059 is the clearest:

But at least if I file the lawsuit, they're going to have to pay — if I file the lawsuit, technically my money is already avenged because each of those organizations are going to have to pay a lawyer like a \$10,000 retainer minimum. So just me taking an hour out of my day to write up and file a lawsuit is already going to screw them over for more money than they've screwed me over. — VS059, linked to C015 and C057

Across the eight statements that name a figure the estimates run from **\$10,000 to \$150,000**: a \$10,000 minimum retainer per entity (VS059, VS065, VS189, VS1199), \$10,000–\$15,000 (VS003, VS035), \$20,000–\$30,000 for a large platform (VS049), and \$150,000 already spent by one set of opponents (VS737). The second quotation is that last one, and it earns its place because it is the only statement in the set that pairs the arithmetic with an open-ended filing horizon:

which means whether I have to file this lawsuit every year for the rest of my life, state and federal court, these people have already spent at least \$150,000 in attorney fees. So whether these people want to pay me for this idea or not that they stole from me, I'm going to make sure they got to spend their money on something. They don't want to pay me, that's fine. I'll bury them in legal fees. — VS737, linked to C036 and C068

One further passage grounds the mechanism in the other side's inability to buy a defence (VS1069, linked to C040), and the remaining ten — VS001, VS023, VS037, VS501, VS738, VS828, VS1582 and VS1655 among them — are listed in the Sources table rather than quoted.

These are estimates by a party, not measurements. No row in `research.db` records what any defendant actually spent; there is no invoice, no fee petition and no declaration of costs anywhere in the corpus for any of the 91 actions he commenced. The retainer figures above are public statements, classified by this project under a published rubric, and they belong to the same evidence layer as any other thing a party says about his own case. The one number in this chapter that a court put on litigation cost is the \$76,514 in §IV, and it was awarded against him.

VI. Why "restrict more" does not follow

Both fee-waiver regimes in this record exist to keep courts open to people who cannot pay, and both already carry their own filter. 28 U.S.C. § 1915(a)(1) authorises commencement "without prepayment of fees or security therefor," § 1915(d) puts service on the state — "[t]he officers of the court shall issue and serve all process" — and § 1915(e)(2) then requires that the court "shall dismiss the case at any time" if the action "is frivolous or malicious," "fails to state a claim," or "seeks monetary relief against a defendant who is immune." Pennsylvania's Rule 240 does the same job in two lines: subdivision (c) preserves the court's power to dismiss *sua sponte* "an underlying action, which is filed contemporaneously with an application to waive fees and costs, as frivolous."

Those screens work. C056 shows one working: it sits on an *in forma pauperis* screening track under § 1915(e)(2)(B) with service held in abeyance, and on 2026-03-16 the magistrate judge entered an order to show cause directing him both to pay the \$405 fee or justify keeping IFP status, and separately to show cause why the action should not be dismissed on *res judicata* and issue preclusion. That is a fee-waiver screen reaching a prior case.

But it reaches one prior case, from inside one docket — and on this record the fee-waiver track is not where the volume is. Tightening § 1915 screening would have touched **4 of the 19 records whose fee status is recorded** and **none of the**

seven filed on 2026-07-29, because those seven paid. An access restriction aimed at people who cannot afford the fee does not reach a filer who is paying it.

Meanwhile the instruments that *would* price the conduct sit behind a trigger that this record shows is rarely pulled. Rule 11 fee-shifting requires a defendant's motion and a 21-day safe harbor. Pa. R.C.P. 233.1, as chapter 2 established, fires only on a defendant's motion. The one vexatious-litigant motion actually filed here has been pending five months. And of the people who would have to file those motions, **38.8% are parties named in exactly one action** — that share is of entities, per §III, not of cases — facing a median exposure of at least 149 days, for whom the cheapest available response to a \$405 complaint is very often to do nothing that costs more than the complaint did.

The Supreme Court has described the tension without resolving it. *In re Sindram* denied leave to proceed in forma pauperis to a repeat filer in 1991 on the ground that the goals of fairly dispensing justice are compromised by the processing of "repetitious and frivolous requests" — the Court applying, to its own docket, precisely the aggregation this thesis says nobody performs elsewhere. It could do that because every one of those filings arrived at the same clerk's window.

So the cost side does not produce a recommendation to restrict access. It produces a sharper version of chapter 7's negative result. **The binding constraint is not the price of entry — it is that nothing prices the exit.** A regime that made filing more expensive would fall hardest on the 4 records here where the fee was waived and hardly at all on the 12 where it was paid — on what the record says, with the selection caveat of §II attached — while the mechanism that could have made 91 actions expensive to their author went unused because it depends on a motion from whichever one-shot defendant happened to be named that week.

VII. What this chapter does not measure

Stated plainly, because several of these bound the claims above rather than decorating them:

- **No defence cost is recorded anywhere in the corpus.** Not one invoice, fee petition or cost declaration for any of the 91 actions he commenced. Every dollar figure in §V is a party's estimate.

- **Fee status is unrecorded for 81 of the 101 records he commenced, and the 20 that are recorded are not a random sample of the 101.** A value exists where a court had reason to remark on it, and fee payment is the remarkable case because it removes the § 1915(e)(2) screen. §II's table is therefore a floor and a direction, never a rate, and P1 is reported as unsupported rather than refuted for that reason.
- **Exposure rests on 60 of 105 records, and the bias runs one way.** The 45 excluded lack a filing date, an outcome date, or both, and are disproportionately still open — so they are disproportionately the *long* ones. Every exposure figure in §III is therefore biased downward, and the 149-day median is a floor rather than an estimate.
- **pattern_relevance and pattern_factor have no inter-rater check.** They were assigned by a single coder against the published rubric. The refiling variable at least had a rule-versus-judgment audit standing in for one, at 80.4% agreement across 18 adjudicated disagreements; the statement corpus, now the largest coded variable in the project, has nothing equivalent. Chapter 5 states this limit and it applies unchanged to §V.
- **ProSe is blank on 45 of 105 records** — 54 Yes against 60 recorded values, 3 No and 3 Mixed. Chapter 3 published this gap and it is not closed. The chapter therefore makes no quantitative claim about how many of these actions were filed without counsel, and the fee-asymmetry argument above is built on filing fees, party counts and the recovery record rather than on representation status.
- **Entity size is not coded**, deliberately, for the reason given in §III.
- **Counsel is recorded for 6 entities and only because they were sued.** The corpus does not track defence representation.

EVIDENCE LAYERS

This chapter keeps the project's five layers apart, and the distinction is load-bearing in §IV and §V. The judgment and fee award in C100, the two Los Angeles sanctions, the C060 report and recommendation's footnote about C073, and the C056 order to show cause are **court findings** — a court's own words in its own order. The in forma pauperis grants and denials are **docket facts**. The retainer figures in §V are **public statements** by a party, and Cost imposition as stated motive is a **research classification** applied under a published rubric: it records what

the speaker said about why he filed, and it is never a judicial finding and never a vexatious-litigant determination. No court has made such a determination in any case in this corpus; the one motion asking for one is undecided.

SOURCES

Every row below is in `research-data/research.db`. Nothing in this chapter's factual claims about the litigation originates outside it.

CLAIM	TABLE	ROW	DOCUMENT
\$405 fee, seven actions 2026-07-29, single receipt 333120943, five magistrate judges, no consolidation	<code>cases</code>	C077–C083 (<code>ResearchNotes</code>)	docket text, M.D. Pa. 3:26-cv-02132 – 3:26-cv-02138
C073 fee-paid in full; "raising the identical claims brought in" C060; no § 1915(e)(2) track	<code>court_findings</code>	id 54	GovInfo R&R, 3:25-cv-01990
\$405 fee paid 2026-05-15 (C075), 2026-06-18 (C076); C085 recorded fee-paid	<code>cases</code>	C075, C076 (<code>ResearchNotes</code>); C085 (<code>OutcomeReason</code>)	docket text
C105 fee received, therefore "not proceeding in forma pauperis"; no amount stated	<code>cases</code>	C105 (<code>ResearchNotes</code>)	CourtListener docket 74752065
IFP granted 2025-05-27 (Nealon, J.)	<code>cases</code>	C010, C011, C012 (<code>OutcomeReason</code>)	Lackawanna County docket
C012 asks the court to rule or refund his filing fees	<code>cases</code>	C012 (<code>OutcomeReason</code>)	Lackawanna County docket
IFP denied 2025-08-27 after removal by Fenix Internet LLC	<code>cases</code>	C052 (<code>ResearchNotes</code>)	M.D. Pa. docket
C011 and C052 are the same originating action	<code>cases</code>	C052 (<code>SameActionAsCaseID</code>)	—
C049 dismissed for failure to pay \$405 or amend the IFP application	<code>cases</code>	C049 (<code>OutcomeReason</code>)	M.D. Pa. docket
C056 on a § 1915(e)(2)(B) screening track, service in abeyance; OSC of 2026-03-16 on fee status and res judicata	<code>cases</code>	C056 (<code>Status</code> , <code>OutcomeReason</code>)	M.D. Pa. docket entry text
IFP sought on appeal	<code>cases</code>	C057, C067 (<code>ResearchNotes</code>)	3d Cir. Nos. 26-2838, 26-2698

CLAIM	TABLE	ROW	DOCUMENT
327 canonical entities, 673 party-slots, 127 named in exactly one action	defendants, defendants_aliases	full tables	—
C054 names 144 entities; C050 142; C040 67; C068 25; C066 12	defendants	rows for those cases	—
Counsel recorded for 6 entities, all of them parties	attorneys	A001–A006	—
Exposure: 60 of 105 records with both dates; median 149 days; max 2,021 (C100)	cases	Filed, OutcomeDate	—
Two non-monetary terminating sanctions, both on the court's own OSC, both dismissals without prejudice	sanctions	ids 5 (C101), 6 (C102)	LA CAP 5756109, 6049507
No Rule 11 or comparable monetary sanction verified in any tracked case; no filing-restriction order entered	sanctions	id 2 (scope note, verified 2026-08-28)	—
Vexatious-litigant motion filed C046 2026-03-31, undecided through docket entry 158 as of 2026-08-28	vexatious_motions	id 1	CourtListener 69532577
ASOPRS vexatious argument held beyond the scope of the motion to quash; no separate motion ever filed	vexatious_motions	id 2 (C102)	LA CAP 6049507
C100 final judgment 2026-05-21: \$1 nominal, \$52,500 punitive, \$100,000 statutory under § 1125(d), \$76,514 attorney's fees, \$4,867.55 costs	court_findings	id 42	CourtListener 18615219
C100 defaults held willful, no meritorious defence (2022-07-12); default judgment and injunction (2025-01-30)	court_findings	ids 24, 25	CourtListener 18615219; GovInfo 3:25-cv-01400
17 statements carry Cost imposition as stated motive; 14 Strong, 3 Moderate; 11 case-linked	video_statements	VS001, VS003, VS023, VS035, VS037, VS049, VS059, VS065, VS189, VS501, VS737, VS738, VS828, VS1069, VS1199, VS1582, VS1655	—
Quoted passages	video_statements	VS003, VS059, VS737, VS1069 (StatementText)	—
Statement corpus size 1,667; 445 carry a filing-conduct factor	video_statements	full table	—

CLAIM	TABLE	ROW	DOCUMENT
ProSe : 54 Yes, 3 No, 3 Mixed, 45 blank	cases	ProSe	—

LEGAL AUTHORITIES

These are **not** corpus rows. Every item was read from a free, publicly openable primary source, on the same standard [audit-source-citations](#) applies to the corpus. Pin cites are omitted throughout, for the reason chapter 2 gave: the free full-text hosts used here do not reliably carry star pagination, and an unverified pin cite is worse than none.

AUTHORITY	PROPOSITION	FREE SOURCE
28 U.S.C. § 1914(a)	"The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350" — priced per case, not per party	Cornell LII
28 U.S.C. § 1914(b)	"The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States" — the gap between the statutory \$350 and the \$405 the record states	same
28 U.S.C. § 1915(a)(1)	Commencement "without prepayment of fees or security therefor;" on affidavit that "the person is unable to pay such fees or give security therefor"	Cornell LII
28 U.S.C. § 1915(d)	"The officers of the court shall issue and serve all process, and perform all duties in such cases" — service cost shifts to the state on the IFP track	same
28 U.S.C. § 1915(e)(2)	"[T]he court shall dismiss the case at any time if the court determines that ... the action or appeal ... is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune" — the fee-waiver track's built-in screen	same
Pa. R.C.P. No. 240	Fee waiver routed through Pa.R.J.A. 1990; subdivision (c): "Nothing in Pa.R.J.A. 1990 shall preclude the court from <i>sua sponte</i> dismissing an underlying action, which is filed contemporaneously with an application to waive fees and costs, as frivolous"	Pa. Code & Bulletin
Fed. R. Civ. P. 11(c)(1)	"[T]he court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule" — reaches a party, unlike § 1927	Cornell LII
Fed. R. Civ. P. 11(c)(2)	The motion "must not be filed or be presented to the court if the challenged paper ... is withdrawn or appropriately corrected within 21 days after service" — the safe harbor	same
Fed. R. Civ. P. 11(c)(4)	Fee-shifting only "if imposed on motion and warranted for effective deterrence"; otherwise "nonmonetary directives" or "a penalty into court"	same

AUTHORITY	PROPOSITION	FREE SOURCE
28 U.S.C. § 1927	"Any attorney or other person admitted to conduct cases in any court of the United States ... who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees" — textually counsel-facing	Cornell LII
15 U.S.C. § 1117(a)	"The court in exceptional cases may award reasonable attorney fees to the prevailing party" — the provision behind C100's \$76,514	Cornell LII
15 U.S.C. § 1117(d)	Statutory damages for a § 1125(d)(1) violation of "not less than \$1,000 and not more than \$100,000 per domain name" — C100's \$100,000 is the ceiling	same
<i>Alyeska Pipeline Service Co. v. Wilderness Society</i> , 421 U.S. 240 (1975)	The American Rule: "the prevailing litigant is ordinarily not entitled to collect a reasonable attorneys' fee from the loser"	CourtListener REST v4 search
<i>In re Sindram</i> , 498 U.S. 177 (1991)	Leave to proceed in forma pauperis denied to a repeat filer; the goals of fairly dispensing justice are compromised by the processing of "repetitious and frivolous requests"	CourtListener REST v4 search
Pa. R.C.P. No. 233.1	Fires only on a defendant's motion, and reaches pro se plaintiffs only — established in chapter 2, cited here, not re-argued	chapter 2
28 U.S.C. § 1651	States no predicate for a federal pre-filing restriction — established in chapter 2	Cornell LII

Verification notes. All authorities above were retrieved and read on 2026-09-06 except the two carried forward from chapter 2, which are cited as established there. Pin cites are omitted throughout.

Alyeska and *Sindram* were confirmed through CourtListener's REST v4 search endpoint, which returns the reporter citation and confirms that a quoted phrase appears verbatim in an opinion. Each is quoted only to the extent that endpoint confirmed: for *Alyeska*, the American Rule sentence, which the endpoint returns with 421 U.S. 240 and 1975-05-12 as the earliest of seven Supreme Court hits; for *Sindram*, the three-word phrase "repetitious and frivolous requests," which the endpoint returns with 498 U.S. 177 and 1991-02-19 as the earliest hit of thirty-five. The surrounding sentence in *Sindram* is described rather than quoted, because the longer form could not be confirmed verbatim from a free host. No proposition here rests on an unquoted portion of either opinion.

Two things this chapter wanted and did not use. **The Judicial Conference administrative fee schedule** that explains the gap between § 1914(a)'s \$350 and the record's \$405 was not retrieved from a free primary host; the chapter therefore states the statutory figure, cites § 1914(b) as the authority for the excess, and quotes the \$405 from the corpus rather than

asserting the administrative component's amount. **Pennsylvania Rule of Judicial Administration 1990**, to which Rule 240 now delegates the fee-waiver procedure, was not separately retrieved; Rule 240 is quoted only for subdivision (c), which stands on its own text.

WHAT CHAPTER 6 CORRECTS IN THE PROPOSAL

00-proposal.md's outline for this chapter read: *"336 defendants, overwhelmingly small. Fee asymmetry between a pro se filer and a defence. The access-to-courts counterweight, and why the answer cannot simply be 'restrict more.'"* Three corrections, marked as a dated revision there:

1. **"336 defendants, overwhelmingly small"** — the count is **327** canonical entities as of 2026-09-06, and **"overwhelmingly small" is withdrawn entirely**. Entity size is not recorded in the corpus and this chapter declines to code it, for the reason in §III. The supportable version is the party distribution: median 2 defendants per action against a maximum of 144, and 38.8% of entities named in exactly one action.
2. **"Fee asymmetry between a pro se filer and a defence"** located the asymmetry in the wrong place. It is not that he files free while others pay: where the record states a fee status, it says he **paid** roughly three times as often as it says the fee was waived, including \$2,835 in a single day. The asymmetry is that **§ 1914(a) prices a docket and the burden accrues per party** — \$2.81 per defendant in C054 — and that the corpus records **no recovery of any kind** across the 91 actions he commenced.
3. **The chapter's own finding was not in the outline at all**. The only measured legal-cost figure in the corpus is C100's **\$76,514 in attorney's fees and \$4,867.55 in costs**, and it runs *against* him, in a suit filed against him, under a substantive fee-shifting provision unconnected to vexatious-litigant doctrine. That is chapter 7's conclusion arriving in the money: the aperture was never the binding constraint, and neither is the price of entry — what is missing is a consequence that does not depend on a one-shot defendant filing a motion.

7 · Designing an aggregator

AS OF 3 SEPTEMBER 2026

This chapter cites law as well as corpus rows, so it carries two closing tables. **Sources** is the corpus; **Legal authorities** is everything that is not. Keeping them apart is how a reader checks the project's no-fact-originates-here rule by inspection rather than by trust.

Revision, 2026-09-06 (first pass). The three defendant-canonicalisation defects this chapter names in section V were repaired that morning, and the exhibit was re-run. **Not one firing point in the shared-canonical-defendant table moved.**

Revision, 2026-09-06 (second pass). The two *further* defects section V called a floor were then repaired as well, and one firing point did move: at k=5 the all-forums shared-defendant aperture now fires at **#47-48 (2025-07-29, C019)** rather than #53 (2025-10-17, C059). The table in section IV and the sentence beneath it are updated; section V is rewritten to report the repair instead of the defect. The first pass had missed one of them by aliasing Jeffrey K. Davis without the , Esq. suffix that the data actually carries, so the fix matched nothing — which is why the floor was still there to lift. Every other figure in this chapter is left at the 2026-09-03 values it was written against, including the 188 / 3,463 lattice pair, and is dated rather than wrong.

I. The missing column

This is the **last of four demonstrations**, and the one that tests the remedy rather than the record. Chapters 4, 5 and 6 showed that the pattern was distributed, narrated and unpriced. This chapter asks the question a reader is entitled to ask next: if an institution had been built to see all of it, would anything have been different?

Chapter 2 ended on a table. Four sovereigns, six restriction regimes, and a last column headed *Central register*, which read **none, none, none, none, none**, and one entry that records California state prefiling orders and nothing else. That column is this chapter's subject. The question is not whether the law permits a court to count a filer's actions elsewhere — chapter 2 established that two of the four regimes permit exactly that, in unqualified words — but what an institution would have to build for the permission to mean anything, and what building it would have bought.

The proposal that this project began from named four candidates, in ascending order of institutional cost: cross-sovereign related-case disclosure; a filing-velocity flag on the federal side; extending California's § 391-style listing to federal courts; and a clearinghouse. It set them a test: *would it have caught this by action thirty?*

That framing contained an assumption, and the exhibit falsifies it. Ordering the remedies by cost implies that yield rises with cost — that the cheap instrument catches little and the expensive one catches much. On this record the two are anti-correlated at the cheap end. The cheapest federal-side fix would have added three actions to the count a judge actually made. A disclosure duty reaching no further than the borders of one state would have added twenty-six. And the answer to the test question turns out to be *yes, easily, under every aperture, long before action thirty* — which means detection was never the binding constraint, and a chapter that spent itself designing a better telescope would be answering a question nobody was asking.

The correction is recorded here rather than saved for the conclusion, in the manner chapter 2 corrected the thesis statement it inherited.

II. The instrument

The exhibit holds the numeric threshold fixed and varies only the **aperture** — the set of prior actions a decision-maker at the moment of filing is able to observe. Four of them:

APERTURE WHAT IT MODELS

same court one docket. Today's operative aperture, and the one chapter 1 measured

same state every court of the filing state: a cross-sovereign disclosure duty, or a state register

all federal every federal district: the PACER Case Locator aperture

APERTURE WHAT IT MODELS

all forums every court in the record: the clearinghouse

These are a lattice, not a ladder, and saying so is not pedantry. *Same court* is contained in *same state*, and both in *all forums*; *all federal* is contained in *all forums*. But **all federal is incomparable to same state** — wider on districts, narrower on sovereigns. The exhibit measures the incomparability rather than assuming it: across the ordered pairs of actions in this record, 188 are visible to the federal aperture and not the state one, and 3,463 the other way about. Forty-one of the ninety actions this plaintiff commenced never touch a federal court at all, which is why a federal-only aggregator can fire *later* than the single docket it was built to improve on. It does, twice, below.

The thresholds are **stipulated, not doctrinal**. Chapter 2's central finding about § 1651 was that it states no predicate whatever, and none of the circuit standards built on it names a number; *Safir's* factors are qualitative throughout. So *k* is an analytic device for holding severity fixed while reach varies, not a rule anyone has enacted. The single exception is § 391(b)(1), which does state an arithmetic, and which the exhibit therefore runs as written rather than as stipulated.

A third convention governs what happens when an action moves. An action's **court set** is every court any of its docket records was filed in or now sits in, and its **state set** is that court set read through a court-to-sovereign map. So a removal makes an action visible through both the state and the federal aperture, and — the same rule, applied to the same field — a **transfer** makes it visible through the destination state's aperture as well as the origin's. That is a substantive claim about what a register would hold, not a convenience: an action transferred into a California district is one a Californian register would in fact have carried from the day it landed. Two actions span two sovereigns each on this rule (C046 and C058, both moved out of the Middle District of Pennsylvania into a California district), and the state aperture is defined for them rather than undefined. Deriving the state set from the court set is also what makes *same court* contained in *same state* by construction: until 2026-09-10 the state aperture was read from a per-record field recording only where an action *began*, and C046 — filed in Pennsylvania, sitting in California — came to share a court with the natively-Californian C107 and not a state, which broke the containment this section asserts. The lattice is a claim the exhibit checks, so it failed rather than quietly reporting a lattice that was no longer one.

Two further conventions. The ladder runs over the **90 actions this plaintiff commenced**, not the 94 in the corpus: four actions in the record were filed *against* him (C100, C022, C031, C037), and a rule aimed at a filer does not count the suits other people bring. The snapshot below reports both populations, because the judges were counting the corpus. And a **prior action is one filed on a strictly earlier date**. Sixteen filing dates in this record carry two or more originating actions — 52 actions in clusters, the largest seven on a single day — so ordering within a day is arbitrary; same-day actions are not allowed to count each other, and where a threshold first fires on such a date the ordinal is printed as a range.

III. What each aperture would have shown, each time a judge looked

Chapter 1's exhibit took the two moments in this record when a court stated a count and recomputed them. This one takes the same two moments and asks a different question: not *what existed*, but *what each candidate instrument would have put in front of the judge who was writing*.

DATE, JUDGE, CASE	SAME COURT	SAME STATE	ALL FEDERAL	ALL FORUMS
2026-02-03 — Latella, R&R fn. (C055)	22	48	25	65
2026-07-13 — Munley, order fn. (C057)	38	68	41	85

Corpus population, 94 actions. Restricted to the 90 he commenced: 22 / 47 / 24 / 63 and 38 / 65 / 40 / 81.

The first and last columns are the validation. The same-court column reproduces each judge's own stated figure exactly — 22, then 38 — and the all-forums column reproduces `detection_gap.py`'s. The exhibit exits non-zero if either stops holding, so aperture (a) is demonstrably the docket-local aperture and not some new construct that happens to resemble it. The middle two columns are the finding, and they are not what the outline expected.

A nationwide federal aggregator would have shown Latella twenty-five where he saw twenty-two. Three actions. Every federal action in the record on that date sat in the Middle District of Pennsylvania but for three in the Southern District of New York — C100, which was filed *against* him in 2020; C099, filed in 2023; and C098, a New York state action removed there in 2025. Even C046, the case that has since moved to the Central District of California, began in the Middle District and

was already on the counting court's own docket. The instrument that a PACER-side rule would use — an index the federal judiciary already operates — was, at the moment it would have mattered most, worth three actions out of the forty-three uncounted, and one of those three was somebody else's suit.

A disclosure duty reaching only across Pennsylvania would have shown him forty-eight. Twenty-six more, and more than half the gap, because the largest uncounted block was Lackawanna County — the adjacent state trial court that had already handed ten removed cases onto the counting court's own docket, as chapter 1 recorded. The instrument that stops at a state line does six times the work of the one that crosses every state line but no sovereign one.

By July the ordering is unchanged and the magnitudes have grown: federal-wide adds three, Pennsylvania-wide adds thirty, all forums adds forty-seven. The shape of this record is that its centre of mass is one county and one district that sit on top of each other, and any instrument that cannot see across *that* boundary — the state-federal one, at a single geographic point — sees almost nothing that the docket in front of it did not already show.

IV. When each threshold fires

The snapshot asks what an instrument would have shown at two fixed dates. The replay asks the converse: at which action would each instrument first have had enough to act on?

Any prior action. The naive count, and the one that shows the aperture effect most cleanly:

APERTURE	K=3	K=5	K=10
same court	#4 (2021-04-22, C089)	#7 (2023-02-01, C091)	#27 (2025-02-21, C047)
same state	#4	#6 (2023-01-11, C099)	#21 (2025-01-27, C003)
all federal	#11-14 (2024-07-08, C041)	#15 (2024-07-26, C045)	#27
all forums	#4	#6	#11-14

At k=10 the clearinghouse fires sixteen actions and seven and a half months before the single docket does. That is the aperture effect, and it is real. It is also the largest gap in the table: at k=3 the same-court aperture fires at *the same action* as

the clearinghouse, and at $k=5$ one action behind it, because the record opens with three New York suits filed on one day in 2018 and the early actions cluster in a single court.

Prior actions sharing a canonical defendant — Rule 233.1's actual bar, and the natural trigger for a related-case disclosure duty:

APERTURE	K=3	K=5	K=10
same court	#40–41 (2025-06-06)	#64 (2026-02-06)	#72 (2026-03-09)
same state	#7 (2023-02-01, C091)	#63 (2026-01-22, C029)	#72
all federal	#40–41	#72	#72
all forums	#7	#47–48 (2025-07-29, C019)	#72

This is chapter 2's organising finding reappearing as arithmetic. A bar that reaches only the same or related defendants cannot catch a filer who rotates them: at $k=5$ no aperture fires before action forty-seven, and at $k=10$ every aperture converges on the same action, #72. The widest possible view buys nothing at all once the qualification is narrow enough, because what is scarce is not visibility but repetition against the same party.

Prior actions sharing a dispute group is narrower still, and at $k=10$ it never fires under any aperture. That is adverse to the chapter and is stated rather than omitted; see section V on why the dispute row is a floor.

Prior actions coded as repeat filings is the most favourable row in the exhibit and the one that should be trusted least. It is labelled an **oracle** in the exhibit's own output: coding an action `RefilingOfPriorCase = Yes` under `protocols/01-refiling.md` already requires knowing that an earlier action existed, against a shared canonical defendant, on the same dispute — which is precisely the cross-forum aggregation being tested for. The row measures what an aggregator that already had this project's answer would have done. It is an upper bound on achievable performance, not a rule an institution could run, and no argument below rests on it alone. For the record: at $k=3$ it fires at action #8 across all forums and not until #25–26 in the same court, eighteen actions and fourteen months apart.

Velocity is a different instrument, and it behaves nothing like the others. A rate counts the filing in front of it rather than only what preceded it:

WINDOW	SAME COURT	SAME STATE	ALL FEDERAL	ALL FORUMS
≥3 in 90 days	#1-3 (2018-03-09)	#1-3	#11-14 (2024-07-08)	#1-3
≥5 in 180 days	#11-14	#11-14	#11-14	#11-14
≥10 in 365 days	#27 (2025-02-21)	#21 (2025-01-27)	#27	#16-17 (2024-09-03)

Two things fall out. At ≥5 in 180 days **every aperture fires at the same action**, #11-14 on 2024-07-08 — a velocity flag on this record needs no cross-forum visibility whatever, because the filings that trip it are already in one place. And at ≥3 in 90 days the flag fires on the **first day of the corpus**, 2018-03-09, on C086, C087 and C088: three suits against three Westchester country clubs, filed together, none of them coded as a repeat of anything, none of them assigned to a dispute group. That is a false positive sitting in this project's own data, and it is named here rather than left for a reader to find.

Section 391(b)(1), run as written, is the only non-stipulated threshold available: five litigations in the immediately preceding seven years, commenced in propria persona and finally determined adversely. Because `Outcome` is free text and 45 of 104 records carry no `OutcomeDate`, the exhibit refuses to report a single number and emits a bounded pair — the upper bound counting any adverse outcome text, the lower additionally requiring a dated determination that predates the filing being screened:

BOUND	SAME COURT	SAME STATE	ALL FEDERAL	ALL FORUMS
upper	#7 (2023-02-01)	#6 (2023-01-11)	#15 (2024-07-26)	#6
lower	#9 (2024-03-11, C092)	#7	#19 (2025-01-02, C046)	#7

Both bounds fire before action twenty, under every aperture including the narrowest. The one threshold in American law that states an arithmetic was satisfied on this record — countable from the New York Supreme Court docket alone — by the beginning of 2023, three years before Latella wrote "at least twenty-two." The five prior actions that clear it there are C086, C087 and C088 (2018-03-09, all discontinued), C089 (2021-04-22, dismissed) and C090 (2022-12-20, discontinued), all in that court, all resolved against him on the face of the record.

And the test question. Action thirty is C006, *Tufano v. PPL*, filed in Lackawanna County on 2025-04-23. Qualifying prior actions visible on that day:

APERTURE	ANY PRIOR	CODED REPEAT	SHARES A DEFENDANT	SHARES A DISPUTE
same court	5	2	1	1
same state	16	3	1	1
all federal	0	0	0	0
all forums	29	10	1	1

The federal row is zero because C006 is a state action: a federal-only facility is not merely uninformative at a Lackawanna filing, it is unavailable — the court being asked is not in the system that maintains it. That is the row that most sharply distinguishes an aperture from a rule, and it is why the exhibit models the federal aperture as *false at a state filing* rather than as *federal priors, counted*.

Would an aggregator have caught this by action thirty? On volume, yes, under every aperture that was applicable, and by a wide margin. On the Rule 233.1 shape, no, under any aperture, and not for another forty actions.

V. The arithmetic that cuts against this chapter

Stated here, before section VI uses any of it.

The chapter's own exhibit refutes the easy version of its thesis. If the argument were *widen the aperture and the threshold fires*, the tables above would be a poor advertisement for it: every threshold fires, under every applicable aperture, well before action thirty, and § 391's real arithmetic was cleared inside a single court by action seven. What a wider aperture buys is **lead time and magnitude**, not the event. Claiming more than that would be an overclaim on page four, and chapter 1 set the precedent for conceding this kind of thing in the text rather than in a footnote.

The counterfactual holds the filer still. "Would it have caught this by action thirty" changes the institution while freezing the behaviour. This filer says out loud that he selects forums — chapter 5 quotes VS697, "a lawsuit in every state I can drive to" — and 41 of his 90 actions are already outside the federal system. An instrument with a federal aperture is exactly the kind of thing a filer routes around. The exhibit measures the **detectability of the observed record**, and cannot measure deterrence, displacement or adaptation.

N is one, and the subject was selected because he is extreme. The thresholds fire early here *because* the record is dense. Nothing above supports a claim that a $k=5$ rule would behave this way on an ordinary docket; it supports only that it would have fired on this one. That is an existence proof plus a mechanism, which is the framing the proposal committed to.

The velocity flag's first firing is a false positive in this corpus — 2018-03-09, C086/C087/C088. Same-day batching is endemic here, 52 of 94 actions sit in a same-day cluster, and a rate calibrated to fire on this record would fire on any self-represented plaintiff who files companion complaints against separately named defendants on one trip to the prothonotary.

Twenty-four of the ninety actions carry no `DisputeID`, so every dispute-keyed figure is a floor rather than an estimate. Protocol 01's reliability audit found that an unassigned dispute group is uninformative in both directions.

The defendant-sharing row's three known canonicalisation defects were repaired, and the row did not move. When this chapter was drafted, C040's roster omitted the Shopify entities its own claims summary named, `Fenix Internet, LLC` and `Fenix Internet LLC` carried different canonical ids with no alias joining them, and C018's roster omitted Taban — so the Rule 233.1 row, the chapter's most doctrinally faithful one, was reported as a floor whose firing points might be late. All three were repaired on 2026-09-06 and the exhibit re-run: **every firing point in the table above is unchanged.** The defects were real and they were not load-bearing, because each added a shared defendant to an action that had already crossed the threshold on other parties rather than to the action that crossed it.

The row was a floor for two further reasons when this chapter was written, and both have since been repaired — which is how we know it was a floor. `Jeffrey K. Davis, Esq.`, the string C099 actually records, was absent from `defendant_aliases`, so under the name-matching canonicalisation this exhibit uses his first appearance as a party read 762 days late. That one had survived an earlier repair pass that aliased `Jeffrey K. Davis` without the `, Esq.` suffix and so never matched the string in the data — a reminder that a canonicalisation fix is only as good as the exact string it targets. And the C030/C064 removal pair recorded the same two people as four canonical entities, one pair per docket; repairing that turned up five more of the identical kind, all of them a party listed surname-first on the state docket and first-name-first on the federal one.

Repairing them moved this row, and only this row: **at k=5 the all-forums aperture now fires at #47–48 (2025-07-29, C019) rather than #53 (2025-10-17, C059)**, five actions and roughly three months earlier. Every other firing point in the table above is unchanged. The direction is the one the section already argued — the shared-defendant bar is *less* late than the corpus made it look — and it does not disturb the finding, because the same bar still fires after four dozen actions under the widest aperture available.

Section 391(b)(1) requires the prior litigations to have been commenced *in propria persona*, and ProSe is blank on 44 of 104 records. The § 391 row above tests the numeric and temporal elements only. It is arithmetic against the statute's counting rule, not a finding that its elements were met, and it could not be a finding anyway: § 391.7 restrains only "in the courts of this state," and two of these ninety-four actions are Californian.

The apertures are not equally real. "All federal" is a facility that exists and can be bought today. "Same state" is not: Pennsylvania has no unified civil docket search, and chapter 3 quantified the resulting asymmetry — 21 coded indicators across 37 M.D. Pa. actions against 7 across the larger block of 38 Lackawanna actions, *a fact about what can be read, not about conduct*. The twenty-six actions that a Pennsylvania-wide aperture adds are the yield of an instrument that does not exist, and its aperture being narrow does not make it cheap.

VI. Remedy 1 — cross-sovereign related-case disclosure

The cheapest instrument in the list, and on this record the highest-yielding: a duty on the filing party to disclose their own pending and recently concluded actions involving the same parties or subject matter, wherever filed.

There is no such duty in the Federal Rules. Rule 7.1 is the only disclosure statement federal civil procedure imposes on every party in every case, self-executing, filed "with its first appearance, pleading, petition, motion, response, or other request addressed to the court." It requires a nongovernmental corporate party to identify "any parent corporation and any publicly held corporation owning 10% or more of its stock," and, in diversity cases, to name and identify the citizenship of "every individual or entity whose citizenship is attributed to that party." It says nothing about the filer's other litigation. The machinery of mandatory, automatic, first-filing disclosure is built and running in every district in the country; it is pointed at corporate ownership.

That is the whole of the remedy-1 argument, and it is a design argument rather than a doctrinal one. Nothing in chapter 2's four regimes needs amending for a related-case disclosure duty to exist. It would be a rule of procedure, and the vehicle for it already carries a form.

What it would have bought here. A duty reaching every court of the filing state moves Latella's count from 22 to 48 and Munley's from 38 to 68 (section III). It fires at $k=5$ on any-prior at action #6, and — the row that matters most, because a disclosure duty is naturally keyed to shared parties — at $k=3$ on shared-defendant at action #7, **2023-02-01**, which is C091, *Frank Tufano v. American Arbitration Association* in New York Supreme Court, filed twenty-one days after C099, the same dispute against the same defendant in the Southern District of New York. Under the same-court aperture that shared-defendant threshold does not fire until action #40–41, on 2025-06-06, two years and four months later.

Where it fails is where Rule 233.1 fails. It runs on the filing party's own initiative and reaches only what that party discloses. Chapter 2 identified that defect in Pennsylvania's rule — it fires on a defendant's motion, so a rule that could have counted a federal prior action never got the chance — and a disclosure duty relocates the initiative rather than removing it. The Shopify sequence in this record shows the shape of the problem plainly: C047 in the Middle District on 2025-02-21, C095 in New York Supreme Court three days later, C050 back in the Middle District on 2025-06-02, C013 in Lackawanna County on 2025-06-06, and C054 in the Middle District again on 2025-07-07 — five actions on one dispute, across three courts in three sovereigns, in under five months. Each of those courts had a form. None of them had a question on it that this sequence would have answered.

VII. Remedy 2 — a filing-velocity flag

The instrument the proposal placed second by cost. It performs worst of the four here, and it fails in two different ways at once.

It is the wrong aperture. The PACER Case Locator is real, and it is better than the argument for building something new usually assumes: "a national case locator index for all federal court records in district, bankruptcy, and appellate courts," updated "every 24 hours, typically nightly," returning "the party name, the court where the case is filed, the case number, date filed, and date closed." A nightly-refreshed nationwide party-name index of every federal case already

exists; no restriction standard in chapter 2 is wired into it. But its aperture is the federal one, and section III prices that aperture on this record at **three actions**. Section IV prices it worse: the federal aperture is the only one that fails to fire the ≥ 3 -in-90-days flag until action #11-14, and at the moment of the test question, action thirty, it sees nothing at all, because the filing is in a county courthouse.

It measures the wrong thing. Velocity is a rate, and the doctrines count repetition. At ≥ 5 in 180 days the flag fires at action #11-14 under *every* aperture, which is another way of saying the cross-forum visibility contributed nothing to it. At ≥ 3 in 90 days it fires on this corpus's first day, on three suits that the coding protocol treats as unrelated to anything. A flag that fires on 2018-03-09 and again on 2024-07-08 has not distinguished the plaintiff who files three companion complaints in one morning from the one who has been relitigating the same dispute for four years, and the distinction is the entire content of the doctrine.

That is not an argument against building it. It is an argument that it is a triage device and should be described as one — the cheap instrument earns its place by telling a clerk where to look, not by telling a judge what to do.

VIII. Remedy 3 — extending § 391-style listing to federal courts

Chapter 2 established the asymmetry this remedy is aimed at, and it remains the sharpest observation available in this body of law. California's § 391(a) defines "litigation" as any civil action or proceeding "commenced, maintained or pending in any state or federal court." Its § 391(b)(1) counts five such litigations in seven years, in *propria persona*, finally determined adversely. Its § 391.7 then restrains the filer only "in the courts of this state," and § 391.7(f) sends the resulting order to a register that, by construction, can hold nothing but California state prefiling orders. **The predicate crosses every boundary in the country; the remedy and the register stop at one state line.**

Section IV puts a number on the first half of that. Run as written, § 391(b)(1)'s arithmetic was satisfied on this record between action #6 and action #9 depending on the bound — early 2023 to early 2024 — and satisfied *within the same court*, without any aggregation at all, by action #7 or #9. Chapter 2's finding was that California can see further than it can reach. The finding here is that on this record it did not need to see far: the counting rule cleared inside one docket, years before any judge stated a count.

Which relocates the remedy. **Extending the listing to federal courts is not principally a detection measure; it is a communication measure.** Its value is not that it would have let someone count to five sooner, but that it would have created an artifact — a place where a restriction, once imposed anywhere, becomes visible everywhere. This record has no such restriction to publish: zero pre-filing orders, zero monetary sanctions, and two vexatious-litigant requests, neither ever adjudicated (`vexatious_motions` ids 1 and 2). A register with nothing in it is exactly what a jurisdiction with no restrictions produces, and that is the null result chapter 1 opened on, looked at from the remedy side.

Congress has written a cross-forum counting rule once. Chapter 2 recorded it: 28 U.S.C. § 1915(g), three strikes accrued in any "court of the United States," enacted in 1996 for prisoners proceeding in forma pauperis. The mechanism is not beyond the institution's imagination or its drafting capacity. It has been used once, for one population, and never extended.

IX. Remedy 4 — a clearinghouse

The expensive answer, and the only one that reaches 65 and 85.

Two things are worth saying about it that the outline did not anticipate. The first is that the federal system **already operates a cross-district aggregator that works**, and it is instructive precisely because nobody thinks of it as one. Under 28 U.S.C. § 1407, when "civil actions involving one or more common questions of fact are pending in different districts," they may be transferred for coordinated pretrial proceedings — and the process may be commenced by "the judicial panel on multidistrict litigation upon its own initiative," not only on a party's motion. The panel is a standing body of seven circuit and district judges, no two from the same circuit. It has a docket, a clerk, and a mandate to notice cross-district commonality without waiting for anyone to ask.

Every defect chapter 2 identified in the restriction regimes is absent from § 1407. It fires on the institution's own initiative rather than a private party's. It has a permanent body whose job is to look across dockets. It aggregates by subject rather than by court. Its predicate is explicitly multi-district. American federal procedure solved this problem in 1968 for a different purpose and has never once pointed the solution at a filer.

Its limit is the same as PACER's: § 1407 reaches districts of the United States. Forty-one of the ninety actions here are outside it.

The second thing is that **the courts have already stated the requirement, one filer at a time.** The Ninth Circuit's *Ringgold-Lockhart v. County of Los Angeles* vacated a vexatious-litigant pre-filing order for an inadequate record, holding that "an adequate record for review should include a listing of all the cases and motions" that led the court to conclude a pre-filing order was needed. That is an aggregation requirement. It is imposed on the district court, at the moment of decision, for one litigant, and it is why the remedy is so rarely available: assembling that listing is exactly the work no institution is positioned to do, and a court that cannot assemble it cannot impose the order.

A clearinghouse is therefore not a new idea in this body of law. It is the *ex ante*, institution-wide version of a thing appellate courts already require *ex post*, case by case, from judges who have to build it by hand.

Chapter 5's caution applies to the design and is repeated here rather than assumed: an aggregator that counts dockets runs a week behind a filer who announces filings in advance — 32 statements in that corpus announce or threaten a filing before one they name, 21 of them within a week — and an aggregator that counted announcements instead would have counted a lawsuit in every state he could drive to, which was never filed.

X. What detection looks like when it works

Three published decisions, set alongside this record rather than added to it. The sample stays at one.

Molski v. Evergreen Dynasty Corp. (9th Cir. 2007) is the case where the arithmetic worked. A district court counted a serial ADA plaintiff's filings, found the pattern, and entered a pre-filing order that the Ninth Circuit affirmed. Two features of it are absent here. The counting was possible because the filings were in one federal system and mostly one district — the same condition that makes the same-court aperture adequate in section III's first row and inadequate in every later one. And Molski was represented, which puts him outside Pa. R.C.P. 233.1's *pro se* limit entirely and inside § 1927's counsel-facing liability; the plaintiff in this record is on the other side of both lines.

De Long v. Hennessey (9th Cir. 1990) supplies the ceiling and the reason the ceiling exists. It vacated a pre-filing order for want of notice and an opportunity to be heard, and said that "such pre-filing orders should rarely be filed." *Ringgold-Lockhart* (9th Cir. 2014) carries that forward and adds the record requirement quoted in section IX.

Read together they say something the design literature tends to elide: the constraint on restriction is not only that courts cannot see, it is that they are told to act reluctantly and on a full record when they can. An aggregator that made counting easy would not make the order easy. It would supply the listing *Ringgold-Lockhart* demands and leave every other requirement standing — which is the right result, and the reason a clearinghouse is a detection measure and not a restriction measure.

The access-to-courts counterweight belongs to chapter 6, which was drafted on 2026-09-06 and takes it up in its section VI. Its finding there cuts against the reflex this section is guarding: both fee-waiver regimes in this record already carry their own frivolousness screen, and tightening them would have reached almost none of these filings, because where fee status is recorded at all this plaintiff mostly paid. A restriction aimed at people who cannot afford the fee does not reach a filer who is paying it. This chapter states the constraint and defers to it: nothing above argues that more restriction is warranted in this record or any other, and the null result chapter 1 identified is evidence about institutional capacity, not about what any court should have decided.

XI. Detection was never the binding constraint

The exhibit was built to answer whether an aggregator would have caught this by action thirty. It answers yes, comfortably, under every aperture that could have applied — and in doing so it moves the question.

Every threshold in section IV fires early. The only one with statutory authority behind it, § 391(b)(1), fires inside a single court by action seven or nine, three years before the first judicial count. A velocity flag fires on the corpus's first day. What the wider apertures buy is measured and real — sixteen actions and seven months at $k=10$, twenty-six actions of visibility at the moment Latella wrote — and it is not the difference between seeing and not seeing. It is the difference between seeing a lot and seeing more.

So the missing column in chapter 2's table is missing, but its absence is not what produced the null result. What produced the null result is the thing chapter 2 found and this chapter's arithmetic confirms from the other end: **§ 1651 states no predicate, so there is no number for a count to meet; § 391 states a number and cannot reach; Rule 233.1 states a predicate and fires only on someone else's motion; and 22 NYCRR 130-1.1 is not a filing rule at all.** A count with no threshold to be measured against is not an instrument. Ninety-four originating actions, five trial forums, three states, and every counting rule in the country either satisfied years ago or inapplicable.

The design conclusion follows and is narrower than the chapter set out to reach. **An aggregator is necessary and demonstrably insufficient.** Necessary, because *Ringgold-Lockhart* requires the listing and nothing produces it. Insufficient, because the listing was already producible here — a New York clerk could have counted to five in 2023 — and no consequence attached. The load-bearing reform is not the aperture. It is the trigger and the consequence: who is obliged to look, and what follows when they do.

A NOTE ON WHAT THE CLASSIFICATIONS HERE ARE

`RefilingOfPriorCase`, the qualification underlying the repeat-filing row, is **this project's coding under a published rule** (`protocols/01-refiling.md`), applied by a single coder with no inter-rater check; a rule-versus-judgment audit stood in for one, at 80.4% agreement. It is not a judicial finding and it is not a vexatious-litigant determination. Section IV labels the row an oracle for a further reason: it presupposes the aggregation this chapter is asking whether an institution could perform.

Everything else in this chapter is arithmetic over dates, courts, jurisdictions, dispute identifiers and canonical defendant names. Naming an action's ordinal, or the aperture through which a prior action would have been visible, records a fact about the record and about what a hypothetical instrument would have shown. **No court has made a vexatious-litigant determination about this plaintiff.** Two were requested; neither was adjudicated. The site-wide separation between court findings, party filings, research classifications, secondary sources and public statements is inherited here, and this chapter's counterfactual figures belong to none of those five layers — they are computations over the corpus, and the exhibit that produces them is checked into the repository so anyone can rerun them.

SOURCES

All rows are in `research-data/research.db` and published at <https://suedbyfranktufano.com>. Corpus case ids are given for traceability. Ordinals are positions in the filing-order replay over the 90 actions this plaintiff commenced, and are printed as ranges where the date carries more than one action.

CLAIM	ROW	DOCUMENT
94 originating actions from 104 docket records, 2018-03-09 to 2026-08-06; 90 commenced by this plaintiff, 4 filed against him	<code>cases</code> , via the <code>SameActionAsCaseID</code> union-find	<code>aggregator_test.py</code>
49 actions touch a federal district, 41 never do; 43 coded as repeat filings; 24 carry no <code>DisputeID</code> ; 45 of 104 records carry no <code>OutcomeDate</code>	<code>cases</code>	same
Aperture snapshot 22 / 48 / 25 / 65 (2026-02-03) and 38 / 68 / 41 / 85 (2026-07-13)	<code>cases</code> ; anchored on <code>court_findings</code> ids 62 and 7	same, validated against <code>detection_gap.py</code>
Latella, R&R footnote, "at least twenty-two separate actions in this Court within the past two years" (2026-02-03, C055)	<code>court_findings</code> id 62	GovInfo
Munley, order footnote, 38 M.D. Pa. lawsuits since Dec. 2023 (2026-07-13, C057)	<code>court_findings</code> id 7	<code>cases</code> C057, CourtListener docket 71168422
Lattice: 188 action pairs visible to the federal aperture and not the state one, 3,463 the other way about	<code>cases</code> (<code>Court</code> , <code>CurrentCourt</code> , <code>Jurisdiction</code>)	<code>aggregator_test.py</code>
Cumulative firing points, any-prior: #4 / #7 / #27 same court; #4 / #6 / #21 same state; #11-14 / #15 / #27 all federal; #4 / #6 / #11-14 all forums	<code>cases</code>	same
Cumulative firing points, shared canonical defendant: #40-41 / #64 / #72 same court; #7 / #63 / #72 same state; #47-48 at k=5 all forums (was #53 before the 2026-09-06 canonicalisation repair)	<code>cases × defendants × defendant_aliases</code>	same
Shared-dispute row never fires at k=10 under any aperture	<code>cases.DisputeID</code>	same
Repeat-filing row (oracle): #8 all forums against #25-26 same court at k=3	<code>cases.RefilingOfPriorCase</code> , coded under <code>protocols/01-refiling.md</code>	same
Velocity: ≥5 in 180 days fires at #11-14 (2024-07-08) under every aperture; ≥3 in 90 days fires at #1-3 (2018-03-09)	<code>cases.Filed</code>	same

CLAIM	ROW	DOCUMENT
The 2018-03-09 cluster is C086, C087, C088 — three New York country-club actions, all coded No , none with a <code>DisputeID</code>	<code>cases</code> C086, C087, C088	NYSCEF
§ 391(b)(1) arithmetic satisfied between #6 and #9 depending on bound; within the same court by #7 (upper) or #9 (lower)	<code>cases.Outcome</code> , <code>cases.OutcomeDate</code>	same, reported as a bounded pair
Action 30 is C006, <i>Tufano v. PPL</i> , Lackawanna County, 2025-04-23; priors visible 5 / 16 / 0 / 29	<code>cases</code> C006	Lackawanna Prothonotary
C099 (S.D.N.Y., 2023-01-11) and C091 (N.Y. Sup. Ct., 2023-02-01), same dispute DSP020, 21 days apart across the state-federal line	<code>cases</code> C099, C091	CourtListener docket 66718572
The Shopify sequence: C047 (M.D. Pa., 2025-02-21), C095 (N.Y. Sup. Ct., 2025-02-24), C050 (M.D. Pa., 2025-06-02), C013 (Lackawanna, 2025-06-06), C054 (M.D. Pa., 2025-07-07)	<code>cases</code> , dispute DSP002	CourtListener docket 69663211
16 filing dates carry two or more originating actions; 52 actions in same-day clusters; largest cluster 7	<code>cases.Filed</code>	<code>aggregator_test.py</code>
Zero pre-filing orders and zero monetary sanctions; two vexatious-litigant requests, neither adjudicated	<code>vexatious_motions</code> ids 1 and 2; <code>sanctions</code>	CourtListener docket 69532577 · LA Court Access Portal
Ten Lackawanna actions removed onto the counting court's own docket	<code>cases.SameActionAsCaseID</code> ; chapter 1	<code>detection_gap.py</code>
21 coded indicators across 37 M.D. Pa. actions against 7 across 38 Lackawanna actions — an accessibility asymmetry, not a conduct difference	<code>vexatious_indicators</code> ; chapter 3	—
32 statements announce or threaten a filing before one they name, 21 within a week	<code>video_statements</code> ; chapter 5	<code>narrated_docket.py</code>
VS697, "a lawsuit in every state I can drive to" (2026-06-22)	<code>video_statements</code> VS697	YouTube
Three unrepaired defendant-canonicalisation defects (C040 / Shopify, the two Fenix Internet ids, C018 / Taban)	<code>defendants</code> , <code>defendant_aliases</code> ; <code>protocols/01-refiling.md</code> Limitations	—
ProSe blank on 44 of 104 records	<code>cases.ProSe</code>	—

LEGAL AUTHORITIES

These are **not** corpus rows. Every item was read from a free, publicly openable primary source, on the same standard `audit-source-citations` applies to the corpus. Pin cites are omitted throughout; the free full-text hosts used here do not reliably carry star pagination, and an unverified pin cite is worse than none.

AUTHORITY	PROPOSITION	FREE SOURCE
Fed. R. Civ. P. 7.1	The only universal federal disclosure statement, filed "with its first appearance, pleading, petition, motion, response, or other request addressed to the court"; it reaches corporate parents and 10% shareholders, and in diversity cases the citizenship of "every individual or entity whose citizenship is attributed to that party" — not the filer's other litigation	Cornell LII
28 U.S.C. § 1407	Transfer where "civil actions involving one or more common questions of fact are pending in different districts"; proceedings commenced by "the judicial panel on multidistrict litigation upon its own initiative, or ... motion filed with the panel by a party"; a standing panel of "seven circuit and district judges ... no two of whom shall be from the same circuit"	Cornell LII
PACER Case Locator	"A national case locator index for all federal court records in district, bankruptcy, and appellate courts"; returns "the party name, the court where the case is filed, the case number, date filed, and date closed"; updated "every 24 hours, typically nightly"	PACER
Cal. Code Civ. Proc. § 391(a)	"'Litigation' means any civil action or proceeding, commenced, maintained or pending in any state or federal court"	California Legislative Information
Cal. Code Civ. Proc. § 391(b) (1)	"In the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing"	same
Cal. Code Civ. Proc. § 391.7	Prefiling order restrains only "in the courts of this state"; § 391.7(f) sends the order to the Judicial Council register — cited as established in chapter 2, not re-argued	California Legislative Information
28 U.S.C. § 1915(g)	Three strikes accrued in any "court of the United States"; prisoners and in forma pauperis only — Congress's one cross-forum counting rule, cited as established in chapter 2	Cornell LII

AUTHORITY	PROPOSITION	FREE SOURCE
28 U.S.C. § 1651	States no predicate; every federal pre-filing standard is judge-made gloss — cited as established in chapter 2	Cornell LII
<i>De Long v. Hennessey</i> , 912 F.2d 1144 (9th Cir. 1990)	Pre-filing order vacated for want of notice and an opportunity to be heard; "such pre-filing orders should rarely be filed"	CourtListener REST v4 search
<i>Ringgold-Lockhart v. County of Los Angeles</i> , 761 F.3d 1057 (9th Cir. 2014)	Vexatious-litigant pre-filing order vacated; "an adequate record for review should include a listing of all the cases and motions" leading to the order	CourtListener REST v4 search
<i>Molski v. Evergreen Dynasty Corp.</i> , 500 F.3d 1047 (9th Cir. 2007)	Pre-filing order against a serial, represented ADA plaintiff affirmed — detection and restriction inside one federal system	CourtListener REST v4 search

Verification notes. All authorities above were retrieved and read on 2026-09-03. Pin cites are omitted for the reason chapter 2 gave. The three Ninth Circuit decisions were confirmed through CourtListener's REST v4 search endpoint, which returns the reporter citation and confirms that a quoted phrase appears verbatim in the opinion; the full opinions were not retrieved from a free host, so each is quoted only to the extent the endpoint confirmed, and no proposition rests on unquoted portions. *De Long's* four requirements are described in substance rather than quoted for that reason.

Four things this chapter wanted and could not source freely, named rather than filled in from memory:

- **Other states' vexatious-litigant registers.** Ohio (R.C. 2323.52) and Texas (Civ. Prac. & Rem. Code ch. 11) appear to maintain published registers, which would refine chapter 2's carefully hedged claim that California's is "so far as this project has verified, the only centralized, publicly consultable vexatious-litigant register in the United States." `codes.ohio.gov` and `supremecourt.ohio.gov` refuse automated connections, `statutes.capitol.texas.gov` returns a navigation shell rather than section text, and `txcourts.gov` returns 403. **No claim about either state is made in this chapter**, and chapter 2's hedge stands unaltered. This is a live research item, not a finding.
- **District local rules requiring a notice of related cases.** Section VI's argument rests only on the verified absence of such a duty in the Federal Rules. The M.D. Pa. local rules are published as a scanned, non-text PDF and could not be searched; no claim is made about what any district's local rules do or do not require.

- *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir. 1984), which would be the strongest comparator in section X because the injunction there built a bespoke cross-forum disclosure mechanism, could not be confirmed through the search endpoint and is therefore not cited.
- **PACER fees.** The Case Locator FAQ does not state them and none is asserted here; chapter 3 records PACER cost as a limitation on the corpus.

Evidence-layer note, carried forward. The five-layer separation the dataset enforces — court findings, party filings, research classifications, secondary sources, public statements — is inherited by this chapter. A counterfactual figure produced by `aggregator_test.py` belongs to none of them; it is arithmetic over the corpus, reproducible from the checked-in script, and it is not a judicial finding, a party allegation, or a determination that anyone is a vexatious litigant.

8 · The null result

AS OF 6 SEPTEMBER 2026

It also introduces no new law. Every authority it restates was read from a free primary host by an earlier chapter and is listed, with that chapter named, in **Legal authorities** at the end — kept separate from **Sources** so that the rule this folder runs on, that no fact about the litigation originates in it, stays checkable by inspection rather than by trust.

Revision, 2026-09-11 (second). Section V gains the **appellate-fee counterexample**. An external review pointed out that the chapter claims "nothing prices the exit" while chapter 6 records three appeals dismissed outright for unpaid fees of \$91.25 and \$605 — the only gate in the whole record that has repeatedly stopped a proceeding, and one that needed no motion from anyone. It is a counterexample to the sentence and the proof of concept for the reform, and it belongs in the conclusion rather than only in chapter 6. Section III also restates chapter 4's and chapter 6's verdicts as those chapters now report them.

Revision, 2026-09-11. Section III used to read as a confession, because the book's front matter still advertised the four propositions this section reports as refuted. The front matter now states the finding the exhibits support, so section III is what it always should have been — a record of method — and its opening says so. Section IV no longer retracts chapter 1's keyhole image, because chapter 1 no longer deploys it: that chapter now poses the question this section answers. **No figure changes.**

Revision, 2026-09-06 (later the same day). Three things moved after this chapter was drafted. The canonical-entity count fell from 335 to 327 when eight duplicate party records were merged — the same defect chapter 4 names, plus six more found by rewriting a gate to recompute the pattern rather than remember its known instances. The appellate layer became first-class and is now measured, so section VII's limitation 4 is retired. And the claim in section I about what chapters 1 to 7 say about forums was wrong: chapters 4, 5 and 6 state no forum count. Every other figure is unchanged.

I. Where the record stands

As of 6 September 2026 the corpus holds **95 originating actions**, de-duplicated by union-find over `SameActionAsCaseID` from **105 docket records**. Ninety-one of those actions were commenced by this plaintiff; four were filed against him and are excluded from every figure about his own filing. They are distributed across **six courts in three states**:

COURT	DOCKET RECORDS
U.S. District Court, Middle District of Pennsylvania	47
Lackawanna County Court of Common Pleas	40
New York State Supreme Court	13
U.S. District Court, S.D.N.Y.	2
Superior Court of California, Los Angeles County	2
U.S. District Court, E.D.N.Y.	1

The action that opened the sixth forum was filed five days before this chapter's as-of date. Chapters 1, 2, 3 and 7 say "five trial forums"; that was true when each was written, and section VI returns to the case that changed it. Chapters 4, 5 and 6 state no forum count at all, so nothing in them needed changing.

Against those actions the corpus records 66 court findings involving 26 distinct judges, 327 canonical party entities, 22 dispute groups, 35 filing-restriction indicators, and 1,667 timestamped public statements drawn from 616 in-scope videos.

The two figures the whole argument rests on are unchanged in kind and larger in degree. On 3 February 2026 Magistrate Judge Latella's footnote in C055 counted "at least twenty-two separate actions in this Court"; restricted to that forum and that date, the same union-find returns **22**, and unrestricted it returns **65**. On 13 July 2026 Judge Munley's order in C057 recorded 38 M.D. Pa. lawsuits since December 2023; the same method returns **38** in forum and **85** across all forums. The exact reproduction is the method's licence for the second number, and `detection_gap.py` exits non-zero if it ever stops reproducing them.

The gaps are 43 and 47. The highest number any court has stated about this record is 38.

II. The null result

Set beside that record, the outcome column is empty, and it is empty in a specific way worth stating precisely.

- **Zero pre-filing orders.** No filing restriction of any kind has been entered against this plaintiff in any tracked case, in any forum.
- **Zero monetary sanctions on any action he commenced.** None has been verified anywhere in the corpus.
- **Two sanctions in total,** both non-monetary, both terminating, both entered by the same judge in the same department of the Los Angeles Superior Court on that court's own order to show cause, for failing to appear (C101, 13 October 2025; C102, 14 July 2026).
- **One fee award in the whole record, and it runs the other way** — it sits on C100, one of the four actions filed *against* him.
- **Two vexatious-litigant requests, neither ever decided.** In C046 a defence motion was filed on 31 March 2026; the docket was read through entry 158 and records no ruling. In C102 the court held in July 2026 that the designation was beyond the scope of the motion to quash then before it and that a separate motion would be required. That motion was never filed.

The last of those matters more than the others, because it forecloses the easy explanation. It is not the case that nobody asked, and it is not the case that nobody assembled the record across forums. In C066 — a Lackawanna action removed to the Middle District of Pennsylvania on 2 April 2026 — the defence exhibits put material from two California Superior Court matters against the same defendant onto a Pennsylvania federal docket. This project had tracked neither; it now holds them as C101 and C102, and they are the two actions in which the only sanctions in this record were entered, neither of them for anything to do with filing volume. Six days after the removal, that docket and its companion C063 both carried show-cause orders concerning improper venue and possible transfer. The one place in this corpus where the cross-forum record was gathered, it was gathered by a private party, and the institution's answer was about where the case belonged.

Two requests, no decisions. That is not a doctrine that considered restriction and declined it on the merits. It is a doctrine that was asked and did not answer.

III. Four propositions this project began with, and what its own exhibits did to them

The front matter of this book states a finding about motion-dependence. That is not the finding the project set out to demonstrate, and the distance between the two is the most useful thing a conclusion can record — it is the part a reader cannot reconstruct from the chapters, and the part a future researcher will otherwise repeat. Four of the propositions this project began with did not survive contact with its own data. Each was replaced by something narrower, and each replacement is better evidenced than the thing it replaced.

"Docket-local by construction" is false on the text. The proposal's thesis statement asserted that every restricting mechanism triggers on repetition visible to the court being asked. Chapter 2 read the four regimes against free primary sources and found otherwise. 28 U.S.C. § 1651 states no predicate at all, so every federal pre-filing standard is judge-made gloss. The Second Circuit's first *Safir* factor is "the litigant's history of litigation" — unqualified, naming no court. Pa. R.C.P. No. 233.1's predicate is "a prior action," also unqualified, and *Coulter v. Ramsden* applied it to a prior *federal* action. Cal. Code Civ. Proc. § 391(a) defines litigation as any proceeding "in any state or federal court," solving aggregation by definition. The replacement finding is sharper than the one it replaced: **every regime is narrower on the remedy side than on the predicate side.** California may count federal filings and § 391.7 restrains only "the courts of this state." *Safir* permits unlimited history and the approved injunction reached federal actions. Rule 233.1 will count a federal prior and bars only same-defendant, same-claim, pro se refilings. Seeing further than you can reach produces nothing.

"Widen the aperture and the threshold fires" is false here. Chapter 7 built an aperture lattice — same court, same state, all federal, all forums — and tested every counting rule against the replay. Every threshold fires early under every aperture that could have applied. Run § 391(b)(1) as written and it clears inside a *single* court between the seventh and ninth actions he commenced, on New York Supreme Court filings, no later than 11 March 2024 — nearly two years before the first judicial count. At the thirtieth action he commenced (C006, Lackawanna County, 23 April 2025) the priors visible were 5 in that court, 16 across Pennsylvania, 0 federal and 29 across all forums. The apertures are also a **lattice, not a ladder**: "all federal" is incomparable to "same state," and on this record the comparison is lopsided — 282 pairs where a federal aperture sees what a state

one does not, against 3,487 the other way. Those two figures are this chapter's own re-run of chapter 7's exhibit, not a quotation of it: chapter 7 reports 188 and 3,463 as of 2026-09-03, and C105 moved both. **Detection was never the binding constraint.**

The escalation ladder is not a progression. Chapter 4 pre-registered four propositions about a filer moving outward from counterparties to counsel, platforms, regulators, government and finally adjudicators. One was refuted outright and two more failed to find any trend at all — a distinction that chapter now draws explicitly, because a non-significant rank correlation is a failure to find rather than a refutation. The one that was refuted, E1, depends on a definitional choice the chapter tests rather than assumes: C099 reaches the top rung only if a private arbitral institution counts as an adjudicator alongside a sitting judge, and under the alternative reading E1 holds. What does not depend on the choice is the observation itself. C099 — the sixth action he commenced, filed 11 January 2023 — names an opposing party, his own former attorney, the arbitrator and the arbitral institution in one complaint, spanning the bottom, middle and top of the supposed ladder two and a half years before he first sued a judge. What the record supports is that **the ladder is additive rather than substitutive**: rungs open and never close, 74 of the 91 actions still name a counterparty, and what the later period adds is volume rather than height. Volume is what chapter 1's two footnotes were counting.

The cost story ran the opposite way from the outline, and its one surviving proposition is the one that limits it. Chapter 6 expected a filer minimising his own cost. Where the record speaks — 20 of the 101 records he commenced carry any statement about how the filing was paid for — it says the fee was paid three times as often as it says it was waived, including seven actions filed on a single day, 29 July 2026, under one receipt for \$2,835. That proposition is recorded as **unsupported rather than refuted**, because fee status entered this corpus where a court had reason to remark on it and payment is the remarkable case; what the record affirmatively establishes is a floor of \$4,050 paid at intake, which is enough to dispose of "near zero" without supporting any rate. Meanwhile the proposition that cost imposition is a *marginal* public theme held: 17 of 1,667 statements, **1.02%**, carry it. That number limits the chapter that reports it, and is stated before the quotations rather than after them.

A book whose exhibits refuted its own outline four times is not thereby a weaker book. It is the reason the remaining claims are worth anything.

IV. What survives

Strip away what the exhibits refuted and the residue is narrow, and it is not what the project expected to be arguing.

The failure in this record is **not a perception failure**. Judges of the Middle District of Pennsylvania noticed, said so in strong terms, and told each other: Carlson's "prodigious, but prodigiously unsuccessful, pro se litigant" characterisation of November 2025 was echoed in a companion report and expressly ratified by Munley in July 2026, after she reviewed the cases it rested on. Nine months of that, and the *characterisation* travelled while the *count* never left the district.

It is **not an authority failure**. Three of the four predicates chapter 2 read are drafted broadly enough to reach the whole record already: the Second Circuit's first *Safir* factor, which names no court; Pa. R.C.P. No. 233.1's "a prior action", held to include a federal one; and Cal. Code Civ. Proc. § 391(a), which says so in terms.

It is **not an information failure**. The dockets are public and this project found them with free tools. Beyond that, chapter 5 established that the filer narrated his own litigation continuously and in public across 1,667 timestamped statements from June 2022 onward. On this project's own classification of them, 445 describe filing conduct under a closed vocabulary and 47 describe repeat filing on the same dispute — figures chapter 5 §II reports as **illustrative rather than as counts**, because that classification has one coder and no reliability evidence.

The claim here does not need them, which is why it survives the caveat intact. What carries it is the part that rests on records rather than on readings: **statements naming cases that sit in two or more different courts, and cases that sit on both sides of the state–federal line**. Which cases a statement names and which court each sits in are recorded facts, and on those facts the cross-forum aggregation no institution performed was being performed out loud, continuously, for four years. The information was free, public, timestamped and in his own voice throughout.

And it is **not a detectability failure**, because chapter 7's replay fires every threshold years before anyone looked.

What is left is the thing none of those covers. **Nothing in this record converts a visible pattern into a consequence across a sovereign boundary**. Noticing and restricting run on separate tracks, and only the second requires a count. A

characterisation travels between judges and requires no count. Preclusion requires a prior judgment between the same parties and disposes of one case — Judge Mehalchick's *res judicata* holding in C054 in February 2026 is the closest any court in this record came to treating one action as a fact about another, and it was preclusion. A filing restriction requires a *pattern*, a pattern requires a count, and no institution here was constituted to keep one.

Chapter 1 ended by posing the question this section has now answered, and the answer is not the intuitive one. The intuitive answer is that the aperture is too narrow — that a judge asked how many actions this plaintiff has filed simply cannot be shown more than his own docket holds. Chapter 2 disposed of that on the text and chapter 7 disposed of it on the record. The doctrine's problem is not the size of the aperture. It is that there is no one whose job is to look, and no rule saying what follows if they do.

V. The reform that follows, and the one that does not

Chapter 7 tested four designs against the record and reached a narrower conclusion than it set out to reach: **an aggregator is necessary and demonstrably insufficient**. Necessary, because *Ringgold-Lockhart* requires that an adequate record for review list all the cases and motions, and nothing in this system produces that listing. Insufficient, because on this record the listing was already producible — a New York clerk could have counted to five in 2023 — and no consequence attached to its producibility.

So the load-bearing reform is not the aperture. It is **the trigger and the consequence**: who is obliged to look, and what follows when they do. § 1915(g) is the proof that Congress can write a cross-forum counting rule when it wants one — it counts dismissals in any "court of the United States" — and the proof that the omission everywhere else is a choice rather than an impossibility. Its reach is prisoners proceeding in *forma pauperis*, in federal court, and its consequence is the loss of fee waiver. It is small, it is thirty years old, and it is the only one.

One counterexample belongs here before those recommendations, because it is the only thing in this record that behaves the way the reform above asks an instrument to behave, and it was not designed for the purpose at all.

Three appeals in this corpus were dismissed for an unpaid fee. The Third Circuit dismissed No. 24-3329 "for failure to timely prosecute insofar as appellant failed to pay the requisite fee as directed" — \$605 — six months after the district court had certified that the appeal was not taken in good faith, and nothing else disposed of it. The Superior Court of Pennsylvania dismissed Nos. 711 and 723 MDA 2026 for an unpaid \$91.25 apiece, in each case having also quashed the appeal *sua sponte* on jurisdictional grounds, so there the fee is an independent and sufficient ground rather than the only one. Chapter 6 §II separates the three.

Set that beside everything else in this chapter. Across 93 actions, four restriction regimes, 72 court findings and two requests for a restriction, **the one price that has repeatedly stopped a proceeding is a ninety-one-dollar appellate filing fee.**

Two properties make it the proof of concept rather than a curiosity. **It required no motion.** No defendant assembled anything, asked for anything, or bore any cost; a clerk applied a schedule and the court applied its own rule — and in the two Pennsylvania appeals the court reached the jurisdictional defect *sua sponte* as well, which is the same property showing up twice in one order. That is precisely the trigger the rest of this chapter says the doctrine lacks. And **it carried a consequence that attached automatically to a condition**, rather than to a judgment about the filer. Nobody had to decide anything about his litigation history for it to fire.

It is also, deliberately, a small point. An appellate filing fee is not a vexatious-litigant remedy, prices nothing about the pattern, and would stop a meritorious appeal by an impecunious litigant exactly as readily — which is why § 1915 exists and why chapter 6 declines to recommend making entry more expensive. What it demonstrates is narrower and more useful: **a rule that fires on a condition rather than on someone's initiative does operate in this system, at scale, today.** The reform this book points at is not a new kind of instrument. It is that kind of instrument, pointed at the pattern instead of at the fee.

Two cautions the exhibits impose on any such design, both of which cut against the argument and both of which belong here rather than in a footnote. A pure velocity flag set at three actions in ninety days fires on this corpus's **first day**, 9 March 2018 — a false positive in our own data, generated by three same-day filings. And chapter 5's caution runs the other way: an aggregator counting only dockets would have run a week behind filings this record announced in advance, while one counting announcements would have counted a suit in every state he

said he would sue in, most of which were never filed. Neither the docket nor the narration is sufficient alone, and a threshold cheap enough to be automatic is cheap enough to be wrong.

VI. A sixth forum, five days ago

The strongest argument against a thesis about structural invisibility is that the structure might have changed while the book was being written. On this record it did not.

Dispute group DSP006 concerns a failed 2025 wagyu shipment. It began as C015 in Lackawanna County on 22 July 2025. A defendant removed it to the Middle District of Pennsylvania on 21 August 2025, where it became C057 — and C057 is the case Judge Munley dismissed on 13 July 2026, in the order whose footnote produced the second of this book's two judicial counts. An appeal from that dismissal was docketed at the Third Circuit as No. 26-2838. Then, on **1 September 2026**, an action naming the same canonical defendant on the same dispute was filed in the **Eastern District of New York** as C105, a court that has never seen any part of it, while the appeal was pending.

Three trial forums and an appellate court on one dispute. The judge who wrote the largest number any court has put on this record dismissed the case fifty days before it reappeared in a district that had never seen any part of it, and nothing in the intake of that district connects the two.

Two things must be said about C105 rather than left to implication. It is coded `RefilingOfPriorCase = Unclear`, not `Yes`: no document on the docket is obtainable through RECAP, the Internet Archive or GovInfo, so the complaint could not be read, and the protocol requires Unclear over a guess when the third condition — substantially the same claims — cannot be established. The indicator recorded against it is Moderate for the same reason. And this is one action, not a demonstration. The demonstration is the other 94.

VII. What this record cannot settle

Stated plainly, because these bound the claims above rather than decorating them.

1. **Intent is not in the corpus.** Nothing establishes that actions were distributed across forums *in order to* avoid aggregation. Ten of the cross-forum pairings exist because a defendant removed the case, which is the defendant's choice.

The filer narrates his own litigation constantly and in public, which is close to the opposite of concealment. Distribution is a property of the record; motive is not in it.

2. **This is one filer.** The mechanism generalises only as far as the argument about the regimes does, and the regimes were read as texts rather than sampled across filers.
3. **ProSe is blank on 45 of 105 records** — 54 Yes against 60 recorded values. It blocks no chapter, but it means no quantitative claim is made about how many of these actions were filed without counsel, and Pa. R.C.P. No. 233.1 reaches only pro se plaintiffs.
4. **The appellate layer became first-class hours after this chapter was drafted, and was verified four days later.** `thesis/exhibits/appellate_layer.py` records 30 appellate dockets arising from 22 trial-court records, none of which crosses a sovereign boundary: the second de-duplication axis multiplies records without widening reach, which is this thesis's own finding one level up. 19 of the 30 are now checked against the reviewing court's own docket, up from 7; 8 carry a number whose status is unconfirmed and 3 an appeal whose number was never recovered, so posture counts drawn from that table remain a floor rather than a census. The asymmetry the pass exposed belongs in this list too: Pennsylvania publishes a free appeal docket sheet carrying the disposition text itself, while the federal circuits publish no free docket at all — every federal disposition here had to be read from the district docket below, and eight of the eleven rows still unresolved are federal on that account.
5. **No coded variable in this project has an inter-rater check.** The repeat-filing code had a rule-versus-judgment audit at 80.4% agreement across 18 adjudicated disagreements standing in for one; the statement classification, now by a wide margin the largest coded variable here, has nothing equivalent. As of 2026-09-11 the consequence is carried in the text rather than only admitted in this list: chapter 5 §II separates figures that rest on a record join, which are counts, from figures that rest on the classification, which are reported as illustrative — and this chapter's arguments are built on the first kind wherever the record allows. Closing the gap needs a deterministic screen of the sort `thesis/protocols/01-refiling.md` describes, written up as a third protocol and run against a stratified sample.

6. **No defence cost is recorded anywhere.** Not one invoice, fee petition or cost declaration for any of the 91 actions he commenced. Every dollar figure on the burden side is a party's estimate.
7. **Ohio and Texas are unverified.** Both appear to maintain published vexatious-litigant registers, which would refine chapter 2's hedge that California's is the only one this project has verified, and would change chapter 7's third remedy. Their statute hosts refuse automated connections, so no claim is made about either.
8. **The corpus is still moving.** It gained a docket record and a sixth forum on the day this chapter was written, after two other chapters had already been drafted against the older totals. Every number above carries its as-of date for that reason.

None of these makes the null result contingent. Zero pre-filing orders and zero monetary sanctions across 91 actions is not a figure that a better `ProSe` column or a first-class appellate table would revise.

VIII. The finding

A litigant filed 91 actions across six courts in three states over eight years. Twenty-six judges wrote 66 findings about them, in language that includes frivolousness, jurisdictional manipulation, futility of amendment and claims identical to claims already dismissed. Four restriction regimes were available. Two parties asked for one. Every counting threshold that any of those regimes states was satisfied years before any judge put a number on the record, under every aperture that could have applied.

And the highest number any court has stated is 38, of 95.

That is not a finding about this litigant, and this project has been careful throughout not to make one — no court has determined that he is a vexatious litigant, and the whole point of the argument would collapse if a research classification were allowed to stand in for the determination whose absence is the subject. It is a finding about the instrument. American vexatious-litigant doctrine can count, in three of its four regimes, further than anyone has ever asked it to count. What it cannot do is oblige anyone to ask.

A NOTE ON WHAT THE CLASSIFICATIONS HERE ARE

Two categories of statement appear above and must not be confused.

A **court finding** is something a court said, in an order, opinion or report and recommendation, sourced to that document. The two footnote counts, the "prodigious" characterisation, the res judicata holding, the two Los Angeles sanctions and the C102 ruling on scope are court findings.

A **research classification** is this project's own coding of the record under a published rule. The repeat-filing codes, the filing-restriction indicators, the statement tiers and factors, and chapter 4's rung labels are research classifications. They are not judicial findings, and they are not a judicial determination that anyone is a vexatious litigant. No court has made that determination in this record. That is the conclusion's point, and blurring the line while making it would be self-defeating.

SOURCES

Every row below is in `research-data/research.db`. Nothing in this chapter's factual claims about the litigation originates outside it. This chapter restates figures established in chapters 1 through 7; where a figure is produced by an exhibit rather than read from a single row, the exhibit is named and should be re-run rather than trusted.

CLAIM	TABLE / EXHIBIT	ROW	DOCUMENT
95 originating actions from 105 docket records; 91 commenced by the filer	<code>thesis/exhibits/detection_gap.py</code> over <code>cases</code>	—	run the script
Latella footnote, "at least twenty-two separate actions in this Court" (2026-02-03); 22 in forum, 65 all forums	<code>court_findings</code> id 62, C055	—	GovInfo, USCOURTS-pamd-3_25-cv-01400-0
Munley order, 38 M.D. Pa. lawsuits since Dec. 2023 (2026-07-13); 38 in forum, 85 all forums	<code>court_findings</code> id 7, C057	—	midpage, <i>Tufano v. All-Ways Forwarding</i>
Carlson R&R, earliest recorded use of "prodigious, but prodigiously unsuccessful" (2025-11-04)	<code>court_findings</code> id 22, C058	—	GovInfo, USCOURTS-pamd-3_25-cv-01574-0
Mehalchick, claims barred by res judicata as identical to claims dismissed earlier (2026-02-25)	<code>court_findings</code> , C054	—	M.D. Pa. docket
Six courts, three states; records by court	<code>cases</code>	<code>Court</code>	—

CLAIM	TABLE / EXHIBIT	ROW	DOCUMENT
66 court findings, 26 distinct judges; 327 canonical entities; 22 dispute groups; 35 indicators	court_findings, defendant_aliases, disputes, vexatious_indicators	full tables	—
Zero pre-filing orders; zero monetary sanctions on actions he commenced	sanctions; cost_side.py gate G9	scope notes, ids 1–2	—
Two non-monetary terminating sanctions, L.A. Superior Dept. 205, on the court's own OSC	sanctions	ids 5 (C101, 2025-10-13), 6 (C102, 2026-07-14)	LA Court Access Portal
The one fee award in the corpus sits on C100, an action filed against him	court_findings; cost_side.py gate G6	—	—
Vexatious-litigant motion filed 2026-03-31, undecided through docket entry 158	vexatious_motions id 1, C046	—	CourtListener docket 69532577
Vexatious-litigant argument held beyond the scope of the motion to quash; separate motion never filed (2026-07-08)	vexatious_motions id 2, C102	—	LA Court Access Portal
C066 removed to M.D. Pa. 2026-04-02; defence exhibits surface California matters 25SMCV00041 / 25SMCV05503, now C101 / C102; show-cause orders on improper venue six days later on C066 and C063	cases, litigation_timeline	C066 (ResearchNotes); LT018, LT019	CourtListener docket 73136891
§ 391(b)(1) clears in one court between actions #7 and #9 (C091 2023-02-01, C092 2024-03-11); 3-in-90 velocity fires on the first day (C086, 2018-03-09); action 30 is C006, 2025-04-23, priors 5 / 16 / 0 / 29	thesis/exhibits/agggregator_test.py	—	run the script
Aperture lattice incomparable: 282 federal-only pairs against 3,487 state-only	same	—	run the script
C099, the 6th action commenced (2023-01-11), names counterparty, former counsel, arbitrator and arbitral institution	thesis/exhibits/escalation_ladder.py; cases C099	—	run the script
Ladder additive, not substitutive; 74 of 91 actions still name a counterparty	same	—	run the script
20 of 101 commenced records state a fee status; seven actions filed 2026-07-29 under one receipt, \$2,835	thesis/exhibits/cost_side.py; cases C077–C083	ResearchNotes	M.D. Pa. 3:26-cv-02132 – 3:26-cv-02138

CLAIM	TABLE / EXHIBIT	ROW	DOCUMENT
1,667 statements from 616 in-scope videos, June 2022 onward; 445 carry a filing-conduct factor; 47 repeat filing on the same dispute; 17 cost imposition (1.02%)	thesis/exhibits/narrated_docket.py over video_statements	—	run the script
DSP006: C015 (Lackawanna, 2025-07-22) → C057 (M.D. Pa., 2025-08-21, dismissed 2026-07-13) → 3d Cir. 26-2838 → C105 (E.D.N.Y., 2026-09-01)	cases, disputes	C015, C057, C105; DSP006	CourtListener docket 74752065
C105 coded Unclear, not Yes; indicator Moderate; complaint unobtainable	cases C105 (RefilingBasis); vexatious_indicators VI035	—	—
Three appeals dismissed for unpaid fees: 3d Cir. No. 24-3329 (\$605, C042); Pa. Super. Nos. 711 and 723 MDA 2026 (\$91.25 each)	appeals; ch. 6 §II	—	reviewing courts' own dockets
ProSe blank on 45 of 105 records, 54 Yes against 60 recorded	cases	ProSe	—

Reliability caveats carried forward. The repeat-filing variable was coded by a single coder; a rule-versus-judgment audit against a deterministic screen ran in place of an inter-rater check, at 80.4% agreement, with all 18 disagreements adjudicated in `thesis/protocols/01-refiling.md`. The statement tiers and factors were likewise assigned by a single coder against the published rubric, with no equivalent audit. Chapter 4's rung labels were deliberately never written to the database, for the reasons stated in `thesis/protocols/02-escalation.md`.

LEGAL AUTHORITIES

Non-corpus material, kept separate from the table above. This chapter cites no authority that an earlier chapter did not already read from a free, publicly openable primary host; the chapter that verified each is named, and no new fetch was made for this one.

AUTHORITY	PROPOSITION RESTATED HERE	VERIFIED IN	HOST
28 U.S.C. § 1651	States no predicate; every federal pre-filing standard is judge-made gloss	ch. 2	Cornell LII
28 U.S.C. § 1915(g)	Counts dismissals in any "court of the United States" — the one cross-forum counting rule	ch. 2	Cornell LII
Pa. R.C.P. No. 233.1	Predicate is "a prior action," unqualified; fires only on a defendant's motion; pro se plaintiffs only	ch. 2	Pa. Code

AUTHORITY	PROPOSITION RESTATED HERE	VERIFIED IN	HOST
Cal. Code Civ. Proc. § 391(a), (b) (1), § 391.7	Defines litigation as any proceeding "in any state or federal court"; restrains only "the courts of this state"	ch. 2, ch. 7	leginfo
22 NYCRR 130-1.1	Per-action sanctions, money only; not a filing rule	ch. 2	see verification note
<i>Safir v. U.S. Lines</i> factor 1	"The litigant's history of litigation" — unqualified, names no court	ch. 2	CourtListener v4 search
<i>Coulter v. Ramsden</i> (Pa. Super. 2014)	Rule 233.1 applied to a prior federal action	ch. 2	CourtListener v4 search
<i>Ringgold-Lockhart v. County of Los Angeles</i> , 761 F.3d 1057 (9th Cir. 2014)	An adequate record for review should list all the cases and motions	ch. 7	CourtListener v4 search

Verification note. Pin cites are omitted throughout: the free full-text hosts used by this project mostly lack star pagination, and an unverified pin cite is worse than none. 22 NYCRR 130-1.1 is restated from chapter 2's reading; `nycourts.gov` returns 403 to automated fetches, so chapter 2 recorded that limitation and this chapter inherits it rather than re-asserting a source it cannot open. The show-cause orders described in section II are cited from the corpus's own chronology rows, which record them as concerning improper venue and possible transfer; no row names the statute they issued under, so none is cited here. Ohio R.C. 2323.52 and Texas Civ. Prac. & Rem. Code ch. 11 are named in section VII as unverified and **no claim is made about either**; their statute hosts refuse automated connections, and closing that gap needs a browser pass.

Appendix A · Coding protocol 01 — RefilingOfPriorCase

Status: applied to the full corpus. **Coded:** 2026-08-28, all 102 docket records / 92 originating actions. **Coder:** one. **Executable form:** thesis/protocols/refiling_rule_coder.py.

This is the written rule behind the thesis's core independent variable, published here because an empirical chapter with no stated protocol is not defensible. It governs three columns on the cases table:

COLUMN	VOCABULARY	SET WHEN
RefilingOfPriorCase	Yes / No / Unclear	always
RefilingEvidenceStrength	Strong / Moderate / Context	only on Yes
RefilingBasis	free text, opening Prior: C0nn; C0mm.	required on Yes and Unclear; optional on No, for a non-obvious exclusion

All three are **research classifications, never judicial findings**. Yes means this project, applying the rule below to the record, coded the action as repeating an earlier one. It is not a court's holding, and it is emphatically not a vexatious-litigant determination. RefilingEvidenceStrength deliberately reuses the three values and the meaning of vexatious_indicators.EvidenceStrength, which carries the same caveat.

Unit of analysis

The **originating action**, not the docket record — union-find over SameActionAsCaseID, the same de-duplication tools/build_seo.py and thesis/exhibits/detection_gap.py apply. A state case and its federal removal are

one action. The coded value is written identically to every docket record in a same-action group, so the column is usable at either grain; `refiling_rule_coder.py --validate` fails if a group is ever coded two ways.

92 actions, of which 88 were commenced by this plaintiff.

The rule

An action is a **refiling** when, at the moment it was commenced, the plaintiff had already commenced a **prior, distinct originating action** arising from the **same underlying dispute**, and the new action **re-asserts substantially the same claims**.

Yes requires all three conditions.

1 — A prior, distinct action, commenced by this plaintiff. Filed on a strictly earlier date, with a different union-find root. Three exclusions:

- A **removal or transfer** of the same action is not a prior — that is what the union-find is for.
- A **direct appeal within the same action** is not a refiling. This mirrors the rule the corpus already applies to `video_statements.pattern_factor`, where a direct appeal is deliberately *not* `Filing after an adverse decision`: that factor means a new or repeat action, not the ordinary appellate remedy.
- An action **not commenced by this plaintiff** is neither a refiling nor a prior. Four records are suits against him — C100 (Saladino), C022 (Fidelity Bank), C031 and C037 (American Express) — and are coded `No` with the exclusion recorded.
- A **same-day companion** is not a prior. Where two actions share a filing date the data cannot order them, so neither qualifies; the relationship is recorded in the rationale instead. This affects C086/C087/C088, C019/C055, C020/C056, C061/C074 and C063/C066.

2 — The same underlying dispute. Satisfied by a shared `DisputeID`, or — for any pair — by the two claims summaries describing the same real-world transaction or event. Dispute groups are described in `CLAUDE.md` as analytical navigation aids, so a shared id is sufficient but not necessary: 29 cases carry no `DisputeID` at all, and at least one action (C058, carrying DSP007) plainly belongs to another cluster's underlying dispute. Coding across group boundaries is therefore permitted and is recorded in the basis when used.

3 — Substantially the same claims. The two claims summaries plead the same core wrong against at least one shared canonical defendant, resolved through `defendant_aliases`. Added defendants or added legal theories do not defeat this; a genuinely distinct transaction does.

Adverse termination is deliberately not required

A prior adverse decision is **not** an element of `Yes`. That is what keeps this variable distinct from *res judicata*. A duplicate filed while the first action is still pending is exactly the conduct this thesis measures, and the doctrine's inability to aggregate it is the point. Adverse termination instead drives the strength grade.

Strength

Set only on `Yes`. **Strong** requires one of three limbs:

1. **A court said so** — a `court_findings` row, or a `vexatious_indicators` row with `ResJudicataFinding` or `DuplicativeOrIdenticalFinding` = `Yes` (C054, C055, C059, C073).
2. **Prior adverse termination + same claims + same defendants** (C091, C006, C019, C050, C052, C061, C064, C072).
3. **Documented verbatim carryover** between the two pleadings, even without an adverse termination (C028, where the later complaint's account-ban paragraphs still name TikTok while the newly added defendants are Google and Alphabet).

Moderate — conditions 1–3 met, but no judicial characterisation, and either the prior action was still pending (a concurrent cross-forum duplicate) or the claim sets overlap on the underlying wrong rather than matching.

Context — same dispute and a shared defendant, but the claims summaries show a materially different wrong. This is the escalation pattern: a new action aimed at opposing counsel, the arbitral forum, a platform or a regulator over the conduct of the earlier dispute (C099, C047, C058, C065, C071).

No and Unclear

No — no earlier qualifying action shares the dispute; or the only earlier record is the same action; or the claims arise from a genuinely distinct transaction. Basis is left blank unless the exclusion is non-obvious — a shared defendant or a recycled legal theory that does *not* amount to a refiling. Four such exclusions are recorded:

C038 (the Freemasonry-bias theory is recycled from C059 and C035/C063/C066, but the conduct sued upon — the Lackawanna bench's handling of his own motions — is a new transaction), C070 (shares a retailer with the DSP010 Best Bar action but concerns a different product and copier), C048, and C092.

Unclear — a prior action plausibly overlaps but the record cannot support condition 3. Three actions: C081, C083 and C085, each one where the complaint is unavailable through RECAP and no opinion has issued. **Unclear** is required over a guess. C081 is the sharpest case: the seven-defendant lineup is *identical* to C041, which was dismissed with prejudice, but the claims summary records expressly that "this case must still not be described as raising claims identical to C041."

Result

As of **2026-08-28**, across 92 originating actions:

CODE	ACTIONS
Yes	43
No	46
Unclear	3

Of the 43 **Yes**: **13 Strong, 25 Moderate, 5 Context**. Against the 88 actions this plaintiff commenced, 43 — a little under half — repeat an earlier one. The 43 are concentrated exactly where the filing rate is: 1 in 2022, 2 in 2023, 2 in 2024, **20 in 2025, 18 in the first eight months of 2026**.

Regenerate with `python thesis/protocols/refiling_rule_coder.py --validate`; the corpus is still growing and every count needs its as-of date.

Reliability

thesis/README.md asks for an inter-rater check on a ~10-case sample. **There was no second coder, and this protocol does not claim inter-rater reliability**. What was run instead is a **rule-versus-judgment audit** over all 92 actions, which is a weaker instrument and is reported as such.

`refiling_rule_coder.py` implements the *mechanically decidable* part of the rule — condition 1, condition 2 restricted to shared `DisputeID`, canonical-defendant overlap, and a lookup of whether a court already characterised the pair. It cannot

read two claims summaries against each other, so it cannot implement condition 3. Its predictions were generated before the coding pass and compared afterwards:

```
python thesis/protocols/refiling_rule_coder.py --compare
agreement: 74/92 = 80.4% (18 to adjudicate)
```

Because the screen is a deliberately weaker instrument, a disagreement is a finding about what reading the claims text added, not an error in either column. All 18 are adjudicated below. They fall into five groups, and the pattern is itself worth reporting: **the screen's failures are almost all failures of the corpus's own party and dispute metadata, not of the rule.**

Group A — the screen missed a shared defendant because of a data gap (2)

ACTI ON	SCR EEN	CODED	WHY
------------	------------	-------	-----

C04 7	Uncl ear	Yes / Context	C040's <code>defendants</code> roster omits the Shopify entities its own claims summary names as the lead defendants.
----------	-------------	------------------	---

C05 2	Uncl ear	Yes / Strong	C042's defendant is recorded as <code>Fenix Internet, LLC</code> and C011/C052's as <code>Fenix Internet LLC</code> ; no <code>defendant_aliases</code> row joins them.
----------	-------------	-----------------	---

Both are real defects in `defendants` / `defendant_aliases`, surfaced by this pass and recorded in Limitations below. Neither was fixed here — repairing canonicalisation changes published `/defendants/` pages and belongs to its own task.

Group B — condition 1 needed a rule the screen did not have (1)

ACTI ON	SCR EEN	COD ED	WHY
------------	------------	-----------	-----

C04 8	Uncl ear	No	The only earlier DSP003 record is C100, <i>Saladino v. Tufano</i> , in which Tufano is the defendant. A prior must be an action he commenced.
----------	-------------	----	---

This disagreement is what produced the third exclusion under condition 1.

Group C — no dispute group, so the screen could not test condition 2 (5)**ACT SCR CODED WHY
ION EEN**

C026	Uncl ear	Yes / Moderate	Neither C026 nor C009 carries a DisputeID , but both plead the same \$230,000 Fidelity Bank mortgage-payoff transaction on 25 Dundaff Street.
C058	No	Yes / Context	Carries DSP007; the underlying transaction is the DSP001 Taban surgery. Taban is also absent from C018's defendant roster (a third instance of the Group A defect).
C065	Uncl ear	Yes / Context	The Based Bodyworks claim is new, but it is joined to the recurring TikTok/ByteDance account-ban grievance already litigated in C043 and C053.
C038	Uncl ear	No	Shares Lackawanna County with earlier actions, but the conduct sued upon — the county bench's handling of his motions — is a new transaction.
C070	Uncl ear	No	Shares Sprouts Farmers Market with C036/C068, but a different product, copier and sales.

Two resolve to **Yes**, two to **No**, one to **Context** — which is the useful result: an unassigned dispute group is genuinely uninformative in both directions, so the 29 **DisputeID**-blank cases could not have been coded by screen alone.

Group D — strength changed after reading the claims (8)

Promotions to **Strong**, each on limb 2 (prior adverse termination + same claims + same defendants), which the screen cannot evaluate: **C019** (48 days after C048's dismissal, carrying C055's caption and claims), **C050** (its own summary says it pursues the theory "Tufano pursued unsuccessfully" in C040), **C061** (14 days after the R&R that called the earlier matters a trilogy), **C064** (3 days after C059's dismissal), **C072** (after C054 was dismissed on res judicata as identical to C040).

C080 Context → Moderate: VI031 grades the C080/C008 pair **Context** under the *indicator* rubric; under *this* rubric, the same sole defendant plus a filing 15 days after C008's dismissal on preliminary objections supports Moderate.

Demotions to **Context**, where the shared defendant is real but the wrong is not: **C099** (escalates onto the AAA, the arbitrator and his own attorney rather than re-asserting C090's contract claim) and **C071** (the Eriksson flyer-distribution interference, which the corpus itself already calls a narrower sub-thread of DSP001).

Group E — condition 3 unassessable, so Unclear (2)

ACT ION	SCREE N	CO DE	WHY
C08 1	Yes / Context	Unclear	Identical seven-defendant lineup to C041, dismissed with prejudice — but the complaint is not available through RECAP and the corpus expressly forbids describing it as identical to C041.
C08 5	Yes / Moderate	Unclear	RECAP holds a metadata stub with nature of suit, cause and jurisdiction all empty; the causes of action could not be established at all.

The screen reaches **Yes** in both because party and dispute overlap is all it looks at. The rule requires condition 3, and where the pleading is unreadable the honest code is **Unclear**.

Limitations

- 1. No second coder.** See Reliability. The rule-versus-judgment audit substitutes for the inter-rater check `thesis/README.md` asks for; it is not equivalent, and any published use of this variable should say so.
- 2. Condition 3 rests on claims summaries, not on the pleadings.** 101 of 102 cases carry a "Claims summary" research note, but a substantial minority of those are themselves sourced to docket coding rather than to the complaint's own text — the notes say so, case by case. Where that made the comparison impossible the code is **Unclear** (3 actions); where it made it thinner but still possible, the grade is capped at Moderate and the basis records why. **C092 has no claims summary at all**, so condition 3 could not have been assessed had a candidate prior existed; it is screen-negative on both dispute and defendants, so **No** stands, but the gap is real.
- 3. Defendant canonicalisation has gaps.** Three surfaced in this pass alone: C040's roster omits Shopify, Fenix Internet, LLC and Fenix Internet LLC are not aliased, and Taban is absent from C018's roster though the claims summary names him. Each was worked around by hand here. Any *future* mechanical use of the screen will keep hitting them until `defendants` / `defendant_aliases` are repaired.

4. **Dispute assignment is incomplete and, in one case, internally inconsistent.** 29 cases carry no `DisputeID`. Within the single action C014/C053, C014 carries DSP018 and its own removal C053 carries DSP001.
5. **A moving target.** 33 of the 92 actions were filed in 2026. Re-run the coder rather than copying these counts forward.

Related

- `thesis/protocols/refiling_rule_coder.py` — the screen, the evidence bundler, and `--validate`.
- `thesis/exhibits/detection_gap.py` — supplies the union-find this protocol's unit of analysis depends on.
- `thesis/00-proposal.md` — where the variable is used.
- `CLAUDE.md` — the evidence-layer separation this classification sits inside.

Appendix B · Coding protocol 02 — The escalation ladder

Status. Applied 2026-09-06 to all 335 canonical entities in the corpus. **Coder.** One. There was no second coder, and this protocol does not claim inter-rater reliability — see [Reliability](#) for what runs in its place. **Executable form.** `thesis/exhibits/escalation_ladder.py`, which holds the adjudicated table and thirteen validation gates and exits non-zero when a premise stops holding. **This protocol writes nothing to the database.** No rung value exists in `research-data/research.db` and none appears anywhere on [suedbyfranktufano.com](#).

Every value produced here is a **research classification** recorded by this project. It is never a judicial finding, never a determination that any filing was improper, and never a vexatious-litigant determination.

What this protocol classifies

Chapter 4 of the thesis asserts an *escalation ladder* — that the litigation moved outward from the parties to a transaction, through their lawyers and the platforms that carried it, to the bodies that license them, to government, and finally to the judges themselves. That is a claim about **what kind of entity is being sued, and when**. The corpus records who was sued; it has no column for what kind of thing they are. This protocol supplies the missing variable under a published rule, so the claim can be tested rather than asserted.

Why the values live in the exhibit and not in the database

`protocols/01-refiling.md` put its rule here and its coded values in two new `cases` columns. That precedent deliberately does **not** transfer, for four reasons.

1. **There is no row at the right grain.** A rung is a property of an entity. `cases` is the wrong grain — C063 touches four rungs at once, and a single column would have to collapse to a top rung and destroy the very distribution the chapter measures. `defendants` would repeat one value across up to 144 rows for a single action. `attorneys` is the only entity-grain table in the schema and it holds six rows.
2. **A stored value becomes published content.** `tools/build_seo.py` generates a `/defendants/<slug>/` page for every canonical party tied to two or more originating actions. A rung written to the database would surface there as a label — "Adjudicator", "Regulator" — attached by name to living people, including eight named judges and dozens of private individuals. `RefilingOfPriorCase` at least had `court_findings` or `vexatious_indicators` corroboration behind a third of its `Yes` values. A rung has a first-class table behind **six entities out of 335**. One coder, no second rater, no judicial corroboration, published under a named person: that does not clear.
3. **Nothing needs it.** Every figure chapter 4 cites is regenerated by the exhibit.
4. **It keeps the change reversible.** No export, no rebuild, no page moves.

The cost is that `refiling_rule_coder.py --validate`'s style of check on stored codes is unavailable here. The exhibit compensates: `ADJUDICATED` is a frozen module-level table and gates G2, G3 and G6 check it for closure, liveness and evidentiary anchoring on every run.

Unit of analysis

The canonical entity, keyed on `defendants.DefendantID`.

Three canonicalisation schemes exist in this repository and they do not agree:

SCHEME	WHERE IT IS USED	ENTITIES
<code>exact-match</code> <code>defendant_aliases</code> lookup	<code>refiling_rule_coder.load()</code> , <code>aggregator_test.load()</code>	336
<code>norm_name()</code> punctuation-collapsed lookup	<code>tools/build_seo.py</code> — what the public site uses	—
<code>defendants.DefendantID</code>	the <code>defendants</code> table itself	335

This protocol uses `DefendantID`, against the house pattern, for one concrete reason. `defendant_aliases` contains `Jeffrey K. Davis` → `D0137` but **not** `Jeffrey K. Davis, Esq.`, which is the string `C099` actually records. Under exact-name canonicalisation his first appearance as a *party* reads `2025-02-12` instead of `2023-01-11` — a 762-day error, on the earliest appearance of the Counsel rung, in a chapter whose whole argument is about time-ordering. It would manufacture an escalation signal that is not in the record. `DefendantID` gets it right. Gate G4 pins the divergence set at `{D0137}` so that a new split, or a repair of this one, both fail loudly.

Derived values, both computed per **originating action** (union-find over `SameActionAsCaseID`, imported from `detection_gap.py`): the action's **top rung** and its **breadth**, the number of distinct rungs it reaches.

The ladder

Rungs are ordered by **distance from the underlying transaction**: rung 1 is a party to the transaction itself; rung 6 is the machinery that adjudicated an earlier suit about it.

#	CODE	DEFINITION	MECHANICAL ANCHOR
1	<code>Counterparty</code>	party to the underlying transaction, event or publication	default
2	<code>Counsel</code>	a lawyer or law firm named as a party	<code>attorneys table</code>
3	<code>Platform</code>	online platform, marketplace, payment or review intermediary	name only
4	<code>Regulator</code>	licensing, certifying, accrediting or ratings body	name only
5	<code>Government</code>	governmental unit, agency or sovereign	name only
6	<code>Adjudicator</code>	a judge, court, arbitrator or arbitral institution named as a party	<code>court_findings (partial)</code>
—	<code>Unclear</code>	the record does not settle which rung	—

Two boundary decisions are worth stating because a reader could reasonably draw them elsewhere.

The Platform/Regulator adjacency is a judgment call. A platform carried the transaction or the speech about it; a regulator only licenses the counterparty and touched the transaction not at all, so it sits one step further out. A reader who ranks a state medical board above a marketplace would swap 3 and 4. `perturbations()` re-runs every finding with them swapped and reports whether anything moves. Nothing does — on this axis. One of the six axes *does* move a verdict, and it is the rung-6 split described below, not this one.

Sovereigns sit at rung 5, not rung 6. The Commonwealth of Pennsylvania (D0071) is sued in three different capacities across C026, C083 and C085, and only in C038 is that capacity the judiciary's. Placing every sovereign at the top rung would make rung 6 mean two things at once. Reserving it for adjudicators *named as parties* keeps the top of the ladder a claim about one thing — and C038 still reaches it, through the eight judges themselves.

The mechanical screen, and what it cannot decide

`escalation_screen()` is published in full in the exhibit. It decides rung 2 by table lookup and gestures at rungs 3–5 by disclosed regular expression. It is **much weaker than 01-refiling.md's screen**, and it is published as a disclosed weakness rather than as reliability: six of 335 entities have a first-class table behind them.

Rung 6 the screen cannot do at all. Judge-defendants are recorded surname-first with no title — Barrasse Michael J, Nealon Terrence R, Dempsey Mary D Walsh — and are typographically indistinguishable from any other individual. A two-token overlap screen against `court_findings.Judge` U `judge_aliases.CanonicalName` catches five of the thirteen and produces false positives in both directions: Gibbons James A also matches *James G. Clynes*, and Roman Stephen Nelson also matches *Stephen V. Wilson*. That screen is not fit to publish, and it is not the rule.

What grounds rung 6 is prose already in the database. The eight Lackawanna defendants are carried by the C038 `court_findings` row of 2026-07-16, in which Senior Judge Arthur L. Zulick dismissed them on **judicial immunity** and the record notes that naming one of them forced a full county bench recusal. Karoline Mehalchick, Roman Stephen Nelson and Sarah Thompson are carried by claims-summary sentences that state the role in terms — "District Judge Karoline Mehalchick (who had dismissed his first suit against Saladino)", "former S.D.N.Y.

judge Roman Stephen Nelson", "arbitrator Sarah Thompson". Claims summaries are the evidence layer for this classification exactly as they are for 01-refiling.md's condition 3.

Unclear, and the recorded exclusions

Unclear is a published, adjudicated list, not a silent default. Gate G3 fails the run if the screen elevates an entity that nobody adjudicated, so the list cannot grow by neglect.

ENTITY	WHY
D0200 McCarty Judith C, D0153 Judith C McCarthy	Named beside a former judge in C030/C064 and given no title ; no court_findings row names her. Rung 6 is plausible and unestablished.
D0297 The Illuminati	No institutional referent to place on any rung.

D0341 City of Carbondale reached this list on 2026-09-09, when C106 entered the corpus, and left it on 2026-09-10. It is a municipality, which is a rung-5 entity type on its face, and the only question was whether a caption alone may carry the elevation when RECAP holds no complaint to read. It may: the Name anchor exists for exactly that, and it is what D0318 (USDA) and D0313 (CBP) already rest on. What a Name anchor does *not* do is disguise itself — the anchoring audit below counts it on the unanchored side.

Exclusions a reader might expect and this protocol declines to make, recorded in RECORDED_EXCLUSIONS so they are auditable rather than invisible:

ENTITY	KEPT AT RUNG 1 BECAUSE
D0316/D0315/D0108 Union Lodge No. 291, D0043 Beverly Hills Masonic Lodge	Fraternal organisations. C038's claims summary names the lodge <i>under the same theory</i> as the judges, which is a role claim about the pleading, not an entity type.
D0312 Tyler Technologies Inc	A private vendor to the county, not a public body.
Regulated private utilities (PPL, Frontier, Pennsylvania American Water)	Investor-owned, not governmental.

The three named individuals sued alongside the country clubs in 2018 are likewise left at rung 1: no claims summary gives their role, and a name screen would not have known either way. Recording that is the point — the default rung is a default, not a finding.

Result

As of 2026-09-10, over the 93 originating actions this plaintiff commenced. Regenerate with `python thesis/exhibits/escalation_ladder.py`; do not copy these forward.

#	RUNG	ENTITIES ACTIONS TOUCHING	ACTIONS TOPPING OUT	FIRST OPENED
1	Counterparty	257	74	38 2018-03-09 (#1, C086)
2	Counsel	6	18	6 2023-01-11 (#6, C099)
3	Platform	31	23	22 2024-05-22 (#10, C040)
4	Regulator	6	6	4 2025-01-02 (#19, C046)
5	Government	14	19	18 2025-02-12 (#24, C049)
6	Adjudicator	12	5	5 2023-01-11 (#6, C099)
—	Unclear	2	5	0 —

The propositions, and their verdicts

The chapter's claims were stated falsifiably **before** the numbers were read.

CLAIM	REFUTED IF	VERDICT
E 1 Rungs open in ladder order.	any rung opens before a lower-numbered one	REFUTED as coded — but see the rung-6 split below
E 2 The top rung an action reaches rises with the filing sequence.	$\rho \leq 0$ or $p \geq 0.05$	NOT SUPPORTED ($\rho = 0.111$, $p = 0.29$, $n = 93$)
E 3 The counterparty rung's share declines across the sequence.	Q4 share not below Q1's	HOLDS ($0.57 \rightarrow 0.46$)
E 4 The number of rungs one action reaches rises with the sequence.	$\rho \leq 0$ or $p \geq 0.05$	NOT SUPPORTED ($\rho = 0.076$, $p = 0.46$, $n = 93$)

E2 and E4 are *not supported*, which is weaker than refuted, and the pre-registered `refuted_if` wording above is the reason the distinction has to be drawn explicitly. Those conditions were written as " $\rho \leq 0$ or $p \geq 0.05$ " and both propositions meet them, so the exhibit records `holds: false` and is right to. But a

non-significant rank correlation is a failure to find a monotone trend, not evidence that none exists, and reporting it as a refutation overstates the result. A rank correlation over the whole sequence is also the wrong instrument for what the quartile series actually shows — mean top rung 2.13 → 3.00 → 2.96 → 2.75, a step between Q1 and Q2 and a plateau after it. That shape is invisible to Spearman and is what the *additive, not substitutive* finding describes. This wording was corrected on 2026-09-11 after two external reviews; the numbers are unchanged.

E1 fails on a single observation, and it is the most important one in this protocol. C099, filed 2023-01-11 — the sixth action he commenced — names four defendants: the opposing party (rung 1), his own former attorney (rung 2), the arbitrator and the arbitral institution that decided the underlying dispute (rung 6). The top of the ladder opened in the same complaint as the second rung, two and a half years before he first sued a judge, and before platforms, regulators and government appeared at all. There is no progression to find: the ladder was reached, in one filing, near the beginning.

E3's endpoint test passes, but the quartile series is 0.57 → 0.26 → 0.35 → 0.46, which is a dip and a rebound rather than a decline. The honest statement is that **the ladder is additive, not substitutive**: new rungs open and never close, but the base never empties.

The rung-6 split, and what E1 actually rests on

E1's refutation rests entirely on whether a **private** arbitral body is an adjudicator. Two of the twelve entities on rung 6 are private — D0019, the American Arbitration Association, and D0263, the arbitrator it appointed — and the other ten are judges of a public court. The four axes above never separate them, so `perturbations()` runs two more that do, under the two readings a critic could reasonably press:

AXIS	E1	E2	E3	E4
rung 6 split — arbitral bodies on their own rung, below the bench	REFUTE D	not supported	HOLD S	not supported
rung 6 split — arbitral bodies as service providers (rung 3)	HOLDS	not supported	HOLD S	not supported

So E1's verdict is not robust to the definition of rung 6, and this protocol reports that rather than the axis that flatters it. Under the service-provider reading C099 reaches only rung 3, the first public adjudicator is Mehalchick in October 2025, the

rungs open in date order, and E1 holds.

This coding stays as published, for a reason that is an argument rather than a stipulation: C099 names the arbitrator personally as a defendant and attacks the arbitration the AAA administered. A platform is sued for what it hosts; an adjudicator is sued for how it decided. A reader who weighs that differently has the alternative verdict in the table above and does not have to take this one on trust.

Two things survive either reading. E2, E3 and E4 are identical across all six axes. And C099 still places three distinct rungs in a single complaint at the sixth action, which is the observation the chapter's §VI actually runs on.

Reliability

There was no second coder, and nothing below is inter-rater reliability. Two mechanical audits run in its place, and both are reported as what they are.

(i) Evidence anchoring. Every entity above rung 1 is carried by exactly one anchor class: `Table` (an `attorneys` row), `Finding` (a `court_findings` row), `Summary` (a claims-summary sentence stating the role) or `Name` (the name alone). Gate G6 fails the run if anything is elevated on no anchor at all — that gate is the folder's no-fact-originates-here rule mechanised at row level.

As of 2026-09-10: **49 of 69 elevated entities (71.0%)** rest on a table, a court finding or a claims summary. By class: Table 6, Finding 8, Summary 35, Name 20. The twenty carried by name alone are almost entirely the Shopify-family caption entries, four federal agencies and one municipality, where the name is the whole of what is knowable and the rung is not in doubt.

(ii) Perturbation. Every proposition is re-run under four axes of coder discretion: the Platform/Regulator order swapped; the three mass-defendant actions (40+ named parties) dropped; and the corpus population used instead of the filer population. **All four verdicts are identical on every axis.** A finding that survives every discretionary choice the coder made is robust to that discretion — which is the property a second rater is a proxy for. It is not equivalent, and this protocol does not claim it is.

Limitations

1. **No second coder.** See above.
2. **Rungs 3–5 rest on name recognition.** There is no `EntityType` column outside `attorneys`, and `disputes.Name` is a cluster label, not an entity type.
3. **The D0137 canonicalisation gap.** Jeffrey K. Davis, Esq. is unaliased; under the house name-matching scheme the Counsel rung opens 762 days late. Worked around by keying on `DefendantID` and pinned by gate G4 — **not repaired**, because repairing it changes published `/defendants/` pages and is its own task. This is a fourth instance of the defect class already recorded in `01-refiling.md` Limitation 3.
4. **The same person recorded twice across one removal pair.** D0230/D0255 (Roman Stephen Nelson) and D0200/D0153 (McCarthy) are each one person split across the state and federal halves of a single action, so the entity counts above are inflated by two. Pinned in `DUPLICATE_ACROSS_REMOVAL` and gated by G8.
5. **The mass-defendant confound.** Three actions carry 66, 142 and 144 named parties, overwhelmingly individuals at rung 1. Any entity-grain proportion is largely a statement about three complaints. This is why the chapter leads with the action-grain measurement and why "mass-defendant actions dropped" is a perturbation axis.
6. **DEFENDANT_SIDE looks under-inclusive by two.** C103 and C104 are suits against this plaintiff's companies and are not excluded, though C022 — materially identical to C103, two days apart, same dispute — is. The shared constant is reused **unchanged** for comparability with chapters 3 and 7; widening it here would desynchronise them without saying so. Carried as `FILER_POPULATION_CAVEAT` and gated by G10.
7. **A moving target.** Re-run the exhibit rather than copying any count forward.

Related

- `thesis/exhibits/escalation_ladder.py` — the executable form, and the thirteen gates.
- `thesis/exhibits/detection_gap.py` — the union-find, and the keystone check G1 runs through.

- `thesis/protocols/01-refiling.md` — the sibling protocol; shares the unit of analysis, the claims-summary evidence layer and the no-second-coder posture.
- `thesis/chapters/03-constructing-the-record.md` §IV — the canonicalisation figures.
- `CLAUDE.md` — the evidence-layer separation this protocol inherits.