

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Deutsche Bank National

Trustee Company, as Trustee,

MOTION HEARING

in Trust for Registered

File #62-HG-CV-22-1377

Holder of Long Beach

Mortgage Loan Trust 2005-WL2,

Asset Backed Certificate Series

2005-WL2,

Plaintiff,

Vs.

Thomas G. Kibler, Stephanie L. Kibler

n/k/a Stephanie L. Lageson,

John Doe and Mary Rowe,

Defendant.

The above-entitled matter came duly on for hearing before the Honorable Kathryn Bergstrom, one of the Referees of the above-named Court, on the 26th day of August, 2022, in Ramsey County, State of Minnesota.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

Orin Kipp, appeared on behalf of the plaintiff, Deutsche Bank National Truste Company.

Thomas Kibler appeared pro se and by phone.

Stephanie Kibler appeared pro se.

1 WHEREUPON, the following proceedings were duly had:

2 * * * *

3 THE COURT: You can go ahead and call the
4 case.

5 THE CLERK: We're now calling case number
6 62-HG-CV-22-1377, Deutsche Bank National Truste
7 Company, as Trustee, in Trust for Registered Holders
8 of Long Beach Mortgage Loan Trust 2005-WL2,
9 Asset-Backed Certificates Series 2005-WL2 vs. Thomas
10 G. Kibler, Stephanie L. Kibler, now known as Stephanie
11 L. Lageson, John Doe and Mary Rowe.

12 THE COURT: All right. Good afternoon
13 everyone. I'm Referee Katie Bergstrom and I am the
14 judicial officer assigned to hear this matter this
15 afternoon. It's 1:33 p.m. on August 26th, 2022, and
16 unlike usually, we're not in a virtual courtroom
17 today. Let's start with appearances for the
18 plaintiff, Mr. Kipp.

19 MR. KIPP: Good afternoon, Your Honor, Orin
20 Kipp, O-r-i-n; K-i-p-p, attorney for plaintiff.

21 THE COURT: All right. And then can I have
22 Ms. Lageson identify yourself for the record?

23 MS. LAGESON: Stephanie Kibler.

24 THE COURT: Okay. And are you Kibler, or
25 are you --

1 MS. LAGESON: Kibler.

2 THE COURT: -- Lageson?

3 THE COURT: Okay. You're still Kibler?

4 Yes?

5 MS. KIBLER: Yes.

6 THE COURT: Okay. And then Mr. Kibler, can
7 I have you state your name for the record, please?

8 MR. KIBLER: Yes. My name is Tom Kibler --
9 Thomas Kibler.

10 THE COURT: Okay. And Mr. Kibler, you are
11 not in the courthouse today, correct?

12 MR. KIBLER: That's correct.

13 THE COURT: So, we are here today on a
14 hearing that was scheduled back on August 3rd, we had
15 an initial housing hearing. We set this matter for
16 today, potentially to be a trial, potentially just a
17 hearing. After we finished that day in court, Mr.
18 Kipp has since filed motions in limine, and the motion
19 for summary judgment, which is what we were going to
20 take testimony here today.

21 Mr. Kibler, last night, filed a motion for a
22 continuance, and I'm going to -- well, let me go on
23 the record by asking Mr. Kipp if you oppose that
24 motion?

25 MR. KIPP: I do, Your Honor. I do not

1 contest -- or I do not consent to a continuance.

2 THE COURT: Okay. And Mr. Kibler, why don't
3 you tell me -- I have your motion, and your affidavit,
4 but why don't you tell me why you think you need a
5 continuance?

6 MR. KIBLER: All right. Well, basically
7 there's a lot of details that I can answer questions
8 about that are in the affidavit. But I made a few
9 requests trying to find out when things would be
10 scheduled, and it wasn't until Saturday that a package
11 came in the mail to me from the court.

12 I had requested a trial by jury, as is my right,
13 as I understood, under 504b.335, and, of course, I
14 challenged Mr. Kipp's jurisdiction. And I had been
15 communicating with Breana trying to get a copy of the
16 transcript.

17 I had been doing pretty well dealing with stress.
18 Again, I had a near fatal stress induced aortic
19 dissection five years ago. And the frustration and
20 suddenness of what came about this week has caused me
21 to be basically unable to sleep. I slept a little
22 bit, but I'm dealing with a lot of heart palpitations
23 and anxiety. I had a consultation yesterday, and was
24 advised, as I thought, that the best thing for me, if
25 I could, was to deal with this, and be able to --

1 after a continuance -- present myself in person as I
2 had asked to.

3 I -- again, to challenge Mr. Kipp's
4 jurisdictions, and his agency and authority, which he
5 has never proven, nor has Deutsche Bank National
6 Truste Company, who also, according to the Secretary
7 of State, is not authorized to do business in the
8 State of Minnesota, or own property in Minnesota, or
9 -- excuse me -- access courts in Minnesota. And the
10 fact is that I've never had a contract with them, nor
11 ever had an obligation to them, nor have they ever
12 acquired for value any interest in any contract debtor
13 obligation. I've requested validation from them for
14 years, I've complained to everybody in the state.

15 My title has been slandered, via court documents.
16 Mr. Kyle ignored quite a bit of that, but the
17 transcript of the trial we had where he issued a
18 summary judgment with no competent witness, no
19 authenticated evidence, and denying me the opportunity
20 -- or denying my forensic expert, in attendance, the
21 opportunity to inspect the known counterfeit note with
22 a known forged assignment.

23 So, it's my understanding, and what I've
24 contended, and what I sent to the court after Laura
25 Nelson confirmed the sale, that a void judgment --

1 there's substantial case law that a void judgment is a
2 novelty, and it's nothing, and it's unenforceable.
3 But I've gotten nowhere with my arguments so far, and
4 my evidence, which I think is airtight. Um, but that
5 being said, I'm very anxious to present that in
6 person, but I've slept maybe 11 hours this week. And
7 I'm sorry that I wasn't in the position to make the
8 physical appearance today. If I need to talk more
9 today, I'll do my best.

10 THE COURT: All right. Well, this happens
11 with a lot of folks who are going to court, and that
12 is that they get anxious and stressed out, and that's
13 not going to necessarily change from a week from now
14 from today. And so I'm going to -- since I have you
15 here, I am going to allow Mr. Kipp to argue your
16 motion.

17 MR. KIPP: Thank you, Your Honor. So,
18 before the court today are two motions.

19 THE COURT: Hang on just a second -- can I
20 help you, sir?

21 (UNIDENTIFIED MALE:) Yes. Thomas Kibler
22 filed a motion for a continuance.

23 THE COURT: Yes, I have Mr. Kibler on the
24 phone, who are you?

25 (UNIDENTIFIED MALE:) Okay. I'm just here

1 -- I'm his brother.

2 THE COURT: Okay. Have a seat back there.

3 (UNIDENTIFIED MALE:) Back here?

4 THE COURT: Yes. All right. Go ahead

5 Mr. Kipp.

6 MR. KIPP: So, before the court today are
7 two motions, one a motion in limine, and a motion for
8 summary judgment. I will note from the onset that
9 there's been no response filed by -- by any defendant,
10 with respect to either motion.

11 I'll move forward first with the motion in
12 limine. Eviction actions are limited -- have a
13 limited scope of inquiry. We're merely relating, or
14 trying to determine who is entitled to present
15 possession of the property. It's an improper forum to
16 litigate other claims, such as title, the underlying
17 foreclosure, the standing to conduct a foreclosure,
18 etc., those must all be litigated in separate legal
19 actions, and that has been done here.

20 Mr. Kibler, his purported defenses and arguments
21 were set forth and made before the court in the
22 underlying judicial foreclosure. Um, so the
23 defendant's claims are not only barred by a long
24 handing summary nature of the eviction proceedings,
25 which, again, is a limited scope of inquiry merely

1 relating to the present right to possession, but they
2 are also barred by res judicata.

3 Again, these are the same arguments that were
4 made at the judicial foreclosure, the same issues were
5 argued and rejected by the court. There was a final
6 judgment on the merits. Mr. Kibler was a party to the
7 prior action and participated in the case, and Mr.
8 Kibler was given a full and fair opportunity to be
9 heard. As such, under the doctrine of res judicata,
10 these arguments are barred.

11 So, again, not only are these claims barred by
12 the limited scope of inquiry in an eviction context,
13 he is also attempting to relitigate the arguments that
14 he made in the judicial foreclosure, which are barred
15 by res judicata.

16 So, for both of those reasons, I'd ask the court
17 to grant plaintiff's motion in limine precluding Mr.
18 Kibler from advancing these arguments and theories
19 which do not fall within the realm of the eviction
20 context today.

21 THE COURT: And just to be clear, I mean --
22 what -- we set this up as an in person hearing. Mr.
23 Kibler couldn't make it. We've got him by phone, it's
24 a hybrid hearing. To the extent I wasn't clear, the
25 request for a continuance is denied, and we are

1 proceeding in a hybrid fashion, which happens in this
2 day and age.

3 I was very clear at the initial housing that we
4 were not going to relitigate any of Judge Kyle's
5 findings in his summary judgment. And I didn't hear
6 from Mr. Kibler, just a moment ago, any new theory
7 than what he told me before. So --

8 MR. KIBLER: May I respond?

9 THE COURT: Just -- not yet.

10 MR. KIBLER: Okay.

11 THE COURT: And so -- but there are a couple
12 of housekeeping matters. So, first of all, let's --
13 what do you have to say, Mr. Kibler?

14 MR. KIBLER: What I have to say is, again, I
15 know that you said that you didn't want to revisit
16 anything, but the law is clear that a void judgment is
17 a nullity, if it was issued by a judge with no
18 jurisdiction then it did not happen, it's going to
19 have an issue. And supreme court laws are very clear
20 as well that all that attempt to enforce summary
21 judgment from a trespass, and that's my issue. I'm
22 not a tenant. Deutsche Bank National Truste Company
23 is not my landlord, they aren't authorized to do any
24 of this here in the State of Minnesota.

25 And I -- I'm a man, I cling to my rights. And

1 according to our constitution, no member of the state
2 shall be disenfranchised or deprived of any rights or
3 privileged secured by any, unless by law of the land,
4 or judgment of his peers. Right of trial by jury, as
5 I requested, shall remain in violate, and due process
6 rights, none may be deprived life, liberty, or
7 property, without the due process of law. And due
8 process of law obviously includes being able to face
9 your accuser.

10 Mr. Kipp, as I said, has never confirmed agency
11 or authority. And Deutsche Bank National Truste
12 Company has never appeared. Are they there today? I
13 would like to talk to somebody from Deutsche Bank
14 National Truste Company.

15 THE COURT: Well, they are not here today,
16 because they submitted affidavits in the mortgage
17 foreclosure case, which Judge Kyle found compelling.
18 And I understand you are taking issue with Judge
19 Kyle's ruling --

20 MR. KIBLER: Your Honor --

21 THE COURT: -- but as we discussed a month
22 ago, or nearly a month ago, your recourse to challenge
23 that ruling was to go to the Minnesota Court of
24 Appeals, which you did not do. And despite the fact
25 that since before August 3rd, right up to today,

1 including today, you have had ample, ample, ample
2 opportunity to write your thoughts and legal theories
3 in emails to us at all times of the day and night, and
4 yet, you have not responded --

5 MR. KIBLER: I just --

6 THE COURT: Just wait. You have not
7 responded to Mr. Kipp's motion.

8 MR. KIBLER: Mr. Kipp's motion is saying
9 that after I challenged jurisdiction, for him to not
10 even try and prove jurisdiction and say that I
11 shouldn't be allowed to testify, I think, is very
12 telling. It appears to me that he realizes that he
13 doesn't have jurisdiction. He seems to admit that he
14 does not have authority or agency. And, again, even
15 if he did, the company he claims to represent has no
16 authority, according to the Secretary of State, to
17 access our courts. So, I --

18 THE COURT: I understand that's your
19 position --

20 MR. KIBLER: -- (Speaking over Referee
21 Bergstrom.)

22 THE COURT: -- I understand that's your
23 position, Mr. Kibler, but this is not a --

24 MR. KIBLER: Not my position --

25 THE COURT: -- compelling position.

1 MR. KIBLER: -- it's the law. How could
2 facts not be compelling? I'm confused, can you help
3 me with that?

4 THE COURT: No, I can't. If you don't
5 understand what I'm saying, you're going to have to
6 seek some legal counsel.

7 Now, Ms. Kibler, you wanted to address the court,
8 so what do you have to say?

9 MS. KIBLER: I'd like to be removed from
10 these proceedings. I've not lived at this home in 12
11 years. I have no property stored at this property.
12 I've been divorced from Mr. Kibler for more than 11
13 years.

14 THE COURT: Okay. Now, Mr. Kipp, your
15 housing matters are separate from your foreclosure.
16 Now, I understand why Ms. Kibler had to be joined in
17 the foreclosure. But in the housing matter, it seems
18 to me she can be a Jane Doe.

19 MR. KIPP: Yes, I'm 100 percent fine with
20 that, Your Honor. If she -- if we want to take that
21 as her motion on the record to be dismissed from the
22 action, I'm fine with that.

23 THE COURT: And expunged?

24 MR. KIPP: Yes.

25 THE COURT: Okay. So, we'll get you off the

1 caption of the housing court matter. You have to be
2 on the previous one, because you were a note holder,
3 but we'll get you off of the housing court matter and
4 get the matter expunged so that you don't have an
5 eviction record.

6 MS. KIBLER: Thank you. The information is
7 not being sent to my current address.

8 THE COURT: Okay. Let's get your current
9 address, and Mallory can get it put into MNCIS so that
10 we have accurate information. Okay?

11 MS. KIBLER: 511 School Street, P.O. Box
12 175, Ellendale, E-l-l-e-n-d-a-l-e, Minnesota 56026.

13 THE COURT: All right. Um, I will consider
14 the matter, Mr. Kipp, under advisement, and we will
15 get an order out to the parties.

16 MR. KIPP: Did the court want to hear on the
17 motion for summary judgment, or just take it on the
18 pleadings?

19 THE COURT: I'll take it on the pleadings.

20 MR. KIPP: Okay. Thank you, Your Honor.

21 MR. KIBLER: May I add something, Your
22 Honor?

23 THE COURT: Yes.

24 MR. KIBLER: You have discussed the emails.
25 Of course, as I said, I've been requesting lots of

1 information about the scheduling. And to not have
2 received scheduled confirmation until Saturday, for
3 this upcoming Friday, as I said, that caused me a lot
4 of stress.

5 But, in any event, I have sent multiple emails to
6 Mr. Kipp, and you and Mallory were carbon copied as
7 well. And I'd just like to say that it's my
8 understanding that I'm to accurately state facts, and
9 that if I inaccurately state facts, and that if I
10 inaccurately state facts I may be subject to the
11 penalty of perjury under the laws of the United States
12 of America.

13 So, having qualified my testimony thusly, I state
14 that all the information that I sent in those emails,
15 on my website at www.1694ValerieLaneNewBrightonmn.com,
16 and all the articles, statements, links and
17 affidavits, in both email and on the website, are true
18 and correct to the best of my knowledge, and they are
19 facts.

20 THE COURT: Okay. Anything further Mr,
21 Kibler?

22 MR. KIBLER: Well, I'd like just to show
23 that those are on the record. Can I confirm that
24 there is a court reporter, and this is being recorded,
25 and I can get a transcript?

1 THE COURT: Yes, we have a court reporter
2 recording this today.

3 MR. KIBLER: All right. Excellent.

4 THE COURT: All right --

5 MR. KIBLER: So I --

6 THE COURT: -- so --

7 MR. KIBLER: -- I, again, wish to say I
8 don't consent to this proceeding without Mr. Kipp
9 having proven his jurisdiction and agency, which I
10 don't think he can. So, Your Honor, for the record, I
11 want to make sure it's known that I do not consent and
12 I do object.

13 THE COURT: I hear you and we've got a
14 record of that.

15 MR. KIBLER: Thank you.

16 THE COURT: All right. This matter is
17 adjourned.

18 MR. KIPP: Thank you, Your Honor.

19 THE COURT: Thank you.

20 (Conclusion of proceedings.)
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MINNESOTA

ss.

COUNTY OF RAMSEY

I, Barbara Post, do hereby certify that I am an Official Court Reporter in the Second Judicial District of the State of Minnesota; that as such reporter I transcribed the foregoing transcript from the audio recording produced by the Courtsmart Recording system to the best of my ability; that the foregoing transcript constitutes a full, true and correct transcription of the proceedings of said hearing.

Dated: September 14, 2022

/s/ Barbara Post

Barbara Post

Official Court Reporter

651-266-9176