

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

OCT 04 2023

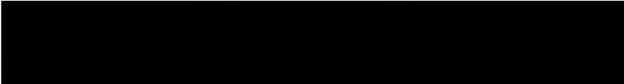
Nathan Ochsner, Clerk of Court

Michael D. Van Deelen,)
)
Plaintiff,)
vs.)
)
David R. Jones)
)
Defendant.)

Case No. 4:23-cv-03729

COMPLAINT

COMES NOW the Plaintiff, Michael D. Van Deelen, and sues the above-named Defendant and as grounds therefore alleges:

1. This action arises under the United States Constitution as detailed herein.
2. This court has jurisdiction over this action under 28 U.S.C. § 1331 because it is a civil action arising under the Constitution.
3. Plaintiff, Michael D. Van Deelen, is a citizen of the United States of America who presently resides at 
4. At all times material herein, Defendant Jones was an Article 1 bankruptcy judge in the United States District Court for the Southern District of Texas,

Houston Division. He may be served with process at 515 Rusk Avenue Houston, TX 77002.

5. Venue is proper because the Plaintiff and the Defendant are residents of Texas and because the actions or omissions giving rise to Plaintiff's claims all occurred in Texas.

Background

6. The following is based on information and belief.

7. McDermott International declared bankruptcy on January 21, 2020. The case, 4:20-bk-30336, was filed in the Southern District of Texas Bankruptcy Court, Houston Division. The chief bankruptcy judge in the Houston Division was, and is, Defendant David Ronald Jones. McDermott was represented by Jackson Walker, LLC. One of the Jackson Walker attorneys working on the case was Elizabeth Carol Freeman. Freeman had clerked for Defendant Jones for six years prior to joining Jackson Walker.

8. When Freeman was assigned to the McDermott case and during the entirety of the case, she was the live-in girlfriend of Defendant Jones. On March 6, 2021, Plaintiff received an anonymous, unsigned letter via U.S. mail home delivery (Exhibit A1 herein). The letter complained of alleged corruption between Defendant Jones, Jackson Walker and Freeman in a scheme in which corporate

bankruptcy filers would hire Jackson Walker to represent them and then get favorable treatment from Defendant Jones because of his amorous relationship with Freeman. Defendant Jones subsequently denied that he had a romantic relationship with Freeman.

9. Defendant Jones and Freeman not only had a romantic relationship, *they lived together*. Exhibit A2 shows that Defendant Jones and Freeman have jointly owned a house between June 27, 2017, and the present. The house was valued in excess of one million dollars in 2022 (Exhibit A3). Exhibit A4 states that Defendant Jones and Freeman may have shared the home between June 27, 2017, and June 5, 2023, well before the McDermott bankruptcy began and long after it ended on June 30, 2020.

10. The tryst may have begun before June 27, 2017. Exhibits A5 and A6 show that on September 13, 2016, Defendant Jones bought the house in Coldspring, Texas, that Freeman *currently lived in* and had been living in since February 7, 2007. Exhibit A6 further shows that, in 2020, two people, probably Freeman's parents, moved into the house. Exhibits A5 and A7 show that Defendant Jones still owns the house and that when Defendant Jones purchased the house, he gave his address as 515 Rusk Street in Houston, Texas, the United States District Courthouse where Defendant Jones worked. Exhibit 7 lists the status of

the house after Defendant Jones purchased it as “owner occupied” which means that Defendant Jones shared the house with Freeman.

11. Instead of personally avoiding the McDermott bankruptcy case because of his relationship with Jackson Walker attorney Freeman, Defendant Jones, in keeping with the allegations raised in Exhibit A1, assigned the case to himself.

12. On June 24, 2020, Plaintiff filed a state court suit against McDermott employees David Dickson, Stuart Spence and Scott Lamb in Montgomery County, Texas, District Court (case number 20-06-07348). The allegations against the defendants were conversion, common law fraud, statutory fraud, negligent misrepresentation, breach of fiduciary duty and conspiracy. The defendants, represented by Jackson Walker, removed the case to Defendant Jones’ bankruptcy court. In Adversary Proceeding 20-3309, Plaintiff then moved to remand the case back to state court.

13. During the adversary proceeding, Plaintiff received the anonymous letter accusing Defendant Jones, Jackson Walker and Freeman of improprieties (Exhibit A1). Plaintiff filed Exhibit A1 as part of his motion to recuse Defendant Jones. Prior to the hearing on the motion, Defendant Jones failed to disclose that he had a romantic or cohabitation or any other type of relationship with Freeman. The only evidence Plaintiff had to present at the hearing was Exhibit A1. (Plaintiff did not discover that Defendant Jones and Freeman shared houses and co-owned a

house until only recently when he obtained *Truthfinder* software.) Due to the uncorroborated nature of Exhibit A1 and Defendant Jones' failure to disclose his relationship with Freeman, Plaintiff's motion to recuse was denied by Judge Isgur on March 10, 2021, without the issuance of findings of fact or conclusions of law.

14. Subsequent to the dissemination of Exhibit A1, including Plaintiff's filing it into his adversary case, Freeman, who was a partner at Jackson Walker, left Jackson Walker without fanfare or a press release. She began a solo act from scratch without as much as even a physical office. Her advertised "location" was a P.O. Box in downtown Houston. Plaintiff believes Freeman went from being a partner at a large firm to a solo practitioner working out of a post office box because the relationship between her and Defendant Jones was made generally known as the result of the distribution of Exhibit A1 by an unknown party and by Plaintiff in his filings and because she was made the scapegoat of the improper scheme by Jackson Walker. It is believed that Freeman has recently opened a solo practice at [REDACTED] This is approximately one-half mile from the house that Defendant Jones bought and shared with her on Ridge Lane on September 13, 2016, as seen above.

15. On October 12, 2021, Defendant Jones issued his Order denying Plaintiff's motion to remand. In retaliation for "outing" Defendant Jones and his paramour Freeman, Defendant Jones' Order, after stating that "The McDermott

bankruptcy case is over. The Court's confirmation order is final and binding.", ordered that "**Any further state court litigation brought by Mr. Van Deelen regarding McDermott or these proceedings should be removed immediately to this Court. If such litigation is initiated and the current pattern of behavior continues, the Court will *revisit* the issue of *compensatory* and coercive sanctions necessary to protect the sanctity of the Court's orders, the bankruptcy process, and the rule of law.**" (Emphasis added.) In the following, Plaintiff will refer to the above emboldened ruling made as part of Jones' October 12, 2021, Order as "Order 1".

16. Defendant Jones lacked jurisdiction to make Order 1 and he was aware that he was without jurisdiction to make Order 1 when he made it. Order 1 made a blanket statement that any suit against McDermott made by plaintiff, regardless of its cause, would be adjudicated by Defendant Jones in his Bankruptcy court. When Jones made Order 1, Plaintiff had not sued McDermott in any court before the bankruptcy proceeding, during the bankruptcy proceeding or after the bankruptcy proceeding had been concluded. Nevertheless, Defendant Jones, an Article 1 Judge vested with jurisdiction to only hear bankruptcy proceedings, attempted to establish perpetual illegal, unconstitutional, jurisdiction over Plaintiff anytime he sued McDermott in the future. As noted above, McDermott was being represented

by Jackson Walker attorneys, including Jones' girlfriend and housemate, Elizabeth Freeman.

17. Furthermore, Defendant Jones admitted in his Order that the McDermott bankruptcy proceedings were over and had been finalized. At that point, Defendant Jones lacked jurisdiction over Plaintiff should Plaintiff make *any* claim against McDermott, its current or former employees or any other person or entity.

18. Furthermore, Defendant Jones' Order 1 presupposes that any future Plaintiff motion to remand any case that was removed to Jones' court pursuant to Jones' illegal, unconstitutional, Order 1 would be denied by Jones so as to keep the case illegally and unconstitutionally before Jones.

19. Finally, Defendant Jones' Order 1 threatens Plaintiff with sanctions without a hearing should Plaintiff be forced to appear before him in a non-bankruptcy case in the future. And Jones' fails to state what "the current pattern of behavior" refers to. During a motion hearing held on August 9, 2021, the adversary proceeding defendants (Dickson, Lamb and Spence), through their attorneys, each told Defendant Jones that they were not seeking monetary sanctions against the Plaintiff for any reason. None of the adversary proceeding defendants currently work for McDermott.

20. Plaintiff appealed Jones' Order, including Order 1, to District Court. Case Number 4:21-cv-03369 was heard by district judge Andrew Hanen. On

January 9, 2023, Judge Hanen denied Plaintiff's appeal. In his appeal, Plaintiff had complained about Jones' Order 1. Judge Hanen's January 9, 2023, Order dismissing Plaintiff's appeal did not address Plaintiff's appeal concerning the unconstitutionality of Order 1. (The unconstitutionality of Order 1 is the only item of Plaintiff's appeal that was not addressed by Judge Hanen in his January 9, 2023, Order.) Plaintiff timely made a motion for rehearing in which he asked Judge Hanen to address only the constitutionality of Order 1. Judge Hanen denied Plaintiff's motion for rehearing on August 30, 2023.

21. The action of Defendant Jones in issuing Order 1 violated Plaintiff's Constitutional rights including, but not limited to, Plaintiff's First, Fifth and Fourteenth Amendment Constitutional rights of equal access to the courts, a fair hearing, association, assembly, speech, due process, equal protection of the laws and the right to be free from retaliation.

22. The conduct of Defendant Jones towards the plaintiff as described herein was wanton, willful and done with malice.

23. The Plaintiff was damaged by Defendant Jones' actions described herein including, but not limited to, because he suffered a loss of his civil rights, because he was no longer provided equal access to the courts, because he experienced pain and suffering, because he experienced emotional distress and because he suffered monetary losses.

Plaintiff's Bivens Claim Against Defendant Jones

24. The above paragraphs are incorporated herein.

25. Defendant Jones violated Plaintiff's Constitutional rights as described above.

26. When Defendant Jones violated Plaintiff's Constitutional rights, he was a federal officer acting under color of federal authority.

27. Plaintiff lacks a statutory cause of action, or an available statutory cause of action does not provide a meaningful remedy for the unconstitutional actions of Defendant Jones against him.

28. An appropriate remedy, namely damages, can be imposed against Defendant Jones for his unconstitutional actions against the Plaintiff.

29. Plaintiff sues Defendant Jones in his personal capacity with regard to Plaintiff's Bivens claim against Defendant Jones.

30. Plaintiff was damaged by Defendant Jones' actions including, but not limited to, because he suffered a loss of his civil rights, because he was no longer provided equal access to the courts, because he experienced pain and suffering, because he experienced emotional distress and because he suffered monetary losses.

31. Plaintiff seeks compensatory and punitive damages against Defendant Jones in an amount to be decided by the trier of fact.

Plaintiff's Request For Injunctive Relief Against Defendant Jones.

32. The above paragraphs are incorporated herein.

33. In addition to Plaintiff's Bivens claim against Defendant Jones, Plaintiff asks this Court to enjoin Defendant Jones from enforcing the illegal, unconstitutional, Order 1 against the Plaintiff.

34. Plaintiff sues Defendant Jones in his official capacity in his request for Defendant Jones to be enjoined from enforcing the illegal, unconstitutional, Order 1 against the Plaintiff.

Plaintiff's Request For Declaratory Relief Against Defendant Jones.

35. The above paragraphs are incorporated herein.

36. In addition to Plaintiff's Bivens claim and request for injunction against Defendant Jones, Plaintiff asks this Court pursuant to FRCP Rule 57 and 28 U.S.C. § 2201 to issue a Declaratory Judgment stating that Order 1 issued by Defendant Jones violates Plaintiff's Constitutional rights.

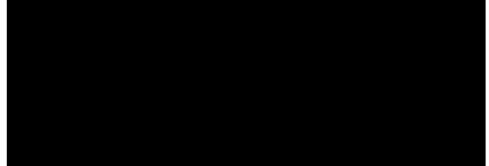
37. Plaintiff sues Defendant Jones in his official capacity in his request for a Declaratory Judgment against Defendant Jones.

WHEREFORE, plaintiff prays for judgment against Defendant Jones as described herein.

Respectfully submitted:

Michael D. Van Deelen

Michael D. Van Deelen



APPENDIX A

Corruption Involving Judge David R. Jones (Chief Bankruptcy Judge for the U.S. Bankruptcy Court for the Southern District of Texas)

Background:

As the Chief Bankruptcy Judge for the U.S. Bankruptcy Court for the Southern District of Texas, David R. Jones has had a romantic relationship with Elizabeth Carol Freeman (TX Bar No: 24009222) who worked as his law clerk for 6 years. After Freeman left her clerk position with Judge Jones, she took on the position as a partner for Jackson Walker LLP (JW) in its Houston office along with Matthew D. Cavanaugh (TX Bar No: 24062656). Both Elizabeth and Matthew and other JW partners set up an organization to assist bankruptcy clients.

Corruption:

The court that Judge Jones works in receives all the bankruptcy files in the area and consequently all the cases that come from clients of JW go directly into his hands.

What is concerning is that there is clearly a conflict of interest. Instead of taking these particular lawsuits involving JW clients, he should instead not take on those cases to avoid a conflict of interest.

The romantic relationship between Judge Jones and Elizabeth Freeman is publicly known and because of that, the largest corporations and clients willingly choose to work with JW lawyers knowing that they will likely have the court and the judge in their favor.

There are two main factors that cause corruption and bias:

1. Elizabeth Freeman is the strategic link between JW attorneys (specifically Matthew Cavanaugh) and lawsuits received by Judge David Jones.
 - a. Due to this, the third parties involved with bankruptcy lawsuits realize that they will likely be faced with unjust decisions and bias caused by an obvious conflict of interest.
2. Judge Jones receives a high number of cases that come from JW attorneys and clients.
 - a. Many of these cases end in a decision that favors JW clients without justice.

Request:

In order to bring justice to this situation, I request for there to be an investigation of this corrupt case. I am positive that when a fair investigation takes place on attorneys relating to all lawsuits that involve Elizabeth Freeman, JW attorneys, and Judge Jones, that there will be clear evidence of biased decisions made because of a conflict of interest.

This is essential to avoid future victims of corruption in the hands of Judge David R. Jones.

Ownership History

Current Owner

Elizabeth Carol Freeman

David R Jones

Jun 27, 2017

Hid

OWNERSHIP DETAILS

Document Number

284445

Sale Date

Jun 26, 2017

Recording Date

Jun 27, 2017

Ownership Relationship Type

Single Woman

Absentee Indicator

Situs Address Taken From Sales Transaction - Determined Owner Occupied

Deed Securities Category

New Structure Sale, Cash Purchase, Residential (Modeled)

Universal Land Use

Residential (NEC)

Property Indicator

Single Family Residence/Townhouse

Resale New Construction

New Construction

Residential Model Indicator

Based On Zip Code and Value Property is Residential

Title Company

VERITAS TITLE INC

Owner

Elizabeth Carol Freeman

David R Jones



Seller

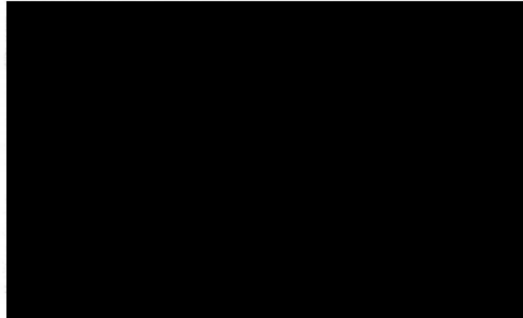
Quintessa Homes & Props Lp

2

Assessed Value

Ownership History

Remove



Westview Terrace



4 beds | 2 baths | 3786 sq/ft

[VIEW LOCATION REPORT](#)

Current Owner

Elizabeth Freeman

David R Jones

Jun 27, 2017

Assessed Value

\$1,071,848.00

2022

Mortgage Amount

Cash Purchase

Jun 27, 2017

Sale Amount

\$133,000.00

Jun 26, 2017

Tax Amount

\$26,168.85

2022

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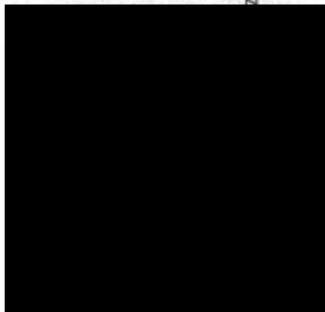
David Ronald Jones

61 years old (approximate)

[VIEW BACKGROUND REPORT](#)

Phone Numbers

Shared Locations



David Ronald Jones and Elizabeth Carol Freeman may have shared this address from Jun 27, 2017 to Jun 05, 2023 for 5 years 11 months 14 days

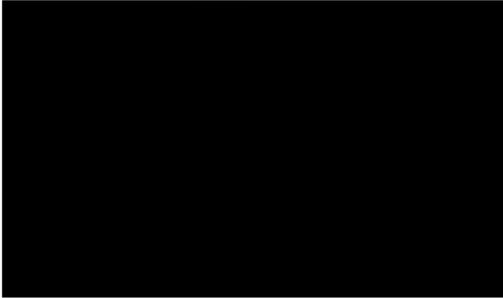


[VIEW LOCATION REPORT](#)

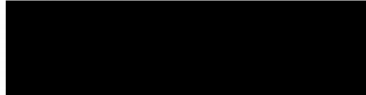
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OWNERSHIP HISTORY

This section includes information about the ownership history at this location.



Cape Royale The Reserves #1



3 beds | 3 baths | 4351 sq/ft

Current Owner

David Jones

Sep 13, 2016

Assessed Value
\$1,465,924.00
2023

Mortgage Amount
Cash Purchase
Sep 13, 2016

Tax Amount
\$28,608.97
2023

RESIDENTS

This section contains residents for this location.

POSSIBLE PAST RESIDENTS FOR [REDACTED]

Name	Age	Date First Seen	Date Last Seen
April Yvonne Freeman	73	Oct 5, 2020	Jul 3, 2023
Elizabeth Carol Freeman	51	Feb 7, 2007	Jun 19, 2023
Burton Ray Freeman	75	Jul 1, 2020	Nov 22, 2022
Nicole Maria Miller	29	Sep 6, 2021	Sep 6, 2021
Samuel Herbert Adams	88	Sep 8, 1964	Sep 30, 2021
Emily K Freeman	46	Dec 9, 2020	Dec 9, 2020

Jones David R

Sep 13, 2016

OWNERSHIP DETAILS

Document Number

5086

Sale Date

Sep 1, 2016

Recording Date

Sep 13, 2016

Absentee Indicator

Owner Occupied

Universal Land Use

Single Family Residence

Property Indicator

Single Family Residence

Residential Model Indicator

Property is Residential

Owner

Jones David R



Seller

Adams Samuel H li & Joan P

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