

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT _____X

APRIL GALLOP, for Herself and as Mother
and Next Friend of ELISHA GALLOP, a Minor,

Plaintiffs-Appellant,

Docket: 10-1241

vs.

DICK CHENEY, DONALD RUMSFELD,
General RICHARD MYERS, U.S.A.F.
(Ret.), and John Does Nos. 1– X, all in their
individual capacities,

MOTION TO DISQUALIFY
JUDGE JOHN M. WALKER

Defendants-Appellees.

_____X

Please take notice that pursuant to 28 USC §§455 (a) and (b)(5)(iii); 28 USC §§144 and upon the affirmation of William Veale, Appellant April Gallop hereby moves to disqualify Judge John M. Walker from the panel set to hear oral argument on her appeal on April 5, 2011 at 11AM in New Haven, Connecticut. The grounds upon which Appellant relies are the appearance of bias against Appellant due to the familial relationship between Judge Walker and individuals who are known by the Judge to have an interest that could be substantially affected by the outcome of the proceedings in the suit that is the subject of this appeal, two of the many John Does referred to in Appellant's Complaint.

Dated: April 4, 2011

/S/
William W. Veale

To: Alicia M. Simmons
Assistant US Attorney
86 Chamber Street
New York, NY 10007
By: ECF and personal delivery

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General RICHARD MYERS, U.S.A.F.
(Ret.), and John Does Nos. 1– X, all in their
individual capacities,

AFFIRMATION IN SUPPORT
OF MOTION TO DISQUALIFY

Defendants-Appellees.

_____ X

I, William W. Veale, hereby state under the penalty of perjury and declare that the foregoing is true and correct to the best of my knowledge and as to those matters asserted on information and belief, I believe them to be true.

1. I represent Appellant April Gallop in her appeal now pending before the United States Court of Appeal for the 2nd Circuit.
2. I am informed and believe that Judge Walker, assigned to the panel that will hear the oral argument in this appeal on April 5th, 2011 in New Haven, Connecticut, is a cousin of former President George W. Bush and of individuals named Wirt D. Walker III, and Marvin Bush.
3. Any trial of this case, and any discovery proceedings leading up to such a trial, will involve both former President George Bush, his brother Marvin Bush, and Wirt D. Walker III, all of whom will have to be deposed to learn of their respective connections to the events that are the subject of the allegations in the Complaint and particularly, any Amended Complaint which will include all of the factual assertions contained in the Appendix to the Response to the Motion to Dismiss.
4. It was the administration of former President George Bush whose vice president, secretary of defense, and chairman of the Joint Chiefs of Staff are accused, in the Complaint that is the subject of this appeal, of conspiring to commit mass murder and treason.
5. In addition to the responsibility of having chosen these three men to carry out his policies, former President Bush was the chief executive officer of the government, as alleged in the complaint, that has betrayed and played an essential, if unwitting, role in carrying out the aims of the conspiracy.
6. Every word and action of the former president will need to be investigated to determine the kind and quality of his participation.

7. I am informed and believe that Wirt D. Walker III is a cousin of former President George Bush. He is either a cousin or a brother of Judge Walker who has been assigned to hear this appeal.

8. I am informed and believe that Wirt D. Walker III was the CEO of Stratesec or Securacom, one or both of which companies were responsible for providing security for the World Trade Center in 2001.

9. It was a breach of security at the World Trade Center which allowed the explosives to be planted so that the buildings could be destroyed by controlled demolition after they were struck by aircraft on the morning of 9/11.

10. I am informed and believe that Marvin Bush, the brother of the former president, was an owner or director or executive of one of the companies, Stratesec or Securacom, that was responsible for the security of the World Trade Center in the years leading up to 2001.

11. Any judge ruling on this appeal will be required to consider the viability of a Complaint that alleges complicity or involvement in the most egregious crimes ever committed on American soil by members or close associates of the family of former President George Bush. Judge Walker is included in that group of people.

12. I declare that this application is made in good faith and pursuant to 28 USC §§455 (a) and (b)(5)(iii); and 28 USC §§144.

13. The herein application is made less than ten days before the hearing date because movant only learned the names of the panel of Judges on March 31, 2011.

14. No prior motion for the relief requested herein has been previously made.

Dated: April 4, 2011

/S/
William W. Veale

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 10-1241

Caption (use short title)

Motion for: Disqualify a Judge

Gallop v. Cheney

Set forth below precise, complete statement of relief sought:

Plaintiff-Appellant seeks an order disqualifying Judge John Walker from the panel of Judges

set to hear the oral argument on 4/6/11 in this matter

MOVING PARTY: Gallop

- Plaintiff
- Defendant
- Appellant/Petitioner
- Appellee/Respondent

OPPOSING PARTY: Cheney et al

MOVING ATTORNEY: William Yeate

2033 North Main Street, #1060
Walnut Creek, CA 94598
925-935-3887
292929@men.com

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: Alicia Simmons, AUSA

100 Church Street, New York, New York 10007
alicia.simmons@usdoj.gov

Court/Judge/Agency appealed from: US District Court, SDNY

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain):

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney:

William Yeate

Date: 4/5/11

Has service been effected? Yes No [Attach proof of service]

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency:

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____

