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7 TROY LYNDON, Pro Se

8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF HAWAII

10 TROY ALAN LYNDON, ) CIVIL NO. \_\_\_\_\_  
11 Pro Se Plaintiff, )  
12 v. )  
13 UNITED STATES OF AMERICA, ) COMPLAINT;  
14 and unknown members of USA's staff, )  
15 and ) JURY TRIAL: NO  
16 SECURITIES AND EXCHANGE COMMISSION, )  
17 Lucee Kirka, Carol Shau, Karen Matteson, )  
18 And other unknown members of SEC's staff. )  
19 Defendants, )  
20 \_\_\_\_\_ )

21 Plaintiff Troy Alan Lyndon alleges:

22 **JURISTITION AND VENUE**

23 1. This Court has jurisdiction over this action because Defendants have, directly or  
24 indirectly, conducted investigations and litigation in Hawai'i against Plaintiff, made use of the  
25 means or instrumentalities of interstate commerce, of the mails, or in connection with the  
26 transactions, acts, practices and courses of business alleged in this Complaint.

27 2. Plaintiff brings this action under U.S.C. § 2671 et seq., for damages and other  
28 relief. At the time of the filing of this Complaint with the Court, the government agencies  
involved have either denied or ignored this claim in accordance with FTCA rules.



1  
2 power to commit libel, perjury, and mislead the court with fabricated evidence, with intent to  
3 cause Lyndon irreparable and permanent financial harm and personal injury.

4           9.       Ms. Lucee Kirka (“Kirka”), as investigative officer and attorney for the SEC,  
5 violated Lyndon’s Constitutional Right to due process, and perhaps other laws, by interfering in  
6 Mr. Lyndon’s \$10,000,000 company financing, before completing its investigation and pursuing  
7 litigation years later. Kirka also disclosed and misled FINRA about the SEC’s subpoena and then  
8 “private” investigation.  
9

10           10.       The record will show that such funding was already signed by the bank, sealed  
11 and filed with the SEC.  
12

13           11.       Kirka interfered in the administrative process which interrupted the funds from  
14 being transferred to the company.

15           12.       Such funds were sufficient and allocated to pay ALL of the company’s then  
16 outstanding debts, with approximately 80% remaining for ongoing operations and future growth.  
17

18           13.       Ms. Carol Shau (“Shau”), a staff accountant for SEC who had no public-  
19 company-related auditing experience, and who was not licensed for such work by the PCAOB,  
20 intentionally misled the court, as did Kirka, by claiming ‘personal knowledge’ of bank  
21 statements and self-created expense categorization, as an acceptable substitute for the company’s  
22 actual, audited financial records, which they held in their possession, but did not disclose to  
23 Lyndon or the Court, despite the Consent judgment order and Lyndon’s numerous requests for  
24 discovery.  
25

26           14.       Ms. Karen Matteson (“Matteson”), as attorney for SEC, bullied Lyndon, and  
27 modified the parties Rule 26 Joint Report in the case 13-cv-00486 without his authorization – such  
28 report referenced the company’s financial records. This was part of SEC’s ongoing effort to



- 1
- 2 II. Defendant(s) actions violated Lyndon’s constitutional right to due-process, beginning
- 3 with the loss of \$10,000,000 that was already signed and filed with the SEC, and was
- 4 eminently to be funded if Defendant(s) hadn’t interfered (see Appellant Brief, page 9).
- 5
- 6 III. The Defendant(s) of SEC have knowingly breached the parties’ settlement agreement
- 7 (Consent Judgment) – and have, for the past 4 years, refused to honor the Court-
- 8 ordered judgment to provide the financial records of Lyndon and his company.
- 9 Settlements are to be interpreted in accordance with Contract Law (See Appellant
- 10 Brief, pages 23-24). Lyndon honored the agreement by resigning as an Officer and
- 11 Director of Left Behind Games. However, the SEC’s refusal to provide the financial
- 12 data in their possession represents an ongoing breach of contract to provide
- 13 “discovery” (see Consent Judgment – 13:cv-00486, Dkt. 22, page 7, last sentence)
- 14 and accordingly, the settlement should be considered cancelled and the judgment
- 15 entered void as a result.
- 16
- 17
- 18 IV. The Defendant(s) misleading of the Court, was an Abuse of Process, including
- 19 WILFULLY SUPRESSING EVIDENCE, including the company’s auditor
- 20 testimony, audit work papers and related financials. Defendant(s) INTENDED to
- 21 DECEIVE the Court, and did by fabricating a financial summary, while hiding the
- 22 actual, audited company financials – for the purpose of wrongfully receiving a \$3.8
- 23 million judgment (see Appellant Brief, pages 20-22)
- 24
- 25 V. Defendants actions before the Court, and in their investigation and other behavior in
- 26 their pursuit of Plaintiff, deprived Plaintiff of his Constitutional right to due process
- 27 under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution, and defendants
- 28 are therefore liable for damages under 42 U.S.C. § 1983.

1  
2 VI. The Defendant(s) public statements and 6+ year pursuit of Lyndon has caused him  
3 irreparable financial harm and permanent personal injury, as evidenced by Lyndon's  
4 recent bankruptcy case #17-01137, filed yesterday, while Defendant(s) have known  
5 about the Brady Rule and how their failure to provide helpful evidence is unlawful  
6 (see Appellant Brief, pages 25-30).  
7

8 **PRAYER FOR RELIEF**

9  
10 20. Lyndon asks that the Consent Order and Financial Judgments issued in case 13-  
11 cv-00486 in the US District Court of Hawaii be declared void; and

12 21. Lyndon seeks a claim of \$14.2 million dollars for his losses; and

13 22. Lyndon seeks a public apology and removal of Defendant's disparaging  
14 comments online, and an injunction against Defendants pursuing further actions against Plaintiff,  
15 stemming from the events and activities that were the subject matter of in case 13-cv-00486 in  
16 the US District Court of Hawaii; and  
17

18 23. Lyndon asks that this Court grant such other relief as this Court may determine; and

19 24. I certify to the best of my knowledge, information, and belief that the facts  
20 contained herein a true and correct, under penalty of perjury, and that this complaint also  
21 complies with the requirements under the Federal Rule of Civil Procedure 11.  
22

23 Respectfully Submitted,

24  
25 DATED: Honolulu, Hawai'i  
26 October 31, 2017

27 By: \_\_\_\_\_  
28 TROY ALAN LYNDON