

## Facts and Case Summary (3x ATS-Tries + 1x ICSID-Pending)

**Giuliano Stefano Giovanni WILDHABER v. EFV et al**

### Facts

#### 1. IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

##### The 1. ATS-Alien Tort Claims Act - Trial (28 U.S.C. 1350)

In **April 14, 2017**, the **HUMAN RIGHTS DEFENDERS INC.** (Register Nr.: P15000084205), US-FL 33324, Plantation, 1200 S Pine Island RD, claimed versus this 28 Defendants:

01. **EFV** - Eidgenössische Finanzverwaltung = **Swiss Federal Finance Administration**
02. **EBK-Finma** - Eidg. Finanzmarkt-Aufsicht = **Swiss Financial Market Supervisory Authority**
03. **Et al** = All **24x Swiss Cantonal Banks** and **1x UBS-Bank** and **1x Credit Suisse Bank**.

Under: **ATS / ATCA** = With: **CASE NO: CACE 17-007033** = For: **USD 1.50 Billion Damages**


#### REMOVAL FROM STATE COURT TO FEDERAL COURT

Federal Court Miami Judgment = CASE NO: 17-61212-CV - DIMITROULEAS/SNOW

#### ORDER OF DISMISSAL

The « **ORDER OF DISMISSAL** » was also a **Fake** because my **HRDs office in Florida did not forward two mails (order + judgment) to me from this Court. That was a Scam (Intrigue)**. I'm not a clairvoyant yet. **Proof: Call G.W. with EFV - With RA Jonas Vetter EFV = Where I heard the 1st time about this scam !**

« **THIS CAUSE** » is before the Court on the Court's June 28, 2017 Order Regarding Required Legal Representation for Corporate Plaintiff Human Rights Defenders Inc. See [DE 13]. As the Court explained in its prior order (**which I never received**), it is a well-settled principle of law that **a corporation cannot appear pro se** and must be represented by counsel. See *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381.

  
 WILLIAM P. DIMITROULEAS  
 United States District Judge

So this 1. Round was « dismissed without Prejudiz » the August 11, 2017

cc: Counsel of Record

Human Rights Defenders Inc., **c/o Whistler Consult Inc.**

1200 S. Pine Island Road, Plantation, Florida 33324

## 2. IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

### The 2. ATS-Alien Tort Claims Act - Trial (28 U.S.C. 1350)

In **November 14, 2017**, **GIULIANO STEFANO GIOVANNI WILDHABER** as *pro se* (born 06/04/1952, Swiss Citizen, retired, 38x years married, three adult children), P.O. Box 118, CH-9606 Buetschwil / SG, **claimed again versus this same 28x Defendants:**

01. **EFV** - Eidgenössische Finanzverwaltung = **Swiss Federal Finance Administration (01)**
02. **EBK-Finma** - Eidg. Finanzmarkt-Aufsicht = **Swiss Financial Market Supervisory Authority (02)**
03. Aargauische Kantonalbank
04. Appenzeller Kantonalbank
- 05. Banca Dello Stato del Cantone Ticino (03)**
06. Banque Cantonale de Fribourg
07. Banque Cantonale de Genève
- 08. Banque Cantonale du Jura (04)**
09. Banque Cantonale du Valais
- 10. Banque Cantonale Neuchâteloise (05)**
11. Banque Cantonale Vaudoise
12. Basellandschaftliche Kantonalbank
13. Basler Kantonalbank
14. Berner Kantonalbank
15. Credit Suisse AG (CS Bank)
16. Glarner Kantonalbank
17. Graubündner Kantonalbank
18. Luzerner Kantonalbank
19. Nidwaldner Kantonalbank
20. Obwaldner Kantonalbank
- 21. Schaffhauser Kantonalbank (06)**
22. Schwyzer Kantonalbank
23. St. Galler Kantonalbank
24. Thurgauer Kantonalbank
- 25. UBS Bank (UBS AG) (07)**
26. Urner Kantonalbank
27. ZKB Bank (ZUERCHER KANTONALBANK)
28. Zuger Kantonalbank

Under: **ATS / ATCA** = With: **CASE NO: CACE 17-020646** = For: **USD 1.50 Billion Damages**

### REMOVAL FROM STATE COURT TO FEDERAL COURT

The « **NOTICE OF REMOVAL TO FEDERAL COURT** » was a Fake because **seven defendants failed the deadlines** and two (**EFV & EBK-Finma**) recured even into the Wrong Court. Not like in the **Sealed SUMMONS** written (not Federal Court Miami but as first step at the State Court at Broward County) .

**Case No. 17-CV-62542-BB - Wildhaber v. EFV et al (USA - Fla. Federal Court Miami)**

A [Federal Statute, 28 U.S.C. § 1441 et seq.](#), governs removal. **Every defendant named in the complaint must join in the removal notice**, or whether the «Rule of Unanimity» applies only to those defendants who have been properly served as of the date of removal. **I served 28x Defendants properly (see EFV & EBK-Finma proofs in [my Homepage: www.gsw-global-consult.com](http://www.gsw-global-consult.com)).**

**All Proofs Online (under the PDF-File: EFV-EBK Deadlines KO):**

**The seven Defendants failed the a) deadlines for recure and b) recured in the wrong Court**

<https://www.gsw-global-consult.com/efv-ebk-finma-100-guilty-missed-deadlines-ko/>

**3. UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF FLORIDA**

**Case No. 17-cv-62542-BLOOM/VALLE**

**CLERK'S NOTICE OF MEDIATOR DESIGNATION**

In accordance with S.D. Fla. L.R. 16.2 (d) (1) (b), **the certified mediator identified below is hereby designated to serve as the mediator in this case:**

**Thomas D. Lardin**, PA 370 W. Camino Gardens Boulevard; Suite 336 ; Boca Raton, USA-Florida Miami 33432; Telephone: 561-702-9596; Facsimile: 561-416-553; Email: [tlardin@lardinlaw.com](mailto:tlardin@lardinlaw.com).

The Certified Mediator shall be compensated in accordance with Administrative Order 2008-08 ("in cases where the parties have not agreed on the selection of a mediator which results in the Clerk of the Court designating a mediator on a blind rotating basis ... such designated mediators shall be compensated at the rate of Two Hundred Fifty Dollars (\$250) per hour, which includes the mediator's time preparing for and conducting the mediation."). See also S.D. Fla. L.R. 16.2 (b) (7) ("All mediation fees ... shall be due within forty-five (45) days of invoice and shall be enforceable by the Court upon motion.")

Pursuant to S.D. Fla. L.R. 16.2(d)(2), Plaintiff's counsel (or another attorney agreed upon by all counsel of record) shall be responsible for coordinating the mediation conference date and location agreeable to the mediator and all counsel of record. Plaintiff's Counsel in this case is identified below:

**Giuliano Stefano Giovanni Wildhaber (PRO SE)**

**P.O. Box 118, 9606 Buetschwil, SG, Switzerland** - Email: [g.wildhaber@gmx.ch](mailto:g.wildhaber@gmx.ch)

**DONE** at the Federal Courthouse Square,  
Miami, Florida this **7th day of February, 2018.**

**STEVEN M. LARIMORE**

**Court Administrator / Clerk of Court**

Copies to:

The **Honorable Beth Bloom, US-District Judge**

All **Counsel of Record and/or Pro Se Parties**

**Thomas D. Lardin, Certified Mediator (Copy Mailed)**

\_\_\_\_\_/s/\_\_\_\_

By: Peggy Johnson

**Deputy Clerk**

**ORDER FOR THE « JURY-TRIAL » - 03/04/2019**

**ORDER « SETTING TRIAL » AND PRE-TRIAL SCHEDULE, REQUIRING MEDIATION, AND REFERRING CERTAIN MATTERS TO MAGISTRATE JUDGE: (Jury Trial set for 3/4/2019 09:00 AM in Miami Division before Judge Beth Bloom., Calendar Call set for 2/26/2019 01:45 PM in Miami Division before Judge Beth Bloom., Amended Pleadings due by 3/19/2018., Discovery due by 11/6/2018., Expert Discovery due by 11/6/2018., Joinder of Parties due by 3/19/2018., **Mediation Deadline 11/20/2018.**, In Limine Motions due by 2/19/2019., Dispositive Motions due by 11/28/2018., Motions due by 11/28/2018., Pretrial Stipulation due by 2/19/2019.), ORDER REFERRING CASE to Mediation. (Mediation Deadline 11/20/2018.), **ORDER REFERRING CASE to Magistrate Judge Alicia O. Valle for Discovery Matters. Signed by Judge Beth Bloom on 01/16/2018.** (kpe)**

**FINAL JUDGMENT DE-116 June 22, 2018 - ORDER OF DISMISSAL**

« **THIS CAUSE** » is before the Court upon the Bank Defendants' Omnibus Motion to Dismiss the Complaint, ECF No. [56], UBS AG's Motion to Dismiss the Complaint, ECF No. [62], and EFV and EBK-Eidgenoessische Bankenkommission's Motion to Dismiss, ECF No. [77] (collectively "the Motions"). For the reasons given in the Court's Omnibus Order, ECF No. [115], the Court **GRANTS** the Motions and enters a **FINAL JUDGMENT**.

The Clerk is directed to **CLOSE** the case. To the extent not already disposed of, any pending motions are **DENIED AS MOOT**, any scheduled hearings are **CANCELLED**, and all pending deadlines are **TERMINATED**.

**DONE AND ORDERED** in Miami, Florida this **21st day of June, 2018**.



**BETH BLOOM**

**UNITED STATES DISTRICT JUDGE**

#### 4. UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING 56 Forsyth Street, N.W. Atlanta, Georgia 30303

**Appeal Number:** 18-12751-CC

**December 10, 2018**

**Case Style:** Giuliano Stefano Wildhaber v. EFV, et al

**District Court Docket No:** 0 :17-cv-62542-BB

**COMMENT:** If the lower court's case was resolved by a pre-trial motion to dismiss, the appeals court will review the record *DE NOVO*. A *DE NOVO* review is a complete review of the lower court's decision, including their findings of fact. A "Final Judgment" does not exist. I am still positive, that this – **1989-Swiss-Century-Crime** - will be punished. **(Even the Pre-Trial was banned for me by an Order).**

**After the 2x Orders: 1st Trial** 04/26/2019 & Court room 10-2 + **2nd Mediator** T. Lardin + Mediation deadline 11/30/2018 = I thought that everything is very well done and proved and understood by the court. And whereas I had to explain all facts now only during the Mediation or the Trial.

**Wildhaber contends that the district court erred in granting the defendants' motions** to dismiss his complaint for failure to state a claim **(I filed all proofs with my complaint in advance by e-filing)**. In his brief, which we liberally construe because he is proceeding pro se, Wildhaber argues that his claims were not time-barred because the ATS does not have a statute of limitations. And even if it does, he argues that he was nevertheless entitled to equitable tolling **(under Swiss-Law the Statute of Limitation was interrupted (100% BLOCKED) by 2x Legal Actions, this even vice-versa in 2016)**.

#### JUDGMENT

The district court did not err in granting the defendants' motions to dismiss because Wildhaber failed to file his complaint within the ten-year limitations period. Wildhaber's claim arose in October 1989, when the Swiss Federal Council allegedly enacted the decree limiting land speculation. So Wildhaber had until October 1999 to file a timely complaint. But he filed his complaint in November 2017, more than eighteen years outside of the ATS' limitations period. **All of his claims are time-barred.**

We therefore **AFFIRM** the district court's grant of the defendants' motions to dismiss and **DENY** as moot Wildhaber's "omnibus motion."

Before **ED CARNES, Chief Judge**, TJOFLAT, and JORDAN, Circuit Judges.

**PER CURIAM:**

**12/10/2018**

\_\_\_\_\_/s/\_\_\_\_

By: Ed Carnes

**Chief Judge**

**RECONSIDERATION = REHEARING DENIED:**

**01/16/2019**

**5. SUPREME COURT OF GEORGIA**  
**CLERK'S OFFIC**

USCA11 No. 18-12751 - Wildhaber v. EFV, et al

February 1, 2019

**CLERK'S OFFIC**: I am returning your documents to you for further use = You are seeking to appeal a decision from the Eleventh Circuit, which is a Federal Court. The Supreme Court of Georgia is a State Court. There is no mechanism to appeal a decision from a federal court to a state court.

**Errare humanum est = I am a pro se litigant from Switzerland, sorry !** The only court with the authority to overturn a decision by this 11th Circuit Court is the **United States Supreme Court**. Review by the Supreme Court is not invoked by filing a notice of appeal with this court. Instead, a person seeking review by the **United States Supreme Court** must file the **appropriate documents with that court**.

**6. SUPREME COURT OF THE UNITED STATES**  
**USSC - WASHINGTON, DC 20543-0001**

USCA11 No. 18-12751 - Wildhaber v. EFV, et al

**USSC No. 18-1414**

01. **USSC = 1st attempt, February 15, 2019**

02. **USSC = 2nd attempt, May 10, 2019**

03. **USSC = Third and final attempt, June 04, 2019**

In the first two attempts I failed two times (**booklet**) with the **special Brief-format** of the USSC Court Rules. **Every year about 8000 (100 %) Cert Petitions are submitted to USSC !** The 1st exam I passed = That we will be discussed at that Conference 10/01/2019. 7 of the Current Justices participated in the Cert Pool for this Decision. **We was under the 5 % to be discussed 10.01.2019 = What an Honour !**

**Case Number: 0:17-cv-62542-BB Filer: WARNING: CASE CLOSED on 06/21/2018 Document Number: 123 Docket Text: WRIT OF CERTIORARI DENIED by US Supreme Court re [117] Notice of Appeal, filed by GIULIANO STEFANO GIOVANNI WILDHABER. (apz)**

**THE LEGAL QUESTION CONSIDERED FOR REVIEW**

The special facts and procedural posture of this case render it ideal for resolving whether the ATS/ATCA allows liability **under a hundred percent (100%) valid kept foreign (Switzerland) Statute of Limitation**. This case is an excellent vehicle for resolving the future issue ATS statute of limitation.

**Just Lost: My Petition for Writ of Certiorari was Denied 10/07/2019. Without Judgment in the special legal question. But the USA gave me finally a Vote (e.g. Voice) = Thanks a Lot to the US-Judiciary !**

## Procedural ATS-History (Swiss Victims) + 2020 ICSID-History (Italian Victims))

**Giuliano Stefano Giovanni WILDHABER *pro se***, a retired Swiss Businessman, was former 100% in the real estate business in Switzerland. The Decree over night from October 10, 1989 (new a Yes) was the **biggest Swiss Constitutional Fraud ever**. Swiss citizens' rights are defined as those rights that enable the citizens to decide on political issues (final-votes). **Swiss Direct Democracy is worldwide unique**.

See the flyer from **SWISS CONFEDERATION Chancellery (FCh) 2015: WE HAVE THE FINAL SAY** = In Switzerland sovereignty resides with the people, who exercise **Supreme Political Power (see USSC) !**

**And I speak from only two (2) events (in conjunction with 4 (four) heavy Swiss Constitutional Frauds):**

**1. The Stadt & Land Voting from December 4, 1988** (real estate restrictions) = 70% of the Citizens & Voters said NO + 100% from the 26x Cantons also said NO ! **2. The BIG Fraud = Decree October 6, 1989** = EFV & EBK-Finma (the leaders of this criminal conspiracy) et al made (26x Banks) an 100% YES and even backdated ! **That's way I/we lost 100% all real estates + AAA rating. That's way I sue now !**

**Very tricky:** 99% of all Real Estate (**e.g. Land**) in Switzerland are **NON-Agricultural** = Why no clearer ?!  
**Original in Switzerland = Revisionen** 06.10.1989 - 01.01.1995 (**Urgent**) Bundesbeschluss vom 6.10.1989 über eine **5x Jahres-Sperrfrist (Lockdown) für die Veräußerung NICHT-landwirtschaftlicher Grundstücke** und die Veröffentlichung von Eigentumsübertragungen von Grundstücken = **But Urgent Decree = Nullity after 1 year, according to Constitution (plus not touchable)**. That was the cheap tricks to cheat 1.55 Million Swiss-Citizens & Voters **& the Italian Victims also** = [www.gsw-global-consult.com](http://www.gsw-global-consult.com)

## 7. International Centre for Settlement of Investment Disputes (ICSID-Pending)

### The 3. ICSID - Trial (USA-Washington)

**The legal situation is still very clear & simple ! The 1989-Constitutional-Fraud is a one hundred (100%) percent proven fact (video-proofs etc.): So I think, that our chances to win (deal) are still very good.**

**According to Article 17 of the Universal Declaration of Human Rights of 1948, the right to property is a Human Right (see HRDs). In Switzerland, there is a Property Guarantee listed in the Federal Constitution Chapter 1, Fundamental Rights, under Article 26. 1. The property is guaranteed. 2. Expropriations and property restrictions, which are equivalent to Expropriations (see cold) are fully compensated. Unfortunately, this is just a Swiss-theory vs. Swiss Citizens (100% cheated) until today.**

**In the Centre for Settlement of Investment Disputes (ICSID) finally, we can talk about compensation, Italian Victims vs. Swiss Confederation. Since the Statute of Limitation was legally interrupted by the SYC-HRDs in Switzerland. Basic: Swiss Confederation and the Hungarian People's Republic Article 10.**

**The New ICSID-History = Italian Losses: Up 1989 CHF 300.00 Mio with 5% interests since 2016 = CHF 360 Mio = since 1989 = CHF 1.20 Billion (without punitive damage). HRDs (the Process Financer) has definitely bought CHF 300.00 million of the losses from the 3x Italian Victims on the HRDs Seychelles. In this trial Supported by the Italian Lawyer Danilo Ruggiero Di Bella of Bottega Di Bella (E-Alicante).**

CH-9606 Bütschwil / SG, October 15, 2019

By: \_\_\_/s/Giuliano Stefano Giovanni Wildhaber/