AUGUST 7, 2015

THIS CONSTRUCTIVE NOTICE IS SERVED ON

THE SECRETARY OF DEFENSE ASHTON B. CARTER

PURSUANT TO THE UNIFORM COMMERCIAL CODE AND THE

LAWS OF THE UNITED STATES OF AMERICA

IF THIS AFFIDAVIT IS NOT PROPERLY REBUTTED WITH A COUNTER-AFFIDAVIT WITHIN THIRTY (30) BUSINESS DAYS FROM THE DATE OF ITS SERVICE, ALL PARAGRAPHS NOT DENIED SHALL BE CONFESSED AFFIRMED, BY SUCH DEFAULT, AND SHALL BE ACCEPTED AS DISPOSITIVE, CONCLUSIVE FACTS, BY THE DEPARTMENT OF DEFENSE AND ALL OF ITS CONTRACTORS AND SUBCONTRACTORS. WHEREIN THE U.S. SECRETARY OF DEFENSE, ITS CONTRACTORS AND SUB-CONTRACTORS OR ANY PROPERLY DELEGATED AUTHORITY HAVE BEEN GIVEN NOTICE AND HAD THE OPPORTUNITY AND “FAILED TO PLEAD.” ALL COUNTER-AFFIDAVITS MUST BE RECEIVED WITHIN THIRTY (30) BUSINESS DAYS OF ORIGNAL SERVICE TO THE SECRETARY OF DEFENSE AND SIGNED WITH THE VALID LEGAL NAME, TITLE AND ORIGINAL SIGNATURE OF THE U.S. SECRETARY OF DEFENSE OR THEY SHALL NOT BE VALID.

Overview

In January 1981, Wesley C. Schneider, one of the Affiants, applied for and was later granted patents for a specialized drinking system and canteen water refilling system that can be used to protect the lives of soldiers during chemical and biological attacks. Affiants Hnatio and Schneider allege that over the period January 1981 to the present time, the U.S. Government has engaged in a purposeful scheme to defraud Mr. Schneider and the Wesleyan Company of their technology. In December 2013, Affiant Schneider, contacted Dr. John H. Hnatio, Executive Director, the Institute for Complexity Management (ICM) for assistance to investigate the alleged misappropriation of his patented technology by the U.S. Army. In conducting their investigation, ICM discovered new evidence that has prompted this constructive notice to the U.S. Secretary of Defense.

Affiants: Wesley C. Schneider and John H. Hnatio

This Affidavit and all attached documents have been made a part of the Public Record and will be used for evidence in the administrative and judicial proceedings at law, or equity regarding this case. All of these documents are maintained in the Affiants’ administrative files. For public notice, this affidavit and exhibits are posted on the John Galt Program for Investigative Studies web site at <http://jgpis.org/> for further public notice and to provide the U.S. Secretary of Defense the opportunity to review and rebut each of the 88 claims appearing below.

Affidavit of Truth

**1.** Ashton B. Carter is the U.S. Secretary of Defense with offices of business at 1400 Defense Pentagon, Washington, DC 20301-1400. [[ARMY EXHIBIT 1]](http://www.defense.gov/bios/biographydetail.aspx?biographyid=186)

**2.** The U.S. Department of Defense, including the U.S. Army and the U.S. Marine Corps, engages in commerce by entering into agreements and contracts with private sector companies. [[ARMY EXHIBIT 2]](http://www.acq.osd.mil/dpap/)

**3.** The Department of Defense, including the U.S. Army and the U.S. Marine Corps, is subject to United States procurement statutes, codes and laws including, but not limited to the Federal and Defense Federal Acquisition Regulations (FARS-DFARS), 5 CFR Part 2635; Title 41 U.S. Code 253; Title 48, Chapter 1 U.S. Code; Title 18 U.S. Code § 1031; P.L. 96-303; Title 18 U.S. Code §§ 654; 654; 641, and 1832. [[ARMY EXHIBIT 3]](http://defense.about.com/od/contracting/a/Overview-Of-The-Dod-Procurement-Process.htm)

**4.** The Department of Defense, including the U.S. Army and U.S. Marine Corps, is subject to the patent laws of the United States, including but not limited to, Title 35 U.S. Code- Patents. [[ARMY EXHIBIT 4]](https://www.law.cornell.edu/uscode/text/35)

**5.** The United States of America issues patents through the United States Patents and Trademarks Office (USPTO), which are valid in the United States and its territories. [[ARMY EXHIBIT 5]](http://www.uspto.gov/)

**6.** On July 26, 1981, the Affiant Schneider invented the “Spraybelt” recreational hydration system for joggers and filed United States Patents and Trademarks Office (USPTO) patent application 1002P002 disclosing the invention as a portable liquid storage and delivery system. The same USPTO patent filing disclosed a gas mask for Military use. [EXHIBIT 6]

**7.** From August 26, 1981 Wesleyan Company, Inc., was a small single proprietor business led by Affiant Wesley C. Schneider, operating out of offices at 1030 North State Street, Chicago Illinios, 60610. [ARMY EXHIBIT 7]

**8.** Beginning in July 1982, Affiant Schneider placed his singular focus upon development of a U.S. military hydration system. Successful technical feasibility studies at the Illinois Institute of Technology were completed in early November 1982, using a “dual hose” invention. [ARMY EXHIBIT 8]

**9.** On December 27, 1982, Affiant Schneider presented his proprietary proposal entitled, “Fluid Intake Suction Tubing (FIST) Hydration System and FLEXC Canteen for Mission-Oriented Protective Posture (MOPP) Personnel in a Nuclear, Biological and Chemical (NBC) Environment” to the U.S. Army. A proprietary “dual hose” alternative for drinking liquids in hostile environments was revealed in the proposal.[ARMY EXHIBIT 9]

**10.** On January 31, 1983, the USPTO awarded Affiant Schneider a pending patent for his military invention “Liquid Storage and Delivery System for Protective Mask,” a specialized drinking system and canteen water refilling system. [ARMY EXHIBIT 10]

**11.** In March 1983, Wesleyan competitor company and U.S. Army contractor, ILC Dover, initiated design changes to U.S. Army hydration systems that included the Affiant Schneider’s “dual hose” method for supplying drinking liquids to soldiers as presented by Wesleyan Company in Affiant Schneider’s proprietary proposal submitted to the U.S. Army on December 27, 1982. [ARMY EXHIBIT 11]

**12.** In April 1983, the U.S. Army rejected Affiant Schneider’s proprietary proposal and tasked their Department of Defense contractor, Battelle Memorial Institute, to duplicate the Affiant Schneider’s patented hydration system technology. [ARMY EXHIBIT 12]

**13.** On December 22, 1983, the U.S. Army procured a small number of Affiant Schneider’s prototype hydration systems for delivery on March 23, 1984, to U.S. Army Natick Laboratory for human factors evaluation. [ARMY EXHIBIT 13]

**14.** On May 29, 1984, a U.S. Army human factors evaluation concluded that Affiant Schneider’s invention was “worthwhile” to pursue for use in nuclear, biological and chemical (NBC) environments.[ARMY EXHIBIT 14]

**15.** On July 17, 1984, the U.S. Army accepted and took delivery of Affiant Schneider’s second-generation hydration system technology. [ARMY EXHIBIT 15]

**16.** The U.S. Army misappropriated, reverse engineered and replicated Affiant Schneider’s proprietary discoveries and patented hydration systems technology that would later evolve into what is now commonly referred to as the “Camelbak” hydration system. [ARMY EXHIBIT 16]

**17.** In February, 1985, the U.S. Army tasked their Battelle Memorial Institute contractor to prepare a report recommending design changes based on Affiant Schneider’s proprietary discoveries and patented hydration system technology. The report was published in September 1986. [ARMY EXHIBIT 17]

**18.** On March 18, 1985, the U.S. Army Chemical School rejected the Affiant Schneider’s hydration system technology contending that it was a “luxury”. [ARMY EXHIBIT 18]

**19.** One day later on March 19, 1985, the USPTO awarded Affiant Schneider patent No. 4,505,310 entitled “Liquid Storage and Delivery System for Protective Mask,” a specialized drinking system and canteen water refilling system. [ARMY EXHIBIT 19]

**20.** In May 1985, the U.S. Army tasked defense contractor ILC Dover to perform prototype design changes to the U.S. Army’s existing drinking mask technology using Affiant Schneider’s patented hydration system technology. [ARMY EXHIBIT 20]

**21.** On June 26, 1985, the U.S. Army contracted Affiant Schneider to procure additional prototypes of his hydration systems with advanced shut off valves. [ARMY EXHIBIT 21]

**22.** On July 16, 1985, U.S. Army senior scientist Dr. Roger Hubbard of the U.S. Army Research Institute of Environmental Medicine (USARIEM) sponsored Mr. Schneider to brief Major General Honor, U.S. Army Deputy Chief of Staff, Logistics (water) and 80 members from the tri-services comprising the Water Area Resources Management Group (WARMAG) on the lifesaving benefits of Affiant Schneider’s proprietary and patented hydration system technology. [ARMY EXHIBIT 22]

**23.** On August 25, 1985, the U.S. Army confirmed that Affiant Schneider’s modified versions of Wesleyan Company’s original Nuclear Biological and Chemical mask drink technology worked with combat vehicle crew modified helmets to allow soldier’s operating in tanks to drink water “on-the-move” during operational tank tests. [ARMY EXHIBIT 23]

**24.** In August 1985, the U.S. Army tested Affiant Schneider’s hydration system technology at the Armor School at Fort Knox. The tests proved that Affiant Schneider’s hydration system technology provided both physiological and psychological benefits to soldiers. [ARMY EXHIBIT 24]

**25.** In late October 1985, the U.S. Army wrote an official Department of Defense requirements document providing procurement specifications for a new gas mask hydration system, concluding that “technology similar” to Affiant Schneider’s hydration system technology be procured. The document fails to identify Affiant Schneider’s company as the sole source technology manufacturer. The revised document omitted any reference to Affiant Schneider as being the sole source technology provider. [ARMY EXHIBIT 25]

**26.** In December 1985, Affiant Schneider discovered that the U.S. Army had “reverse engineered” affiant Schneider’s patented hydration system technology. [ARMY EXHIBIT 26]

**27.** In January 1986, Dr. Hubbard of the U.S. Army Research Institute of Environmental Medicine (USARIEM) advocated for advanced testing of Affiant Schneider’s hydration system as a means to save the lives of soldiers in hostile Nuclear Biological and Chemical (NBC) environments. [ARMY EXHIBIT 27]

**28.** In September 1986, Dr. Hubbard of the U.S. Army Research Institute of Environmental Medicine (USARIEM), published empirical human test findings that proved the significant value of Affiant Schneider’s hydration system technology as a means to save the lives of soldiers in hostile NBC environments. [ARMY EXHIBIT 28]

**29.** On December 17, 1986, the U.S. Army tasked defense contractor ILC Dover to prototype design changes to the Army’s existing drinking mask technology that misappropriated Affiant Schneider’s hydration system technology. [ARMY EXHIBIT 29]

**30.** In January 1987, Affiant Schneider contacted Senator Alan J. Dixon to report that U.S. Army contractor, ILC Dover, was delivering “dual hose” prototypes to the U.S. Army as part of a “design around” scheme to misappropriate Affiant Schneider’s hydration system technology. [ARMY EXHIBIT 30]

**31.** On February 27, 1987, Affiant Schneider traveled to the Pentagon to meet with Mr. J.R. Scully, U.S. Army Undersecretary for Research Development and Acquisition. At that meeting Affiant Schneider protested that the U.S. Army Research Laboratories and their preferred contractors were unlawfully reverse engineering Affiant Schneider’s patented hydration system technology. Army Undersecretary Scully assured Affiant Schneider that the U.S. Army would follow “fair contracting” practices in any future procurement of soldier hydration technology. [ARMY EXHIBIT 31]

**32.** On April 15, 1987, Congress authorized $600,000 for the development of Affiant Schneider’s hydration system technology for type classification testing and procurement. [ARMY EXHIBIT 32]

**33.** In April 1987, U.S. Army personnel rewrote the Department of Defense drink system requirement document to begin a competitive full drink system development program to compete directly with Wesleyan Company. [ARMY EXHIBIT 33]

**34.** Second Lieutenant Michael L. Sparks (USMC), reveals on his internet site called “1st Tactical Studies Group (Airborne)” that immediately after the Army altered the hydration requirement document in 1987, he submitted a “beneficial idea” which revealed a competitive knock-off of Affiant Schneider’s technology. [ARMY EXHIBIT 34]

**35.** Lt. Sparks revealed that he visited Natick in 1987, meeting with U.S. Army Natick engineers including the engineer in charge of Affiant Schneider’s intellectual property technology database. After this meeting, Lt. Sparks states that he traveled to Texas to educate the owner of what would become known as “Camelbak” on how to militarize the Texas Company’s recreational devices. Lt. Sparks falsely states that this is how the military Camelbak was invented. None of this evidence found its way into the U.S. Army’s judicial rulings against Affiant Schneider. [ARMY EXHIBIT 35]

**36.** In June 1987, in response to Congressional interest in securing a $600,000 line item for the development of its hydration technology, Natick began to compete directly against Affiant Schneider’s company by advocating a competitive ”in-house” hydration system development program to duplicate Affiant Schneider’s misappropriated hydration system technology. [ARMY EXHIBIT 36]

**37.** In June 1987, the U.S. Army’s Natick Laboratories assembled a version of a crude dual hose drink design prototype by misappropriating Affiant Schneider’s hydration system technology that the U.S. Army stole from Affiant Schneider’s original proprietary proposal submitted to the U.S. Army in 1982. [EXHIBIT 37]

**38.** The U.S. Army Natick Laboratories spent money originally appropriated from Congress for the procurement of Affiant Schneider’s hydration system technology to develop their in-house alternative. By doing this the U.S. Army established themselves as not only evaluator but also a direct competitor of Affiant Schneider’s company.[EXHIBIT 38]

**39.** On September 25, 1987, Affiant Schneider was independently advised, that “the Army is going to knock off your technology.” [ARMY EXHIBIT 39]

**40.** In October 1987, the U.S. Army advised Affiant Schneider that the procurement of its Wesleyan hydration system technology was “progressing”.[ARMY EXHIBIT 40]

**41.** On December 15, 1987, the USPTO awarded Affiant Schneider a second patent (U.S. Patent No. 4,712,594) entitled “Liquid Storage and Delivery System for Protective Mask,” a specialized drinking system and canteen water refilling system. [ARMY EXHIBIT 41]

**42.** In June 1988, Mine Safety Appliances, the world’s largest gas mask manufacturer and virtual sole-source supplier of gas masks to the U.S. Military since 1915 paid Wesleyan Company $200,000 for a manufacturing license to produce Affiant Schneider’s hydration system technology. [ARMY EXHIBIT 42]

**43.** No orders from the U.S. Army materialize for Affiant’s patented soldier hydration technology since it was already being duplicated in-house by U.S. Army contractors. [EXHIBIT 43]

**44.** In March 1989, the U.S. Army Natick Laboratories kicked into high gear and aggressively launched their own full-fledged “research, development, testing and evaluation (RDT&E)” program based on Affiant Schneider’s patented hydration system technology. [EXHIBIT 44]

**45.** On September 27, 1989 U.S. Army attorney Mr. Lawrence Labadini, Esq., assisted a Natick Laboratory employee to obtain a bogus patent to compete with Affiant Schneider’s hydration systems technology. The bogus patent was based on Affiant Schneider’s two pre-existing and already issued USPTO hydration systems patents. The U.S. Army patent filing fails to note that the patent submission was actually based on proprietary intellectual property that was originally misappropriated from Affiant Schneider’s March 1983 unsolicited proposal research. [EXHIBIT 45]

**46.** From 1990 to 1992, the U.S. Army tested and failed Affiant Schneider’s patented hydration system technology since the Army has already duplicated it by producing an in-house alternative that unlawfully exploited Affiant Schneider’s hydration system technology. [EXHIBIT 46]

**47.** From 1992 to 1994, the U.S. Army redirected their “in-house” research, development, testing and evaluation (RDT&E) “knock-off” effort to their Camelbak contractor. Camelbak used Affiant Schneider’s patented hydration system technology for mass production to financially benefit the U.S. Army and its preferred vendor, Camelbak. [EXHIBIT 47]

**48.** In 1994, the U.S. Army reached out to their “preferred” Camelbak defense contractor to manufacture a version of the Affiant Schneider’s hydration system technology. At that time, the lives of thousands of U.S. soldiers were at risk in the event of a nuclear, chemical or biological attack on the battlefield. The fact that U.S. Army warfighters soldiers are at risk was maintained as a closely held secret within the Department of Defense and the U.S. Army. [EXHIBIT 48]

**49.** Dr. Hubbard’s wife, also an employee of the U.S. Army at Natick Laboratories, was harassed by the U.S. Army. Early in 1995, Dr. Hubbard was targeted and demoted and forced into early retirement after completing 34 years of honorable service to the U.S. Army. After enduring harassment at Natick for support of the procurement of Affiant Schneider’s technology, both Dr. Hubbard and his wife left the United States to become citizens of Canada.[EXHIBIT 49]

**50.** In 1996, a U.S. General Accounting Office report concluded that U.S. troops remained highly vulnerable to attack from both chemical and biological agents because of delays in providing updated protective equipment for U.S. soldiers in combat. [[EXHIBIT 50]](http://www.gao.gov/assets/110/106465.pdf)

**51.** In 1996, the Department of Defense, via the U.S. Marine Corps, continued the misappropriation of Affiant Schneider’s hydration system technology and its extensive research database. [EXHIBIT 51]

**52.** In 1999, Affiant Schneider’s “Fist Fountain” canteen refill technology, the essence of its second patent (U.S. Patent No 4,712,594) was also exploited under Marine Corps requirements documents and budgets. [EXHIBIT 52]

**53.** On April 15, 2002, Affiant Schneider filed a contracting complaint against the Cognizant Army Contracting Officer (CACO) at Natick Laboratories. [EXHIBIT 53]

**54.** On July 19, 2002, the CACO denied Affiant Schneider’s claim, prompting Affiant Schneider to appeal the finding to the Armed Services Board of Contract Appeals (ASBCA). [EXHIBIT 54]

**55.** On September 5, 2002, the ASBCA received Affiant Schneider’s complaint against the U.S. Army for misappropriating his hydration system technology. [EXHIBIT 55]

**56.** On May 1, 2003, an internationally renowned gas mask designer with 34 years of experience in nuclear, biological and chemical warfare, David Pike of the United Kingdom, swore out a declaration under 28 U.S.C §1746 in support of Wesleyan’s claim before the ASBCA (No. 53896). Mr. Pike helped design the British Military gas mask and later served as a technical consultant to AVON technical products that was brought in to help the U.S. Army design and manufacture its current fielded array of gas masks with “On-the-Move” hydration capabilities.[EXHIBIT 56]

**57.** In his sworn deposition, Pike declared that the soldier hydration component supplied to the U.S. Army by Camelbak “had its origins in the Wesleyan system.” Pike further declared, “I know of no independent research and development conducted by the U.S. Army or other NATO country into ‘On-the-Move Hydration’ that preceded the Wesleyan system.” [ARMY EXHIBIT 57]

**58.** On January 14, 2009, ASBCA Judge Monroe Freeman ruled that the U.S. Army did not misappropriate Affiant Schneider’s hydration system technology. [ARMY EXHIBIT 58]

**59.** The John Galt Program for Investigative Studies (JGPIS) is a division of the Institute for Complexity Management (ICM). ICM is a non-profit charitable organization operating pursuant to the Internal Revenue Code (IRS) as a 501(c) (3) organization that provides pro-bono assistance to small businesses where evidence exists that they have been subjected to unfair competition by the U.S. Government.[[ARMY EXHIBIT 59]](http://jgpis.org/)

**60.** In December of 2013, Affiant Schneider saw a FOX Television news special report on the U.S. Government theft of intellectual property from two small businesses similar to his own experience. Mr. Schneider reached out to Affiant Dr. John Hnatio, Executive Director, ICM for assistance. [[ARMY EXHIBIT 60]](http://www.foxnews.com/politics/2013/12/17/small-businesses-claim-us-government-stealing-their-ideas/)

**61.** In January 2014, ICM began a comprehensive investigation of the Wesleyan matter. The investigation included a detailed review of hundreds of documents, independent research on Department of Defense and U.S. Army procurement and procurement integrity policies, procedures and requirements and the role and functioning of the Armed Services Board of Contract Appeals (ASBCA). [[EXHIBIT 61]](http://jgpis.org/status/248-2/)

**62.** From that time ICM has conducted an exhaustive investigation of the matter. ICM has written a comprehensive report of their investigation with exhibits of proof in support of this affidavit of truth. [ARMY EXHIBIT 62]

**63.** As a result of the ICM investigation, new evidence was discovered indicating possible judicial and U.S. Army counsel misconduct. In addition, irrefutable evidence of U.S. Army and U.S. Marine Corps misconduct by misappropriating technology owned by small businesses was discovered. This constructive notice to the U.S. Secretary of Defense is the direct result of these new evidentiary findings. [EXHIBIT 63]

**64.** On November 3, 2014, ICM published a comprehensive report of their findings that included documentary evidence to support each of the allegations contained in the report. [EXHIBIT 64]

**65.** Among the pieces of evidence disclosed by the ICM investigation was that , of Affiant Schneider’s hydration system technologyown as specifically stipulated ASBCA 65

**66.** An independent review of the ASBCA transcript by ICM reveals that on April 16, 2008, Army trial counsel Craig S. Clarke suppressed physical evidence at the hearing, substituting photographs instead of producing the actual physical prototypes of Affiant Schneider’s hydration system technology that were in Clarke’s possession and as specifically required by the Court’s own Rules of Evidence. [ARMY EXHIBIT 66]

**67.** Upon Army trial counsel Craig S. Clarke’s failure to produce the Wesleyan physical prototypes at the hearing and in the Army’s possession, Affiant Schneider’s legal counsel objected to the ASBCA Presiding Judge Monroe Freeman, Jr., who sustained the objection. However, Judge Freeman failed to compel the U.S. Army counsel to produce the physical prototypes at the hearing as ordered the ASBCA Upper Court of Appeals. [EXHIBIT 67]

**68.** The ASBCA judge’s failure to compel the production of Affiant Schneider’s hydration system technology that was in the possession of the U.S. Army counsel and as specifically required by the Court’s own Rules of Evidence was either the result of egregious error or purposeful intent. The Judge’s actions were in direct contravention of an earlier Higher Appeals Court decision (Wesleyan Company, Inc. v. Harvey, 454F.3d 1375, 1379-81 (Fed.cir.2006) instructing the ASBCA judges to focus their hearing exclusively upon Wesleyan prototypes “purchased and evaluated”. [EXHIBIT 68]

**69.** By failing to compel U.S. Army trial attorney Craig S. Clarke to produce the physical prototypes, ASBCA Judge Monroe Freeman denied Affiant Schneider justice under evidentiary law by denying Affiant Schneider’s right to cross-examination of the physical evidence. [ARMY EXHIBIT 69]

**70.** Moreover, ASBCA Judge Freeman’s failure to compel the production of Affiant Schneider’s physical prototypes at the hearing as specifically mandated by an earlier Higher Appeals Court decision was in direct contravention to the statements made by Judge Freeman himself during the hearing when he stated on the record, “I’ve got to have the physical exhibits because it’s not just me. I’ve got two colleagues…, possibly four colleagues to read my decision.” [ARMY EXHIBIT 70]

**71.** The result of this egregious judicial action, by error or intent, was that Affiant Schneider lost the opportunity to reveal his compelling evidence to all four of the presiding ASBCA Judges because the Army counsel was allowed to suppress, by error or intent, the evidence and Judge Freeman, by error or intent, allowed it. [ARMY EXHIBIT 71]

**72.** On January 14, 2009, Judge Freeman, writing on behalf of the board in ASBCA in case number 53896, ruled (as asserted in the hearing) that Affiant Schneider did indeed ship to the Army his physical prototypes maintaining “All Rights Reserved” to his company. Affiant Schneider testified that all prototypes were properly tagged with the disclaimer “Use of concept or design of prototypes without written consent of Wesleyan Company, Inc. is prohibited. All rights reserved.” [ARMY EXHIBIT 72]

**73.** However in Judge Freeman’s ruling, as appearing on page 10 of the document, a Natick engineer testified that “it would have been likely that I would have [disassembled on of Affiant Schneider’s prototypes].” [ARMY EXHIBIT 73]

**74.** The U.S. Army’s disassembly and reverse engineering of Affiant Schneider’s prototypes violated the Affiant Schneider’s proprietary right statement indicated on individual tags that were hung on each physical prototype. Judge Freeman disregarded his own earlier ruling that found Wesleyan had placed ownership tags on the prototypes.[ARMY EXHIBIT 74]

**75.** Because the ASBCA’s decision covered only 29 of Affiant Schneider’s prototypes out of the total 677 purchased by the U.S. Army, this denied Affiant Schneider the legal benefits of a manufacturing license. This represents another egregious judicial action made by either error or intent. [ARMY EXHIBIT 75]

**76.** Since the U.S. Army was never compelled to account for the disposition of the remaining 664.5 of Affiant Schneider’s prototypes it defies probability that the remaining prototypes did not migrate out of the U.S. Army and into the hands of preferred contractors as part of the evolutionary duplication of Affiant Schneider’s hydration systems technology into competitor Camelbak’s hydration system technology products. [ARMY EXHIBIT 76]

**77.** Moreover, the U.S. Army filed to safeguard Wesleyan’s proprietary technologies because it could not even determine the number of prototypes that it purchased. That U.s Army produced conflicting prototype procurement totals but settled on a final total of 677. The ASBCA decision itself acknowledges 336 prototype purchases from Affiant Schneider’s licensee. But the U.S. Army stipulates in its opening sentence that there are 677. The U.S. Army was not able to produce any records accounting for any prototypes in their possession. [EXHIBIT 77]

**78.** ASBCA Judge Freeman engaged in judicial misconduct when in his January 14, 2009, written decision he altered the documentary evidence as contained in the official hearing record, (on Page 5, first paragraph, 8th sentence, second word) when he replaced the word “many” with the word “some” to devalue the true effectiveness of Affiant Schneider’s military hydration systems. [ARMY EXHIBIT 78]

**79.** ICM investigators discovered that the same U.S. Army counsel that suppressed the production of Affiant Schneider’s prototypes at the hearing, in direct violation of the rules of evidence, was soon thereafter awarded an ASBCA judgeship. This raises the possibility of a conflict of interest arising from the appearance that U.S. Army counsel was rewarded for violating Affiant Schneider’s rights and, by so doing, saving the U.S. Army from paying Mr. Schneider $57 million in hydration system technology royalties. [ARMY EXHIBIT 79]

**80.** In conducting their investigation, ICM also discovered a highly incriminating audio recording where a senior placed U.S. Army Natick official where he admits that the U.S. Army was reverse engineering Affiant Schneider’s hydration system technology as well as that of other small inventors, as standard operating procedure. The audio recording leaves no doubt the U.S. Army was engaging in the intentional and systemic theft of Affiant Schneider’s hydration system technology. [ARMY EXHIBIT 80]

**81.** On November 3, 2014, Affiant Hnatio wrote a letter to the Baltimore Field Office of the Federal Bureau of Investigation (FBI) reporting possible judicial, U.S. Army Counsel and U.S. Government employee official misconduct. ICM requested the opportunity to brief the FBI. The FBI did not respond to the letter. Affiant Hnatio subsequently visited the Baltimore Office of the FBI where he hand delivered a copy of the ICM investigative report on the matter. The FBI never responded. [ARMY EXHIBIT 81]

**82.** On November 5, 2014, ICM wrote a letter to U.S. Representative Sam Johnson (TX-3) and provided his staff with a briefing and a copy of the comprehensive report written by ICM for the Federal Bureau of Investigation. Representative Johnson advised that he could not take any action until the matter was reported to the Inspector General of the Department of Defense for action. [EXHIBIT 82]

**83.** On November 5, 2014, ICM wrote a letter to Texas U.S. Senator Ted Cruz and provided his staff with a briefing and a copy of the comprehensive report written by ICM for the Federal Bureau of Investigation. Senator Cruz advised that he could not take action until the matter was reported to the Inspector General of the Department of Defense for action. [EXHIBIT 83]

**84.** On December 1, 2014, at the suggestion of Representative Johnson and Senator Cruz, ICM filed a formal complaint directly with the DOD Office of Inspector General (DOD-IG). The DOD-IG declined to investigate and instead referred the matter back to the U.S. Army. The DOD-IG and the U.S. Army did not respond to any further ICM inquiries. [EXHIBIT 84]

**85.** On December 15, 2014, Affiant Hnatio wrote a letter directly to the Honorable Frank Kendall, Undersecretary of Defense Acquisition, Technology and Logistics, providing a copy of the comprehensive report written by ICM for the Federal Bureau of Investigation and requesting the opportunity to meet with him or members of his staff to brief them. Mr. Kendall never responded to Affiant Hnatio’s letter. [EXHIBIT 85]

**86.** ICM has independently reviewed the claims of monetary damages inflicted on Affiant Schneider as the result of the U.S. Army’s misappropriation of his hydration system technology and the faulty decisions, by error or intent, of the presiding ASBCA judge and U.S. Army Counsel. The claim shows that Affiant Schneider was unjustly deprived of $57,000,000 dollars in royalties that would have accrued to him over the period of April 1983 to the current time. [ARMY EXHIBIT 86]

**87.** Affiant Schneider’s greatly benefitted from the U.S. Army’s misappropriation of Affiant Schneider’s hydration system technology and the subsequent miscarriage of justice perpetrated by the ASBCA. Camelbak Companycoming both and recreational ICM concludes that Affiant Schneider is entitled to additional damages from the Department of Defense and the U.S. Army as the result of improperly directing Affiant Schneider’s recreational and military hydration system technologies to Camelbak for duplication. 87

**88.** In view of the ASBCA’s failures, by error or intent, ICM recommends that Secretary of Defense Carter enter into immediate binding arbitration with Affiant Schneider with the assistance of an independent arbiter to resolve this dispute in a manner that assures a fair and just settlement for Affiant Schneider.

Affiants incorporate by reference a comprehensive report of investigation of the matter conducted by ICM that includes a computer library of documentary evidence. The report dated November 3, 2014, is entitled, “The Case of Wesleyan Company.”

We solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of our knowledge and belief.

WESLEY C. SCHNEIDER

5403 Exeter Dr.

Richardson, TX 75082

County of: Collin

State of: Texas

Witness the above signature affixed to this document on this day of August \_\_, 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature and Official Seal on this day of August \_\_\_, 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_

JOHN H. HNATIO

Executive Director

Institute for Complexity Management

7420 Hayward Road

Frederick, Maryland 21702

County of: Frederick

State of: Maryland

Witness the above signature affixed to this document on this day of August \_\_, 2015

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Signature and Official Seal on this day of July \_\_\_, 2015

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