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FEDERAL COMMUNICATIONS COMMISSION
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5 PRO PER FOR PLAINTIFF(S)
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01-348

9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11 WESTERN DIVISION

12
13 ADE O. OGUNJOBI, individually) CASE NO. CV01-10263 SVW
14 and on behalf of UNITED STATES and its)
15 taxpayers; SHAREHOLDERS of AOL TIME) PLAINTIFF'S REQUEST TO
16 WARNER, INC., AT&T CORP., AT&T) UNITED STATES DEPT. OF
17 WIRELESS SERVICES, INC., GENERAL) JUSTICE AND FCC TO
18 ELECTRIC COMPANY, GENERAL) CEASE ALL REVIEWS OF
19 MOTORS CORPORATION, HUGHES) AT&T & COMCAST
ELECTRONICS CORPORATION,) MERGER; ECHOSTAR &
20 MARRIOTT INTERNATIONAL, INC. and) HUGHES MERGER; NBC'S
21 TOKS, INC.) ACQUISITION OF
TELEMUNDO; REQUEST

22 PLAINTIFF(S)) TO TERMINATE ALL
23) ABOVE APPROVALS OF
24) TRANSACTIONS AS IN
25) INDEFINITELY
26)

27 -v-

The Hon. Stephen V. Wilson

28 BANK OF AMERICA)

29 DEFENDANT(S))

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30 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

31 SUMMARY
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2 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

3 **SUMMARY**

4 The plaintiff, Ade O. Ogunjobi is also the founder of Toks, Inc., who
5 filed a lawsuit individually and on behalf of United States and its taxpayers;
6 Shareholders of AOL Time Warner, Inc., AT&T Corporation, AT&T Wireless
7 Services, Inc. General Electric Company, General Motors Corporation, Hughes
8 Electronics Corporation, Marriott International, Inc. and Toks, Inc. on November
9 29, 2001 and December 10, 2001 respectively against Bank of America to seek
10 court order relief to mandate the defendant to provide the \$5 billion to \$10 billion
11 business line-of-credit to finance the proposed exchange tender offers Toks, Inc.
12 proposed in its 425 Notices to acquire all seven above entities in all stock tax free
13 in heavy premium. According to the lawsuit/complaint, Toks, Inc. will pledge its
14 won registered securities as "collateral" and indirect leverage financing using the
15 underlying assets, assets, cash flows, cash reserves of all entities Toks, Inc.
16 proposed to acquire in heavy premium as "collaterals" as well. In one word this is
17 not "free" money the plaintiff is seeking on behalf of Toks, Inc. The way the
18 defendant has been acting, one would have thought, the plaintiff is seeking "free"
19 money. Please review the 425 Notices of Toks, Inc. on SEC Web site. Also,
20 Global Crossing Limited was included through a submission of Toks, Inc.'s "Bid
21 Offer" to acquire Global Crossing Limited through United States Bankruptcy
22 Court, Eastern Division in New York on February 11, 2002 for \$60 billion in stock
23 or more that will restore the shareholders' equity and make full debt payment to
24 lenders and creditors of most \$12 billion.

25 The lawsuit was amended on January 10, 2002 requesting the court to declare
26 the registration statement and the securities effective that will overturn the SEC
27 administrative judicial decision to suspend the registration statement. On January
28 16, 2002, the plaintiff submitted an "addendum" of sort to answer the initial
decision by the SEC law administrative judge. Plus "damaging" evidence as in
correspondences sent to SEC to back the allegation that SEC bowed to "outside"
pressure to "undermine" the very "concept" to acquire these entities. The strong
language the plaintiff used is "corrupt" as in SEC as a "corrupt" agency that caters
to "big boys."

29 It must be with great understanding to both United States Department of
30 Justice and Federal Communications Commission that the defendant, Bank of
31 America not only seeks to dismiss the lawsuit against the bank, which is
32 understanding as the typical due process, but the defendant actually opposed Toks,
33 Inc.'s right to its own securities. To fully understand this case, both the United
34 States Department of Justice and Federal Communications Commission must send
35 its own representatives to federal court in Los Angeles, California to make copies
36 of all papers as in documents the plaintiff already filed and review them. This
37 lawsuit/complaint is no longer in the hands of the defendant, Bank of America and
38

1 the plaintiff, Ade O. Ogunjobi. The case now belongs to the court which in turn
2 represents the American People. The defendant, Bank of America, "big boys" and
SEC cannot act behind the "closed" doors anymore.

3 The plaintiff served the U.S. Attorney's Office to represent United States and
4 its taxpayers because United States is getting \$2 billion or more through the \$2
5 billion SEC filing fees to be paid by Toks, Inc. to start the process of the exchange
tender offers.

6 NATURE OF REQUESTS

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8 Due to the Civil Minutes issued by The Honorable Stephen V. Wilson on
9 February 28, 2002, to remove the hearing of motions to dismiss filed by the
10 defendant, Bank of America from the calendar allowed the plaintiff to request both
11 the United States Department of Justice and Federal Communications Commission
12 to cease all reviews of AT&T and Comcast Merger, EchoStar and Hughes merger,
13 and NBC's acquisition of Telemundo. Also both agencies must suspend any
14 approval of these mergers indefinitely because of these factors: i) Toks, Inc. is
15 paying "heavy premium" in stock to the shareholders of both AT&T Corporation
16 and Hughes Electronics Corporation; ii) Due to Toks, Inc.'s own proposal to
17 acquire General Electric Company, parent company of NBC, Toks, Inc. do not
18 believe in "duopoly" ownership, even if court of appeals ruled in such legality.
19 Toks, Inc. as an entity believes that competition is the answer to any country's
20 survival. The more people are allowed to compete, the better the surroundings.
21 Also, Toks, Inc. doesn't believe it has to own a minority-oriented business as in
22 Telemundo to reach minorities. The company has a business plan to accommodate
such "strategy" to reach minority groups without owning any minority-oriented
entities. It boils down to typical "stereotypes." And iii) Litigation is in progress
seeking a court order relief to mandate Bank of America to provide the \$5 billion
business line-of-credit to finance the exchange tender offers and court order to
declare Toks, Inc.'s registration statement and registered securities effective,
because such Class A common stock will be used to conduct the exchange tender
offers, even if Toks, Inc. files separate registration statement, the company still
need that particular Class A common stock. That's the "egregious" act the plaintiff
pointed out to the court that SEC's move to deny such Class A common stock to
become effective will render all transaction useless.

23 Also, it must be clear to both United States Department of Justice and Federal
24 Communications Commission that the plaintiff agrees with the court to remove
25 that ridiculous motions to dismiss filed by the defendant, Bank of America from
26 the calendar. The defendant has no defense at all. Because the plaintiff is not even
27 seeking monetary damages, just plain court order relief to mandate the defendant,
28 Bank of America.

1 **American Values**

2 This lawsuit/complaint represents the very core of our democracy in terms of
3 American Values. We all owe it to ourselves and the next generation to preserve
4 the very American values that allow us to be productive and contribute in our
5 society. We must not allow banks to control money and block access to capital
6 markets. Because money is a "tool" to improve our surroundings, not a "tool" to
7 oppress. Also, it is very dangerous to allow few people as in "big boys" to turn
8 "public entities" into their "little private entities." And worse to turn United States
9 of America into their "private island." God forbids. Bank of America doesn't own
10 money. SEC has no monopoly on whom can file registration statement to register
11 securities on behalf of an entity to conduct business with such securities as in
12 capital raising activities and acquisitions. The day we allow few people to interfere
13 into other people's business with just cause, we are in trouble as a great nation.
14 This is why it's critical for the court to overturn the SEC judicial decision to send a
15 clear message that "due process" means "due process." Every American is entitled
16 to be productive and contribute. No matter if some people don't like such
17 contribution. Because the "big boys" in the future will be able to pick up the phone
18 and call in to SEC to undermine any registration statement they don't like, instead
19 of granting such filer the "due process" to complete.

20 **Mergers and Acquisitions**

21 The request to United States Department of Justice and Federal Communication
22 Commission to cease reviews of AT&T and Comcast merger, EchoStar and
23 Hughes merger are based on the heavy premium the shareholders of these entities
24 are receiving from Toks, Inc. from the exchange tender offers. Toks, Inc. is paying
25 approximately \$500 billion in stock to shareholders of AT&T Corporation,
26 compared to the ridiculous low premium of \$50 billion the shareholders will
27 receive from Comcast. Worst of all, the Roberts Family will own these assets,
28 compared to shareholders of Toks, Inc. owning all the assets after the closing of
the exchange tender offers. To clarify, the shareholders of all entities Toks, Inc.
proposed to acquire will become shareholders of Toks, Inc. Or the worst M&A I
ever witnessed, the EchoStar's \$29 billion in stock and \$5.5 billion in cash to
acquire Hughes Electronics Corporation. First, Toks, Inc. will pay approximately
\$154 billion in stock to the shareholders of Hughes Electronics Corporation. And
why would they need \$5.5 billion cash that will go straight to General Motors
Corporation, and General Motors Corporation will end up using it to pay down
debts. Toks, Inc. can pay down debts as well and provide General Motors
Corporation \$5 billion in cash for expenditures in the future, as a parent company.
And for NBC's acquisition of Telemundo, Toks, Inc. will not be interested in such
ownership. Media entities want to own all media assets, good luck to them. Any
wonder why the media entities are loaded with debts. They still have to raise
money or borrow money to buy these media entities. And heavy debts always
result in costs cutting where media entities will resort to producing inferior
products to consumers, in this case, cheap programs/contents. With great

1 understanding, both the DOJ and FCC must review Toks, Inc.'s 425 Notices on the
2 SEC Web site and see that the plaintiff is consistent.

3 4 **PUBLIC FORUM**

5 **Federal Courts**

6 The submission to acquire Global Crossing Limited in stock of \$60 billion or
7 more now makes it more complicated for the defendant, Bank of America, SEC
8 and the "big boys" to fight two federal courts that are working on behalf of the
9 American People. This is the more reason why both DOJ and FCC must review all
10 documents filed by the plaintiff in court. The documents are accessible to the
11 public. The plaintiff requested the United States Bankruptcy Court where Global
12 Crossing Limited filed its Chapter 11 to consider Toks, Inc.'s submission that will
13 restore the equity of Global Crossing Limited shareholders through Toks, Inc.'s
14 stock and repay most of all the debt to the lenders and creditors. Because it's okay
15 for banks to violate the laws and discriminate and at the same time deny American
16 people their share of deals. The very banks are quick to run straight to U.S.
17 taxpayers to bail them out whenever they got into trouble providing "bad loans."

18 **Press Releases**

19 The plaintiff is taking this opportunity to request both the United States
20 Department of Justice and Federal Communications Commission to conduct press
21 releases to cease all reviews of AT&T and Comcast merger, EchoStar and Hughes
22 Electronics merger, and NBC's acquisition of Telemundo. Also Toks, Inc. is
23 prepared to relinquish part ownership of PAX.

24 The press releases are very critical, because this is about America. This is for
25 the American people. America cannot send troops across the globe to fight
26 "terrorism" and at the same time allow "corporate terrorists" to continue working
27 behind closed doors to undermine every potential business transactions they don't
28 like. The defendant, Bank of America cannot have it both ways, behave like a
doggone "monster" quietly behind closed doors, and try to portray a friendly
image to the public as a financial institution. I want the defendant to cease acting
like a doggone "coward" and let the public see it as the monster. No more silence.
Bank of America must tell America that the financial institution is not that
business friendly. If Bank of America can charge me little fees here and there
providing me financial products and services over the course of years and years
I've been the bank's client, why can't the same bank provide the company I
founded financial products and services to finance the exchange tender offers?
They got small fees from me, now when it comes to big fees Bank of America will
generate from this transaction alone, the bank bulked. One reason for that
"control." It's beyond "greed." If it's "greed" the defendant might demand
augmented fees. But in this case, the "control" aspect is what's behind it. We will

1 determine who can be bought, and who can be sold. We are in charge of money.
2 Not in America. Access to capital must be available to everyone, period. Let's
3 establish that now and forever.

4 CONCLUSION

5 There's never a case on this planet where the fight against "good cause" wins.
6 It's always the opposite that the fight for the "good cause" prevails all the time. I
7 won't be surprised if the defendant, Bank of America believes fight against "good
8 cause" will prevail.

9 American people deserve to be informed. It's the duty of United States
10 Department of Justice and Federal Communications Commission to make this
11 request by the plaintiff public. The shareholders of these entities must be aware of
12 the pending litigation now being administered by two federal courts. The
13 shareholders have that right to be cognizant of the one-man battle I've been
14 fighting on behalf of American people and the shareholders. With virtually no
15 money at all. But, it's such a great feeling to fight to preserve "American Values"
16 at all cost. In this great society of ours, people are allowed to contribute, be
17 productive and make a difference. I am doing just that.

18 So help me GOD.

19 PROOF OF SERVICE

20 The plaintiff will send via mail as in United States Postal Service to all parties
21 outlined in the "Mailing List."

22 The plaintiff will also send via e-mail of United States Department of Justice
23 and Federal Communications Commission one day after the original court filing of
24 this document. Chairman Michael K. Powell will receive one.

25 DATE: March 4, 2002

26 Respectfully Submitted
27 PRO PER

28 By: ADE O. OGUNJOBI