

**IN THE JOHNSON COUNTY DISTRICT COURT
CIVIL DIVISION**

MATTHEW ESCALANTE

Petitioner

Vs

PAUL WILLIAM BURMASTER

Defendant

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)
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)

Case No 24-CV00359

MOTION TO CHANGE VENUE KSA § 60-609

Petitioner, by and through his own counsel of record, moves this Court pursuant to Kansas Stat § 60-609 Change of venue, for an Order transferring venue to District Court of Douglas County, KS. Kansas Statute Stat § 60-609 states:

(a) Upon the motion of a party, a district court may transfer any civil action to any county where it might have been brought upon a finding that a transfer would better serve the convenience of the parties and witnesses and the interests of justice. Petitioner in support of this motion shows this Court the following facts of Finding by this Court written and found by the Chief Judge Charles Droege on Nov 16, 2023 in case 18CV03813 and 22CV0331, Petitioners Civil Cases.

1. Venue is not proper before this Court in that an Affirmation of Finding Pertaining to Petitioner Matthew Escalante and his Civil Court cases of Escalante Vs Escalante 18CV03813 and 22CV03391 is
 - a) The Chief Judge of the 10th District Judiciary has made a Court Court Finding, necessary for Statute 60-609, that the Civil Cases Escalante vs Escalante had to be transferred to an Out-of-County judge for the purpose of Docket Management and Case Management on Nov 16, 2023 in this notation /16/2023 <***** Bench Notes *****> BY ORDER OF THE CHIEF JUDGE THIS CASE IS TRANSFERRED TO AN OUT OF COUNTY JUDGE FOR THE PURPOSE OF DOCKET AND CASELOAD MANAGEMENT(JUDGE: DROEGE) 11/16/2023 Judge OUT OF COUNTY JUDGE assigned to case.

2. Attached hereto as Exhibit "A" and "B" and incorporated herein by reference is the Docket 18CV03813 and 22CV03391. This verifies Court Finding that these Johnson County dockets must Caseload Management Docket Management applied to civil cases of Matthew Escalante. Consistency is Representative of a fair and just Johnson county judiciary. The Court must not show any indication of Partiality of any opposing party of Matthew Escalante's proceedings per Judicial Rule 2.2 and 2.3 and also the United States Constitution Amendments 6 and 14.

3. Further compelling facts that Support an an Immediate Change of Venue as appropriate and mandatory are as follows:
 - a) The Presiding Judge of this Protection Order case knows the Defendant Judge Paul Burmaster. This is then prohibited practice for any judge who knows Judge Burmaster to preside over a case where he is a defendant. Kan R Rel Jud Canon 2, Rule 2.11 Disqualification. A judge must disqualify himself in any proceeding where he knows that the defendant Judge is a presiding officer.

 - b) Respectfully, Judge McEntee has made a statement that he holds personal knowledge of Petitioners other pending cases against Defendant Burmaster. Judge McEntee, stated in hearing on record on Feb 7, 2024, that shows he Knows of 22CV03391. Petitioner mistakenly made a Federally Statute based Comment in Feb

c) The Chief Judge of this Courthouse, is a Defendant in the Petitioners high court open pending civil rights lawsuit of Escalante Vs Droege in Case 2:23-CV02536. There are claims in the open suit of a retaliation being experienced by the Petitioner and Children from several events notable Document 307 in case 18CV03813 that is Null and Void as the contractor selected by Div 14 judge Burmaster, (right before he was removed from petitioners cases) also removed themselves from doc 307. Contractor Livingston Counseling LLC is required by the Court for re-integration with petitioner and his children, and Livingston Counseling Was the Agent to facilitate re-integration. In Dec 2023 Dan Livingston of Livingston LLC disqualified themselves and informed the Court and Charles Droege to AMEND DOC 307 and remove them from it as they would have no part of Misconduct. And Droege is with knowledge that that he pulled Burmaster of custody case 18CV03813 and left a Null Void Court order 307 that is unattainable without Livingston LLC and all Parties know that a Parent withdrawn from a child is harmful to that child's emotional state and mental health but yet defendant Droege approves of this Harm to S.J.E and S.G.E, minor children by continuing Harm that Doc 307 has that still LIES over the Petitioner and the children.

1. Father will not tolerate constitutional deprivations of this Court being placed onto Escalante minor children.

d) KSA 60-609 Revisor of Statutes hold in #6. Mere allegation that one cannot get a fair trial insufficient to support a change of venue. Plummer Development, Inc. v. Prairie State Bank

a) Petitioner brings no Allegations. The Before mentioned 1 through 3c are Facts not opinions.

b) The Burden is on the Court and the Defendant with this Motion to change venue pursuant KSA 60-609. to factually show any of the above is Not True.

c) If the Court and Defendant are unable to, then the grounds to Change Venue of 24-CV00369 are satisfied.

d) KSA 60-609 Change of Venue (b) In any action in the district court which is commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in which it shall be made to appear that a fair and impartial trial cannot be had in the county where the action is pending, for reasons other than the disqualification of the judge, the court, upon application of either party, may change the place of trial to some county where the objection not exist

4. Other Open Case Escalante Vs Burmaster 23-CV6700, is a Exparte petition for Writ of Mandamus. Federal and State Law of Mandamus FRCP Rule 21 and State Statute hold that a Mandamus takes precedent over all parties proceedings. Mandamus law breached.

WHEREFORE the proceeding is pursuant KSA Chapter 60 -31a06 statutes. The Court Must justify that this proceeding is now not constitutionally comprised of 6th and 14th amendment rights of fair fair trials and hearings and due process bias prejudice. If the Court is to deny this motion it must based on Facts that Counter petitioners facts presented. Motion for Change of Venue must be Granted if this Court desires to stay in line with the Constitution and Judicial Rules of 601b set Forth by the Kansas Supreme Court in Kan R Rel Jud.