

IN THE DISTRICT COURT FOR MONTGOMERY COUNTY MARYLAND

BENSON FISCHER

Petitioner

vs.

Proceeding: D-06-CV-25-826641

DENNIS YU

Respondent

MOTION TO VACATE JUDGMENT OF DISMISSAL

Comes now, Petitioner, Benson Fischer, moves this Honorable Court pursuant to **Maryland Rule 3-535(b)** to **VACATE** the dismissal entered in Case No. **D-06-CV-25-826641** and **REOPEN** the matter for the following reasons.

Maryland Rule 3-535(b) permits the Court to exercise revisory power over a judgment at any time in the event of fraud, mistake, or **irregularity**.

1. **Irregularity:** An irregularity is defined as a failure to follow the proper process or a defect in the record. In this case, the dismissal was based on the incorrect premise that the Respondent had not been served.
2. **Facts:** This case was dismissed for lack of jurisdiction/service after the statutory 30-day period for the Temporary Peace Order expired. However, service **was** in fact successfully completed within the statutory period.
3. **Evidence:** The Respondent, Dennis Yu, was personally served by the Henderson, Nevada Sheriff's Department on **October 13, 2025**, by **Officer Garcia (Badge #318)**. The Henderson Police Department Event/Report Number is **#25-18976**. (See Exhibit A)

4. **Clerical Error:** Due to an administrative error or delay in transmission between the Henderson Police Department and this Court, the *Return of Service* was not docketed prior to the dismissal. This failure of the record to reflect the actual service constitutes an "irregularity" under Rule 3-535(b). The Return of Service was finally transmitted to Petitioner on November 24, 2025, six weeks after Respondent was served.
5. As a result of the Henderson Police Department inability to deliver the *Return of Service* in a timely fashion, Petitioner and the Court could only assume the Henderson Police Department failed to serve Respondent. Petitioner filed two additional Peace Orders that were granted on October 8 and November 7, 2025. The November Peace order is in effect until December 7, 2025.
6. Petitioner engaged two private process services and over the course of the past three months over twenty (20) attempts to serve Respondent with the summons were unsuccessfully made because **Respondent was evading service of the summons** at a cost to Petitioner of \$1800.00.
7. Respondent mocks the justice system by publishing his false version of the Peace Order legal process. See **Exhibit B**.

Request to Consolidate Because the Court record did not reflect service, the Petitioner was forced to file subsequent petitions to maintain protection. A Third Temporary Peace Order was issued on **November 11, 2025** (Active Case) and remains in effect until **December 7, 2025**.

Request The Petitioner respectfully requests that this Court:

1. **VACATE** the dismissal of Case No. D-06-CV-25-826641;
2. **ACCEPT** the attached certified Proof of Service from Henderson, NV Police Department as valid service *nunc pro tune* to October 13, 2025.
3. **CONSOLIDATE** this matter with the currently active Peace Order so that a Final Peace Order hearing may be scheduled immediately; and
4. **REIMBURSEMENT** of Respondent's cost of process service attempts because of Respondents evading service-\$1800.00

Respectfully Submitted,



Benson J. Fischer, Pro Se
12400 Park Potomac, Ave#352
Potomac, MD 20854
(301) 801-5476 Ben@ZivZo.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition was transmitted by US Mail on November 29, 2025, and electronically on November 30, 2025, to the following:

DENNIS YU, individually and
d/b/a BLITZMETRICS
1480 Paseo Verde
Parkway Unit 1303
Henderson, Nevada 89012

EXHIBIT A

THIS RECORD HAS BEEN
REDACTED PURSUANT TO NRS
239B.030 / 603A.040
PERSONAL INFORMATION

Henderson Police Department
223 Lead Street, Henderson, Nevada 89015
Incident Report

Incident Number:
25-18976
HP251013000390

Administrative:

Incident Type:	448S - TPO SERVICE	Report Type:	Original Report
Inc. Occurred Address:	1480 Paseo Verde Pkwy Apt 1303	Sector/Beat:	H / W2
Inc. Occurred Start:	10/13/2025 12:00:00 AM	Report Taken:	
Contact Nature:	field initiated	Reported Date/Time:	10/13/2025 2:44:08 PM
Reporting Officer:	GARCIA, STEPHEN	Primary Assigned Officer:	.
Case Status:	Closed	Disposition: Closed	Disposition Date: 10/14/2025
Mitigating Circumstances For Not Arrested:			

Offenses:

Suspects:

Arrestees:

Victims:

Witnesses:

Other Entities:

Other Entity Type: **Served** Name: **YU, DENNIS S**
SSN: < Redacted > D.O.B: < Redacted > Age: Sex: **M - Male** Race: **A - Asian**
Height: **5' 6"** Weight: **190** Eye Color: **BRO - Brown** Hair Color: **BLK - Black**
DL State: **Nevada** DL #: < Redacted > DL Exp Date:
Address: **1480 Paseo Verde Pkwy, Henderson, Nv 89012, HEN, NV 89**
Phone: Email Address:
Occupation: Employer/School:

Other Entity Type: **Other Individual** Name: **Fishcer, Ben**
SSN: < Redacted > D.O.B: < Redacted > Age: Sex: **M - Male** Race: **U - Unknown**
Height: Weight: Eye Color: Hair Color:
DL State: DL #: < Redacted > DL Exp Date:
Address:

Phone: (301) 801-5476 - H -

Email Address:

Occupation:

Employer/School:

Property:

Narrative:

1 Date: 11/21/2025 Officer: GARCIA, STEPHEN Subject: 448S- TPO Service

On Monday, 10/13/2025 at approximately 1444 hours I, Officer Garcia (P#3181), and Field Training Officer R. Arrieta (P#2670), were dispatched to 1480 Paseo Verde Parkway, in Henderson, NV. In reference to a Temporary Protection Order (TPO) service.

HPD Dispatch advised that the TPO needed to be served at the address above against Dennis Yu

I then contacted Dennis at the above address and thoroughly explained each stipulation of the TPO, including the consequences for violating it, which he stated he understood.

Summary of TPO:

- Case Number: D-06-CV-25-826641
- Type: Domestic Violence
- Court: Maryland district court
- Protected Party/Applicant: Benson Fischer
- Issued: 10/13/2025
- Expires: 11/23/2025 at 2359 hours

Dennis signed HPD Form at 1610 acknowledging service of the TPO, and I provided him with a copy of the form. I informed Dennis of how he could obtain a hard copy of the TPO.

I faxed the served TPO to the appropriate parties and confirmed with HPD Dispatch that they received it.

Status: Non-Criminal

CC: N/A

Attachments: Yes

MVICS: Yes

Narratives: (Officer Narratives)

EXHIBIT B

ZivZo's TRO: Lawfare As Spectacle — How Fischer & Schimel Are Trying to Silence Criticism (And How You Can Fight Back)



by **DENNIS YU** / September 15, 2025

Update (Oct. 3, 2025) – The peace order described below has been dismissed because the petitioner failed to appear. See the proof in the court docket below and read my latest post here: [Peace Order Dismissed!](#)

For a comprehensive archive of Benson J. Fischer's lawsuits, court records, and forensic audits, see [Benson-Fischer.com](#).

Issued: Another Lawfare Loss for Benson Fisher & Richard Schimel.

Fischer and his

Court System: **DISTRICT COURT FOR MONTGOMERY COUNTY - CIVIL SYSTEM**
Case Number: **D-06-CV-25-826641** Case Status: **COMPLETE**
Case Type: **PEACE ORDER** Order Valid Thru: **10/03/2025**
Filing Date: **09/26/2025**

Defendant Name: **YU, DENNIS**
City: **HENDERSON** State: **NV**

Hearing Date: **09/26/2025** Hearing Time: **1:52 PM** Room: **X512**
Hearing Location: **191 EAST JEFFERSON ST, ROCKVILLE, MD 20850**
Served Date: **10/03/2025**
Hearing Type: **TEMPORARY**
Result: **COURT ORDERS:**
SHALL NOT ABUSE
SHALL NOT CONTACT
SHALL NOT ENTER RESIDENCE

Hearing Date: **10/03/2025** Hearing Time: **8:30 AM** Room: **X401**
Hearing Location: **8552 SECOND AVENUE, SILVER SPRING, MD 20910**
Hearing Type: **FINAL**
Result: **DISMISSED: PETITIONER FAILED TO APPEAR, PETITIONER FTA.**

attorney Schimel just filed a [Temporary Restraining Order \(TRO\)](#) to make me take down my posts and shut up forever. This isn't justice—it's lawfare. I've published on BlitzMetrics how they hit me with a \$6M lawsuit, weaponized defamation claims, and tried gagging. Now they want full-on censorship. Not happening. Let's flash-memo their own words and show you how to push back—publicly and legally.

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ORDER

UPON CONSIDERATION of the Petitioner's Motion to Vacate Judgment pursuant to Maryland Rule 3-535(b), and any evidence submitted therewith, it is this _____ day of _____, 2025, by the District Court of Maryland for Montgomery County,

ORDERED that the Motion is **GRANTED**, and it is further:

1. **ORDERED**, that the judgment of dismissal entered in this action is hereby **VACATED** and this case is **REOPENED**; and it is further
2. **ORDERED**, that the Proof of Service by the Henderson, Nevada Police Department (Report #25-18976, Officer Garcia #318) on October 13, 2025, is accepted as valid service of process on the Respondent; and it is further
3. **ORDERED**, that this matter is hereby **CONSOLIDATED** with active Case No. _____ (current Temporary Peace Order) for the purpose of a Final Peace Order Hearing; and it is further
4. **ORDERED**, Respondent's shall pay Petitioner cost of 20 unsuccessful process service attempts because of Respondents evading service-\$1800.00
5. **ORDERED**, that the Clerk shall schedule this matter for a **Final Peace Order Hearing** immediately.

[] **ORDERED** that the Motion is **DENIED**.