SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
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RICHARD A. LUTHMANN, personally and as assignee of and successor in interest to LUTHMANN LAW FIRM PLLC, f/b/o creditors, including the United States and its taxpayers,

Plaintiff,

-against-

KAMILLAH M. HANKS a/k/a NEW YORK CITY COUNCIL MEMBER KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE a/k/a KAMILLAH HANKS 2017, KEVIN LOVE a/k/a KEVIN BARRY LOVE a/k/a KEVIN BARRY, individually and as agent-in-fact for KAMILLAH M. HANKS and KAMILLAH HANKS CAMPAIGN COMMITTEE, RONALD CASTORINA, JR., CASTORINA CAMPAIGN COMMITTEE, CHRISTOPHER AMBROSE, ERIC NELSON, GUY CARDINALE, NYC ARTS CYPHER, INC., and SABRINA BALDUCCI, personally and as the surviving spouse and executrix of the Estate of Charles Hector Balducci,

Defendants.
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Index No.:

SUMMONS WITH VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff designates New York County as the place of trial. The basis of the venue is the accrual of the causes of action, the presence of defendants, and the substantial performance of the applicable contracts in New York County.

TO THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff’s attorney within twenty (20) days after the service of this summons, exclusive of the day of service or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York and in case of your failure to answer, judgment will be taken against you by default for the relief demanded in the annexed complaint with interest from the date the cause of action arose, costs, disbursements, punitive damages, and attorneys’ fees.

Dated: Naples, Florida
November 3, 2023,

Yours, etc.,

Richard A. Luthmann
Plaintiff, *Pro Se*
338 Sugar Pine Lane
Naples, FL 34108
(239) 631-5957

The Addresses of the Defendants are:

KAMILLAH M. HANKS, 37 Tappan Ct. Staten Island, NY 10304

KEVIN LOVE, 37 Tappan Ct. Staten Island, NY 10304

KAMILLAH HANKS CAMPAIGN COMMITTEE, 37 Tappan Ct. Staten Island, NY 10304

RONALD CASTORINA, JR., 379 Main St., Staten Island, NY 10307 and 269 College Avenue, Staten Island, NY 10314

RONALD CASTORINA, JR. CAMPAIGN COMMITTEE, 379 Main St., Staten Island, NY 10307 and 269 College Avenue, Staten Island, NY 10314

CHRISTOPHER AMBROSE, 381 Horse Pond Road Madison, CT 06443

ERIC NELSON, 54 Florence Street, Staten Island, NY 10309

GUY CARDINALE, 40 Warren Street, Rumson, NJ 07760

NYC ARTS CYPHER, INC., 12 Broad Street, Staten Island, NY 10304

SABRINA BALDUCCI,43 E. Augusta Avenue, Staten Island, NY 10308 and 113 Huntington Drive, Jackson, NJ 08527

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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RICHARD A. LUTHMANN, personally and as assignee of and successor in interest to LUTHMANN LAW FIRM PLLC, f/b/o creditors, including the United States and its taxpayers,

Plaintiff,

-against-

KAMILLAH M. HANKS a/k/a NEW YORK CITY COUNCIL MEMBER KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE a/k/a KAMILLAH HANKS 2017, KEVIN LOVE a/k/a KEVIN BARRY LOVE a/k/a KEVIN BARRY, individually and as agent-in-fact for KAMILLAH M. HANKS and KAMILLAH HANKS CAMPAIGN COMMITTEE, RONALD CASTORINA, JR., CASTORINA CAMPAIGN COMMITTEE, CHRISTOPHER AMBROSE, ERIC NELSON, GUY CARDINALE, NYC ARTS CYPHER, INC., and SABRINA BALDUCCI, personally and as the surviving spouse and executrix of the Estate of Charles Hector Balducci,

Defendants.

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Index No.:

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff RICHARD LUTHMANN, proceeding *pro se*, alleges the following by way of a verified complaint:

<u>INTRODUCTION</u>

1. This story involves liars, crooks, deadbeats, perjurers, and child molesters. All of them have, in concert and otherwise, jointly and severally, intentionally, maliciously, and with disinterested malevolence caused harm to the plaintiff, RICHARD LUTHMANN ("Mr. Luthmann").

2. The story here is about debts and crimes. Every one of the defendants (and some as of yet unnamed co-conspirators) owes Mr. Luthmann a debt or has perpetrated a crime against him. Some have done both.

3. The coverup is often worse than the crime. And here, the tortious activity of the named defendants (and some as of yet unnamed co-conspirators) is aimed at the criminal evasion of valid debts and the criminal coverup of existing crimes.

4. This case is about money, but it's not Mr. Luthmann's money. It's the taxpayers' money. The litigation proceeds are being paid to satisfy Judgments against Mr. Luthmann over $500,000.00 by the United States. Unless these past debts are found to be collectible, and the defendants are found liable for their tortious conduct, there is an excellent chance that the US Taxpayers will hold the bag on the debts. Mr. Luthmannn will never be financially able to come up with that sum of money on his own.

5. Mr. Luthmann was once the "Game of Thrones Lawyer"[1] and the Law Chair of the New York State Reform Party. That was a long time ago. Now, he is a broken person after unjustly going to prison. He has filed declarations of actual innocence in state and federal court. He is the victim of prison rape, sexual abuse, and torture.[2] He has Post-Traumatic Stress Disorder (PTSD), and it may be many years before he becomes a fully productive member of society once again. But he is trying.

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[1] City lawyer demands to settle cases 'Game of Thrones'-style, NY Post, August 9, 2015 [available at: https://nypost.com/2015/08/09/city-lawyer-demands-to-settle-civil-case-with-trial-by-combat/].

[2] Luthmann Claims Prison Torture, Rape & PTSD in Plea Withdrawal Petition, Frank Report, October 17, 2023 [available at: https://frankreport.com/2023/10/17/luthmann-claims-prison-torture-rape-ptsd-in-plea-withdrawal-petition/]

6. Mr. Luthmann sought to do the right thing after prison, hiring an attorney to collect past debts owed him and pay off his debt to the US Taxpayers. The defendants here have all, in varying ways, stifled Mr. Luthmann's ability to live in peace.

7. Most egregiously, Kevin Barry Love, thug enforcer for his wife, sitting NYC Councilmember Kamillah Hanks, made interstate menacing threats to Mr. Luthmann's collections attorneys in April 2023. Smacking of extortion, Love threatened to take the collections' lawyers' licenses and ruin their reputations because they had filed a meritorious collections case against Love and Hanks just a month before.

8. There is a recording of the entire menacing conversation and Kevin Barry Love's threats, and you will be the judge of just how egregious Love's phone call was. The fact is that it was apparent enough to interfere with Mr. Luthmann's relationship with his collections lawyers. For fear of Love's threats and the NYC Councilmember and government machinery behind them (Love mentioned NYC Mayor Eric Adams, the FBI, and the DOJ), Mr. Luthmann's lawyers abandoned him and all professional norms, dropping the meritorious collections cases without even a phone call or a correspondence beforehand. "I don't want them to do to me what they did to Trump's lawyers," one of the collections attorneys told Mr. Luthmann after the fact.

9. Other defendants have perpetrated similar lies, threats, and misuse of government machinery. Mr. Luthmann tried to get back on his feet and become a journalist. He started writing about courts and government corruption. One story was about a lawyer and disgraced Hollywood plagiarist named Christopher Ambrose. Mr. Luthmann investigated Ambrose and uncovered that he was awarded custody of his teenage children even though he was and continues to abuse and sexually molest them.

10. Ambrose tried to have Mr. Luthmann's civil rights, business prospects, and his practice of journalism stifled because he published accurate yet unflattering things about him, and for a time, he succeeded. Ambrose lied to federal agents, and because of his statements, Mr. Luthmann was told by the government that he could not report on the government, practice journalism, or associate with other journalists for fear of returning to the rape and torture rooms of federal prison.

11. Mr. Luthmann's reporting on Ambrose was not imaginary. Dr. Bandy X. Lee, M.D., M.Div., is a specialist in public health approaches to violence prevention who consulted with the World Health Organization, initiated reforms at New York's Rikers Island Correctional Facility, and previously taught at Yale Law School and Yale Medical School. She diagnosed Christopher as a "dangerous psychopath." She said, "I have met individuals more dangerous than Christopher Ambrose in my clinical work. Every single one of them is currently housed in a maximum-security institution."

12. A multitude of sources corroborates Dr. Lee's findings: a report from Yale New Haven Hospital, Ambrose's computer hard drive containing child pornography of "Latin Boyz," multiple police, court, and DCF documents labeling Ambrose as dangerous, and/or raising claims of abuse, and the three teenage Hispanic children's multiple sworn statements, some filed court documents, complaining of abuse at the hands of their while adopted father. One such account was videographed and taken by renowned Bronx Private Investigator Manuel Gomez. He reported the results to the FBI and the US Attorney's Office and minced no words: "Christopher Ambrose sexually molests his children."

13. This case is Mr. Luthmann's battle against thugs in public office and perverted lawyers. But the most challenging part is that Mr. Luthmann must also battle the justice system

itself. One defendant, Eric Nelson, is a Staten Island DA special prosecutor, and the other, Ronald Castorina, is now a sitting New York State Supreme Court Justice. At the behest of those more powerful, Nelson suborned Castorina's perjury to secure a bogus grand jury indictment against Mr. Luthmann.

14. Additionally, Nelson, serving in the revered position as the representative of the People of the State of New York, committed the felony of Unauthorized Practice of Law by elevating a disbarred federal felon named Perry Reich to the status of counsel to the People. Nelson sought Reich's legal opinion and advice on violating Luthmann's rights in the grand jury room. And now, in this past year, Nelson perjured himself by lying to two separate judges in sworn affidavits: Staten Island Judge Marina Mundy and Brooklyn Judge Donald Leo, and neither seemed to notice or care. It is all laid out in these papers.

15. Mr. Luthmann went to higher security federal prison because of a bogus New York State indictment that was concocted through criminality, particularly in the defective grand jury indictment, the larded product of perjury, subornation of perjury, and the unauthorized practice of law. He was put in a position where he was tortured, raped and sexually abused. He publicly blames Special Prosecutor Eric Nelson, New York State Supreme Court Justice Ronald Castorina, Jr., and others as the "public faces" of his prison rape. But for their intentional, malicious, and outlandish behavior that shocks the conscience, Mr. Luthmann would never have been in a position to be the victim of violent sexual assault and rape while incarcerated under a detainer in a higher-level security federal institution. They are responsible for interposing a bogus felony indictment in <u>People v. Luthmann</u>, 379/2018 (Richmond Cty.) that was the product of Nelson and Castorina's criminal activity in the presentation before the grand jury.

16. All of these buried issues are now percolating and becoming exposed. And the single reason why is that Castorina and Hanks did not want to pay Mr. Luthmann for services rendered. Mr. Luthmann went down in a "Fake Facebook" prosecution for "impersonating" the political personas of politicians.[3] His activities were done at the behest of Castorina and Hanks. The proof is here. The witnesses are listed.

17. Ronald Castorina, Eric Nelson, Kamillah Hanks, Christopher Ambrose, and Kevin Barry Love have all committed crimes. These crimes were perpetrated to save their own skins by harming Mr. Luthmann. Their crimes are continually being perpetrated as they engage in cover-ups. From New York, they have lied to federal agents in violation of 18 U.S.C. § 1001 and placed good professional law enforcement officers and jurists in the Middle District of Florida on the potential receiving end of a 42 U.S.C. § 1983 lawsuit.

18. But Mr. Luthmann, left all alone and proceeding *pro se*, doesn't go after good people who acted in good faith based on the word of known liars, perjurers, child abusers, and uncharged felons.

19. This civil action goes against those who have lied and sworn to it on multiple occasions to hurt Mr. Luthmann.

20. This civil action is the instrument of their reckoning. We will find out if this adage is true in the State of New York: **"Whatever the fashion in ordinary public discourse, in court, lies by lawyers will be punished by judges."**

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[3] 'Smear tactics': How a lawyer roiled city politics using misleading Facebook pages, Spectrum NY1 News, August 25, 2017 [available at: https://ny1.com/nyc/all-boroughs/news/2017/08/24/anatomy-of-a-social-media--smear-tactic---how-a-staten-island-lawyer-ran-misleading-facebook-pages-and-roiled-city-politics]

THE PARTIES

21. Plaintiff RICHARD A. LUTHMANN is a natural person residing in the State of Florida. Mr. Luthmann was formerly an attorney admitted to practice law in the State of New York. Mr. Luthmann is a victim of prison rape, sexual abuse, and torture and has significant physical, mental, emotional, and legal disabilities. Mr. Luthmann's current diagnosis is PTSD, to the exclusion of all previous and erroneous mental health diagnoses. Mr. Luthmann's previous law firm, LUTHMANN LAW FIRM, PLLC, was a New York Professional Limited Liability Company wholly owned, legally and equitably, by Mr. Luthmann, who is the successor in interest and the assignee of all rights and interests previously held. He brings this action in all his capacities.

22. Defendant KAMILLAH M. HANKS ("Ms. Hanks") is a natural person who resides in Staten Island, New York. She is also a New York City Councilwoman. Ms. Hanks was one of Mr. Luthmann's co-conspirators in creating a fake Debi Rose page in 2017's Democratic Party primary election for NYC Councilmember for Staten Island's North Shore. Recently, Ms. Hanks lied to federal agents in violation of 18 U.S.C. § 1001 or conspired to do so.

23. Defendant KAMILLAH HANKS CAMPAIGN COMMITTEE ("Hanks 2017") is the political committee for NYC Councilmember Kamillah Hanks' political campaigns. It is subject to campaign finance reporting to the New York City Campaign Finance Board ("CFB").

24. Defendant KEVIN LOVE ("Mr. Love") is a natural person who resides in Staten Island, New York. He holds himself out as the "husband" of NYC Councilmember Kamillah Hanks when he is, in fact, merely her paramour. Recently, Ms. Hanks lied to federal agents in violation of 18 U.S.C. § 1001 and made menacing phone calls to attorneys, smacking of extortion, in a scheme to tortiously interfere with the collection of valid debts owed by him and/or his principal, NYC Councilmember Kamillah Hanks.

25. Mr. Love is the *de facto* agent for Ms. Hanks personally, for her political campaigns, and in her capacity as a sitting NYC Councilmember, providing "access." Upon information and belief, together, Ms. Hanks and Mr. Love own the lobbying entity KPH Consuling, Inc., NYS DOS ID: 5500256.

26. Like his personal idol, Donald J. Trump, Mr. Love is a millionaire real estate investor with a history of questionable business practices. Mr. Love has a violent criminal history. Mr. Love told the New York Post that Mr. Luthmann is "mentally ill," based on Mr. Luthmann's proper medical diagnosis of PTSD, showing Mr. Love has no sympathy for the disabled or victims of sexual violence. Mr. Love is also an abuser of marijuana.

27. Defendant RONALD CASTORINA, JR. ("Mr. Castorina") is an attorney admitted to practice law in the State of New York and a former member of the New York State Assembly. Mr. Castorina was one of Mr. Luthmann's co-conspirators in creating a fake Janine Materna page in 2016's Republican Party primary election for the NYS Assembly for Staten Island's South Shore Shore. Recently, Mr. Castorina lied to federal agents in violation of 18 U.S.C. § 1001 or conspired to do so.

28. Mr. Castorina publicly denied his long-documented friendship with Mr. Luthmann after the "Fake Facebook" scandal broke. Facebook messenger records, telephone records, and witness testimony contradict those statements. After denying Mr. Luthmann, he lied about his business and personal relationships with Mr. Luthmann under oath at a 2018 grand jury, committing perjury and, in conspiracy with others, securing personal advantage, including but not limited to non-prosecution for felony crimes. He is presently an elected New York State Supreme Court Justice.

29. Defendant CASTORINA CAMPAIGN COMMITTEE ("Castorina Campaign") is the political committee for Ronald Castorina, Jr.'s political campaigns. It is subject to campaign finance reporting to the New York State Board of Elections ("NYSBOE").

30. Defendant CHRISTOPHER AMBROSE ("Ambrose") is an attorney admitted to practice law in the State of New York. Ambrose is a disgraced Hollywood writer and plagiarist, an NYU Law graduate, and a molester of children. He has an affinity for "Latin Boyz." He has three adopted Hispanic children, all of whom have made credible and substantiated allegations of abuse against Ambrose, a white Connecticut elite with connections to the Democratic National Committee and Bill and Hillary Clinton. He is a clinically diagnosed "psychopath."

31. Defendant ERIC NELSON ("Nelson") is an attorney admitted to practice law in the State of New York. He was appointed special prosecutor and secured a bogus indictment and conviction against Mr. Luthmann predicated on the commission of several felonies. In committing crimes, Nelson is not covered under the doctrine of qualified prosecutorial immunity. Recently, Nelson has committed fresh felonies by lying and submitting perjurious affidavits to the Supreme Court. Nelson's most recent actions are part of a concerted action with Mr. Castorina and others to cover up previous crimes, including those perpetrated in securing Mr. Luthmann's bogus 2018 indictment.

32. GUY CARDINALE ("Cardinale") is a former legal client of Mr. Luthmann's, last known to reside in New Jersey. Cardinale is a five-time felon for fraud. He owes Mr. Luthmann over $300,000.00 in legal fees for services rendered, including the defense of an entire civil case

from answer to verdict in New York County. Upon information and belief, Cardinale uses aliases, including Frank Rossi, and may actually reside in New York, New York, or Washington, D.C.[4]

33. NYC ARTS CYPHER, INC. ("NYCAC") is a 501(c)(3) not-for-profit entity located in Staten Island, New York. Mr. Luthmann did substantial work for this entity as general counsel, while Charles Hector Balducci ("Balducci") was the organization's executive director. NYCAC owes Mr. Luthmann over $50,000.00 in legal fees.

34. SABRINA BALDUCCI ("Sabrina") is the surviving spouse and the executrix of the Estate of Charles H. Balducci. Sabrina and her late husband, Balducci, were clients of Mr. Luthmann and owe over $50,000.00 in legal fees.

PRO SE PLAINTIFF

35. Mr. Luthmann should be granted deference as a *pro se* plaintiff for many reasons. Though he was formerly an attorney, he should not be held to the exacting standards of an attorney. Defendant Kevin Barry Love called Mr. Luthmann "mentally ill" in the New York Post. Mr. Luthmann suffers from PTSD and other physical, mental, emotional, and legal disabilities. To hold Mr. Luthmann to a higher standard would be cruel and would not take into account the need for reasonable accommodations.

36. Thus, Mr. Luthmann's pleadings and papers should be awarded all favorable inferences that may be reasonably drawn from them.

JURISDICTION AND VENUE

[4] Guy Cardinale – Government Rat Informant Snitch, Cop Blaster, May 6, 2021 [available at: https://copblaster.com/blast/35531/guy-cardinale-government-rat-informant-snitch].

37. The Supreme Court, as a court of general jurisdiction, has jurisdiction over all matters, claims, and controversies herein, all of which exceed the maximum jurisdictional amounts of all lower courts and/or fall within the equitable powers of the Court to fashion relief.

38. Venue in the County of New York is proper as all defendants are amenable to suit in the State of New York, all applicable contracts were substantially performed in New York County, all applicable tortious conduct accrued in or caused harm in New York County, and/or Plaintiff has selected New York County as a venue because, *inter alia*, bias and extra-judicial corruption can be minimized.

39. To the extent the services rendered at issue were legal services, Defendants have received the appropriate Fee Arbitration Notices. More than thirty days (30) have passed since receipt.

40. Defendant KAMILLAH M. HANKS is a natural person amenable to the general jurisdiction of the courts of the State of New York, as she is a New York citizen and resident, an elected official, and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the contract(s) at issue was executed and substantially performed in New York State. Defendant is also amenable because the tortious, fraudulent, and/or criminal conduct alleged caused harm in New York State. Service can be accomplished under CPLR § 308.

41. Defendant KEVIN LOVE is a natural person amenable to the general jurisdiction of the courts of the State of New York, as he is a New York citizen and resident and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the contract(s) at issue was executed and substantially performed in New York State. Defendant is also amenable because the tortious, fraudulent, and/or criminal conduct alleged caused harm in New York State. Service can be accomplished under CPLR § 308.

42. Defendant KAMILLAH HANKS CAMPAIGN COMMITTEE is a New York political campaign committee and, as such, may be served by serving the candidate, KAMILLAH M. HANKS, per CPLR § 311.

43. Defendant RONALD CASTORINA, JR., is a natural person amenable to the general jurisdiction of the courts of the State of New York, as he is a New York citizen and resident, an attorney at law, an elected official, and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the contract(s) at issue was executed and substantially performed in New York State. Defendant is also amenable because the tortious, fraudulent, and/or criminal conduct alleged caused harm in New York State. Service can be accomplished under CPLR § 308.

44. Defendant CASTORINA CAMPAIGN COMMITTEE is a New York political campaign committee and, as such, may be served by serving the candidate, RONALD CASTORINA, JR., per CPLR § 311.

45. Defendant CHRISTOPHER AMBROSE is a natural person amenable to the general jurisdiction of the courts of the State of New York, as he is an attorney at law and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the tortious, fraudulent, and/or criminal conduct alleged caused harm in New York State. Service can be accomplished under CPLR § 308.

46. Defendant, ERIC NELSON, is a natural person amenable to the general jurisdiction of the courts of the State of New York, as he is a New York citizen and resident, an attorney at law, and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the tortious, fraudulent, and/or criminal conduct alleged caused harm in New York State. Service can be accomplished under CPLR § 308.

47. Defendant GUY CARDINALE is a natural person amenable to the general jurisdiction of the courts of the State of New York, as he conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the contract(s) at issue was executed and substantially performed in New York State. Service can be accomplished under CPLR § 308.

48. Defendant NEW YORK CITY ARTS CYPHER, INC. is a not-for-profit corporation formed under the laws of the State of New York and may be properly served under § 306 of the Not-For-Profit Corporation Law.

49. Defendant SABRINA BALDUCCI is a natural person amenable to the general jurisdiction of the courts of the State of New York, as she is a fiduciary in this state and conducts regular, systematic, and continuous business in the state. Defendant is also amenable because the contract(s) at issue was executed and substantially performed in New York State. Service can be accomplished under CPLR § 308.

POTENTIAL WITNESSES AND INDIVIDUALS WITH RELEVANT INFORMATION (PARTIAL LIST)

50. DIANE J. SAVINO ("Savino") is Special Assistant to NYC Mayor Eric Adams. The former State Senator was witness to and has personal knowledge of facts from the 2017 Hanks campaign. She often came by the front of the campaign office. On one occasion, Mr. Luthmann saw she was worried because Tom McGinley was attacking her on Facebook as "racist." Campaign Consultant Michael J. Cox looked at her and laughed, saying, "What are you worried about? That guy was voted 'Most Likely To Masturbate' in High School." Mr. Luthmann had dinners with Savino and Ms. Hanks. The "Game of Thrones" lawyer even watched Game of Thrones at Savino's house in 2017. She is a witness who can confirm Mr. Luthmann's presence and can give evidence

relevant to the sufficiency of the services rendered, the relationship between Ms. Hanks and Mr. Love, and other critical factual matters, including those alluded to in Consultant Cox's Affidavit of Merit.

51. SCOTT LEVENSON ("Levenson") is a Political Consultant and Principal of The Advance Group. He was a consultant on the 2017 Hanks Campaign. He is a witness who can confirm Mr. Luthmann's presence and can give evidence relevant to the sufficiency of the services rendered, the relationship between Ms. Hanks and Mr. Love, and other critical factual matters, including those alluded to in Consultant Cox's Affidavit of Merit.

52. JOE BORELLI ("Borelli") is the NYC Council Minority Leader. Mr. Luthmann had Facebook Messenger conversations with Borelli, who can confirm Mr. Castorina's actual knowledge of the Janine Materna "Fake Facebook" page, is a fact witness of certain events and meetings, and other relevant facts.

53. JOHN GULINO ("Gulino") is an Attorney and the Former Staten Island Democratic Party Chairman. He can confirm information about the 2017 Debi Rose – Kamillah Hanks primary election, the use of "Fake Facebook" social media tactics, is a fact witness of certain events and meetings, and other relevant facts.

54. MICHAEL J. RYAN ("Ryan") is an Attorney and NYC Board of Elections Executive Director. He can confirm information related to Mr. Castorina's 2016 election and Ms. Hanks' 2017 elections, is a fact witness of certain events and meetings, and other relevant facts.

55. HOWARD GRAUBARD ("Graubard") is an election lawyer. He can confirm specific facts related to Kamillah Hanks' petitioning process in 2021, is a fact witness of certain events and meetings, and other relevant facts.

56. DEBI ROSE ("Debi Rose") is a former NYC Councilwoman. Debi Roseshee can confirm information about the 2017 Debi Rose – Kamillah Hanks primary election, the use of "Fake Facebook" social media tactics, is a fact witness of certain events and meetings, and other relevant facts.

57. SAL ALBANESE ("Sal Albanese") is a former NYC Councilman. He is a former political client of Mr. Luthmann. He was present at Mr. Luthmann's office while Mr. Luthmann, Consultant Cox, Jason Reynard, and others were working on the objections to the ballot access petition of Phil Marius, one of Ms. Hanks/ primary opponents. He is a fact witness of certain events and meetings and other relevant facts.

58. SEAN O'SULLIVAN ("O'Sullivan") is an attorney. He is a fact witness to many meetings and conversations between Mr. Luthmann and Mr. Castorina, particularly in August 2017 after the "Fake Facebook" story broke. Mr. Luthmann and O'Sullivan were in Lake Placid, New York, at a convention together and spoke frequently with Mr. Castorina. He is a fact witness of certain events and meetings and other relevant facts.

59. MANUEL ORTEGA ("Ortega") is an attorney. Balducci details meetings with Ortega in recordings, wherein damaging information about Mr. Luthmann was being solicited by the Staten Island District Attorney's Office once it became known that Mr. Luthmann had possession of certain tapes detailing a scheme to pad the DA's Offices stats engaged in by the Administrative Judge. He is a fact witness of certain events and meetings and other relevant facts.

60. BRUCE BARON ("Baron") is an attorney. He has represented Dennis Quirk for thirty years. Baron was sent to walk Cardinale, a five-time felon and known liar and fraudster, into the EDNY to prompt an investigation into Luthmann. He is a fact witness of certain events and meetings and other relevant facts.

61. DENNIS QUIRK ("Quirk") is a former union head. He is a political ally and henchman of Staten Island DA Mike McMahon and his wife, Judge Judy McMahon. He is a fact witness of certain events and meetings and other relevant facts.

62. CURTIS SLIWA ("Sliwa") is a media personality and Guardian Angels Founder. Mr. Luthmann previously performed legal work for him. He was formerly the Chairman of the state Reform Party. He is a fact witness of certain events and meetings and other relevant facts related to Kamillah Hanks' 2017 campaign and certain SI GOP politicians who received the Reform Party label in 2017 while Ronald Castorina was SI GOP chair. He is a fact witness of certain events and meetings and other relevant facts.

63. FRANK MORANO ("Morano") is a media personality. Mr. Luthmann previously performed legal work for him. He was formerly the Secretary of the State Reform Party. He is a fact witness of certain events and meetings and other relevant facts related to Kamillah Hanks' 2017 campaign and certain SI GOP politicians who received the Reform Party label in 2017 while Ronald Castorina was SI GOP chair. He is a fact witness of certain events and meetings and other relevant facts.

64. JOHN TOBACCO ("Tobacco") is a media personality. He was formerly Mr. Luthmann's client. He had an outstanding bill with Mr. Luthmann's offices, which Tobacco recently agreed to pay. Mr. Luthmann is awaiting payment. He was formerly the Vice Chair of the state Reform Party. He is a fact witness of certain events and meetings and other relevant facts related to Kamillah Hanks' 2017 campaign and certain SI GOP politicians who received the Reform Party label in 2017 while Ronald Castorina was SI GOP chair. He is a fact witness of certain events and meetings and other relevant facts.

65. MICHAEL J. COX ("Consultant Cox") is a veteran political consultant who worked on the 2017 Hanks campaign. He swore out the attached Affidavit of Merit regarding Mr. Luthmann's claims against Ms. Hanks, Mr. Love, and the 2017 Hanks Campaign, which is discussed infra. The 2017 Hanks Campaign owes Consultant Cox $14,000.00, but he was never paid. Instead, weeks after having a heart attack and while he was out of work and struggling to make rent, Kevin Barry Love "took him for a ride" to Brooklyn and tried to push him to take ten cents on the dollar. He is also a fact witness to numerous phone calls and interactions between Mr. Luthmann and Mr. Castorina in the summer of 2017. He is a fact witness of certain events and meetings and other relevant facts.

66. LOK YUNG ("Yung") is an accountant and was the Hanks 2017 Campaign Treasurer. She repeatedly raised concerns of campaign finance malfeasance, which are memorialized in email communications. She is a fact witness of certain events and meetings and other relevant facts.

67. PRISCILLA MARCO ("Priscilla") is an attorney and was the "self-proclaimed" "campaign manager" of the Hanks 2017 Campaign. She was often copied on emails and present at the campaign office and Kamillah Hanks' home on Tappen Court, where the campaign's business occurred. She took apart a bounded volume of designating petitions, almost causing real problems at the NYC BOE. She is a fact witness of certain events and meetings and other relevant facts.

68. LAWRENCE E. GILDER ("Larry Gilder") was Mr. Luthmann's driver and Mr. Castorina's client. He is a fact witness to meetings between Mr. Luthmann and Mr. Castorina, Ms. Hanks, Mr. Love, and many others. He is a fact witness of certain events and meetings and other relevant facts.

69. JOHN CIAMPOLI ("John Ciampoli") is a prominent election law attorney. He is an intended expert witness to establish the fair market value of Mr. Luthmann's services and the value that should have been reported by Hanks in 2017 to the CFB.

70. US PROBATION OFFICER KATRINA HARMATY ("Officer Harmaty") is an officer in the US Probation Office for the Middle District of Florida. Officer Harmaty was contacted by Mr. Love, Ambrose, Ms. Hanks, Mr. Castorina, Nelson, and/or their agents. Based upon the false statements made to Officer Harmaty, she produced a document aimed at stifling Mr. Luthmann's right to practice journalism, engage in free expression, associate, petition for the redress of grievances, and enjoy valuable property rights. Officer Harmaty's actions were based upon lies to a federal agent violating 18 U.S.C. § 1001 and are intervening superseding criminality and intentional tortious acts. She is a fact witness to specific events and meetings and other critical facts.

71. NADIA HANKS ("Nadia Hanks") is the former client of Mr. Luthmann and is the daughter of Kamillah Hanks. Mr. Luthmann's legal work allowed her to graduate from LaGuardia High School for the Performing Arts and the high school from the movie "Fame." Ms. Hanks and Mr. Love stiffed Mr. Luthmann on the bill for her case. Mr. Luthmann paid for the filing fees and index number himself and was never reimbursed. Mr. Love has alleged that he paid for the case. But in reality, he never paid for that case because this matter was not a corporate matter. If he deducted a family matter from his business taxes after he paid for it on his corporate credit card, he likely committed tax fraud. She is a fact witness of certain events and meetings and other relevant facts.

72. JASON REYNARD ("Staffer Reynard") was a staffer for the 2017 campaign supplied by Levenson's TAG. He is also known as "JASON REYNALD" on the 2017 CFB filings.

While that may look like a typographical error, it is actually tax evasion. He was Nadia Hanks' boyfriend then, and his name was misspelled so he wouldn't have to file a W-2. Lok Yung told Ms. Hanks that Staffer Reynard wouldn't sign the proper tax paperwork. Ms. Hanks replied, "Don't worry, I'll take care of it." She took care of it by fraudulently misspelling Staffer Reynard's name on the CFB reports. He also had unresolved gun charges in Arizona while he worked for the 2017 Hanks Campaign. He is a fact witness of certain events and meetings and other relevant facts.

73. JENNIFER BLAUTUS ("Blautus") was a campaign spokesperson for Kamillah Hanks in 2017. She publicized Ms. Hanks' lies and misinformation when she said: "Richard Luthmann was hired solely for the petitioning process and is not employed by this campaign."[5] She is a fact witness of certain events and meetings and other relevant facts.

74. FRANK PARLATO ("Mr. Parlato"), a decorated investigative journalist, editor, publisher, and media man with nearly four decades of experience. He has information related to Christopher Ambrose and his sexual abuse and molestation of his children and other relevant facts.

75. JOSEPH PIDORIANO ("Pidoriano") is a county committee member for the Republican Party in Staten Island. After Luthmann's 2017 arrest, Mr. Castorina had a failed run for Surrogate in 2018. Pidoriano approached Mr. Castorina at a campaign event and asked him "if he'd heard anything about Richard?" Mr. Castorina said, "Richard, who?" Pidoriano said, "Richard Luthmann." Mr. Castorina said, "I don't know him." Pidoriano told Mr. Castorina that he was a disloyal friend, and it made him sick. Consultant Cox was also at the event and heard the exchange. Hearing about the disloyalty, he told Mr. Castorina, "Ron, not only am I not going to help you, but

[5] Opponents aim at Castorina, Hanks in Luthmann Facebook case, SI Advance, August 31, 2017. [available at: https://www.silive.com/news/2017/08/opponents_aim_at_castorina_han.html]

you've just lost my vote." He is a fact witness of certain events and meetings and other relevant facts.

76. PHILLIPE R. MARIUS ("Phil Marius") is a former NYC Council candidate whom Mr. Luthmann, with the help of Consultant Cox and Staffer Reynard, got thrown off the primary ballot at the NYC BOE. The operation to toss Phil Marius was authorized by Ms. Hanks, Mr. Love, and the 2017 Hanks Campaign. Consultant Scott Levenson also agreed with the strategy after a campaign meeting. Mr. Luthmann was promised he would be paid. Ms. Hanks, Mr. Love, and the 2017 Hanks Campaign kept the fees "off book" to avoid CFB reporting. The legal objector to the Phil Marius petitions was Tammara Moore, Mr. Luthmann's wife at the time. Mr. Luthmann served Phil Marius with the supreme court petition he filed on Ms. Hanks' behalf to knock him off the ballot while the two were both at the NYC BOE headquarters in downtown Manhattan. He is a fact witness of certain events and meetings and other relevant facts.

77. JANINE MATERNA ("Janine Materna") is an attorney and was Mr. Castorina's assembly opponent in 2016. She was bitter about the Fake Facebook page and believed it "ruined" her campaign.[6] In reality, it had a negligible effect because she lost by hundreds of votes. But Mr. Luthmann admits the Fake Facebook page, though not illegal and fully protected by the First Amendment as political activity, wasn't very nice. Materna was unsuccessful in getting Luthmann indicted in the EDNY for "Fake Facebook," hiring a former federal prosecutor to "lobby" for federal charges. She is a fact witness of certain events and meetings and other relevant facts.

78. PERRY REICH ("REICH") is a disbarred federal felon who was made the *de facto* legal advisor to the People of the State of New York by Eric Nelson in violation of RPC 3.8 of the

[6] Judge Castorina Distinguishes 'Not Good Speech,' Kitchen Speech and Perjury, Frank Report, Febrary 16, 2023 [available at: https://frankreport.com/2023/02/16/judge-castorina-distinguishes-not-good-speech-kitchen-speech-and-perjury/]

Rules of Professional Conduct and numerous Appellate Division Orders and Rules. In so doing, Nelson and Reich committed the Unauthorized Practice of Law, a felony in New York State, and this crime tainted the entirety of the 2018 grand jury proceedings against Mr. Luthmann. A "smoking gun" email dated August 12, 2018, shows the criminal conduct legally invalidating Mr. Luthmann's indictment. See the attached **EXHIBIT "A"** (SMOKING GUN: The August 12, 2018 email between Eric Nelson and Perry Reich showing the two criminally conspiring to deprive Mr. Luthmann of his First Amendment rights during the empaneled 2018 grand jury). The smoking gun email was produced to Mr. Luthmann's Brooklyn lawyers, Arthur Aidala and Mario Roman,o in discovery. Still, it was never reviewed, nor was it provided to Mr. Luthmann, who was in federal prison at the time. Mr. Luthmann did not see the smoking gun email until late 2022 because Attorney Romano was sick and could not send him a copy of his files.[7] The matter of Eric Nelson being a "stone cold criminal" and Perry Reich, his accomplice, was raised almost immediately after that with the Supreme Court.[8] To date, no action has been taken, and it appears more and more, as days pass, that the New York legal system and the Office of Court Administration are corrupt to the core. He is a fact witness of certain events and meetings and other relevant facts.

FACTS COMMON TO ALL CLAIMS

PART 1: SUMMARY OF CONTRACTS AND CRIMES

79. The first part of the story is about contracts and the enforceability of legal bills and services rendered by duly licensed attorneys in the state. It rings in Breach of Contract, Contract

[7] Mr. Luthmann still has not seen a large portion of the digital file in his federal case, which has yet to be returned by Attorneys Aidala and Romano.

[8] In January 2023, Mr. Luthmann motioned to Justice Mundy on these issues. Justice Mundy punted the case to Judge Leo in Brooklyn, who apparently is operating under the pretense that a plea agreement "covers up" the later-discovered criminal and brazen activity of a prosecutor. That's not what the law says. See Brady v. United States, 397 U.S. 742 (1970).

Implied in Fact, Unjust Enrichment, Account Stated, and Quantum Meruit predicated upon the good, valuable, and effective services rendered by Mr. Luthmann and the law firm he formerly owned.

80. Mr. Luthmann was formerly an attorney operating a law practice in Staten Island, New York. The law firm is now defunct, and he is the successor in interest and assignee of all receivables.

81. Mr. Luthmann was the Law Chair of the now-defunct Reform Party, the official fifth ballot line in New York State elections from 2015 to 2018. CURTIS SLIWA ("Mr. Sliwa") was the state party chair. JOHN TOBACCO ("Mr. Tobacco") was the state party vice chair. FRANK MORANO ("Mr. Morano") was the state party secretary.

82. The Reform Party gave its ballot line and label to many political candidates during its period of operation, including, in 2017, Syracuse Mayoral Candidate Ben Walsh, Buffalo Mayoral Candidate Mark Schroeder, NYC Mayoral Candidate SAL ALBANESE ("Sal Albanese"), and NYC Council Candidate KAMILLAH M. HANKS ("Ms. Hanks"). See the attached **EXHIBIT "B"** <u>(PHOTO: Larry Gilder, Richard Luthmann, Kamillah Hanks, and Curtis Sliwa at a 2017 Hanks Campaign Event</u>).[9]

83. Mr. Luthmann and his law firm represented the Reform Party, Mr. Sliwa, Mr. Tobacco, Mr. Morano, Candidate Schroder, Mr. Albanese, and Ms. Hanks in various capacities related to political matters and otherwise in the 2017 election cycle. Mr. Luthmann also had ongoing strategic advisory engagements, including with Mr. Castorina.

[9] Curtis Sliwa ran for Mayor of the City of New York as a Republican in 2021. Many believe Kamillah Hanks is an undrcover Republican. Who knows? She may jump ship if NYC Mayor Eric Adams' campaign finance issues, which have "gone federal," get any worse.

84. Mr. Luthmann represented Mr. Tobacco, an activist, journalist, and NEWSMAX personality, his business and political interests members of his family, and their business, personal, and political interests, and in business, political, and personal capacities. Mr. Luthmann was Mr. Tobacco's "family lawyer."

NYC Councilmember Kamillah Hanks

85. Similarly, Mr. Luthmann represented Ms. Hanks, a community activist, political candidate, and now a member of the NYC Council, members of her family, and their business, personal, and political interests, and in business, political, and personal capacities. Mr. Luthmann was Ms. Hanks's "family lawyer."

86. The wise Debi Rose knew Mr. Luthmann was Ms. Hanks' family lawyer in 2017 in the context of Fake Facebook pages:

> "I have previously called for public officials and candidates to reject and repudiate Luthmann's outrageous behavior. My primary election opponent has been conspicuously silent. There is no arm's length relationship between Kamillah Hanks and Richard Luthmann: he is her personal attorney, campaign attorney and campaign advisor."
> – Debi Rose[10]

87. Mr. Luthmann rendered services for Ms. Hanks and her "husband," KEVIN LOVE, aka Kevin Barry Love ("Mr. Love"),[11] her daughter, NADIA HANKS ("Ms. Nadia Hanks"), and her 2017 political campaign for NYC Council, KAMILLAH HANKS CAMPAIGN COMMITTEE ("Hanks 2017"). These included cases for Mr. Love against BWM and others, for Ms. Nadia Hanks to allow her to graduate high school. See the attached **EXHIBIT "C"** (PHOTO: Nadia Hanks graduates from high school thanks to Mr. Luthmann's help). Mr. Luthmann also

[10] Opponents aim at Castorina, Hanks in Luthmann Facebook case, SI Advance, August 31, 2017. [available at: https://www.silive.com/news/2017/08/opponents_aim_at_castorina_han.html]
[11] Legally, Mr. Love is Ms. Hanks' paramour, though he represents her as his "wife" and her children as "his children."

brought the election law case against Phillip R. Marius, a 2017 primary election opponent of Ms. Hanks.

88. Mr. Luthmann's work was instrumental in Ms. Hanks achieving ballot access in 2017.

89. Mr. Luthmann's work was instrumental in securing Ms. Hanks the 2017 Reform Party line in her election.

90. Mr. Luthmann was only partially paid for his work in helping Ms. Hanks secure the Democratic Party ballot line. Hanks 2017 reported $1,650.00 for the work to the NYC CAMPAIGN FINANCE BOARD ("CFB"), but the actual price and value were much more. Emails show Ms. Hanks was aware of the underpayment/under-reporting because she requested the fees go "off-book" to avoid CFB reporting.

91. At all relevant times, Mr. Love is Ms. Hanks's and her campaign's *de facto* agent. Mr. Love, a noted user of marijuana, refers to the CFB as the "Elections Department" in recorded conversations relevant to this matter, stating, "They're worse than the IRS."

92. Upon information and belief, Ms. Hanks and Mr. Love operate KPH Consulting, Inc., as a device to profit from their influence peddling and the grift from selling the largesse of the NYC Council seat to the highest bidder.

93. Mr. Luthmann's work was instrumental in Ms. Hanks' opponent, PHILLIPE R. MARIUS ("Phil Marius"), being excluded from the primary ballot at the NYC BOARD OF ELECTIONS ("NYCBOE"). Working with veteran political consultant MICHAEL J. COX ("Consultant Cox") and campaign staffer JASON REYNARD ("Staffer Reynard"), Mr. Luthmann reduced the number of valid signatures Phil Marius submitted from over 1,200 claimed to below 450, the ballot-access threshold.

94. Mr. Luthmann also filed a legal petition with the New York State Supreme Court, Richmond County, to protect the right to remove Phil Marius from the ballot. Mr. Luthmann engaged handwriting expert Don Frangipani, advancing monies to him, to prepare to establish petition fraud perpetrated by the Phil Marius campaign.[12] Mr. Luthmann hired private investigators, including Danny Yagos, to chase down evidence of signature fraud. Mr. Luthmann also advanced filing fees, copy fees, gas, tolls, and other costs and fees for which he was never reimbursed or renumerated.

95. Mr. Luthmann's work is evidenced by numerous emails where Ms. Hanks, Mr. Love, and others from the 2017 Hanks Campaign are copied, including but not limited to Consultant Cox, Staffer Reynard, political consultant SCOTT LEVENSON of THE ADVANCE GROUP (Consultant Levenson), Attorney PRISCILLA MARCO ("Attorney Marco"), Campaign Treasurer LOK YUNG ("Ms. Yung") and others. Mr. Luthmann provided detailed updates about the litigation against Phil Marius, which was always authorized by Ms. Hanks, Mr. Love, and the 2017 Hanks Campaign.

96. Mr. Luthmann was also engaged by Ms. Hanks, Mr. Love, and the 2017 Hanks Campaign to create a "FAKE FACEBOOK" page about DEBI ROSE, Ms. Hanks' opponent. Mr. Love promised Mr. Luthmann $25,000.00 in cash when they met in Mr. Love's basement at 37 Tappan Court, Staten Island, NY 10304. There are no financial references to these expenditures in the 2017 Hanks CFB filings.

97. Ms. Hanks not only knew about the FAKE FACEBOOK page, but she openly discussed the page with Mr. Luthmann and sent him pictures to post with editorial commands like

[12] Fraud is not cognizable under the Election Law at an adminsitratve hearing at the BOE. Though it must be noticed, only a NYS Supreme Court Justice can rule and make finding on the issue.

"Cut it." See the attached **EXHIBIT "D."** Ms. Hanks was not charged in the Fake Facebook case. Despite Debi Rose's public calls to the special prosecutor to investigate communications between Mr. Luthmann and Ms. Hanks, she was not even questioned:

> "I urge the special prosecutor to obtain campaign communications between Hanks and Luthmann to determine if Kamillah Hanks is complicit in criminal campaign activity. Kamillah Hanks should immediately repudiate Luthmann and return his monetary contributions to her campaign." – Debi Rose.[13]

98. Mr. Luthmann incorporates by reference all of the factual allegations, averments, and exhibits in the previously filed case Luthmann et al. v. Hanks et al., Ind. No: 651123/2023 (New York County Supreme Court). Particularly, I affirm all factual allegations, averments, and exhibits in the previously filed original VERIFIED COMPLAINT, NYSCEF 1, dated 3/3/2023, as if all are fully stated herein and alleged as part of this cause of action. Any amendments or other filings made after that on that docket result from the tortious activity of the defendants complained of after this.

Ronald Castorina, Jr.

99. Mr. Luthmann had a friendship and business relationship with another attorney who was then the Republican Party Chair named RONALD CASTORINA, JR. (Mr. Castorina). Mr. Castorina was an assemblyman and engaged Mr. Luthmann to perform services: "I need your expertise."

100. Mr. Luthmann and Mr. Castorina were friends who would speak regularly and socialize. According to Facebook Messenger conversations, Mr. Castorina congratulated Mr. Luthmann on his sister's wedding:

[13] Opponents aim at Castorina, Hanks in Luthmann Facebook case, SI Advance, August 31, 2017. [available at: https://www.silive.com/news/2017/08/opponents_aim_at_castorina_han.html].

Castorina:	Hey buddy – congrats on your sisters wedding. Check out this website http://www.getmarriedny.com. There's a market for this stuff- idk how you pull it off- but you never cease to amaze me. Lol there's money to be made here!!! Lol. Hope all is well. Call me when you are free to catch up.
Luthmann:	I want to package the Las Vegas deal… Pre-Nup, Wedding and Annulment (hold license in escrow for 5 days) all in one!
Castorina:	I love it lol

101. One of Mr. Luthmann's employees, LAWRENCE E. GILDER ("Larry Gilder"), was also Mr. Castorina's legal client when he brought a case against then-Governor Cuomo to compel a special election for the Congressional seat vacated by Michael Grimm's conviction and resignation.

102. Larry Gilder also became the Chairman of a "Shadow Organization," the Democratic Committee of Richmond County, Inc., created by Mr. Luthmann to further lampoon local Democratic Party leadership. Larry Gilder sought a meeting with attorney and former Richmond County Dems Chair JOHN GULINO ("Chairman Gulino") for an opportunity to run in the special congressional election on the Democratic Party line. Larry Gilder, a black man and life-long Democrat, was ignored by Chairman Gulino. Mr. Luthmann and Mr. Castorina discussed:

Luthmann:	The Chairman [Gilder] gave the Advance [The Staten Island Advance, the main newspaper of Staten Island] an interview today.
Castorina:	I can't wait to read about it. I think he's a swell guy. Great letter btw. I'm sure it went over like a lead balloon. Lol
Luthmann:	The best part is he was questioned about his support for the Second Amendment.

Castorina: Is he an NRA member yet?

Luthmann: And he went off…"NRA 1 – America 0″

Castorina: i knew it! Lol Checking it out now
https://www.youtube.com/watch?v=vECNFffbiQw

Castorina: A great PSA! I love the hat! He's a very charming chairman- I think he is very like able.
He's prob be a good fundraiser.

Luthmann: Yeah…for Donovan…lol
Everyone on the South Shore will write a check!

Castorina: Lol- tell Larry I said hello! Btw- I wana do dinner next week- if you're around. It my treat- u pick place.

Luthmann: I'm in the UK next week… Will have to be in a couple of weeks
Larry says hi and wants to know when you're going to cut the check.

Castorina: Lol- well have fun in the UK barrister!

Luthmann: Larry got a new outfit. Maybe Gulino will give him an interview now.

Castorina: lmfao, i dont know what to say- but im laughing my ass off ha ha ha ha ha

103. At that time, Mr. Castorina was the Richmond County Republican Party's representative at the NYCBOE as a commissioner. Mr. Luthmann and Mr. Castorina had this exchange about a Larry Gilder article in the NY Post:

Luthmann: Spoke to your buddy Steve Kitzinger [NYC Attorney who represent the NYCBOE] the other day. He sounded like I peed in his Cheerios. Steve: "You sued my client today.". Me: "Yep. I've been known to do that.". I like Steve. Smart guy.

Castorina: Lol- the fact that you and I can separate litigation from friendship makes you a true friend. I hope you are enjoying my old stomping grounds in buffalo!

Duffs has better wings than the anchor bar and Jims Steak Out is awesome!!!!

Luthmann: http://nypost.com/2015/07/19/i-was-passed-up-for-rep-grimms-seat-because-im-black-lawsuit/

Castorina: They left out who mr. Gilder's attorney is….. Great picture of him.

Luthmann: I heard the Post thinks its Ron Castorina.
Larry already has it printed out and laminated… unequivocal proof that he is a LOVER… the NY Post said it.

Castorina: Lol- I loved that article. It's mostly true- that's the said [sad] part

Luthmann: Political acumen…
The one and only Chairman.
The best part is that your lawsuit against Cuomo establishes Larry as a political activist.

Castorina: Yes- it truly does lol

104. Mr. Castorina had seen Mr. Luthmann's political law and consulting exploits in 2015 when Luthmann created his first "FAKE FACEBOOK" page.

105. Mr. Luthmann believed that creating such FAKE FACEBOOK pages for political and public figures was First Amendment-protected activity. Mr. Luthmann sought only the dissemination of information, sometimes in the form of apparent satire. The site was clearly marked as an unofficial page. In 2011, the Guardian first reported this type of activity was actively being engaged in by the US Government under the Obama Administration. See "Revealed: US spy operation that manipulates social media," attached as **EXHIBIT "E."**

106. Mr. Luthmann revealed uncomfortable "political truths" about MICHAEL EDWARD MCMAHON ("Mike McMahon") and his wife, JUDITH R. MCMAHON ("Judge Judy

McMahon"), even though the US Supreme Court has questioned whether there is any such thing as "political truth." Susan B. Anthony List v. Driehaus, 573 U.S. 149 (2014).

107. Mr. Castorina and Mr. Luthmann had numerous conversations about the Democratic Party and McMahon lampooning, including preserved conversations on Facebook Messenger. One such conversation involved Chairman Gulino:

Luthmann: Gulino isn't happy
hehe
Shared Link: https://twitter.com/realjohngulino
See tweets from Real John Gulino (@realjohngulino). I am the Exalted Leader from New Dorp, Staten Island, New York. Talk to me about hair care products and gels, creams and devices that stimulate. Staten Island, NY
https://twitter.com/realjohngulino

Castorina: The funniest post is about "waiting for my new device." Lmfao fucked up and wrong on so many ways lol

Luthmann: Fuck him
Let him sue me…I will subpoena his medical records and prove it to be true.
dingle dick Gulino[14]

108. Another conversation involved controversy surrounding Mike McMahon (referred to by Luthmann as "Smiling Jack") and Carmen Cognetta, a former judge and part of the McMahon inner circle, referred to by Mr. Castorina as "The Irish Mafia":

Castorina: Wow- lmfao girl get on your back— holy shit – I'm fucking pissing my pants lmfao- wow ha ha ha

Luthmann: 😃
Fuck him.
Smiling Jack ain't too happy with me.

[14] Mr. Luthmann admits for the record that, though not legally wrong, his attacks on Chairman Gulino were, at times, misplaced and lacking respect. Most were on point. But talking about the guy's manhood was a little over the top.

Castorina: what happened

Luthmann: I am responsible for all his problems apparently.

Castorina: i love the smiling jack reference
and "girl get on your back" fuckin amazing
you were very demure in your comments last night

Luthmann: All of the POLITICAL HACKS that he surrounds himself with are not the problem.

Castorina: the irish mafia lol

109. Mr. Castorina's Irish mafia reference inspired Mr. Luthmann to create an image called the "McMahon Organizational Chart," which he posted to the fake Mike McMahon Facebook page. See the attached **EXHIBIT "F."** The document represents "TEAM MCMAHON" (or, as Mr. Castorina referred to them, the "Irish Mafia") like a crime family organizational chart produced by law enforcement. It was identified as political satire with a disclaimer that read, "MATERIAL PROTECTED UNDER U.S. CONST. AMENDMENT I." Mr. Castorina approved:

Luthmann: You like the Org chart?

Castorina: Ur missing gulino on the chart-as well as gigante…Love the Carmen stuff lol

Luthmann: We'll leave them out for now…
GETS WHACKED REGULARLY

Castorina: Love it lmfao
the sword! Ha ha ha
quite the swordsman

110. After that, Mr. Castorina engaged Mr. Luthmann as counsel, political advisor, and social media strategist. The impetus was a 2016 primary challenge to Mr. Castorina by JANINE MATERNA ("Ms. Materna").

111. Mr. Castorina specifically requested Mr. Luthmann's help in creating a FAKE FACEBOOK page lampooning Ms. Materna. Like Ms. Hanks, Mr. Castorina discussed the page with Mr. Luthmann and sent him pictures to post.

112. In August 2017, Mr. Luthmann's FAKE FACEBOOK practices became a "political scandal."[15]

113. Mr. Castorina "distanced himself" from Mr. Luthmann. Mr. Castorina said they were never friends, he never knew anything about Fake Facebook pages, and that Mr. Castorina was merely "placating" Mr. Luthmann. But Mr. Castorina is a liar. Here is what he said to the press:

> "I am not involved in any way of any formation of a Facebook page, creation of a Facebook page or any kind of alleged bullying. This is between him and her, I do not want to be a part of this, I do not want to be dragged into this." – Ronald Castorina, Jr.[16]

114. All the Facebook Messenger messages (and subsequent transcripts of sworn grand jury testimony concerning these issues and other evidence) were attached with a Summons and Complaint previously filed in New York State Supreme Court, Albany County.

115. Mr. Luthmann incorporates by reference all of the factual allegations, averments, and exhibits in the previously filed case Luthmann et al. v. Castorina et al., Ind. No: 902145-23 (Albany County Supreme Court). Particularly, I affirm all factual allegations, averments, and exhibits in the previously filed original VERIFIED COMPLAINT, NYSCEF 1, dated 3/8/2023, as if all are fully stated herein and alleged as part of this cause of action. Any amendments or other

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[15] See 'Smear tactics': How a lawyer roiled city politics using misleading Facebook pages, Spectrum NY1 News [available at: https://ny1.com/nyc/all-boroughs/news/2017/08/24/anatomy-of-a-social-media--smear-tactic---how-a-staten-island-lawyer-ran-misleading-facebook-pages-and-roiled-city-politics].

[16] Opponents aim at Castorina, Hanks in Luthmann Facebook case, SI Advance, August 31, 2017. [available at: https://www.silive.com/news/2017/08/opponents_aim_at_castorina_han.html].

filings made after that on that docket result from the tortious activity of the defendants complained of hereinafter.

116. Mr. Castorina is now a New York State Supreme Court Justice. He is protected by an organization more ruthless than *La Cosa Nostra* and as easily able to make undesirables "disappear": the New York State Office of Court Administration.

Deadbeats and Valid Contracts for Services

117. The Fake Facebook scandal and mechanicians by the McMahons led to Mr. Luthmann's demise. The US Government and New York State subsequently prosecuted Mr. Luthmann.

118. The Feds snatched up Mr. Luthmann on December 15, 2017. Numerous deadbeats, including Ms. Hanks, Mr. Love, and Mr. Castorina, sought to walk out on their bills.

119. All told, Ms. Hanks, Mr. Love, and Hanks 2017 owe Mr. Luthmann $86,175.38 plus costs, fees, and nine percent statutory interest since 2017. Mr. Love admitted that Mr. Luthmann performed the work.

120. All told, Mr. Castorina owes Mr. Luthmann $62,387.06 plus costs, fees, and nine percent statutory interest since 2017.

121. Mr. Tobacco owed Mr. Luthmann money. Recently, Mr. Luthmann and Mr. Tobacco reached an agreement memorialized by text messages. Mr. Luthmann awaits payment from Mr. Tobacco. John Tobacco is a stand-up guy. He is not a deadbeat.

Enter Cardinale, the Criminal

122. Mr. Luthmann is also owed $300,000.00 by GUY G. CARDINALE ("Mr. Cardinale"), a named defendant for whom Mr. Luthmann performed commercial litigation.

123. Mr. Luthmann represented Mr. Cardinale in an entire case – from answer to discovery to trial to verdict – in United Metal Exports Inc. - v. - Reliance Global Trade Inc. et al., Ind. No.: 152352/2014 (New York County Supreme Court). Mr. Luthmann succeeded in getting Mr. Cardinale removed from the case personally at trial in 2017.

124. Mr. Luthmann had also represented Mr. Cardinale and his businesses in numerous cases in the EDNY, SDNY, Richmond County, Kings County, New York County, and New Jersey.

At all times, Luthmann performed competent and valuable services. Luthmann's billing is memorialized as part of the FBI's records in the case against Mr. Luthmann. See the attached **EXHIBIT "G."**

125. Mr. Cardinale was approached by "Team McMahon" to set Mr. Luthmann up with the Feds. In so doing, he would avoid paying the substantial legal fees he owed.

126. Mr. Cardinale claimed that Mr. Luthmann was engaged in a "scrap metal fraud" and that he was held at gunpoint by individuals named GEORGE PADULA, III ("Padula") and MICHAEL BECK ("Beck") over a business debt.

127. In reality, Padula and Beck were only targeted because of their political opposition to the McMahons. Padula was the legal objector to Mike McMahon's election petitions at the NYC BOE in 2015.[17] McMahon's petitions were laden with fraud and signed by dead people.[18] The petitions were "scrubbed" in Luthmann's law offices by a team of political operatives supporting Joan Illuzzi, a qualified professional prosecutor. That team included Beck, Robert Zahn, and Sam Pirozzolo (now a NYS Assemblyman).

128. Former ADA Quentin Smith acknowledged his signature was forged on McMahon's 2015 petition. Not only had ADA Smith not signed the petition, he had retired to Ohio and no longer lived in the state.

129. The federal prosecution of Mr. Luthmann, Padula, and Beck was nothing more than politically weaponized justice, shepherded by the McMahons, a team including a sitting Supreme

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[17] Illuzzi alleges fraud in McMahon signatures, SI Advance, Jul. 25, 2015 [available at: https://www.silive.com/news/2015/07/illuzzi_alleges_fraud_in_mcmah.html]
[18] Candidate for Staten Island DA says opponent collected fraud campaign signatures, PIX11, August 12, 2015 [available at: https://pix11.com/news/local-news/staten-island/candidate-for-staten-island-da-says-opponent-collected-fraud-campaign-signatures/]

Court Justice and a sitting DA, who, along with help, had the juice to make Mr. Luthmann disappear for his "political crimes" against them.

130. Mr. Luthmann has tapes that show that Mike McMahon and Judy McMahon engaged in thug-like, unethical, unconstitutional, and probably criminal actions to "pad" Mike McMahon's DA conviction stats. At the same time, Judge Judy McMahon was the Administrative Judge on Staten Island.

131. OCA "investigated" and removed Judge Judy McMahon as Administrative Judge. The finding never became public because that would have led to dozens if not hundreds of invalidated convictions from the "Special Narcotics Part." There are individuals still unjustly sitting in prison because of the crimes of Team McMahon.

132. Mr. Cardinale was instrumental in making Mr. Luthmann disappear and thus no longer remain a threat to team McMahon. He became the US Government's star witness and, for immunity and the chance to walk out on Luthmann's legal bills, started singing and composing lies about Luthmann's criminality.

133. Mr. Cardinale is a five-time felon, previously convicted for insurance fraud.

134. Mr. Cardinale was approached by and represented at his meeting with the US Government by Brooklyn Attorney BRUCE BARON ("Attorney Baron"). Team McMahon sent Baron.

135. Attorney Baron has represented DENNIS QUIRK ("Quirk") for thirty years.

136. The McMahons farmed the Luthmann "contract" out to Quirk.

137. Quirk has mouthed off for years about his "special relationship" with the McMahons. He said: "I'm the only one who knows how to talk to Judy McMahon. Not even Mike knows how to talk to her like I do."

138. Quirk, Barron, Cardinale, and Team McMahon successfully got Luthmann, Padula, and Beck investigated, indicted, prosecuted, convicted, and imprisoned based upon improper political motivations and for non-existent crimes.

139. Luthmann's convictions violate the constitution, and in particular, Brady v. United States, 397 U.S. 742 (1970). The government and the prosecutors were all involved in differing shades of criminality.

140. Mr. Luthmann, who has filed a declaration of actual innocence in Brooklyn federal court, is an innocent person whose rights were violated into pleading guilty. See SDNY Judge Jed Rakoff, *Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System* (2021). Mr. Luthmann is also innocent of the charges in the Fake Facebook case, which are actually First Amendment-protected non-crimes.

141. Mr. Cardinale owes Mr. Luthmann $300,000.00 plus fees, costs, and statutory interest for services rendered. New York law respects the sanctity and enforceability of legal fees earned.

Deadbeat Charlie Balducci and NYC Arts Cypher

142. Team McMahon also enlisted the aid of Charles Hector Balducci ("Balducci") and NYC Arts Cypher, Inc. ("NYCAC"). Mr. Luthmann represented Balducci, his wife, Defendant Sabrina Balducci, and NYCAC in a multitude of matters.

143. Mr. Luthmann incorporates by reference all of the factual allegations, averments, and exhibits in the previously filed case Luthmann et al. v. Balducci et al., Index No.:157848/2017, (New York County Supreme Court). Particularly, I affirm all factual allegations, averments, and exhibits in the previously filed original VERIFIED COMPLAINT, NYSCEF 1, dated 9/2/2023, as if all are fully stated herein and alleged as part of this cause of action.

144. Mr. Luthmann previously sued Balducci and NYCAC. However, the Order disposing to the case details explicitly that no signatory was disposing of the claims of the law firm against Balducci and NYCAC. At the time of the signature, Mr. Luthmann was disabled as an attorney under C.P.L.R. § 321, and no counsel represented the law firm, a business entity. The proceeds belong to the US taxpayers.

145. These claims are now advanced as timely. And if they are not convenient, they would have been timely filed had the tortious activity detailed below not been perpetrated against Mr. Luthmann.

146. Mr. Luthmann performed many legal services for Balducci and NYCAC, to which the parties agreed. One such matter was related to the foreclosure of Balducci's home at 43 E. Augusta Avenue, Staten Island, NY 10308. Mr. Luthmann incorporates by reference all of the factual allegations, averments, and exhibits in the previously filed case Nationstar Mortgage, LLC, v. Charles Balducci et al., Index No.:135354/2013, (Richmond Supreme Court). Particularly, I affirm all the valuable services rendered as reflected by the docket in that case and otherwise.

147. Besides the comprehensive charitable representation of NYCAC, Mr. Luthmann engaged in numerous other matters, including those related to Sabrina Balducci, Overspray, LLC, and consumer credit cases involving Discover Bank and others.

148. When Balducci and NYCAC refused to pay Mr. Luthmann's bills, the business relationship ended. Balducci was upset that Mr. Luthmann wouldn't do his legal work without being paid, so Balducci began a course of tortious, intentional, and malicious activity aimed at Mr. Luthmann's destruction. Once Balducci teamed up with Team McMahon, he had found his cohorts.

149. Recorded conversations show that attorney MANUEL ORTEGA, ESQ. ("Attorney Ortega") arranged for Balducci to have a "proffer session" to give "dirt" on Mr. Luthmann to DA

Mike McMahon's Office. Attorney Ortega was the longtime law chair for the Richmond County Democratic Party and an organization Team McMahon exerts *de facto* dominion and control. The "proffer session" offer was part of Team McMahon's scheme to malign and destroy Mr. Luthmann to cover up their own lies, malfeasance, and crimes.

150. Mr. Balducci and NYCAC owe Mr. Luthmann over $50,000.00 plus fees, costs, and statutory interest for services rendered.

Staten Island Prosecution

151. Mr. Luthmann was prosecuted in Staten Island for the FAKE FACEBOOK pages.

152. Criminal Attorney THOMAS A. TORMEY, JR. ("Attorney Tormey"), was appointed Mr. Luthmann's special prosecutor. DA Mike McMahon recused himself from the case, claiming he was a "victim of political satire."

153. Attorney Tormey investigated the case and handed it back. He saw no criminality. His prosecutorial conclusion was that Mr. Luthmann's activity was First Amendment protected.

154. Team McMahon wanted Mr. Luthmann, who was already detained in prison, dead and buried. They found a "useful idiot" in the person of ERIC NELSON ("Nelson").

155. Nelson was appointed special prosecutor on Luthmann's case. He has bilked the NYC taxpayers for nearly $1 million in fees and costs.

156. Prosecutors only enjoy qualified immunity. Buckley v. Fitzsimmons, 113 S. Ct. 2606, 2609 (1993). They can be sued for malfeasance outside the scope of their prosecutorial mission.

157. Nelson is liable for the harm his crimes have caused.

Crimes: Nelson, Reich, and Others

158. Nelson has committed crimes in securing Luthmann's indictment.

159. Nelson engaged in the unauthorized practice of law, enlisting disbarred federal felon PERRY REICH ("Reich") as the legal advisor to the People of the State of New York.

160. Nelson asked for Reich's counsel to "circumvent" the First Amendment and Mr. Luthmann's rights by not informing the grand jury of the potential for protected political expression in Luthmann's activities. Nelson and Reich had that discussion in the August 2018 "Smoking Gun" email, which is plain to see.

161. Mr. Luthmann raised this issue with elected NYS Supreme Court JUSTICE MARINA C. MUNDY ("Judge Mundy") in January 2022, once finally discovered after his release from federal custody, and his files were supplied to him by former counsel who had fallen ill. Upon information and belief, with pressure from Team McMahon, Justice Mundy "punted" the case to Brooklyn in early 2023.

162. Now, the case sits with an unelected, acting Supreme Court Justice in Brooklyn named DONALD LEO ("Judge Leo"). Upon information and belief, Judge Leo has aspirations for the Democratic Party Leader to cause the judicial nominating convention in Kings or New York County to nominate him to become an elected Supreme Court Justice. The McMahons have the political power to veto such a nomination if Judge Leo doesn't rule the "right way" in People v. Luthmann, the pending and defective criminal case. The appearance of impropriety here is stunning, and the issue has been raised before Judge Leo.

163. Mr. Luthmann was the state law chair of the Reform Party. Mr. Luthmann knows how the politics of judicial nominations work in New York State. Mr. Luthmann will call NYS Conservative Party Chairman Jerry Kassar to document how patronage, grift, and envelopes are passed around in the New York State electoral and political processes, including in the election for Supreme Court Justice. "Pompous" Jerry Kassar has been at the heart of the grift for four decades,

and nobody really likes him. He is also a fact witness because of his tweet on November 6, 2017. Kassar knew about the "secret" federal grand jury investigation into Mr. Luthmann, probably having been told by Team McMahon, who engineered it. See the attached **EXHIBIT "H."**

164. Mr. Luthmann has a legal right under the state constitution to have his felony criminal matter heard by an elected Supreme Court Justice. He has not consented to the jurisdiction of an acting, unelected, OCA-appointed person to discern and divine the niceties of the law – particularly one who has the appearance of a conflict.

165. Mr. Luthmann also has the right under the state and federal constitutions to be indicted by prosecutors who have engaged in criminal activity to secure the indictment.

166. Nelson and Reich knowingly engaged in the Unauthorized Practice of Law, a felony in New York State. They violated heightened ethical rules for prosecutors under RPC 3.8 and snubbed their noses at a panoply of Appellate Divison Rules and Orders.

Subornation of Perjury: Ronald Castorina

167. Additionally, Nelson engaged in another felony, the subornation of perjury. Nelson suborned the perjury of Mr. Castorina.

168. Nelson continues to lie to the Court in his recent filings in 2022 and 2023 in Mr. Luthmann's criminal case. He lied to Justice Mundy, and now he lies to Judge Leo. These lies, which are themselves felonies, are ignored/ignorable by these Judges. Nelson's tortious conduct is addressed below.

169. Upon information and belief, Team McMahon and the NEW YORK STATE OFFICE OF COURT ADMINISTRATION ("OCA") have ordered Justice Mundy, Judge Leo, and others to ignore Nelson's lies.

170. The reason why Nelson's lies, and thus felony crimes, are being ignored is because Nelson's lies implicate Mr. Castorina's lies. And Mr. Castorina is now a sitting New York State Supreme Court Justice.

171. For the same reason why Team McMahon was not taken to task for their "stats-packing" criminal violations – the potential invalidation of dozens if not hundreds of convictions – OCA and Team McMahon are desperately trying to keep Mr. Castorina's lies under wraps.

172. OCA would have a real problem if a sitting NYS Supreme Court Justice were a proven perjurer from day 1. Every one of the cases he judged – every judgment, order, and divorce decree – would potentially come under scrutiny.

173. Team McMahon also has a motivation – to keep their political deal intact. Mr. Castorina perjured himself before Nelson's August 2018 grand jury convened to indict Mr. Luthmann. Mr. Castorina was an attorney, a sitting Assemblyman, and a judicial candidate. Why would he lie? Perjury is a felony, meaning he would throw his entire career away.

174. Mr. Castorina was offered something much bigger, which motivated him to lie under oath. He did it to secure his judgeship – politically promised by Team McMahon. And now they have their hooks in him.

175. Some of Mr. Castorina's and Mr. Luthmann's verifiable communications were mentioned above. Here is what he told Nelson and the grand jury convened explicitly to "GET" Mr. Luthmann. Castorina perjures himself, and Nelson suborns the perjury:

> Q. [NELSON] And other times, in terms of the private messenger — and I'll show you some documents in a few moments — but did it also indicate "Richard" on top? If you recall.
>
> A. [CASTORINA] I — I know that it had his name on it, I mean, because I knew that it was a communication coming from somebody purportedly as Richard Luthmann. I assumed it was him. I believe it was him.

> Q. Assemblyman, did you have any back communications with him regarding some of the messages that you've described for the grand jurors here today?
>
> A. I told him — I told him to stop. I told him not to communicate this type of stuff to me. That's for sure.

176. And again, Mr. Castorina perjures himself, and Nelson suborned the perjury:

> Q. No, but from your own recollection at the time of the events, Assemblyman, from your recollection in terms of what was going on politically or — or in public at the time and in private based upon those messages, was there some discussion about a fear of — of yourself or your campaign coming across as bullying and that could have a negative impact?
>
> A. Not my campaign, but I can tell you what the — I think there was kind of this notion and belief that Luthmann had created a fake Facebook page and that he was using that to attack Miss Materna.
>
> Now, he never indicated that he was going to create a page or that nobody asked him to do anything like that, because he was also doing this kind of stuff on his — on his public page, but I believe that I had a discussion with Joe about how it might be Luthmann who's doing this, I hope he stops because I don't want people to think that I'm supportive of or that I'm behind this type of behavior, which I couldn't prove.
> He never admitted to me at the time. He admitted later on that it was him, but I believed that, if anybody, it was probably him.

177. And again, Mr. Castorina perjures himself, and Nelson suborns the perjury:

> CASTORINA: But any communications that he had with me were unwanted communications, and as an elected official, at times, people contact you that probably you don't want them to, but you have to kind of placate them.
>
> And we have crazy people that contact me. There are people that are just, you know, complainers. There are all kinds of people when you're in the public eye. They will gravitate to you for whatever reason and they will seek you out.

178. And again, Mr. Castorina perjures himself, and Nelson suborns the perjury

CASTORINA: And then on the private messenger side that wasn't public, he would send all kinds of lewd, really disgusting pornographic-in-nature-at-times, racially-biased-at-times images that, you know, I would just kind of ignore or placate in some way, and, you know, just to — to get this person away.

I don't want to deal with this person, I don't want to talk to this person, I want nothing to do with this person, but this person just keeps coming back.

179. And again, Mr. Castorina perjures himself, and Nelson suborns the perjury

Q. And how do you know Mr. Luthmann?

A. Mr. Luthmann is, I believe currently and was, a member of the New York State bar. He was an attorney, and so I knew of him from just appearing in the courts; you know, going to bar association functions where he would regularly be.

He was hard to — to miss and hard to not — he was hard to miss because he was always very — a very boisterous guy, a very big personality, and so he was somebody that I would typically like to avoid.

180. And again, Mr. Castorina perjures himself, and Nelson suborns the perjury.

A. But any communications that he had with me were unwanted communications, and as an elected official, at times people contact you that probably you don't want them to, but you have to placate them.

And we have crazy people that contact me. There are people that are just, you know, complainers. There are all kinds of people when you're in the public eye. They will gravitate to you for whatever reason and they will seek you out.

He was one of those such people, but, in addition to that, he was also an adversary representing people on the other side of certain cases that I had, and in particular —

Q. Just don't —

A. Yes.

Q. Leave it at that.

181. Not only did Nelson suborn the perjury, he told Mr. Castorina exactly where to and when to stop talking. That was August 2018.

182. Here is what Mr. Castorina said to Mr. Luthmann in October 2015 on Facebook Messanger:

Castorina:	janine materna filed a committee- shes going to primary me for sure she was roming around richmond town with that guy ron lauria yesterday too
Luthmann:	Fuck them. Time for a fake Janine Materna site…

183. And here is what Mr. Castorina said to Mr. Luthmann in October 2015 on Facebook Messanger:

Castorina:	that bitch has had a URL for assembly congress and senate for 5 years- shes fucking nuts
Luthmann:	Facebook…
Castorina:	yes- i need to talk to you about that race, and im going to need your expertise
Luthmann:	Then turn it into RINO Janine Materna FLIP FLOP FLIPPITY FLOPPITY FLOOP
Castorina:	shes a republican, but she took the working fam parties endorsement and worked for hillary
Luthmann:	Republican today…Dem yesterday Is there a picture of her with Hillary?\
Castorina:	yes, so much bullshit- shes a first year law student- its like legally blond im looking for one, but theres a few with chucky schumer

184. And here is what Mr. Castorina said to Mr. Luthmann in October 2015 on Facebook Messanger:

Castorina:	id like to sit down with u soon
Luthmann:	Ok. Let's put it in the schedule.
Castorina:	that XXXXX song is rather witty
Luthmann:	Do you want the Reform line?
Castorina:	lol yes, the astorino line yes
Luthmann:	I can broker that too. Larry is no longer the Chairman
Castorina:	ok, maybe you should form a consulting firm… what happened? he resigned?
Luthmann:	He is 5% Larry. He joined the Reform Party.
Castorina:	ha ha ha ha ha
Castorina:	jimmy mo is 10% i think larry is short changed
Luthmann:	He wants to support Trump, the NRA and cut political corruption in half. He will be half as corrupt as Jimmy Mo.
Castorina:	hes a renaissance man for staten island. i think he should run against debi rose only half? lol
Luthmann:	Notice that he will still be corrupt…and he is honest that… Brothers have to get their rent money and their weed money from somewhere
Castorina:	honesty about your corruption really vitiates the negativity

Luthmann:	I robbed you. I robbed all of you. But I was honest about it. SO you can't blame me. I think that was Bill Clinton's slogan.
Castorina:	yea, its an all american statement- very wholesome of u have time wednesday evening, maybe we can grab dinner at danico

185. And here is what Mr. Castorina said to Mr. Luthmann in October 2015 on Facebook Messanger:

Luthmann:	"Poop Shoot Princess" Shared [FAKE FACEBOOK PAGE] Link: https://www.facebook.com/SeeYouNextTuesdaySI/ https://www.facebook.com/Janine-Materna-862847303822389/timeline/ Link title: Log in or sign up to view Link description: See posts, photos and more on Facebook.
Castorina:	Ha ha ha
Luthmann:	We'll get her about 500 likes…
Castorina:	I want to crush her- such a phony bitch She's such a phony self-serving bitch. Can't stand her

186. And here is what Mr. Castorina said to Mr. Luthmann in November 2015 on Facebook Messanger:

Luthmann:	Dark Penguin Strategies LLC has been formed…ready for an Assembly Election in the 62nd ED…
Castorina:	Lmfao- so we need to get together over the next week or 2
Luthmann:	Who sent you the link to like my page on Facebook? Someone is pretending to be me on Facebook From Janine just now.

187. And here is what Mr. Castorina said to Mr. Luthmann in August 2016 on Facebook Messanger:

Luthmann:	Shared Link: (DeBlasio Post) https://www.facebook.com/SeeYouNextTuesdaySI/photos/ Shared Link: (WeinerPost) https://www.facebook.com/SeeYouNextTuesdaySI/photos/ The Dark Penguin strikes!
Castorina:	Lmfao ha ha ha Don't forget this one (Holder and Materna picture)
Luthmann:	In a news feed near you very soon!
Castorina:	good! shes a vicious animal
Luthmann:	Ah yes. But I'm Luthmann!
Castorina:	Lol
Luthmann:	Shared Link: (Holder and Materna Post) https://www.facebook.com/SeeYouNextTuesdaySI/photos/
Castorina:	That's just hysterical wow

188. And here is what Mr. Castorina said to Mr. Luthmann in August 2015 on Facebook Messanger:

Luthmann:	I think we have to do a new video. Janine Materna is not a democrat. Janine Materna is a cunt.
Castorina:	She's a rotten one at that.

Luthmann:	Janine Materna XXX? (Sends lewd photoshopped picture) She will jump in front of a bus.
Castorina:	Lmfaooo omg. Her and wiener there's her pearl necklace she always wears…
Luthmann:	"Carlos Danger and me."
Castorina:	That's just terrible OMG lol

189. And here is what Mr. Castorina said to Mr. Luthmann in September 2016, days before the Primary Election, on Facebook Messanger:

Luthmann:	I have a feeling that #NYCHATottenville will be a topic of conversation the next few days.
Castorina:	Good as it should be!!!!!

190. To reiterate, Mr. Castorina testified:

- Mr. Luthmann never indicated he was going to make a Facebook page
- Any communications that Mr. Luthmann had with Mr. Castorina were unwanted.
- "I don't want to deal with this person"
- I don't want to talk to this person."
- "I want nothing to do with this person."
- "He was someone I would typically like to avoid."

191. Mr. Castorina currently remains a New York State Supreme Court Justice.

<u>Luthmann Becomes a Journalist and Hires Collections Lawyers</u>

192. Mr. Luthmann was released from the custody of the Federal Bureau of Prisons on August 5, 2021.

193. Mr. Luthmann remains a person subject to the supervision of the US Courts under supervised release. The latest information is that his term of supervised release terminates on March 27, 2024.

194. The US Probation Department Office supervises Mr. Luthmann from the Middle District of Florida, the office located in Fort Myers, Florida.

195. Mr. Luthmann's assigned US Probation Officer is KATRINA HARMATY ("Officer Harmaty").

196. In 2022, Mr. Luthmann began a new career as a journalist.

197. Under the First Amendment to the US Constitution, the practice of journalism does not require a license.

198. In April 2022, Mr. Luthmann began a Substack publication.

199. Mr. Luthmann is now a recognized journalist with a union card from the National Writers Union and is listed on Muck Rack. https://muckrack.com/richardluthmann

200. In 2022, Mr. Luthmann retained LAWRENCE P. ALMAGNO, JR. ("Attorney Almagno") and his law firm to collect the outstanding fees owed him and his now-defunct law firm. The goal was to satisfy the debts owed to the federal government.

201. Mr. Luthmann wanted to focus on his personal rehabilitation and journalism. He his diagnosed with Post-Traumatic Stress Disorder (PTSD) from prison torture, rape, and sexual assault.

202. Luthmann worked very hard to select Attorney Almago and engage him strategically. He is admitted to practice law in New York but is based in Rhode Island, as he is also admitted in Rhode Island and Massachusetts. This means he is not subject to the same politics as

a New York-based attorney would be with a collections case against an NYC Council Member or a sitting Judge.

203. In 2022, Fee Arbitration notices were sent to all relevant defendants and others.

204. In 2022, attempts at pre-litigation resolution were made by Attorney Almagno and his office, including Attorney JESSE DUARTE ("Attorney Duarte").

205. In March 2023, previously-mentioned collections legal actions were commenced against Ms. Hanks, Mr. Love, the 2017 Hanks Campaign, Mr. Castorina, and Castorina's political committee, among others.

Numerous Additional Contracts and Legal Fees Owed

206. Mr. Luthmann and his law firm are owed money from multiple former client engagements. These include PAUL CINQUEMANI, ROBERT CASTRO, and others.

207. Mr. Luthmann's agreement with his collections lawyers was to bring the appropriate legal actions against these parties and collect all outstanding fees owed.

PART 2: SUMMARY OF TORTIOUS, MALICIOUS, INTENTIONAL, BRAZEN, AND HARMFUL ACTIVITY

208. This part of the story is about Mr. Luthmann's ability to practice journalism, engage in the free expression and dissemination of opinion and satire, enforce his valuable property rights, petition the courts for redress, and enjoy all his constitutional and other legal rights – without targeted tortious interference and civil rights violations by the U.S. Government – motivated by the lies and false statements of Kevin Barry Love. Kamillah Hanks, Ronald Castorina, Jr., Christopher Ambrose, Eric Nelson, and others.

209. Like in the movie "A Clockwork Orange," this group of "higher criminals" has clearly lied to federal agents in an attempt to harm Mr. Luthmann, previously tagged as a criminal.

The harm experienced by Mr. Luthmann was far more significant than any of the crimes he was alleged to have perpetrated.

210. These higher criminals should be held accountable, and Mr. Luthmann seeks to do so with this legal action.

Background

211. Mr. Luthmann left federal prison with profound physical, mental, emotional, and legal disabilities.

212. Mr. Luthmann was frustrated in trying to earn a living. He was just not employable in any sense of the term.

213. Mr. Luthmann has a pending federal disability application covering his period of disability.

214. Mr. Luthmann now identifies as a journalist and attempts to practice journalism, which he is informed the Constitution of our republic says anyone may do without interference from the Government.

215. Mr. Luthmann is trying to collect valid debts. He is trying to repay certain monies owed to the United States and its taxpayers.

216. However, Mr. Luthmann has been improperly stifled by the U.S. Probation Office for the Middle District of Florida.

Intervening Superseding Intentional Tortious and Criminal Conduct

217. The U.S. Probation Office, relying in good faith on the intentional lies and false and dishonest statements of Kevin Barry Love. Kamillah Hanks, Ronald Castorina, Jr., Christopher Ambrose, Eric Nelson, and others illegally and unconstitutionally interfered with Mr. Luthmann's rights and rehabilitative endeavors.

218. Mr. Luthmann does not intend to bring federal court action against the US Probation Office, its officers and supervisors, or certain Article III judges and US Magistrates.[19] Mr. Luthmann recently said in filed court documents:

> "I wouldn't blame anyone in the MDFL USPO if they relied in good faith on the criminal conveyance of misinformation violating 18 U.S.C. § 1001. I respect the hard work and day-in-and-day-out risks faced by professional law enforcement." U.S. v. Luthmann, 2:22-cr-0021-SPC-NPM Dock. 22 (M.D.FL 8-01-2023).

219. Mr. Luthmann believes the intentional lies and false and dishonest statements of Kevin Barry Love. Kamillah Hanks, Ronald Castorina, Jr., Christopher Ambrose, Eric Nelson, and others to federal agents constitute criminality, particularly violations of 18 U.S.C. § 1001.

220. Mr. Luthmann believes the intentional lies and false and dishonest statements of Kevin Barry Love. Kamillah Hanks, Ronald Castorina, Jr., Christopher Ambrose, Eric Nelson, and others constitute intervening, superseding, intentional, and criminal acts under New York tort law, absolving the US Probation Office, its officers and supervisors, and federal judges of liability, notwithstanding qualified immunity

221. It is a matter of hornbook law in New York that an intervening act may not serve as a superseding cause and relieve an actor of responsibility, where the risk of the intervening act occurring is the very same risk which renders the actor negligent and the occurrence of that act did not approach that degree of attenuation condemned in Palsgraf. The possibility that harm might have occurred if a defendant had not breached its duty does not negate

[19] The United States Probation Office functions as a legally constituted arm of the judicial branch, with federal probation officers serving both as confidential advisors to and officers of the United States District Court. United States v. Reyes, 283 F.3d 446, 450 (2d Cir. 2002).

liability for the harm that occurred because the defendant did breach its duty. (*Sokola v Weinstein*, 78 Misc 3d 842, 843 [Sup Ct, NY County 2023]).

222. Here, no matter the negligence or gross negligence of the federal actors intimated and used as devices, the intentional lies and false and dishonest statements of Kevin Barry Love. Kamillah Hanks, Ronald Castorina, Jr., Christopher Ambrose, Eric Nelson, and others are deliberate and criminal and subject to ascendant liability.

The *Bona Fide* Practice of Journalism

223. In March 2022, Eric Nelson filed papers in Richmond County Supreme Court attempting to curtail Mr. Luthmann's journalism. In particular, Eric Nelson, presumably upon the orders of Team McMahon, tried to amend a Final Order of Protection to include DA Mike McMahon and his wife, Judge Judy McMahon. Team McMahon was upset that I had already been making public political statements criticizing Judge Judy McMahon, who was up for re-election in 2022. Team McMahon was fearful I would release the McMahon Tapes from 2017. Justice Mundy did not hear that motion until many months later.

224. Eric Nelson later said, in filed court documents, that Mr. Luthmann was using the First Amendment as a "pretext" to "circumvent" orders of protection.

Luthmann Becomes an Established Journalist

225. In April 2022, Mr. Luthmann began his journey to becoming a journalist.

226. In June 2022, Luthmann began a Substack publication showcasing his writing. He began writing satire about what he knew: government corruption. He had experienced it firsthand.

227. In the fall of 2022, he got his first journalism big break. Mr. Luthmann had the opportunity to learn journalism from one of the best, FRANK PARLATO ("Mr. Parlato"), a

decorated investigative journalist, editor, publisher, and media man with nearly four decades of experience.

228. Mr. Luthmann started working for him for Mr. Parlato's publication, Frank Report (www.frankreport.com), as an intern.

229. A true gentleman with a kind heart, Mr. Parlato was "showing the ropes" to Mr. Luthmann, who, in turn, was eager to learn the craft and trade of investigative journalism, something that could support him and take him off the Government's dole as a broken person with no marketable skills or hiring prospects.

230. Mr. Parlato helped Mr. Luthmann to develop a writing style all his own. Drawing upon his solid legal background, Mr. Luthmann began writing articles.

231. Some articles were about a "tough-guy" Connecticut Attorney named Ed Nusbaum, who allegedly bilked his family law clients – mainly vulnerable women and children - out of money and then forced them into a "star chamber" of local arbitrators he controlled where no discovery was permissible.

232. Other articles were about a litigious "psychopath" named Christopher Ambrose, a suspended New York attorney and disgraced Hollywood plagiarist who was run out of Tinsel Town. There were allegations and evidence that he was dangerous and regularly abused and sexually molested his children from as early as 2020, and yet the Connecticut courts had awarded him full custody.

233. Mr. Luthmann wrote about his time in prison and the people he met.

234. Mr. Luthmann covered the courts and legal journalism, particularly on issues related to Keith Raniere and the NXIVM case.

235. Mr. Parlato, a seasoned investigative journalist, was very interested in many parts of Mr. Luthmann's history. Mr. Parlato began writing articles about Councilwoman Hanks and her husband, Kevin Barry Love. Mr. Parlato also wrote about "incompetent by design" special prosecutor Eric Nelson. He wrote an exposé series about Ronald Castorina Jr. and his apparent perjury at the 2018 Luthmann Grand Jury. He also wrote about Mike and Judy McMahon, who were pulling the strings in the Staten Island Swamp.

236. At all relevant times, Mr. Luthmann reported actual facts and gave many of his unabashed opinions.

<u>A Soviet-Style Warning</u>

237. On or about April 1, 2023, Mr. Luthmann was called into the US Probation Office. He was pressured into signing a document that reads as follows:

> **United States District Court**
> **Middle District of Florida**
> **Waiver of Hearing to Modify Conditions**
> **Of Probation/Supervised Release or Extended Term of Supervision**
>
> I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.
>
> I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:
>
> You must cease and desist making slanderous and libelous statements about other people, specifically Chris Ambrose, Kamillah Hanks, Kevin Love and Ronald Castorina.

> You shall have no direct or indirect contact with Chris Ambrose, Kamillah Hanks, Kevin Love and Ronald Castorina without the written approval of the probation officer.

238. Mr. Luthmann left the US Probation Office with a copy of the document. See the attached **EXHIBIT "I."**

239. The US Probation Officers said they received complaints that Mr. Luthmann was "slandering" and "libeling" people. They directed Mr. Luthmann that he could not write or publish anymore, or his probation would be violated, and he would be sent back to prison.

240. They directed Mr. Luthmann not to affiliate with Frank Parlato because he was a criminal "engaged in criminal activity," or Mr. Luthmann's probation would be violated, and he would be sent back to prison.

241. They told Mr. Luthmann he had no right to express his opinions. Mr. Luthmann responded, "That's the point of the First Amendment, now isn't it."

242. "Chris Ambrose, Kamillah Hanks, Kevin Love, and Ronald Castorina" were all people Mr. Luthmann and Mr. Parlato wrote about for the Frank Report.

<u>**Concerted Action and Tortious Interference with the Right To Practice Journalism**</u>

243. The U.S. Probation Officers said Ambrose, Castorina, Hanks, Love, Nelson, and others all called the FBI and/or U.S. Probation to get Mr. Luthmann's speech and opinions "stopped."

244. Ambrose, Castorina, Hanks, Love, Nelson, and others engaged in concerted international, malicious, tortious actions to harm Mr. Luthmann. Their actions are a civil conspiracy and give rise to concerted action liability, as evidenced by the "Proposed Modification" document produced by the U.S. Probation Department and records of statements made by their personnel.

245. Ambrose, Castorina, Hanks, Love, Nelson, and others called the FBI and/or U.S. Probation to stifle Mr. Luthmann's protected speech. Mr. Luthmann had said accurate but unflattering things about every one of them.

246. Castorina, Love, and Hanks owe Mr. Luthmann collectively over $150,000.00 in legal fees (before fees, cost, and statutory interest), and his collections lawyers had commenced legal action against them the month before, in March 2023.

247. The proceeds of the lawsuits would have gone to the U.S. Taxpayer to pay Mr. Luthmann's judgments owed to the federal government, pursuant to Mr. Luthmann's obligations under U.S. Probation Rules and Regulations.

248. Ambrose, Castorina, Hanks, Love, Nelson, and others called the FBI and/or U.S. Probation and maliciously and intentionally lied for the sole purpose of stifling Mr. Luthmann's protected speech rights.

249. Ambrose, Castorina, Hanks, Love, Nelson, and others lied and misrepresented facts to Officer Haramty, stating that Mr. Luthmann was libeling, defaming, and harassing him in violation of the rules of federal supervised release.

250. In reality, Mr. Luthmann's activity was purely journalistic and fully protected by the First Amendment.

251. As a result of Ambrose, Castorina, Hanks, Love, Nelson, and others' lies, dishonesty, and deception, on or about April 1, 2023, Mr. Luthmann was directed not to continue practicing journalism by the US Probation.

252. The US Probation Office's directive was a *prima facie* violation of 42 U.S.C. § 1983, predicated upon Ambrose, Castorina, Hanks, Love, Nelson, and others' lies, dishonesty, and deception.

253. Ambrose, Castorina, Hanks, Love, Nelson, and others' lies, dishonesty, and deception to a federal agent was a criminal violation of 18 U.S.C. § 1001. It caused a deprivation of Mr. Luthmann's civil rights, including the rights of the free press, free expression, and free association.

254. Ambrose, Castorina, Hanks, Love, Nelson, and others' lies, dishonesty, and deception to a federal agent were an abuse of process.

255. Ambrose, Castorina, Hanks, Love, Nelson, and others' lies, dishonesty, and deception to federal agents were motivated by disinterested malevolence.

Tortious Interference with the Collections of Valid Debts

256. Ambrose, Castorina, Hanks, Love, Nelson, and others successfully stifled Mr. Luthmann's protected speech and property rights. As a result of their malicious, intentional, unjustified, illegal, and tortious actions, the U.S. Probation Department told Mr. Luthmann to stop his collections lawsuits.

257. Ambrose, Castorina, Hanks, Love, Nelson, and others conspired to use the U.S. Probation Department as a fraudulent device.

258. Castorina, Hanks, and Love lied to federal agents and said they were "witnesses" in Mr. Luthmann's federal prosecution and that Mr. Luthmann was using the collections lawsuit as a device for witness intimidation.

259. Neither Castorina, Hanks, nor Love were ever federal witnesses.

260. On or about April 1, the U.S. Probation Office told Mr. Luthmann he was "under federal investigation" for potential witness tampering.

261. Mr. Love admitted calling the FBI and the DOJ on Mr. Luthmann in recorded conversations from April 2023.

262. On April 4, 2023, U.S. Probation called and emailed Luthmann's collections attorneys and told them that the U.S. Probation Office had to conduct an "appropriateness review" PRIOR TO SEEKING PAYMENT before Mr. Luthmann could seek redress in the state or federal courts to collect debts through counsel. See the attached **EXHIBIT "J."** Officer Harmaty stated:

> I advised Mr. Luthmann that I wanted a list of all cases that you intended to pursue for outstanding attorney fees PRIOR TO SEEKING PAYMENT. Please provide the list at your earliest convenience, so that I may review them and see if they are appropriate for collection.

263. Officer Harmaty is not an attorney licensed to practice law in the State of New York or anywhere else. No court in the United States or several states or territories has ever recognized her qualifications to opine on matters of law or their appropriateness.

264. Officer Harmaty's communication effectively commanded Mr. Almagno and his law firm to halt all legal collections activities on behalf of Mr. Luthmann.

265. In fact, Attorney Almagno had already conducted an "appropriateness review" based on his professional judgment as an attorney in August and September 2022. See the attached **EXHIBIT "K."**

266. Mr. Luthmann had an agreement with Attorney Almagno and his law firm:

> You have engaged Almagno Law, Inc. (the "Law Firm") to prosecute collections matters against former clients of the now defunct Luthmann Law Firm, PLLC ("LLF") on behalf of the entity as a successor in interest. You have several creditors, the most significant of which is the United States Government.

267. Mr. Almagno rendered his independent judgment as an attorney:

> This Law Firm has reviewed the underlying paperwork and we are of the opinion that you have several valid claims against former LLF clients.

268. Mr. Almagno had Mr. Luthmann's interests represented, was fully aware of the U.S. Government's interests as creditors, and had Mr. Luthmann "under control":

> Please refrain from any further contact with former LLF clients to whom you are sending Part 137 notices. As you well know, any conversations with these parties may become relevant and discoverable in a court proceeding. Additionally, please report to us any information that you may have about former LLF clients seeking to improperly coax potential witnesses. Such information is clearly discoverable.
>
> You may wish to disclose this letter to the former LLF clients so that they have this Law Firm's address if they seek to contact me so as to resolve any outstanding accounts prior to the initiation of a lawsuit in a court of competent jurisdiction.
>
> However, this Law Firm is prepared to proceed with litigation as soon as the 30-day period under Part 137 is complete as per your request, given the interests of the United States Government as creditors. If former LLF clients wish to quickly and discreetly resolve their accounts, they may do so by calling this Law Firm. My direct line is 401-255-8201. Otherwise, you have directed us to proceed to judgment in these cases to satisfy the interests of the United States Government.

269. Attorney Almagno responded to the U.S. Probation Office:

> I am confused with respect to your notion of "appropriate", and what details need to be reviewed by your office in order for you to make this "appropriateness" determination. (But maybe its just my lawyerly instincts prompting these questions, so I do apologize for that.)
>
> That being said, Mr. Luthman has indicated that he's already disclosed two matters in the recent financial disclosure. In addition, he indicates that he is working on compiling the list of other potential collection claims, and he will convey same to you with due haste. I greatly appreciate the open dialog on this, as I am certainly concerned that we help Mr. Luthman solve his problems and not create new ones.

270. This interference with an attorney-client relationship and the ability of an attorney to render their professional judgment and practice their profession is unprecedented.

Collections Lawyers Initially Try To Do Their Job

271. Mr. Almagno's office initially sought to continue to help Mr. Luthmann enforce his valid property rights and honor their attorney-client agreement.

272. Mr. Almagno's office interviewed and attempted to procure the affidavit of a fact witness, the aforementioned veteran political consultant MICHAEL J. COX ("Consultant Cox").

273. Consultant Cox had information and personal knowledge relevant to the Hanks and Castorina collections matters. See the AFFIDAVIT OF MICHAEL J. COX, dated April 11, 2023, attached as **EXHIBIT "L."**

274. Mr. Almagno had a discussion with Consultant Cox, who was told that in providing the affidavit, he could securely preserve his truthful testimony. Mr. Almagno also squarely asked Consultant Cox if Mr. Luthmann's March lawsuit against Ms. Hanks, Mr. Love, and the Hanks 2017 campaign. Consultant Cox responded as follows in the sworn affidavit:

> 5. I have been asked to write this affidavit to state whether I believe the plaintiff's lawsuit has merit. I believe it does.
>
> 6. Months ago, I spoke with Mr. Luthmann's attorney, Mr. Almagno, and I communicated my belief that the lawsuit has merit and the facts on which I based that opinion at that time.
>
> 7. I also told Mr. Almagno that I received his spoliation letter. I know that I will probably be a fact witness in this case and that I would like to be subpoenaed. For over forty years, it has not been my practice to volunteer information related to political campaigns.
>
> 8. I will state the following facts, which I believe to be common knowledge. Also, I believe that the rule in New York State is that even lawyers are justified in breaking client confidence when it relates to issues of payment and non-payment.
>
> 9. I had a handshake engagement with Kamillah Hanks, Kevin Barry Love, and their 2017 campaign for $14,000, to be a political consultant. I was never paid.

10. Consultant Scott Levenson and many others (including attorneys and former elected officials) know about this engagement. At a 2017 dinner at Sparks Steak House in Manhattan, Scott Levenson said that not having a written contract was "foolish." I guess I was naïve because I thought Kevin and Kamillah were my friends. Scott Levenson said Kevin and Kamillah were his friends too, but he got a contract and "$10K up-front," in December 2016.

11. Scott Levenson and his firm, The Advance Group, have sued many former political clients for non-payment and payment disputes, notably Janine Materna on Staten Island.

12. Kevin and Kamillah act as one, and Kevin regularly acted and acts on Kamillah's behalf and speaks and spoke for her.

13. Kevin and Kamillah never paid me, even though I did substantial work and numerous hours for their campaign. I even offered to cut my fee from $14,000 to $10,000 so that the $4,000 could be spent on what I believed to be needed campaign mailings. These mailings were never sent, even though I was told that they were.

14. At the end of the 2017 campaign, Kevin and Kamillah said the campaign didn't have the money to pay me the agreed-upon amount.

15. I had a heart attack and emergency triple bypass surgery at St. Luke's-Roosevelt Hospital in the summer of 2017, after which time I was weak. Kevin had me take a ride with him to Brooklyn and insulted me by trying to settle the $14,000 debt for $1,250. When I told him it was unacceptable, Kevin raised the amount to $1,500.

16. I was insulted. I would have gotten out of the car and taken public transportation home, but I was too weak, and Kevin knew it.

17. Kevin also wanted me to take responsibility for the failed Primary Election Day voter pull operation in order to get paid. Kamillah lost to Debi Rose 70% to 30%. A major reason was that the pull operation was non-existent. The pull operation was handled by Scott Levenson's The Advance Group and their employee, Jason Reynard.

18. I refused to lie and say that I was responsible for a failed project in that I had no part. The pull operation was a mess.

> The operation made little sense, and I voiced my strong objections at the time.
>
> 19. To this day, I was never paid, and my engagement with Kamillah, Kevin, and their campaign was never reported to the New York City Campaign Finance Board.

275. Consultant Cox also raised serious campaign finance issues and non-payment of employees and contractors related to the Hanks 2017 campaign:

> 20. To add insult to injury, Kamillah and Kevin started badmouthing me to anyone who would listen, saying I was "fired" from their campaign, and that I had "cost" them the win in 2017. None of this is true.
>
> 21. At the time of the campaign, I was dating and living together with Lok Yung, the campaign's treasurer. I secured Lok for the campaign after the previous treasurer quit. Lok is an accountant.
>
> 22. Lok told me about serious campaign payment and reporting concerns that she brought directly to Kamillah's attention.
>
> 23. Lok told me that she asked about my contract as a political consultant, and Kamillah would avoid the subject and kept putting it off.
>
> 24. After several requests, Lok told me that she didn't believe that Kamillah or the campaign had any intention of paying me. I told her I believed Kevin and Kamillah were my friends and they wouldn't screw me.
>
> 25. A week before primary day, while I was still recuperating from open heart surgery, Lok came to me and said, "They don't have the money to pay you. It's gone. They spent it."
>
> 26. Not only did Kamillah and Kevin not pay me, but I was out of work for several months in the summer and fall of 2017. I saw Kevin and Kamillah vacationing in Paris, France, on Facebook. They had the money to go to Paris, but they didn't have the money to pay their workers.
>
> 27. If Kevin and Kamillah were hard-up, I would have worked with them. They are not hard-up. Kevin and Kamillah are worth millions. Kevin is a successful real estate investor and owns

> several commercial, rent-producing properties, including properties in the NYC Council District Kamillah represents.
>
> 28. I am not alone. In addition to Mr. Luthmann, I have heard of several other people related to the campaign that were never paid. But I know for a fact that Kevin and Kamillah's family members worked for the campaign, and every one of them was paid in full, some of them in cash.

276. Consultant Cox confirms the reasonableness of Mr. Luthmann's legal bills and the sufficiency of the work because he was present for it at Mr. Luthmann's former law office. He also identified a multitude of other witnesses to the sufficiency of the fees:

> 29. As it relates to Mr. Luthmann, I personally witnessed him spend at least 100 hours on the 2017 Kamillah Hanks campaign.
>
> 30. I have worked with many election lawyers on many campaigns, including John Ciampoli. I know what work is required from election lawyers.
>
> 31. Not only did Mr. Luthmann and I draft and prepare the Designating Petitions for Kamillah Hanks to have ballot access to the Democratic and Reform Party lines and conducted a class on how campaign volunteers should properly collect valid signatures, but Mr. Luthmann and I also reviewed those designating petitions line by line and "scrubbed" them prior to filing with the NYC Board of Elections. This work was performed at his office. I was there, along with Jason Reynard and others, including Kevin Barry Love.
>
> 32. At the time, Mr. Luthmann's offices had a security camera system. I know this because I saw Mr. Luthmann going onto his phone, accessing recorded files, and watching what was going on in his office. Mr. Luthmann also used speakers on that system to communicate with Jason Reynard, who was back in the office, while Luthmann and I were inside the NYC Board of Elections and elsewhere. I believe that the FBI took these records when Mr. Luthmann was later arrested on an unrelated matter and may still retain them.
>
> 33. Additionally, we pulled the filed designating petitions for Debi Rose and Phil Marius. Debi Rose's petitions were pretty clean, but Phil Marius' petition was a mess. Within minutes of reviewing them, I knew that we had an excellent shot at getting Phil Marius thrown off the ballot.

34. Kamillah, Kevin, Scott Levenson, Lok Yung, Priscilla Marco, Jason Reynard, Mr. Luthmann, and others were present when we had the conversation as to whether we had a shot at Debi Rose, and whether we should try to get Phil Marius thrown off the ballot. We had no shot at Debi Rose. Scott Levenson was initially against knocking Phil Marius off. I was for it because I said that if Phil Marius remained on the ballot, the anti-Debi Rose vote would be split.

35. Ultimately, Kevin, Kamillah, and eventually Scott Levenson agreed that they wanted Mr. Luthmann and me to proceed in getting Phil Marius thrown off the ballot so Kamillah would be able to pull all of the anti-Debi Rose votes in the Democratic Party primary without the votes being split. At the time, we were both campaign employees, and we both expected to get paid for our work. Additionally, Kevin and Kamillah assured us that we would be paid.

36. Phil Marius submitted over 1200 signatures to qualify for the ballot. The NYC Board of Elections required 450 valid signatures. Through Mr. Luthmann and my tireless efforts over two weeks, many twelve-hour days, and many long nights, Phil Marius was thrown off the ballot at the NYC Board of Elections hearing. Our efforts were so devastating to him, Phil Marius was unsuccessful in getting even one invalidated signature restored by the election commissioners.

37. Mayoral Candidate Sal Albanese, one of Luthmann's other political clients at the time, stopped in Luthmann's office while we were working and saw us there. Sal and I had an entire conversation. Sal was in disbelief that we believed we could get Phil Marius thrown off the ballot. I have known Sal for many years from Brooklyn politics.

38. Mr. Luthmann's wife at the time, Tammara Moore, was the legal objector to Phil Marius' designating petition, with Kevin and Kamillah's consent.

39. Mr. Luthmann also set up an election law battle in the New York State Supreme Court in case the New York City Board of Elections upheld Phil Marius' designating petition.

40. Mr. Luthmann filed a legal petition in New York State Supreme Court, Richmond County. If I remember correctly, the case was assigned to Justice Minardo, who was sitting on the bench at the time.

> 41. Mr. Luthmann not only drafted and filed the complaint, but he also paid and consulted with private investigators, process servers, and a handwriting expert (Don Frangipani), in order to set up the court battle were it to have been necessary.
>
> 42. It was only because of Mr. Luthmann and my good work that the Phil Marius petition didn't even get passed the New York City Board of Elections. Marius could not restore one signature and didn't go to court, in part because Mr. Luthmann and I showed the dishonesty and fraud in Marius' submitted petitions.

277. Consultant Cox also knows about the work Mr. Luthmann performed for Hanks, Love, and their family members outside of the campaign:

> 43. I also know that Mr. Luthmann did other work for Kevin and Kamillah. One legal matter was related to the campaign. That one was about Nadia Hanks, Kamillah's daughter. I remember there being a discussion in the campaign headquarters about whether Nadia's not graduating could affect Kamillah politically, and whether campaign funds could be used to pay Mr. Luthmann to get her to graduate.
>
> 44. I know Mr. Luthmann filed a court case and I know he was successful in getting Nadia to walk at her graduation. Mr. Luthmann saved Nadia and the family a lot of embarrassment.
>
> 45. Both Mr. Luthmann and Kevin told me that Mr. Luthmann performed other work for Kevin, including business matters, matters involving BMW, and other work. Mr. Luthmann told me that Kevin only partially paid him for those cases as well. I do not believe Kevin ever sued Mr. Luthmann for malpractice or even made the accusation.

278. Consultant Cox knew all about the 2017 Debi Rose Fake Facebook case. No one, including special prosecutor Eric Nelson, ever questioned him:

> 46. The fake Debi Rose Facebook page was the worst-kept secret of the 2017 campaign. Everyone, including Kamillah and Kevin, knew Luthmann was running the page. At a certain point, Kamillah was advised by Scott Levenson and others to get off of her personal Facebook page because the fake Debi Rose was becoming too controversial.

> 47. Mr. Luthmann told me he communicated with Kamillah Hanks on Facebook Messenger, and he had conversations with her related to the fake Debi Rose Facebook page on Facebook Messenger and elsewhere.
>
> 48. When Luthmann would walk into the campaign office, people would shout, "Hey Baby," and everyone would smile. Luthmann's fake Debi Rose Facebook posts would often start with the words "Hey Baby!" referring to the way in which Debi Rose greets people.
>
> 49. I know Mr. Luthmann didn't do the fake Facebook page for free and that he was going to get paid by Kamillah and Kevin because Mr. Luthmann told me so. I was not privy to their arrangement.

279. Consultant Cox confirmed that Mr. Luthmann's case had merit and that he would have to be subpoenaed before he released other evidence, including emails and recordings:

> 50. I believe that there is merit to all of Mr. Luthmann's claims in his complaint and amended complaint. I previously told this and everything above to Mr. Almagno.
>
> 51. As I said before, prior to the disclosure of anything sensitive about the campaign, including emails, records, recordings, statements, and the like, I would ask to be subpoenaed. I have an excellent reputation, built over forty (40) years in this business and I would like to keep it that way.

280. In preparing Consultant Cox's Affidavit of Merit, Attorney Almagno and his law firm were still working hard for Mr. Luthmann's interests.

281. However, after Consultant Cox returned the Affidavit to Attorney Almagno's offices, Consultant Cox's Affidavit of Merit was never submitted to the court, nor was it forwarded to U.S. Probation. Attorney Almagno still retains the original documents at his offices.

282. On or after April 4, 2023, Attorney Almagno and his law firm stopped working for Mr. Luthmann's interests.

283. Everything changed because of menacing threats made by Kevin Barry Love against Attorney Almagno, Attorney Duarte, and their law licenses.

Kevin Barry Love's Menacing Phone Calls and Threats

284. At all relevant times, Kevin Barry Love is and was the *de facto* agent for Kamillah Hanks.

285. On April 4, 2023, Love called Attorney Almagno's law office and left a message for Attorney Almagno to call him back.

286. The law office is located in Cranston, Rhode Island. The law firm's telephone number is (401) 946-4529.

287. Attorney Almagno returned the call to Love. Also present was Attorney Duarte.

288. Love, who sounded high as a kite, threatened Attorney Almagno and his license, livelihood, and reputation because of his continued representation of Mr. Luthmann in the then-pending collections matter against him.

289. A recording is preserved.

290. During the conversation, Love made specific threats using the telephone and knowingly did so across state lines.

291. Love admits he is in the State of New York while making the call.

292. The sole purpose of the call was a communication threatening to injure the property and reputation of Almagno and accuse Almagno of a crime, with the intention that Almagno would break the attorney-client agreement between Almagno and Luthmann.

293. Love states the FBI and DOJ have already been contacted and insinuates that he can cause these governmental agencies to act on his behalf.

294. Love threatens Almagno's law license and livelihood because he practiced his profession by filing a legally permissible and meritorious collections action. Love did not attempt to settle or resolve the case. Love's entire purpose was to extort, threaten, and intimidate.

295. Love has a violent criminal history and a history of threats and intimidation. Love's paramour (who he falsely claims is his wife), Kamillah Hanks, is an NYC Councilwoman. Love is her *de facto* agent and "enforcer."

296. Love has already engaged in conduct that smacks of extortion on numerous occasions. One witness is Michael J. Cox, 718-880-0426, who worked on Hank's 2017 campaign and was owed $14,000.00.

297. In August 2017, Cox suffered a heart attack. Days later, Love "took Cox for a ride" in Brooklyn and tried to force him to take $1,250 to "settle" the debt owed for his political consulting services rendered. Cox couldn't leave the car because of his health conditions. Because of Love's extortionate threats, Cox is fearful and has never been paid for his work.

298. Love's statements to Attorney Almagno, witnessed by Attorney Duarte, are clearly threatening and an attempt at extortion across state lines in violation of 18 U.S.C. § 875.

Collections Attorneys Drop Mr. Luthmann Because of Love and Others' Intentional and Malicious Acts

299. The collections lawyers dropped Mr. Luthmann's filed cases against Hanks, Love, and Castorina without Mr. Luthmann's consent. Mr. Luthmann did not receive a prior phone call or letter. The attorneys' reason was for fear of "retribution" against them.

300. One of the lawyers said, "I don't want them doing to me what they do to Trump's lawyers," apologizing for dropping my case without telling me because of the "Government heat."

301. On April 25, 2023, Attorney Almagno filed notices of discontinuance in the cases against Love, Hanks, and Castorina. Mr. Luthmann was never properly informed, was never given a chance to object, and was never given an opportunity to seek new counsel.

302. The statements made by Ambrose, Castorina, Hanks, Love, Nelson, and others to coax illegal and unjustified law enforcement action harmful to Mr. Luthmann were dishonest and in violation of 18 U.S.C. § 1001.

303. Based on the false statements made by Ambrose, Castorina, Hanks, Love, Nelson, and others, there was tortious interference with Mr. Luthmann's collections contract and the economic advantage of collecting over $500,000 in debts, and they intentionally and maliciously caused harm for their own benefit.

304. Additionally, Mr. Luthmann was told he could not contact the Government to petition to redress grievances.

305. Also, Mr. Luthmann was placed under investigation by the Collier County Sheriff's Office based on complaints by Ambrose. Mr. Luthmann's putative crime was the practice of journalism.

Christopher Ambrose's Additional International, Tortious, and Malicious Conduct

306. One of the stories Mr. Luthmann began to cover for Mr. Parlato involved a disgraced Hollywood writer, NYU Law graduate, and former DNC / Clintons lawyer, CHRISTOPHER AMBROSE ("Ambrose").

307. Disgraced as a plagiarist, Ambrose worked on T.V. shows like Law & Order, Harry's Law, and Bones until he was run out of Hollywood.

308. Ambrose has been diagnosed as a dangerous psychopath by the renowned clinical physician Dr. Bandy X. Lee, MD, M.Div.

309. Decorated New York Private Investigator Manuel Gomez has told the FBI and the US Attorney's Office: "Christopher Ambrose molests his children." This is PI Gomez's opinion based on his years of investigation.

310. Mr. Luthmann has acquired a panoply of information showing Ambrose to be a dangerous abuser of his children. He has published some of it, and he is prepared to publish all of it concerning this lawsuit, so long as the identities of his confidential sources are shielded under Civil Rights Law § 79-h.

311. As Dr. Lee has said, "I have met individuals more dangerous than Christopher Ambrose in my clinical work. Every single one of them is currently housed in a maximum-security institution."

312. On March 17, 2023, Mr. Luthmann wrote an article that was picked up, reviewed, edited, and published by Mr. Parlato's publication, the Frank Report (www.frankreport.com), entitled "Christopher Ambrose Fails at Everything But One Special Talent." (https://frankreport.com/2023/03/17/christopher-ambrose-fails-at-everything-but-one-special-talent/).

313. By citing numerous examples in court filings and other evidence, the article detailed factual occurrences that showed Ambrose's tendency towards trickery – Mr. Luthmann's commentary and opinion.

314. Mr. Luthmann argues Ambrose makes various claims and continues multiple actions in different aspects of his life that are all tied together by a common thread: duplicity. These include his fatherly role, a controversial career as a Hollywood screenwriter, legal disputes, and a current federal court lawsuit against Mr. Parlato and his publications.

315. The record shows Ambrose was an absentee father in Hollywood who later tried to present himself as a good father during his divorce case. Ambrose was accused of being a plagiarist and losing his Hollywood writing career.

316. He is described as litigious, having filed several lawsuits against his ex-wife, a godmother to one of his children, and Mr. Parlato.

317. Mr. Luthmann's article also mentions Ambrose's legal background, including his graduation from NYU Law School and suspension from law practice in New York. He was admitted in 1989 under Registration Number 2300333.

318. Mr. Luthmann described Ambrose's lawsuit against Parlato as lacking substance and failing to establish "actual malice," the legal standard for libel. In his article, Mr. Luthmann suggests Ambrose's claims are questionable:

> "In my opinion, Christopher Ambrose is an expert at one thing: deception. He deceived Karen Riordan into thinking he was a nice enough guy to marry and start a family with. He then deceived her into practically sole child care while he was out in Hollywood trying to "make it big."
>
> While in Tinsel Town, he deceived his way through writing gigs until the truth was uncovered: as a writer, he was talentless and had to plagiarize and steal others' ideas to survive.
>
> Once back in Connecticut, Ambrose saw the opportunity to bilk his wife out of her assets, inheritance, and children by deceiving the Connecticut Family Court. He advanced, among other things, his children's less than enthusiastic attitude about being with him was "parental alienation" caused by his wife.
>
> He deceived [attorney] Nancy Aldrich into believing he would pay her bills.
>
> Now, he's trying to deceive a Federal Court judge that Frank Parlato is anything other than a reporter, a media man and that he, Ambrose, is not responsible for all the bad things anyone has ever said about him."

319. Ambrose didn't like Mr. Luthmann's reporting, commentary, or opinions.

320. The First Amendment shields Mr. Luthmann's written statements and opinions. The U.S. Supreme Court was clear in the 1990 case of Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990): " A statement of opinion relating to which is not false will receive complete constitutional protection where a media defendant is involved."

321. Ambrose, knowing that Mr. Luthmann was a person under federal supervision, tried to get Mr. Luthmann "violated" for the newly-minted American crime of "free speech," as detailed above and herein.

322. Ambrose called the authorities, including the U.S. Probation Office, claiming Luthmann's published opinions were "libel" and "harassing." He lodged an official complaint, causing the Florida authorities to "chase down" a reporter writing unflattering (but accurate) things about Ambrose.

323. The Collier County Sheriff's Office told Mr. Luthmann he was being "investigated" for libel under Florida law, a misdemeanor crime. Section 836.01 of the Florida Statutes says, "Any person convicted of the publication of a libel shall be guilty of a misdemeanor of the first degree."

324. Mr. Luthmann met with a deputy Collier County Sheriff. He brought his evidence that shows Ambrose molests his children. The deputy's jaw dropped.

325. Mr. Luthmann filed his own criminal complaint against Ambrose. Luthmann's complaint alleges, "CHRISTOPHER AMBROSE did violate F.S. § 837.05 by knowingly and maliciously making a false statement that was caused to be sent to Florida Law Enforcement." See the attached **EXHIBIT "M."**

326. Because Ambrose is a trained lawyer and Hollywood figure, Mr. Luthmann alleges he knew or should have known better than to create a "waste of scarce FLORIDA LAW ENFORCEMENT RESOURCES."

327. Ambrose's actions are also a "strategic complaint against PUBLIC PARTICIPATION." He uses tortious, malicious, intentional, and criminal actions to deny free expression in the public square.

328. Ambrose's actions are also an attempt to stifle Mr. Luthmann's practice of his profession. Especially as a journalist, his freedom of expression is broadly protected.

329. Mr. Luthmann made allegations of child endangerment and underage sex at Ambrose's Madison, Connecticut, home:

> "LUTHMANN believes AMBROSE has engaged in CHILD ENDANGERMENT in his home in Madison, CT, based upon the information available in the public record and other materials received from protected journalist sources.
>
> LUTHMANN believes AMBROSE's complaint against him is little more than retribution and an "ALIBI" against the rampant underage drinking, drug use, and sex that occurs in AMBROSE's home on Horsepond Road in Madison, CT, on a regular basis.
>
> LUTHMANN has seen evidence and spoken to witnesses that AMBROSE is aware that MEN as old as 23 years old are supplying drugs and alcohol to children as young as 14 and 15 and having sex with them."

330. Ambrose also called the US Probation Office and Officer Harmaty about Mr. Luthmann, stating that Mr. Luthmann was libeling, defaming, and harassing him in violation of the rules of federal supervised release.

331. In reality, Mr. Luthmann's activity was purely journalistic and fully protected by the First Amendment.

332. As a result of Ambrose's lies, dishonesty, and deception, on or about April 1, 2023, Mr. Luthmann was directed not to continue practicing journalism by the US Probation Office.

333. The US Probation Office's directive was a *prima facie* violation of 42 U.S.C. § 1983, predicated upon Ambrose's lies, dishonesty, and deception.

334. Ambrose's lies, dishonesty, and deception to a federal agent was a criminal violation of 18 U.S.C. § 1001.

335. Ambrose's lies, dishonesty, and deception to a federal agent caused a deprivation of Mr. Luthmann's civil rights, including the rights of the free press, free expression, and free association.

336. Ambrose's lies, dishonesty, and deception to a federal agent were an abuse of process.

337. Ambrose's lies, dishonesty, and deception to federal agents were motivated by disinterested malevolence.

Eric Nelson's Recent Criminal Actions to Protect Ronald Castorina's Perjury, Nelson's Subornation of Perjury, and Other Criminality in the Fake Facebook Prosecution

338. A prosecutor has qualified immunity. Buckley v. Fitzsimmons, 113 S. Ct. 2606, 2609 (1993). A prosecutor's criminal acts receive no immunity.

339. As detailed above, Mr. Castorina committed perjury, and Eric Nelson suborned it as a special prosecutor in 2018.

340. As part of their ongoing and continuing criminal conspiracy to indict and prosecute Mr. Luthmann, Eric Nelson continues to commit crimes to keep their past transgressions undiscovered.

341. Particularly, Eric Nelson signed a verified Bill of Particulars dated November 29, 2018. In that sworn document, Eric Nelson told the New York State Supreme Court that Mr. Luthmann had no accomplices in the Fake Facebook case. See the attached **EXHIBIT "N."** This is clearly false. Both Ms. Hanks and Mr. Castorina are accomplices. Eric Nelson was covering for them. Upon information and belief, Mr. Luthmann says this is because he was ordered to do so by as-of-yet unnamed co-conspirators.

342. As detailed above, Eric Nelson engaged in the felony Unauthorized Practice of Law when he knowingly made disbarred federal felon Perry Reich a legal advisor to the People of the State of New York. Eric Nelson has recently acted to cover up these crimes he committed as a prosecutor and to protect now-sitting Supreme Court Justice Ronald Castorina and the interests of the NYS Office of Court Administration.

343. The Nelson-Reich email of August 12, 2018, was clearly referencing Luthmann's case. There is only one case in the history of the State of New York that has these facts. In April 2020, Frank Donnelly of the Staten Island Advance wrote that Luthmann's case was the "first of its kind":

> In November 2018, Luthmann was arraigned on a 17-count indictment accusing him of multiple felony charges of falsifying business records and identity theft. The charges stemmed from his alleged activities on Facebook.
>
> It was believed to be the first case of its kind in New York. He was also charged with criminal impersonation, election law violations, stalking and falsely reporting an incident to the NYPD.[20]

344. The Nelson-Reich email of August 12, 2018, was produced as part of the Special Prosecutor's required disclosure to Mr. Luthmann's former Brooklyn lawyers, Arthur Aidala and

[20] Defeated! 'Trial-by-combat' lawyer admits guilt in fake-Facebook-page case, SI Advance [available at: https://www.silive.com/crime/2020/10/defeated-trial-by-combat-lawyer-admits-guilt-in-fake-facebook-page-case.html].

Mario Romano. By Nelson's prior inclusion of the email in the discovery documents, there is no question it is part of Mr. Luthmann's case.

345. The Nelson-Reich email was sent in the middle of the Luthmann grand jury proceedings, which took place in August 2018.

346. In an Affidavit signed on February 6, 2023, and submitted to the Supreme Court, Richmond Couty, Eric Nelson denied his email with Perry Reich had anything to do with Mr. Luthmann's case. See the attached **EXHIBIT "O."**

> 16. Regarding his claim that the indictment should be dismissed or the Special District Attorney removed, defendant references an e-mail conversation with Mr. Reich, which merely sought interpretation of decisions posed in a hypothetical setting. This had no effect on the Grand Jury, was not presented to the Grand Jury during the presentation .Defendant's claim does not rise to an unauthorized practice of law. The practice of law it embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law. Thornton on Attorneys at Law, in section 69, defines the practice of law in the same terms. An e-mail communication from an attorney asking a former attorney regarding a question about the meaning of a case cannot be deemed the practice of law, and there is no client who Mr. Reich was representing.
>
> 17. Further, regarding if defendant's defense is based on First Amendment claims, he could have raised that as a trial defense. In any event, Mr. Luthmann waived all claims about Grand Jury sufficiency by pleading guilty.

347. Nelson blatantly and brazenly lied to the New York State Supreme Court. First, he lied to Justice Mundy. Now, the case is before Judge Leo, who is not an elected Supreme Court Justice under the state constitution.

348. The fear is that Nelson's lies will continue to be ignored. Mr. Luthmann has a right under the state constitution to have the issue of whether or not Nelson lied determined by a Supreme Court Justice because it goes to the heart of whether the Supreme Court's pronouncement that Mr. Luthmann is a New York State felon is legitimate or not.

349. Mr. Luthmann asserts he is not legitimately a New York State felon, and Nelson continues to lie to cover up his own crimes and those of Mr. Castorina and Perry Reich.

350. Nelson lies when he swore his questions to Perry Reich were not about Mr. Luthmann's Fake Facebook case. Nelson's question wasn't about a "hypothetical case." Nelson asked Reich whether he had to explain the First Amendment, saying, "Do I need to explain the law to the [Grand Jury]?"

351. Why did Nelson need to ask Perry Reich what to do? Because Nelson didn't know what to do himself. He was an incompetent Special Prosecutor. Before the Luthmann case, Nelson eeked a living collecting back child support in Family Court. His appointment as Special Prosecutor was a feeding trough for him. He had carte blanche with one proviso: "Get Luthmann. Get him at all costs."

352. Nelson was placed in a predicament when, despite his best efforts to tiptoe around the legal landmines that would blow up the Luthmann vendetta prosecution, there were questions about Mr. Luthmann and the First Amendment posed by grand jurors. Nelson could not have that:

> GRAND JUROR: Can you state what freedom of speech, what is -- the second amendment?
> GRAND JURY FOREPERSON: First Amendment.
> MR. NELSON: First Amendment
> GRAND JUROR: Can you tell us what the whole thing --
> MR. NELSON: I'm not going to give a course on freedom of speech.
> GRAND JUROR: I can look it up though?
> MR. NELSON: You could look it up in terms of what freedom of speech means, but not in the context of this case.
> GRAND JUROR: No, just --

> MR. NELSON: You have a right to go on the Internet and look at anything as long as it doesn't pertain to this particular case.
> GRAND JUROR: Okay.

353. Grand Jurors asked Special Prosecutor Eric Nelson about the First Amendment. Nelson responded, “I’m not going to give a course on Freedom of Speech.” A Prosecutor’s job is to truthfully advise the grand jury on the facts and the law.

354. Nelson lies when he swore the First Amendment was merely a trial defense. The First Amendment is so central to the Fake Facebook prosecution that the law required it to be mentioned to the jury – or else the whole case gets thrown out. The analogous situation is self-defense in a murder indictment. There is no argument that if a prosecutor’s presentation to the grand jury does not contain an explanation of self-defense, the indictment is fatally and totally defective.

355. The Appellate Division is clear that Nelson’s performance before the grand jury was deficient:

> A New York district attorney is required to instruct the grand jury on the law with respect to matters before it, N.Y. Crim. Proc. Law § 190.25(6). If the district attorney fails to instruct the grand jury on a defense that would eliminate a needless or unfounded prosecution, the proceeding is defective, mandating dismissal of the indictment, N.Y. Crim. Proc. Law § 210.35(5). (People v Samuels, 12 AD3d 695, 696 [2d Dept 2004])

356. Nelson was obligated to be a “legal advisor” to the grand jury and instruct them on the law. Nelson responded, “I’m not going to give a course on Freedom of Speech.”

357. Eric Nelson brought this case to the Supreme Court. Nelson represented himself and this case as genuine and forthright as a Special Prosecutor on behalf of the People of New York. In actuality, Nelson sold a web of deceit spun with perjury, collusion, lies, and other criminal behavior - and his dishonesty before this Court continues, unashamedly and unabashed.

358. Nelson swears his questions to Perry Reich were about a "hypothetical case." Nelson further swears Reich is a "former attorney," not caring to distinguish between permitted legal opinion with retired or non-practicing lawyers and prohibited legal opinion with disbarred attorneys. Nelson lies on both counts.

359. Nelson's communications with his legal advisor, Perry Reich, were prohibited legal opinion. Why? Because the New York State Supreme Court, Appellate Divison ORDERED it so in Perry Reich's disbarment:

> ORDERED that respondent is commanded to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; respondent is forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice with relation thereto. (Matter of Reich, 25 AD3d 1063 [3d Dept 2006])

360. This Order of the Appellate Division is no surprise to Nelson, who knew Pery Reich was disbarred.

361. The Appellate Division also has Court Rules regulating the conduct of disbarred attorneys (see 22 NYCRR 806.9). These rules do not apply to "former attorneys," only "disbarred attorneys."

362. Nelson sought specific legal advice from Reich and, in so doing, engaged in the Unauthorized Practice of Law (a felony crime) and violated an Order of the Appellate Division and multiple of that Court's rules.

363. Eric Nelson did all this as a representative of the People of the State of New York and a Special Richmond County District Attorney.

364. Nelson's "hypothetical case" argument is a brazen lie to the Supreme Court. Nelson tells Reich in the email, "I am also going to include a misdemeanor false reporting an incident and stalking on a candidate." Anyone who can read the "smoking gun" email can see that.

365. Nelson's email to Reich was about Luthmann's case. If there is any question, ask Nelson to bring to the Supreme Court's attention another case in the history of the State of New York (or anywhere else for that matter) with any semblance of the facts he and his "legal advisor" – disbarred Perry Reich discussed.

366. Eric Nelson brazenly lied to the Supreme Court in signed and sworn court papers. Mr. Luthmann asks for Declaratory judgment under CPLR § 3001 on several related points, clearly intimating Mr. Luthmann's legal rights.

367. The Appellate Division ordered Perry Reich disbarred, commanding him to desist and refrain from the practice of law in any form or to give any legal opinion or advice. Eric Nelson knew about the Appellate Division Order when he made Perry Reich his legal advisor.

368. In Nelson's recently filed Affirmation, he has his own opinions about the Appellate Division's language "give to another an opinion as to the law or its application, or any advice with relation thereto." In fact, Nelson totally disregarded the Appellate Division's command:

> The practice of law it embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law...An e-mail communication from an attorney asking a former attorney regarding a question about the meaning of a case cannot be deemed the practice of law. Nelson Aff. at ¶ 16.

369. Nelson's case wasn't in Moot Court at community college, and Reich and Nelson both knew it. Nelson needed advice on how to "Get Luthmann." His continued usefulness to Team

McMahon (and thus his continued fees), depended upon it. Nelson, Castorina, and their colluders could not let Mr. Luthmann slip away on a technicality like the US Constitution. The legal and political fallout would be too significant.

370. Perry Reich is not a "former attorney." He didn't retire or become an investment banker. Perry Reich is a disbarred attorney whose conduct is regulated by Appellate Division Rules.

371. Nelson is not a mere attorney in this instance. Nelson is a Special Prosecutor, the People's representative, with heightened ethical rules. See RPC 3.8. Please find me a District Attorney's Office in the State of New York that would hire a disbarred lawyer to clean the toilets, let alone formulate opinions and strategies on the law. Ask Staten Island DA Mike McMahon if he would employ Perry Reich or another felon to work in his office – in any capacity.

372. If the Supreme Court ignores Nelson and Reich's activity, then Mr. Luthmann will understand it to mean that 22 NYCRR 806.9 no longer applies, either to him or to any other disbarred attorney. Thus, Mr. Luthmann should seek declaratory judgment and permission to perform legal work because there evidently is no proscription. Unless the Supreme Court says differently Mr. Reich's activity, blessed by a Special Prosecutor, shows that it is a reasonable interpretation to believe the Appellate Division's Rules concerning Disbarred attorneys no longer apply, and Mr. Luthmann is free to do just about anything he wants without impunity.

373. Given Mr. Nelson's disregard for the Appellate Division's Order and rulings, on top of his outright lies to the Supreme Court in filed and sworn court documents, the Court has but one choice: declare Eric Nelson's actions criminal.

374. Additionally, Mr. Luthmann asks for declaratory judgment of Mr. Eric Nelson's summary disbarment. The Supreme Court retains this power under the state constitution, which is inherent to the proper administration of the courts.

375. Attorney Eric Nelson has miserably failed in his role as a prosecutor and a lawyer and cannot, by any stretch, continue the privilege of practicing law in the State of New York. He is a liar and a perjurer and, as such, cannot, *de facto* or *de jure*, have the requisite good moral character to hold a law license while also being a liar and perjurer on repeated, multiple occasions.

376. Judge Moukawsher of the Connecticut Superior Court recently summarily disbarred former Attorney Nikola Cunha for brazen lies to the Court, saying:

> "Through her grave misconduct, she has forfeited her position as an attorney and an officer of this court. From the filing of this memorandum and order, she may no longer practice law in this state or appear before a court in this jurisdiction on behalf of any person other than herself.
> **Whatever the fashion in ordinary public discourse, in court, lies by lawyers will be punished by judges."** (*Ambrose v Ambrose*, 2022 Conn. Super. LEXIS 131, at *1 [Super Ct Jan. 25, 2022, No. FBTFA196088163S]).

377. Mr. Luthmann says the Supreme Court should punish Attorney Eric Nelson.

378. The Supreme Court should find Eric Nelson enjoys no prosecutorial immunity.

379. The Supreme Court should find Eric Nelson is disbarred.

<u>Castorina Should Be Disbarred and Removed From the Bench</u>

380. For similar reasons of perjury, the Supreme Court should find Mr. Castorina should be disbarred and immediately removed from his position as a New York State Supreme Court Justice. Ronald Castorina does not possess, de jure or de facto, the requisite good moral character to serve as an attorney or Supreme Court Justice while also being a liar and a perjurer.

Christopher Ambrose Should Be Disbarred

381. For similar reasons of child molestation, the Supreme Court should find Mr. Ambrose should be disbarred. Christopher Ambrose does not possess, *de jure* or *de facto*, the requisite good moral character to hold a law license while also being a child molester.

382. Anything short of the ultimate punishment for these three individuals, Nelson, Castorina, and Ambrose, and the New York State Supreme Court has lost all legitimacy.

383. **"Whatever the fashion in ordinary public discourse, in court, lies by lawyers will be punished by judges."**

CAUSES OF ACTION

COLLECTIONS

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE, AND KEVIN LOVE (Breach of Agreement)

384. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

385. A contract for services existed between the plaintiff and defendants.

386. The plaintiff performed good, valuable, and effective services on behalf of the defendant.

387. Defendants have failed to perform and have failed to pay.

388. The plaintiff suffered damages attributable to the breach.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, the Kamillah Hanks Campaign Committee, and Kevin Love in the sum of $86,175.38, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE, AND KEVIN LOVE
(Contract Implied in Fact)

389. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

390. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

391. The plaintiff and defendants had mutual assent that the plaintiff would perform good and valuable services on the defendants' behalf.

392. The plaintiff did, in fact, perform good, valuable, and effective services on the defendants' behalf.

393. The promises and performance between the plaintiff and defendants were supported by good and valuable considerations, the receipt and sufficiency of which were acknowledged by the parties.

394. The parties all had and have legal capacity.

395. The subject matter of the engagement was a legal subject matter.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, the Kamillah Hanks Campaign Committee, and Kevin Love in the sum of $86,175.38, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE, AND KEVIN LOVE
(Unjust Enrichment)

396. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

397. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

398. Defendants benefitted from the plaintiff's good, valuable, and effective services rendered.

399. Defendants benefitted at the Plaintiff's expense.

400. Equity and good conscience require restitution.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, the Kamillah Hanks Campaign Committee, and Kevin Love in the sum of $86,175.38, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE, AND KEVIN LOVE (Account Stated)

401. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

402. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

403. Plaintiff and Defendants engaged in a prior transaction.

404. Plaintiffs and Defendants agreed to the correctness of the account items and balance due.

405. Defendants expressly and/or impliedly promised to pay the amount due.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, the Kamillah Hanks Campaign Committee, and Kevin Love in the sum of $86,175.38, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE, AND KEVIN LOVE (Quantum Meruit)

406. Plaintiff re-state, re-allege, and re-iterate all proceeding paragraphs as if fully stated herein and further states as follows.

407. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

408. The plaintiff performed good, valuable, and effective services for the defendants in good faith.

409. Defendants accepted the services rendered by the plaintiff.

410. There was a reasonable expectation of compensation therefor.

411. The value of the services rendered was reasonable.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, the Kamillah Hanks Campaign Committee, and Kevin Love in the sum of $86,175.38, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS RONALD CASTORINA, JR. AND CASTORINA CAMPAIGN COMMITTEE (Breach of Agreement)

412. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

413. A contract for services existed between the plaintiff and defendants.

414. The plaintiff performed good, valuable, and effective services on behalf of the defendant.

415. Defendants have failed to perform and have failed to pay.

416. Plaintiffs suffer damages attributable to the breach.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Ronald Castorina, Jr., and the Castorina Campaign Committee in the sum of $62,387.06, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS RONALD CASTORINA, JR. AND CASTORINA CAMPAIGN COMMITTEE (Contract Implied in Fact)

417. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

418. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

419. The plaintiff and defendants had mutual assent that the plaintiff would perform good and valuable services on the defendants' behalf.

420. The plaintiff did, in fact, perform good, valuable, and effective services on the defendants' behalf.

421. The promises and performance between the plaintiff and defendants were supported by good and valuable considerations, the receipt and sufficiency of which were acknowledged by the parties.

422. The parties all had and have legal capacity.

423. The subject matter of the engagement was a legal subject matter.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Ronald Castorina, Jr., and the Castorina Campaign Committee in the sum of $62,387.06, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS RONALD CASTORINA, JR. AND CASTORINA CAMPAIGN COMMITTEE (Unjust Enrichment)

424. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

425. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

426. Defendants benefitted from the plaintiff's good, valuable, and effective services rendered.

427. Defendants benefitted at the Plaintiff's expense.

428. Equity and good conscience require restitution.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Ronald Castorina, Jr., and the Castorina Campaign Committee in the sum of $62,387.06, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS RONALD CASTORINA, JR. AND CASTORINA CAMPAIGN COMMITTEE (Account Stated)

429. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

430. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

431. Plaintiff and Defendants engaged in a prior transaction.

432. Plaintiffs and Defendants agreed to the correctness of the account items and balance due.

433. Defendants expressly and/or impliedly promised to pay the amount due.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Ronald Castorina, Jr., and Castorina Campaign Committee in the sum of $62,387.06, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS RONALD CASTORINA, JR. AND CASTORINA CAMPAIGN COMMITTEE (Quantum Meruit)

434. Plaintiff re-state, re-allege, and re-iterate all proceeding paragraphs as if fully stated herein and further states as follows.

435. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

436. The plaintiff performed good, valuable, and effective services for the defendants in good faith.

437. Defendants accepted the services rendered by the plaintiff.

438. There was a reasonable expectation of compensation therefor.

439. The value of the services rendered was reasonable.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Ronald Castorina, Jr., and the Castorina Campaign Committee in the sum of $62,387.06, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT GUY CARDINALE (Breach of Agreement)

440. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

441. A contract for services existed between the plaintiff and the defendant.

442. The plaintiff performed good, valuable, and effective services on behalf of the defendant.

443. Defendants have failed to perform and have failed to pay.

444. Plaintiffs suffer damages attributable to the breach.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Guy Cardinale in a sum no less than $300,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT GUY CARDINALE (Contract Implied in Fact)

445. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

446. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

447. The plaintiff and defendants had mutual assent that the plaintiff would perform good and valuable services on the defendants' behalf.

448. The plaintiff did, in fact, perform good, valuable, and effective services on the defendants' behalf.

449. The promises and performance between the plaintiff and defendants were supported by good and valuable considerations, the receipt and sufficiency of which were acknowledged by the parties.

450. The parties all had and have legal capacity.

451. The subject matter of the engagement was a legal subject matter.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Guy Cardinale in a sum no less than $300,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT GUY CARDINALE (Unjust Enrichment)

452. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

453. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

454. Defendants benefitted from the plaintiff's good, valuable, and effective services rendered.

455. Defendants benefitted at the Plaintiff's expense.

456. Equity and good conscience require restitution.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Guy Cardinale in a sum no less than $300,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT GUY CARDINALE (Account Stated)

457. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

458. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

459. Plaintiff and Defendants engaged in a prior transaction.

460. Plaintiffs and Defendants agreed to the correctness of the account items and balance due.

461. Defendants expressly and/or impliedly promised to pay the amount due.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Guy Cardinale in a sum no less than $300,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT GUY CARDINALE (Quantum Meruit)

462. Plaintiff re-state, re-allege, and re-iterate all proceeding paragraphs as if fully stated herein and further states as follows.

463. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

464. The plaintiff performed good, valuable, and effective services for the defendants in good faith.

465. Defendants accepted the services rendered by the plaintiff.

466. There was a reasonable expectation of compensation therefor.

467. The value of the services rendered was reasonable.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Guy Cardinale in a sum no less than $300,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT NYC ARTS CYPHER, INC. (Breach of Agreement)

468. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

469. A contract for services existed between the plaintiff and the defendant.

470. The plaintiff performed good, valuable, and effective services on behalf of the defendant.

471. Defendants have failed to perform and have failed to pay.

472. Plaintiffs suffer damages attributable to the breach.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant NYC Arts Cypher, Inc. in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT NYC ARTS CYPHER, INC. (Contract Implied in Fact)

473. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

474. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

475. The plaintiff and defendants had mutual assent that the plaintiff would perform good and valuable services on the defendants' behalf.

476. The plaintiff did, in fact, perform good, valuable, and effective services on the defendants' behalf.

477. The promises and performance between the plaintiff and defendants were supported by good and valuable considerations, the receipt and sufficiency of which were acknowledged by the parties.

478. The parties all had and have legal capacity.

479. The subject matter of the engagement was a legal subject matter.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant NYC Arts Cypher, Inc. in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT NYC ARTS CYPHER, INC. (Unjust Enrichment)

480. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

481. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

482. Defendants benefitted from the plaintiff's good, valuable, and effective services rendered.

483. Defendants benefitted at the Plaintiff's expense.

484. Equity and good conscience require restitution.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant NYC Arts Cypher, Inc. in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT NYC ARTS CYPHER, INC. (Account Stated)

485. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

486. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

487. Plaintiff and Defendants engaged in a prior transaction.

488. Plaintiffs and Defendants agreed to the correctness of the account items and balance due.

489. Defendants expressly and/or impliedly promised to pay the amount due.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant NYC Arts Cypher, Inc. in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT NYC ARTS CYPHER, INC. (Quantum Meruit)

490. Plaintiff re-state, re-allege, and re-iterate all proceeding paragraphs as if fully stated herein and further states as follows.

491. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

492. The plaintiff performed good, valuable, and effective services for the defendants in good faith.

493. The defendant accepted the services rendered by the plaintiff.

494. There was a reasonable expectation of compensation therefor.

495. The value of the services rendered was reasonable.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant NYC Arts Cypher, Inc. in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT SABRINA BALDUCCI (Breach of Agreement)

496. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

497. A contract for services existed between the plaintiff and the defendant or her fiduciary charge.

498. The plaintiff performed good, valuable, and effective services for the defendant or her fiduciary charge.

499. The defendant or her fiduciary charge has failed to perform and ay.

500. Plaintiffs suffer damages attributable to the breach.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Sabrina Balducci in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT SABRINA BALDUCCI (Contract Implied in Fact)

501. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

502. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

503. The plaintiff and defendant or her fiduciary charge had mutual assent that the plaintiff would perform good and valuable services on the defendant or her fiduciary charge's behalf.

504. The plaintiff did, in fact, perform good, valuable, and effective services on the defendant or her fiduciary charge's behalf.

505. The promises and performance between the plaintiff and defendant or her fiduciary charge were supported by good and valuable considerations, the receipt and sufficiency of which were acknowledged by the parties.

506. The parties all had and have legal capacity.

507. The subject matter of the engagement was a legal subject matter.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Sabrina Balducci in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT SABRINA BALDUCCI (Unjust Enrichment)

508. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

509. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

510. The defendant or her fiduciary charge benefitted from the plaintiff's good, valuable, and effective services rendered.

511. Defendant or her fiduciary charge benefitted at the Plaintiff's expense.

512. Equity and good conscience require restitution.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Sabrina Balducci in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANT SABRINA BALDUCCI (Account Stated)

513. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

514. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

515. Plaintiff and Defendant or her fiduciary charge engaged in a prior transaction.

516. Plaintiffs and Defendant or her fiduciary charge agreed to the correctness of the account items and balance due.

517. Defendants expressly and/or impliedly promised to pay the amount due.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Sabrina Balducci in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANT SABRINA BALDUCCI (Quantum Meruit)

518. Plaintiff re-state, re-allege, and re-iterate all proceeding paragraphs as if fully stated herein and further states as follows.

519. If the prior causes of action against these defendants are unsuccessful, the plaintiff pleads the following in the alternative.

520. The plaintiff performed good, valuable, and effective services for the defendant or her fiduciary charge in good faith.

521. The defendant or her fiduciary charge accepted the services rendered by the plaintiff.

522. DECLARATORYThere was a reasonable expectation of compensation therefor.

523. The value of the services rendered was reasonable.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Sabrina Balducci in a sum no less than $50,000.00, plus costs, fees, and statutory interest from December 1, 2017.

PRIMARY TORTS

AS AND FOR A FIRST CAUSE OF ACTION AGAINST KAMILLAH M. HANKS (Abuse of Process)

524. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

525. The defendant acted personally and/or through an agent.

526. The defendant utilized regularly issued process, either civil or criminal.

527. The defendant acted with intent to do harm to the plaintiff without excuse or justification.

528. The defendant acted in order to obtain a collateral objective that is outside the legitimate ends of the process.

529. Harm resulted to the plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than

$100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements, and all applicable legal and/or statutory remuneration.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST KAMILLAH M. HANKS (Slander Per Se)

530. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

531. The defendant acted personally and/or through an agent.

532. The defendant knew the plaintiff was involved in newsgathering, the publication and dissemination of information and commentary, and other expressive activities.

533. The defendant knew or should have known the plaintiff's activity was expression protected by the First Amendment.

534. The defendant knew or should have known the plaintiff's activity was newsgathering protected by the First Amendment.

535. The defendant knew or should have known that the plaintiff was a journalist by trade.

536. The defendant made statements tending to injure the plaintiff in his trade, business, or profession.

537. The defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

538. The defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

539. The defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others through the use of media outlets.

540. The defendant made an oral statement of fact.

541. That oral statement of fact was false.

542. Defendant made the oral statement of fact to third parties without authorization or privilege.

543. The defendant's statement constitutes slander *per se*.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements, and all applicable legal and/or statutory remuneration.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST KAMILLAH M. HANKS (Fraudulent Misrepresentation)

544. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

545. The defendant acted personally and/or through an agent.

546. The defendant made a misrepresentation or a material omission of fact.

547. Specifically, the defendant told authorities that the plaintiff had filed collections actions with no good faith basis and intent to harass them as a witness in the plaintiff's federal criminal prosecution and/or that the defendant had engaged in criminal libel and/or slander against them.

548. These statements made by the defendant were false and known to be false by the defendant.

549. These statements were made for the purpose of inducing the other party to rely upon them.

550. Other parties, including law enforcement – federal law enforcement, the US Probation Office, the FBI, the DOJ, local law enforcement, the Collier County Sheriff, and others, justifiably relied on the defendant's misrepresentations and/or material omissions.

551. The defendant's actions and omissions caused injury to the plaintiff.

552. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements, and all applicable legal and/or statutory remuneration.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST KAMILLAH M. HANKS (Injurious Falsehood)

553. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

554. The defendant acted personally and/or through an agent.

555. The defendant maliciously made false statements.

556. The intent of the false statements was to harm the plaintiff.

557. The defendant made the false statements recklessly and without regard to their consequences.

558. A reasonably prudent person would have or should have anticipated that damage to the plaintiff would result from the defendant's false statements.

559. These statements caused injury to the plaintiff.

560. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements, and all applicable legal and/or statutory remuneration.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
KAMILLAH M. HANKS
(Tortious Interference with Business Advantage)

561. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

562. The defendant acted personally and/or through an agent.

563. The plaintiff had a business relationship with an identified third party.

564. The defendant knew of that relationship and intentionally interfered with it.

565. The defendant acted solely out of malice or used improper or illegal means that amounted to a crime or independent tort.

566. The defendant's interference caused injury to the relationship with the third party

567. These actions caused injury to the plaintiff.

568. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than

$100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements, and all applicable legal and/or statutory remuneration.

<u>AS AND FOR A SIXTH CAUSE OF ACTION AGAINST</u>
<u>KAMILLAH M. HANKS</u>
<u>(Tortious Interference with Contractual Rights)</u>

569. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows

570. The defendant acted personally and/or through an agent.

571. A valid contract between the plaintiff and a third party existed.

572. The defendant knew about that contract.

573. The defendant intentionally procured the third party's breach of the contract without justification.

574. There was an actual breach of the contract.

575. Damages resulted from the defendant's actions.

576. The defendant's actions caused injury to the plaintiff.

577. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

<u>AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST</u>
<u>KAMILLAH M. HANKS</u>
<u>(*Prima Facie* Tort)</u>

578. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

579. Plainitff pleads this cause of action in the alternative if all previous causes of action fail.

580. The defendant acted personally and/or through an agent.

581. The defendant engaged in the intentional infliction of harm.

582. The defendant's actions resulted in special damages,

583. The defendant's actions were without any excuse or justification,

584. The defendant acted by an act or series of acts which would otherwise be lawful.

585. The defendant acted s from disinterested malevolence."

586. The defendant's actions caused injury to plaintiff.

587. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST
KEVIN LOVE
(Abuse of Process)

588. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

589. The defendant acted personally and/or through an agent.

590. The defendant utilized regularly issued process, either civil or criminal.

591. Defendant acted with intent to do harm to the plaintiff without excuse or justification.

592. Defendant acted in order to obtain a collateral objective that is outside the legitimate ends of the process.

593. Harm resulted to the plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST KEVIN LOVE (Slander Per Se)

594. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

595. Defendant acted personally and/or through an agent.

596. Defendant knew the plaintiff was involved in newsgathering, the publication and disemination of information and commentary, and other expressive activity.

597. Defendant knew or should have known the plainitff's activity was expression protected by the First Amendment.

598. Defendant knew or should have known the plainitff's activity was newsgathering protected by the First Amendment.

599. Defendant knew or should have known that the plaintiff was a journalist by trade.

600. Defendant made statements tending to injure plainitff in his trade, business, or profession.

601. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

602. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

603. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others through the use of media outlets.

604. Defendant made an oral statement of fact.

605. That oral statement of fact was false.

606. Defendant made the oral statement of fact to third parties without authorization or privilege.

607. Defendant's statement constitututes slander *per se*.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST KEVIN LOVE (Fraudulent Misrepresentation)

608. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

609. The defendant acted personally and/or through an agent.

610. The defendant made a misrepresentation or a material omission of fact.

611. Specifically, defendant told authorities that plaintiff had filed collections actions with no good faith basis and with intent to harass them as a witness in plaintiff's federal criminal prosecution and/or that defendant had engaged in criminal libel and.or slander against them.

612. These statements made by the defendant were false and known to be false by defendant.

613. These statements were made for the purpose of inducing the other party to rely upon them.

614. Other parties, including law enforcement – federal law enforcement, the US Probation Offfice, the FBI, the DOJ, and local law enforcement, the Colier CountY Sheriff, and others, justifiably relied on the defendant's misrepresentations and/or material omissions.

615. Defendant's actions and ommissions caused injury to plaintiff.

616. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST KEVIN LOVE (Injurious Falsehood)

617. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

618. The defendant acted personally and/or through an agent.

619. The defendant maliciously made false statements.

620. The intent of the false statements was to harm the plaintiff.

621. The defendant made the false statements recklessly and without regard to their consequences.

622. A reasonably prudent person would have or should have anticipated that damage to the plaintiff would result from the defendant's false statements.

623. These statements caused injury to plaintiff.

624. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
KEVIN LOVE
(Tortious Interference with Business Advantage)

625. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

626. The defendant acted personally and/or through an agent.

627. Plaintiff had a business relationship with an identified third party.

628. The defendant knew of that relationship and intentionally interfered with it.

629. The defendant acted solely out of malice or used improper or illegal means that amounted to a crime or independent tort.

630. The defendant's interference caused injury to the relationship with the third party

631. These actions caused injury to plaintiff.

632. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST KEVIN LOVE
(Tortious Interference with Contractual Rights)

633. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

634. The defendant acted personally and/or through an agent.

635. A valid contract between the plaintiff and a third party existed.

636. Defendant had knowledge of that contract.

637. The defendant intentionally procured the third-party's breach of the contract without justification.

638. There was actual breach of the contract.

639. Damages resulted from defendant's actions.

640. The defendant's actions caused injury to plaintiff.

641. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST KEVIN LOVE
(*Prima Facie* Tort)

642. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

643. Plainitff pleads this cause of action in the alternative if all previous causes of action fail.

644. The defendant acted personally and/or through an agent.

645. Defendant engaged in the intentional infliction of harm.

646. The defendant’s actions resulted in special damages,

647. The defendant’s actions were without any excuse or justification,

648. The defendant acted by an act or series of acts which would otherwise be lawful.

649. The defendant acted s from disinterested malevolence.”

650. The defendant’s actions caused injury to plaintiff.

651. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kevin Love for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST RONALD CASTORINA, JR. (Abuse of Process)

652. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

653. Defendant acted personally and/or though an agent.

654. Defendant utilized regularly issued process, either civil or criminal.

655. Defendant acted with intent to do harm to the plainitff without excuse or justification.

656. Defendant acted in order to obtain a collateral objective that is outside the legitimate ends of the process.

657. Harm resulted to the plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ronald Castorina, Jr., for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST RONALD CASTORINA, JR. (Slander Per Se)

658. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

659. Defendant acted personally and/or through an agent.

660. Defendant knew the plaintiff was involved in newsgathering, the publication and disemination of information and commentary, and other expressive activity.

661. Defendant knew or should have known the plainitff's activity was expression protected by the First Amendment.

662. Defendant knew or should have known the plainitff's activity was newsgathering protected by the First Amendment.

663. Defendant knew or should have known that the plaintiff was a journalist by trade.

664. Defendant made statements tending to injure plainitff in his trade, business, or profession.

665. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

666. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

667. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others through the use of media outlets.

668. Defendant made an oral statement of fact.

669. That oral statement of fact was false.

670. Defendant made the oral statement of fact to third parties without authorization or privilege.

671. Defendant's statement constitututes slander *per se*.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST
RONALD CASTORINA, JR.
(Fraudulent Misrepresentation)

672. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

673. The defendant acted personally and/or through an agent.

674. The defendant made a misrepresentation or a material omission of fact.

675. Specifically, defendant told authorities that plaintiff had filed collections actions with no good faith basis and with intent to harass them as a witness in plaintiff's federal criminal prosecution and/or that defendant had engaged in criminal libel and.or slander against them.

676. These statements made by the defendant were false and known to be false by defendant.

677. These statements were made for the purpose of inducing the other party to rely upon them.

678. Other parties, including law enforcement – federal law enforcement, the US Probation Offfice, the FBI, the DOJ, and local law enforcement, the Colier CountY Sheriff, and others, justifiably relied on the defendant's misrepresentations and/or material omissions.

679. Defendant's actions and ommissions caused injury to plaintiff.

680. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Kamillah M. Hanks for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST RONALD CASTORINA, JR. (Injurious Falsehood)

681. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

682. The defendant acted personally and/or through an agent.

683. The defendant maliciously made false statements.

684. The intent of the false statements was to harm the plaintiff.

685. The defendant made the false statements recklessly and without regard to their consequences.

686. A reasonably prudent person would have or should have anticipated that damage to the plaintiff would result from the defendant's false statements.

687. These statements caused injury to plaintiff.

688. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ronald Castorina, Jr., for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST RONALD CASTORINA, JR. (Tortious Interference with Business Advantage)

689. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

690. The defendant acted personally and/or through an agent.

691. Plaintiff had a business relationship with an identified third party.

692. The defendant knew of that relationship and intentionally interfered with it.

693. The defendant acted solely out of malice or used improper or illegal means that amounted to a crime or independent tort.

694. The defendant's interference caused injury to the relationship with the third party

695. These actions caused injury to plaintiff.

696. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ronald Castorina, Jr., for compensatory damages in a sum to be proved at trial and no less than

$100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST RONALD CASTORINA, JR.

(Tortious Interference with Contractual Rights)

697. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

698. The defendant acted personally and/or through an agent.

699. A valid contract between the plaintiff and a third party existed.

700. Defendant had knowledge of that contract.

701. The defendant intentionally procured the third-party's breach of the contract without justification.

702. There was actual breach of the contract.

703. Damages resulted from defendant's actions.

704. The defendant's actions caused injury to plaintiff.

705. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ronald Castorina Jr. for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST RONALD CASTORINA, JR.
(*Prima Facie* Tort)

706. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

707. Plainitff pleads this cause of action in the alternative if all previous causes of action fail.

708. The defendant acted personally and/or through an agent.

709. Defendant engaged in the intentional infliction of harm.

710. The defendant's actions resulted in special damages,

711. The defendant's actions were without any excuse or justification,

712. The defendant acted by an act or series of acts which would otherwise be lawful.

713. The defendant acted s from disinterested malevolence."

714. The defendant's actions caused injury to plaintiff.

715. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ronald Castorina Jr. for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE (Abuse of Process)

716. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

717. Defendant acted personally and/or though an agent.

718. Defendant utilized regularly issued process, either civil or criminal.

719. Defendant acted with intent to do harm to the plainitff without excuse or justification.

720. Defendant acted in order to obtain a collateral objective that is outside the legitimate ends of the process.

721. Harm resulted to the plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE (Slander Per Se)

722. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

723. Defendant acted personally and/or through an agent.

724. Defendant knew the plaintiff was involved in newsgathering, the publication and disemination of information and commentary, and other expressive activity.

725. Defendant knew or should have known the plainitff's activity was expression protected by the First Amendment.

726. Defendant knew or should have known the plainitff's activity was newsgathering protected by the First Amendment.

727. Defendant knew or should have known that the plaintiff was a journalist by trade.

728. Defendant made statements tending to injure plainitff in his trade, business, or profession.

729. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

730. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

731. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others through the use of media outlets.

732. Defendant made an oral statement of fact.

733. That oral statement of fact was false.

734. Defendant made the oral statement of fact to third parties without authorization or privilege.

735. Defendant's statement constitututes slander *per se*.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Chritopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE (Fraudulent Misrepresentation)

736. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

737. The defendant acted personally and/or through an agent.

738. The defendant made a misrepresentation or a material omission of fact.

739. Specifically, defendant told authorities that plaintiff had filed collections actions with no good faith basis and with intent to harass them as a witness in plaintiff's federal criminal prosecution and/or that defendant had engaged in criminal libel and.or slander against them.

740. These statements made by the defendant were false and known to be false by defendant.

741. These statements were made for the purpose of inducing the other party to rely upon them.

742. Other parties, including law enforcement – federal law enforcement, the US Probation Offfice, the FBI, the DOJ, and local law enforcement, the Colier CountY Sheriff, and others, justifiably relied on the defendant's misrepresentations and/or material omissions.

743. Defendant's actions and ommissions caused injury to plaintiff.

744. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE (Injurious Falsehood)

745. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

746. The defendant acted personally and/or through an agent.

747. The defendant maliciously made false statements.

748. The intent of the false statements was to harm the plaintiff.

749. The defendant made the false statements recklessly and without regard to their consequences.

750. A reasonably prudent person would have or should have anticipated that damage to the plaintiff would result from the defendant's false statements.

751. These statements caused injury to plaintiff.

752. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE (Tortious Interference with Business Advantage)

753. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

754. The defendant acted personally and/or through an agent.

755. Plaintiff had a business relationship with an identified third party.

756. The defendant knew of that relationship and intentionally interfered with it.

757. The defendant acted solely out of malice or used improper or illegal means that amounted to a crime or independent tort.

758. The defendant's interference caused injury to the relationship with the third party

759. These actions caused injury to plaintiff.

760. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christopher Ambrose for compensatory damages in a sum to be proved at trial and no less than

$100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

<u>AS AND FOR A SIXTH CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE</u>
<u>(Tortious Interference with Contractual Rights)</u>

761. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

762. The defendant acted personally and/or through an agent.

763. A valid contract between the plaintiff and a third party existed.

764. Defendant had knowledge of that contract.

765. The defendant intentionally procured the third-party's breach of the contract without justification.

766. There was actual breach of the contract.

767. Damages resulted from defendant's actions.

768. The defendant's actions caused injury to plaintiff.

769. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

<u>AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST CHRISTOPHER AMBROSE</u>
<u>(*Prima Facie* Tort)</u>

770. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

771. Plainitff pleads this cause of action in the alternative if all previous causes of action fail.

772. The defendant acted personally and/or through an agent.

773. Defendant engaged in the intentional infliction of harm.

774. The defendant's actions resulted in special damages,

775. The defendant's actions were without any excuse or justification,

776. The defendant acted by an act or series of acts which would otherwise be lawful.

777. The defendant acted s from disinterested malevolence."

778. The defendant's actions caused injury to plaintiff.

779. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Christiopher Ambrose for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST ERIC NELSON (Abuse of Process)

780. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

781. Defendant acted personally and/or though an agent.

782. Defendant utilized regularly issued process, either civil or criminal.

783. Defendant acted with intent to do harm to the plainitff without excuse or justification.

784. Defendant acted in order to obtain a collateral objective that is outside the legitimate ends of the process.

785. Harm resulted to the plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST ERIC NELSON (Slander Per Se)

786. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

787. Defendant acted personally and/or through an agent.

788. Defendant knew the plaintiff was involved in newsgathering, the publication and disemination of information and commentary, and other expressive activity.

789. Defendant knew or should have known the plainitff's activity was expression protected by the First Amendment.

790. Defendant knew or should have known the plainitff's activity was newsgathering protected by the First Amendment.

791. Defendant knew or should have known that the plaintiff was a journalist by trade.

792. Defendant made statements tending to injure plainitff in his trade, business, or profession.

793. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

794. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others.

795. Defendant stated to U.S. Probation Officer Katrina Harmaty and others that the plaintiff was engaged in the civil and criminal libel and slander of others through the use of media outlets.

796. Defendant made an oral statement of fact.

797. That oral statement of fact was false.

798. Defendant made the oral statement of fact to third parties without authorization or privilege.

799. Defendant's statement constitututes slander *per se*.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST ERIC NELSON (Fraudulent Misrepresentation)

800. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

801. The defendant acted personally and/or through an agent.

802. The defendant made a misrepresentation or a material omission of fact.

803. Specifically, defendant told authorities that plaintiff had filed collections actions with no good faith basis and with intent to harass them as a witness in plaintiff's federal criminal prosecution and/or that defendant had engaged in criminal libel and.or slander against them.

804. These statements made by the defendant were false and known to be false by defendant.

805. These statements were made for the purpose of inducing the other party to rely upon them.

806. Other parties, including law enforcement – federal law enforcement, the US Probation Offfice, the FBI, the DOJ, and local law enforcement, the Colier CountY Sheriff, and others, justifiably relied on the defendant's misrepresentations and/or material omissions.

807. Defendant's actions and ommissions caused injury to plaintiff.

808. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Ericd Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST ERIC NELSON (Injurious Falsehood)

809. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

810. The defendant acted personally and/or through an agent.

811. The defendant maliciously made false statements.

812. The intent of the false statements was to harm the plaintiff.

813. The defendant made the false statements recklessly and without regard to their consequences.

814. A reasonably prudent person would have or should have anticipated that damage to the plaintiff would result from the defendant's false statements.

815. These statements caused injury to plaintiff.

816. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
ERIC NELSON
(Tortious Interference with Business Advantage)

817. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

818. The defendant acted personally and/or through an agent.

819. Plaintiff had a business relationship with an identified third party.

820. The defendant knew of that relationship and intentionally interfered with it.

821. The defendant acted solely out of malice or used improper or illegal means that amounted to a crime or independent tort.

822. The defendant's interference caused injury to the relationship with the third party

823. These actions caused injury to plaintiff.

824. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST
ERIC NELSON
(Tortious Interference with Contractual Rights)

825. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows

826. The defendant acted personally and/or through an agent.

827. A valid contract between the plaintiff and a third party existed.

828. Defendant had knowledge of that contract.

829. The defendant intentionally procured the third-party's breach of the contract without justification.

830. There was actual breach of the contract.

831. Damages resulted from defendant's actions.

832. The defendant's actions caused injury to plaintiff.

833. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST
ERIC NELSON
(*Prima Facie* Tort)

834. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

835. Plainitff pleads this cause of action in the alternative if all previous causes of action fail.

836. The defendant acted personally and/or through an agent.

837. Defendant engaged in the intentional infliction of harm.

838. The defendant's actions resulted in special damages,

839. The defendant's actions were without any excuse or justification,

840. The defendant acted by an act or series of acts which would otherwise be lawful.

841. The defendant acted s from disinterested malevolence."

842. The defendant's actions caused injury to plaintiff.

843. The defendant is responsible for damages.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendant Eric Nelson for compensatory damages in a sum to be proved at trial and no less than $100,000.00, punitive damages of no less than $500,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

CONCERTED ACTION LIABILITY

AS AND FOR A FIRST CAUSE OF ACTION AGAINST KAMILLAH M. HANKS, KEVIN LOVE, RONALD CASTORINA, JR., CHRISTOPHER AMBROSE, AND ERIC NELSON

(Civil Conspiracy)

844. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

845. A conspiracy may have multiple objects and multiple means.

846. Members of a conspiracy are liable for the foreseeable torts and crimes of their fellows committed in furtherance of the common plot. See, e.g., Pinkerton v. United States, 328 U.S. 640, 647 (1946).

847. There was a criminal agreement between Hanks, Love, Castorina, Ambrose, Nelson, and others.

848. There were multiple object of the conspiracy:

a. To stifle plaintiff's speech and free expression.

b. To stifle plaintiff's journalism.

c. To cover up past wrong doing.

d. To keep past and current wrongdoing from becoming exposed.

e. To evade the payment of valid debts.

849. There were multiple overt acts in furtherance of the agreement:

a. Hanks, Love, Castorina, Ambrose, Nelson, and others called federal and state law enforcement on plaintiff and made false allegations triggering a baseess investigation.

b. Hanks, Love, Castorina, Ambrose, Nelson, and others called federal law enforcement on plaintiff and made false allegations constituting a violation of 18 U.S.C. § 1001, a felony crime.

c. Hanks, Love, Castorina, Ambrose, Nelson, and others called federal law enforcement on plaintiff and made false allegations that they were witnesses in plaintiff's federal prosecution and plaintiff was harassing them.

d. Hanks, Love, Castorina, Ambrose, Nelson, and others called federal law enforcement on plaintiff and made false allegations that plaintiff had filed colelctions lawsuits that were without merit for the sole purpose of harassment

e. Hanks, Love, Castorina, Ambrose, Nelson, and others called plainitff's former collections lawyers and threatened and menaced them.

f. Hanks, Love, Castorina, Ambrose, Nelson, caused plainitff's former collections lawyers to unjustifiably break their contract with plaintiff.

g. Hanks, Love, Castorina, Ambrose, Nelson, caused inerference with plainitff's right to collect and rceive benefits under known contracts.

850. Each of Hanks, Love, Castorina, Ambrose, Nelson, and others intentionally participated in the furtherance of their tortious and criminal plan or purpose.

851. Each of Hanks, Love, Castorina, Ambrose, Nelson, and others committed the "Primary Torts" listed above in concert and in a coordinated fashion.

852. Each of Hanks, Love, Castorina, Ambrose, Nelson, and others committed crimes in furherance of the conspiracy and their tortious and criminal plan or purpose.

853. The actions of Hanks, Love, Castorina, Ambrose, Nelson, and others resulted in damage and injury to plaintiff.

WHEREFORE, Plaintiff Richard A. Luthmann seeks judgment against Defendants Kamillah M. Hanks, Kevin Love, Ronald Castorina,. Jr., Christopher Ambrose, and Eric Nelson, jointly and severally for compensatory damages in a sum to be proved at trial and no less than $1,000,000.00, punitive damages of no less than $5,000,000 plus costs, fees, disbursements and all applicable legal and/or statutory remuneration.

DECLATORY JUDGMENT

AND AS A FIRST CLAIM FOR DECLARATORY JUDGMENT PURSUANT TO CPLR § 3001 (ERIC NELSON)

854. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

855. A *bona fide* justiciable and substantial controversy exists.

856. The controversy exists between plaintiff and the Defendant, Eric Nelson.

857. The plaintiff and the defendant, Eric Nelson, have adverse legal interests as to present and prospective obligations.

858. A judgment would serve a useful purpose in clarifying or settling the legal issues.

859. A judgment would finalize the controversy and offer relief from uncertainty.

860. Plaintiff requests judgment that ERIC NELSON is not entitled to interpose a defense of qualified immunity as a prosecutor because his his commission of multiple crimes, intetional torts, and violation of laws, court orders, court rules, the Rules of Professional Conduct, and for other compelling reasons. Accordingly, ERIC NELSON shall not be entitled to have the New York City Law Department, the New York Statate Attorney General, or any other lawyer paid with public funds represent him or his interests in this case.

WHEREFORE, Plaintiff Richard A. Luthmann seeks declaratory judgment against Defendant, Eric Nelson as stated herein.

AND AS A SECOND CLAIM FOR DECLARATORY JUDGMENT PURSUANT TO CPLR § 3001 (KAMILLAH M. HANKS)

861. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

862. A *bona fide* justiciable and substantial controversy exists.

863. The controversy exists between plainitff and the Defendant, Kamillah M. Hanks.

864. The plaintiff and the defendant, Kamillah M. Hanks, have adverse legal interests as to present and prospective obligations.

865. A judgment would serve a useful purpose in clarifying or settling the legal issues.

866. A judgment would finalize the controversy and offer relief from uncertainty.

867. Plaintiff requests judgment that the allegations herein against KAMILLAH M. HANKS are in her personal capacity and not in her public capcity as an elected member of the New York City Council. Accordingly, KAMILLAH M. HANKS shall not be entitled to have the New York City Law Department or any other lawyer paid with public funds represent her or her interests in this case.

WHEREFORE, Plaintiff Richard A. Luthmann seeks declaratory judgment against Defendant, Kamillah M. Hanks as stated herein.

AND AS A THIRD CLAIM FOR DECLARATORY JUDGMENT
PURSUANT TO CPLR § 3001
(RONALD CASTORINA, JR.)

868. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

869. A *bona fide* justiciable and substantial controversy exists.

870. The controversy exists between plainitff and the Defendant, Ronald Castorina, Jr.

871. The plaintiff and the defendant, Ronald Castorina, Jr., have adverse legal interests as to present and prospective obligations.

872. A judgment would serve a useful purpose in clarifying or settling the legal issues.

873. A judgment would finalize the controversy and offer relief from uncertainty.

874. Plaintiff requests judgment that the allegations herein against RONALD CASTORINA, JR., are in his personal capacity and not in his public capcity as a former elected member of the New York State Assembly, or as former a Judge of the New York City Civil Court, or as a currenty serving Justice of the New York Staet Supreme Court. Accordingly, RONALD

CSTORINA, JR., shall not be entitled to have the New York State Attorney General or any other lawyer paid with public funds represent him or his interests in this case.

WHEREFORE, Plaintiff Richard A. Luthmann seeks declaratory judgment against Defendant, Ronald Castorina, Jr., as stated herein.

AND AS A FOURTH CLAIM FOR DECLARATORY JUDGMENT PURSUANT TO CPLR § 3001 (ERIC NELSON)

875. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

876. A *bona fide* justiciable and substantial controversy exists.

877. The controversy exists between plainitff and the Defendant, Eric Nelson.

878. The plaintiff and the defendant, Eric Nelson, have adverse legal interests as to present and prospective obligations.

879. A judgment would serve a useful purpose in clarifying or settling the legal issues.

880. A judgment would finalize the controversy and offer relief from uncertainty.

881. Plaintiff requests judgment that ERIC NELSON is found to have committed a felony crime and is therfore not in possession of the requisite good moral character to hold the statuts of attorney at law. Particularly, ERIC NELSON has committed multiple crimes of dishonesty and moral turpitude, and violation of laws, court orders, court rules, the Rules of Professional Conduct, and other serious transgressions. Accordingly, ERIC NELSON shall not be entited to rely upon the benefits and privileges the law bestows upon atrtorneys at law in the prosecution and defense of these proceedings.

WHEREFORE, Plaintiff Richard A. Luthmann seeks declaratory judgment against Defendant, Eric Nelson as stated herein.

AND AS A FIFTH CLAIM FOR DECLARATORY JUDGMENT PURSUANT TO CPLR § 3001 (CHRISTOPHER AMBROSE)

882. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein, and further states as follows.

883. A *bona fide* justiciable and substantial controversy exists.

884. The controversy exists between plainitff and the Defendant, Christopher Ambrose.

885. The plaintiff and the defendant, Christopher Ambrose, have adverse legal interests as to present and prospective obligations.

886. A judgment would serve a useful purpose in clarifying or settling the legal issues.

887. A judgment would finalize the controversy and offer relief from uncertainty.

888. Plaintiff requests judgment that CHRISTOPHER AMBROSE is found to have committed a felony crime and is therfore not in possession of the requisite good moral character to hold the statuts of attorney at law. Particularly, CHRISTOPHER AMBROSE has committed multiple crimes of child molestation, sexual abuse of minors, dishonesty and moral turpitude, and violation of laws, court orders, court rules, the Rules of Professional Conduct, and other serious transgressions. Accordingly, CHRISTOPHER AMBROSE shall not be entited to rely upon the benefits and privileges the law bestows upon atrtorneys at law in the prosecution and defense of these proceedings.

WHEREFORE, Plaintiff Richard A. Luthmann seeks declaratory judgment against Defendant, Christopher Ambrose as stated herein.

AND AS A SIXTH CLAIM FOR DECLARATORY JUDGMENT PURSUANT TO CPLR § 3001

<u>(RONALD CASTORINA, JR.)</u>

889. Plaintiff re-states, re-alleges, and re-iterates all proceeding paragraphs as if fully stated herein and further states as follows.

890. A *bona fide* justiciable and substantial controversy exists.

891. The controversy exists between the plaintiff and the Defendant, Ronald Castorina, Jr.

892. The plaintiff and the defendant, Ronald Castorina, Jr., have adverse legal interests regarding present and prospective obligations.

893. A judgment would serve a useful purpose in clarifying or settling the legal issues.

894. A judgment would finalize the controversy and offer relief from uncertainty.

895. The plaintiff requests judgment that RONALD CASTORINA, JR., is found to have committed a felony crime and is, therefore, not possessing the requisite good moral character to hold the status of attorney at law or justice of the supreme court. Particularly, RONALD CASTORINA, JR., has committed multiple crimes of dishonesty and moral turpitude, violating laws, court orders, court rules, the Rules of Professional Conduct, and other profound transgressions. Accordingly, RONALD CASTORINA, JR., shall not be entitled to rely upon the benefits and privileges the law bestows upon attorneys at law and justices of the Supreme Court in the prosecution and defense of these proceedings.

WHEREFORE, Plaintiff Richard A. Luthmann seeks a declaratory judgment against Defendant Ronald Castorina, Jr., as stated herein.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: Naples, Florida
November 3, 2023,

Respectfully submitted,

Richard A. Luthmann
Plaintiff, *Pro Se*
338 Sugar Pine Lane
Naples, FL 34108
(239) 631-5957

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

---X

RICHARD A. LUTHMANN, personally and as assignee of and successor in interest to LUTHMANN LAW FIRM PLLC, f/b/o creditors, including the United States and its taxpayers,

Plaintiff,

-against-

KAMILLAH M. HANKS a/k/a NEW YORK CITY COUNCIL MEMBER KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE a/k/a KAMILLAH HANKS 2017, KEVIN LOVE a/k/a KEVIN BARRY LOVE a/k/a KEVIN BARRY, individually and as agent-in-fact for KAMILLAH M. HANKS and KAMILLAH HANKS CAMPAIGN COMMITTEE, RONALD CASTORINA, JR., CASTORINA CAMPAIGN COMMITTEE, CHRISTOPHER AMBROSE, ERIC NELSON, GUY CARDINALE, NYC ARTS CYPHER, INC., and SABRINA BALDUCCI, personally and as the surviving spouse and executrix of the Estate of Charles Hector Balducci,

Defendants.

---X

Index No.:

CERTIFICATE OF NO FRIVOLITY

Pursuant to the Rules of the Chief Administrator, 22 N.Y.C.R.R. §130-1.1-a and with regard to Summons and Complaint, the undersigned certifies that to the best of his knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the presentation of the aforementioned papers, or the contentions therein are not frivolous as defined in subsection (c) of section 130-1.1.

Dated: Naples, Florida
November 3, 2023,

Yours, etc.,

Richard A. Luthmann
Plaintiff, *Pro Se*
338 Sugar Pine Lane
Naples, FL 34108
(239) 631-5957

VERIFICATION

STATE OF FLORIDA)
) SS:
COUNTY OF LEE)

I, RICHARD LUTHMANN, being duly sworn, say:

1. I am the Pro Se plaintiff in this matter.

2. I am a resident of the State of Florida.

3. I have read the foregoing Summons and Complaint, exhibits, and supporting documents herewith. I know the contents thereof, and based upon personal knowledge, I can verify the allegations are true to my knowledge, except as to matters herein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

RICHARD LUTHMANN

Sworn before me
This 3rd day of November, 2011

Valerie L Nation
Notary Public Valerie L Nation

FLORIDA NOTARY ASSOCIATION SINCE 1978
VALERIE L. NATION
Notary Public
State of Florida
Comm# HH245755
Expires 3/28/2026

EXHIBIT A

Eric Nelson

From: ericnelsonesq@comcast.net
Sent: Thursday, September 27, 2018 10:56 PM
To: ericnelson@ericnelsonesq.com
Subject: FW: FW: People v. Perkins

From: ericnelsonesq@comcast.net <ericnelsonesq@comcast.net>
Sent: Sunday, August 12, 2018 8:43 PM
To: 'Perry Reich' <perry.reich@gmail.com>
Subject: RE: FW: People v. Perkins

Thank you. I am also going to include a misdemeanor false reporting an incident and stalking on a candidate.

From: Perry Reich <perry.reich@gmail.com>
Sent: Sunday, August 12, 2018 8:19 PM
To: ericnelsonesq@comcast.net
Subject: Re: FW: People v. Perkins

49 ny2d 389

On Sun, Aug 12, 2018, 8:14 PM Perry Reich <perry.reich@gmail.com> wrote:

Not in any detail. See people v calbud 49 ny2d

> On Sun, Aug 12, 2018, 6:45 PM <ericnelsonesq@comcast.net> wrote:
>
> > There have been some questions as to the line of First Amendment political satire and what is discussed in the Perkins case. Do I need to explain the law to the GJ?
> >
> > -----Original Message-----
> > From: Westlaw@westlaw.com <Westlaw@westlaw.com>
> > Sent: Sunday, August 12, 2018 6:39 PM
> > To: ericnelsonesq@comcast.net
> > Subject: People v. Perkins
> >
> > ERIC NELSON sent you content from Westlaw.
> > Please see the attached file.
> >
> > Item: People v. Perkins
> > Citation: 150 Misc.2d 543
> > Sent On: Sunday, August 12, 2018
> > Sent By: ERIC NELSON
> > Client ID: TYTYTYTYTYTYTYTYTYTYTYTYTYTYTYTYTYT
> >
> > Note:

EXHIBIT B


KAMILLAH
HANKS
DEMOCRAT for CITY COUNCIL

EXHIBIT C

EXHIBIT D

6/25/2017 1:04 PM

Kamillah Hanks

Shared Link: https://www.facebook.com/al.peters.12/posts/
pfbid0C6SCquaPqLewRW94zzxo13SnkZdzpJSmxC9tSicQrsV343WEsPP9oaM3DCH4xrHTl
Kamillah sent an attachment.
Link title: Al Peters
Link description: The real

6/25/2017 1:05 PM

Richard Luthmann

Jesus

6/25/2017 1:06 PM

Kamillah Hanks

Hypocracy

6/25/2017 1:06 PM

Kamillah Hanks

Cut it

EXHIBIT E

Hacking

This article is more than **12 years old**

Revealed: US spy operation that manipulates social media

Military's 'sock puppet' software creates fake online identities to spread pro-American propaganda

Jeff Jarvis: Washington shows the morals of a clumsy spammer

Gen David Petraeus has previously said US online psychological operations are aimed at 'countering extremist ideology and propaganda'. Photograph: Cliff Owen/AP

Nick Fielding and **Ian Cobain**

Thu 17 Mar 2011 09.19 EDT

The US military is developing software that will let it secretly manipulate social media sites by using fake online personas to influence internet conversations and spread pro-American propaganda.

A Californian corporation has been awarded a contract with United States Central Command (Centcom), which oversees US armed operations in the Middle East and Central Asia, to develop what is described as an "online persona management service" that will allow one US serviceman or woman to control up to 10 separate identities based all over the world.

The project has been likened by web experts to China's attempts to control and restrict free speech on the internet. Critics are likely to complain that it will allow the US military to create a false consensus in online conversations, crowd out unwelcome opinions and smother commentaries or reports that do not correspond with its own objectives.

The discovery that the US military is developing false online personalities - known to users of social media as "sock puppets" - could also encourage other governments, private companies and non-government organisations to do the same.

The Centcom contract stipulates that each fake online persona must have a convincing background, history and supporting details, and that up to 50 US-based controllers should be able to operate false identities from their workstations "without fear of being discovered by sophisticated adversaries".

Centcom spokesman Commander Bill Speaks said: "The technology supports classified blogging activities on foreign-language websites to enable Centcom to counter violent extremist and enemy propaganda outside the US."

He said none of the interventions would be in English, as it would be unlawful to "address US audiences" with such technology, and any English-language use of social media by Centcom was always clearly attributed. The languages in which the interventions are conducted include Arabic, Farsi, Urdu and Pashto.

Centcom said it was not targeting any US-based web sites, in English or any other language, and specifically said it was not targeting Facebook or Twitter.

Once developed, the software could allow US service personnel, working around the clock in one location, to respond to emerging online conversations with any number of co-ordinated messages, blogposts, chatroom posts and other interventions. Details of the contract suggest this location would be MacDill air force base near Tampa, Florida, home of US Special Operations Command.

Centcom's contract requires for each controller the provision of one "virtual private server" located in the United States and others appearing to be outside the US to give the impression the fake personas are real people located in different parts of the world.

It also calls for "traffic mixing", blending the persona controllers' internet usage with the usage of people outside Centcom in a manner that must offer "excellent cover and powerful deniability".

The multiple persona contract is thought to have been awarded as part of a programme called Operation Earnest Voice (OEV), which was first developed in Iraq as a psychological warfare weapon against the online presence of al-Qaida supporters and others ranged against coalition forces. Since then, OEV is reported to have expanded into a $200m programme and is thought to have been used against jihadists across Pakistan, Afghanistan and the Middle East.

OEV is seen by senior US commanders as a vital counter-terrorism and counter-radicalisation programme. In evidence to the US Senate's armed services committee last year, General David Petraeus, then commander of Centcom, described the operation as an effort to "counter extremist ideology and propaganda and to ensure that credible voices in the region are heard". He said the US military's objective was to be "first with the truth".

This month Petraeus's successor, General James Mattis, told the same committee that OEV "supports all activities associated with degrading the enemy narrative, including web engagement and web-based product distribution capabilities".

Centcom confirmed that the $2.76m contract was awarded to Ntrepid, a newly formed corporation registered in Los Angeles. It would not disclose whether the multiple persona project is already in operation or discuss any related contracts.

Nobody was available for comment at Ntrepid.

In his evidence to the Senate committee, Gen Mattis said: "OEV seeks to disrupt recruitment and training of suicide bombers; deny safe havens for our adversaries; and counter extremist ideology and propaganda." He added that Centcom was working with "our coalition partners" to develop new techniques and tactics the US could use "to counter the adversary in the cyber domain".

According to a report by the inspector general of the US defence department in Iraq, OEV was managed by the multinational forces rather than Centcom.

Asked whether any UK military personnel had been involved in OEV, Britain's Ministry of Defence said it could find "no evidence". The MoD refused to say whether it had been involved in the development of persona management programmes, saying: "We don't comment on cyber capability."

OEV was discussed last year at a gathering of electronic warfare specialists in Washington DC, where a senior Centcom officer told delegates that its purpose was to "communicate critical messages and to counter the propaganda of our adversaries".

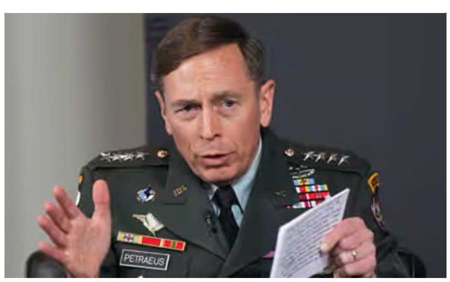
Persona management by the US military would face legal challenges if it were turned against citizens of the US, where a number of people engaged in sock puppetry have faced prosecution.

Last year a New York lawyer who impersonated a scholar was sentenced to jail after being convicted of "criminal impersonation" and identity theft.

It is unclear whether a persona management programme would contravene UK law. Legal experts say it could fall foul of the Forgery and Counterfeiting Act 1981, which states that "a person is guilty of forgery if he makes a false instrument, with the intention that he or another shall use it to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or any other person's prejudice". However, this would apply only if a website or social network could be shown to have suffered "prejudice" as a result.

This article was amended on 18 March 2011 to remove references to Facebook and Twitter, introduced during the editing process, and to add a comment from Centcom, received after publication, that it is not targeting those sites.

More on this story



America's absurd stab at systematising sock puppetry

EXHIBIT F

MCMAHON ORGANIZATIONAL CHART

BOSS
Judge Judy aka "THE JUDGE"

CONSIGLIERE
Jimmy Mo
aka "10 PERCENT JIMMY"

UNDERBOSS
The Candidate
aka "TAX HIKE MIKE MCMAHON"
aka "MR. 18.5% PERCENT"

CAPOREGIME
Ex-Judge Carm
aka "LI'L BANG-BOOM-BOTZ"
aka "THE SWORD"
aka "BIG BOY"

CAPOREGIME
Ex-Campaign Manager
Jonathan Advance
aka "SCOTT MADE ME DO IT"

CAPOREGIME
Press Secretary Kevin Elkinz
aka "THE CLERK"
aka "THE IRISH CLERK"
aka "CLERK #2"
aka "THE HACK"
aka "THE SIGN GUY"

CAPOREGIME
Ralph
aka "KING RALPH"
aka "THE DUKE'S LACKEY"

CAPOREGIME
Campaign Manager Big Ash
aka "THE SCHMEAR"
aka "BAGEL BURGLAR"

MATERIAL PROTECTED UNDER U.S. CONST. AMENDMENT I

EXHIBIT G

FD-1023	FEDERAL BUREAU OF INVESTIGATION CHS REPORTING DOCUMENT	OFFICIAL RECORD Document participants have digitally signed. All signatures have been verified by a certified FBI information system

HEADER

Source ID: [redacted]
Date: 02/07/2018
Case Agent Name: TAMBRINO, PAUL S.
Field Office/Division: New York
Squad: C16

SOURCE REPORTING

Date of Contact: 07/31/2017

List all present including yourself (do not include the CHS):
SA Paul Tambrino

Type of Contact: Telephonic

Date of Report: 02/07/2018

Substantive Case File Number
[redacted]

Check here if additional reporting is in Echo
No

Source Reporting:

CHS who is in a position to testify provided the following information:

This morning, July 31, 2017 CHS met LUTHMANN at court 71 Monument, Freehold, NJ. SEAN HOGAN did not show and the case was dismissed.

Due to the fact that it was anticipated that LUTHMANN and CHS were meeting during a court proceeding their conversation was not recorded

LUTHMANN unexpectedly asked CHS to drive LUTHMANN back to Staten Island. CHS agreed. During the drive back LUTHMANN told CHS that G. PADULA III lies about organized crime connections. LUTHMANN told CHS that they can counter sue HOGAN. LUTHMANN is not worried if HOGAN goes to the Feds.

FD-1023	FEDERAL BUREAU OF INVESTIGATION CHS REPORTING DOCUMENT	OFFICIAL RECORD Document participants have digitally signed. All signatures have been verified by a certified FBI information system.

LUTHMANN moves money overseas and receives a fee. LUTHMANN offered to cut CHS and others to invest overseas.

LUTHMANN will submit an appeal in the HANA case by August 5, 2017.

LARRY GILDER is a security guard.

CAMILLE (ALBANESE) will not come back to the law firm.

LUTHMANN changed the corporate address of OMNI from the address of LUTHMANN law firm to the address of G. PADULA III residence.

LUTHMANN wanted to goto a prostitution house. CHS declined and had to get back to son.

Synopsis:
7/31/17 RL at court dnr

SIGNATURE

Submitted By	PSTAMBRINO (PAUL TAMBRINO)	Wed, 7 Feb 2018 17:22:34 -0500
First Level Approved By	otactuk (Orlando Tactuk)	Wed, 7 Feb 2018 18:00:36 -0500

EXHIBIT H

Tweet

gerardkassar @gerardkas · Nov 6, 2017

Received a lit drop in Arabic print at my home from Brannan. Sorry Justin my family arrived in 1909 in Paterson. I do not read Arabic.

3 5

Richard Luthmann @rluthmann · Nov 6, 2017

Go back to Patterson #PompousJerryKassar!

1 1

gerardkassar
@gerardkas

Replying to @rluthmann

How is the investigation going? I have been hearing a lot of not so nice things. I guess it will all be very public soon. Good luck!

11:03 PM · Nov 6, 2017 · Twitter for iPad

Richard Luthmann @rluthmann · Nov 6, 2017

Replying to @gerardkas

Guess what! OCA never signed off on the Special Prosecutor Order. There is no prosecution! Will #PompousJerryKassar write this in column?

1

gerardkassar @gerardkas · Nov 6, 2017

I am hearing things that are about a very, very different investigation. You might read about it in my column

1

Show replies

Search Twitter

Relevant people

gerardkassar
@gerar... Follows you
Following
Chairman, NYS Conservative Party

Richard Luthmann
@rluthmann

What's happening

COVID-19 · 2 hours ago
VAERS and Yellow Card databases show unverified reports of COVID-19 vaccine-related side effects and deaths that can be submitted by anyone, according to the CDC and fact checkers

Technology · Trending
Venmo
Trending with Tip Jar

Trending in United States
Mayor Bottoms
3,160 Tweets

COVID-19 · LIVE
COVID-19: News and updates for New York

Show more

Messages

EXHIBIT I

PROB 49
(06/15)

United States District Court

Middle District of Florida

Waiver of Hearing to Modify Conditions Of Probation/Supervised Release or Extended Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You must cease and desist making slanderous and libelous statements about other people, specifically Chris Ambrose, Kamillah Hanks, Kevin Love and Ronald Castorina.

You shall have no direct or indirect contact with Chris Ambrose, Kamillah Hanks, Kevin Love and Ronald Castorina without the written approval of the probation officer.

Witness: ______________________________
Senior U.S. Probation Officer
Katrina Harmaty

Signed: ______________________________
Supervised Releasee
Richard Luthmann

____
Date

EXHIBIT J

Gmail   **Richard L <luthmannrichard@gmail.com>**

Re: Potential Receivables

Lawrence Almagno <la@almagno-law.com>   Tue, Apr 4, 2023 at 4:02 PM
To: Katrina Harmaty <Katrina_Harmaty@flmp.uscourts.gov>, Richard Luthmann <luthmannrichard@gmail.com>, Jesse Duarte <JD@almagno-law.com>

Mrs. Harmaty:

Thank you for your email. I am happy I clarified that point. I am confused with respect to your notion of "appropriate", and what details need to be reviewed by your office in order for you to make this "appropriateness" determination. (But maybe its just my lawyerly instincts prompting these questions, so I do apologize for that.)

That being said, Mr. Luthman has indicated that he's already disclosed two matters in the recent financial disclosure. In addition, he indicates that he is working on compiling the list of other potential collection claims, and he will convey same to you with due haste. I greatly appreciate the open dialog on this, as I am certainly concerned that we help Mr. Luthman solve his problems and not create new ones.

Thank you.

Very truly yours,

Lawrence P. Almagno Jr.* | Attorney at Law
Almagno Law, Inc.
10 Rangeley Road, Cranston, RI 02920
T (401) 946-4Law | F (401) 464-4Law
LA@Almagno-Law.com

New York Office
T |(212) 859-5074
43 W 43rd St. Ste 169
New York, NY 10036

RATED BY
Super Lawyers
Rising Stars
Lawrence Almagno
SuperLawyers.com

*Licensed Attorney in Massachusetts, New York & Rhode Island, 1st Circuit Court of Appeals, Federal District Courts of MA, RI, & Eastern District of NY.

On Tue, Apr 4, 2023 at 2:41 PM Katrina Harmaty <Katrina_Harmaty@flmp.uscourts.gov> wrote:

> Good afternoon,
>
> I received your voicemail. I advised Mr. Luthmann that I wanted a list of all cases that you intended to pursue for outstanding attorney fees PRIOR TO SEEKING PAYMENT. Please provide the list at your earliest convenience, so that I may review them and see if they are appropriate for collection. If they are, the payment fee that Mr. Luthmann shared yesterday seems to be appropriate.

Thank you!

Katrina Harmaty

Senior United States Probation Officer

United States Probation | Fort Myers Division

Address 2110 First Street, Ste. 4-182, Fort Myers, FL 33901

Phone (239) 461-2071

Cell (239) 270-0590

EXHIBIT K

Almagno Law, Inc. Lawrence P. Almagno Jr., Esq
Licensed in RI NY & MA

VIA U.S. Mail

Advance copy sent to: richard.luthmann@gmail.com

September 1, 2022

Luthmann Law Firm, PLLC
c/o Almagno Law, Inc.
42 W. 43rd Street, Ste. 169
New York, NY 10036

Richard Luthmann
338 Sugar Pine Lane
Naples, FL 34108

**Re: Debt Collection – Luthmann Law Firm, PLLC ("LLF")
Richard Luthmann as successor to LLF and for the benefit of the successors, assigns, and creditors of LLF**

Dear Mr. Luthmann:

You have engaged Almagno Law, Inc. (the "Law Firm") to prosecute collections matters against former clients of the now defunct Luthmann Law Firm, PLLC ("LLF") on behalf of the entity as a successor in interest. You have several creditors, the most significant of which is the United States Government.

This Law Firm has reviewed the underlying paperwork and we are of the opinion that you have several valid claims against former LLF clients.

Breach of Contract

Although not required in New York, it was standard practice of the LLF to have signed engagement letters on file for its clients. As such, given the billing records and other evidence, you have claims for breach of contract against former LLF clients with outstanding accounts. There was an agreement between LLF and the former client; LLF performed under the agreement; the former client failed to make payment; and LLF has suffered damages as a result. *See Mandarin Trading Ltd. v. Wildenstein*, 16 N.Y.3d 173, 181-82 (2011); *Heijung Park v. Nam*

Young Kim, 205 A.D. 3d 429, 438 (1st Dep't 2022); *Core Dev. Grp. LLC v. Spaho*, 199 A.D. 3d 447, 449 (1st Dep't 2021); *Alloy Advisory, LLC v. 503 West 33rd Street Associates, Inc*., 195 A.D.3d 436, 144 N.Y.S.3d 854 (1st Dept. 2021); *Markov v. Katt*, 176 A.D. 3d 401, 401-02 (1st Dep't 2019).

Additionally, the contracts between the LLF and its former clients are all implied in fact. The case files as well as court filings and other materials show conduct by the parties consonant with the existence of a contract. A contract implied in fact rests upon the conduct of the parties and not their verbal or written words. *Parsa v. State*, 64 N.Y.2d 143, 148 (1984). An implied in fact contract requires: Mutual assent; Consideration; Legal capacity; and Legal subject matter. *See Maas v. Cornell Univ.*, 94 N.Y.2d 87, 94 (1999); *Jemzura v. Jemzura*, 36 N.Y.2d 496, 503-4 (1975); *Mirchel v. R.M.J. Sec. Corp.*, 205 A.D.2d 388, 390 (1st Dep't 1994). All of these elements are present here.

Account Stated

"Under federal and New York law, an account stated refers to a promise by a debtor to pay a stated sum of money which the parties had agreed upon as the amount due." *See Nat'l Econ. Research Assocs. v. Purolite "C" Corp.*, No. 08 Civ. 7600(PGG), 2011 U.S. Dist. LEXIS 24458, at *6 (S.D.N.Y March 10, 2011); *see also Interman Indus. Prods.*, Ltd. v. R. S. M. Electron Power, Inc., 37 N.Y.2d 151, 153 (1975); *Ryan Graphics, Inc. v. Bailin*, 39 A.D.3d 249, 250 (1st Dep't 2007). LLF has valid claims for an account stated against all former LLF clients.

Unjust Enrichment

Similarly, LLF has claims for Unjust Enrichment. The former LLF clients benefitted at LLF's expense, and equity and good conscience require restitution. *Columbia Mem'l Hosp. v. Hinds,* 2022 WL 1572408, *6 (2022); *E.J. Brooks Co. v. Cambridge Sec. Seals*, 31 N.Y.3d 441, 455 (2018); *Georgia Malone & Co., Inc. v. Rieder*, 19 N.Y.3d 511, 516 (2012).

Statute of Limitations

Under C.P.L.R. § 213(2), the statute of limitations of contracts, debt collection, and accounts stated is six (6) years. All of the former LLF client accounts were on the books as of December 15, 2017, so we are will within the applicable statutory period.

Additionally, under C.P.L.R. § 214(6), the statute of limitations for legal malpractice is three (3) years. Richard Luthmann was legally disabled and unable to practice law on and after December 15, 2017. The statutory time to interpose a legal malpractice claim or counterclaim has long passed. Also, unlike other former LLF clients who made claims against Richard Luthmann and the LLF, none of these clients have had any issues with the services rendered.

Part 137 Notices

A legal precondition to the collection of legal fees earned in the State of New York is compliance with Part 137 of the Rules of the Chief Administrator. The law requires that you must send a Notice of Client's Right to Arbitrate a Dispute Over Attorney's Fees to each and every client who has an outstanding account and from whom you wish to collect.

Accordingly, you must provide written notice to all former clients of LLF of their right to elect to resolve the dispute by arbitration under Part 137. You must also provide said former LLF clients with a copy of the written instructions and procedures of the approved local bar association-sponsored fee dispute resolution program ("Local Program") having jurisdiction over your dispute. Since the business address of the LLF for the winding up of its affairs in New York County, the Local Program is administered by the New York County Lawyers Association.

You must also provide former LLF clients with the "Request for Fee Arbitration" form and advise that said former LLF clients must file their Request for Fee Arbitration with the Local Program within 30 days of the receipt of the notice. Thereafter, you will be free to bring a lawsuit in court to seek to obtain payment of the fee.

It is advisable that you send these notices by Registered U.S. Mail and U.S. Mail with a Certificate of Mailing. In this way, you will be able to prove the delivery of the notice by the actual return of the Registered Mail and/or by the presumption of regularity of the delivery of the U.S. Mails.

Please refrain from any further contact with former LLF clients to whom you are sending Part 137 notices. As you well know, any conversations with these parties may become relevant and discoverable in a court proceeding. Additionally, please report to us any information that you may have about former LLF clients seeking to improperly coax potential witnesses. Such information is clearly discoverable.

You may wish to disclose this letter to the former LLF clients so that they have this Law Firm's address if they seek to contact me so as to resolve any outstanding accounts prior to the initiation of a lawsuit in a court of competent jurisdiction.

However, this Law Firm is prepared to proceed with litigation as soon as the 30-day period under Part 137 is complete as per your request, given the interests of the United States Government as creditors. If former LLF clients wish to quickly and discreetly resolve their accounts, they may do so by calling this Law Firm. My direct line is 401-255-8201. Otherwise, you have directed us to proceed to judgment in these cases to satisfy the interests of the United States Government.

If you have any questions or concerns, please do not hesitate to contact me.

Regards,
ALMAGNO LAW, INC.

/s/ Lawrence P. Almagno Jr.
Lawrence P. Almagno Jr.

LPA/lc

CC: File

EXHIBIT L

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
--X

RICHARD A. LUTHMANN and LUTHMANN LAW FIRM PLLC, f/b/o creditors including the United States and its taxpayers,

Plaintiff(s),

-against-

KAMILLAH M. HANKS a/k/a NEW YORK CITY COUNCIL MEMBER KAMILLAH M. HANKS, KAMILLAH HANKS CAMPAIGN COMMITTEE a/k/a KAMILLAH HANKS 2017, KEVIN LOVE a/k/a KEVIN BARRY LOVE a/k/a KEVIN BARRY, individually and as agent-in-fact for KAMILLAH M. HANKS and KAMILLAH HANKS CAMPAIGN COMMITTEE, NEW YORK CITY CAMPAIGN FINANCE BOARD, and NEW YORK CITY BOARD OF ELECTIONS,

Defendant(s).
--X

Index No.: 651123/2023

AFFIDAVIT OF MICHAEL J. COX

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

MICHAEL J. COX, having been duly sworn, says the following under the penalties of perjury:

1. I personally know the plaintiffs and the defendants in this matter.

2. I am sixty-four (64) years of age. I was born in Red Hook, Brooklyn, New York. I currently reside in Staten Island, New York.

3. I am a veteran political consultant with over 40 years of working on political campaigns in New York State and elsewhere.

4. I know that the plaintiffs and the defendants have a dispute. I have read the lawsuit.

5. I have been asked to write this affidavit to state whether I believe the plaintiff's lawsuit has merit. I believe it does.

6. Months ago, I spoke with Mr. Luthmann's attorney, Mr. Almagno, and I communicated my belief that the lawsuit has merit and the facts on which I based that opinion at that time.

7. I also told Mr. Almagno that I received his spoliation letter. I know that I will probably be a fact witness in this case and that I would like to be subpoenaed. For over forty years, it has not been my practice to volunteer information related to political campaigns.

8. I will state the following facts, which I believe to be common knowledge. Also, I believe that the rule in New York State is that even lawyers are justified in breaking client confidence when it relates to issues of payment and non-payment.

9. I had a handshake engagement with Kamillah Hanks, Kevin Barry Love, and their 2017 campaign for $14,000, to be a political consultant. I was never paid.

10. Consultant Scott Levenson and many others (including attorneys and former elected officials) know about this engagement. At a 2017 dinner at Sparks Steak House in Manhattan, Scott Levenson said that not having a written contract was "foolish." I guess I was naïve because I thought Kevin and Kamillah were my friends. Scott Levenson said Kevin and Kamillah were his friends too, but he got a contract and "$10K up-front," in December 2016.

11. Scott Levenson and his firm, The Advance Group, have sued many former political clients for non-payment and payment disputes, notably Janine Materna on Staten Island.

12. Kevin and Kamillah act as one, and Kevin regularly acted and acts on Kamillah's behalf and speaks and spoke for her.

13. Kevin and Kamillah never paid me, even though I did substantial work and numerous hours for their campaign. I even offered to cut my fee from $14,000 to $10,000 so that the $4,000 could be spent on what I believed to be needed campaign mailings. These mailings were never sent, even though I was told that they were.

14. At the end of the 2017 campaign, Kevin and Kamillah said the campaign didn't have the money to pay me the agreed-upon amount.

15. I had a heart attack and emergency triple bypass surgery at St. Luke's-Roosevelt Hospital in the summer of 2017, after which time I was weak. Kevin had me take a ride with him to Brooklyn and insulted me by trying to settle the $14,000 debt for $1,250. When I told him it was unacceptable, Kevin raise the amount to $1,500.

16. I was insulted. I would have gotten out of the car and taken public transportation home, but I was too weak, and Kevin knew it.

17. Kevin also wanted me to take responsibility for the failed Primary Election Day voter pull operation in order to get paid. Kamillah lost to Debi Rose 70% to 30%. A major reason was that the pull operation was non-existent. The pull operation was handled by Scott Levenson's The Advance Group and their employee, Jason Reynard.

18. I refused to lie and say that I was responsible for a failed project in that I had no part. The pull operation was a mess. The operation made little sense, and I voiced my strong objections at the time.

19. To this day, I was never paid, and my engagement with Kamillah, Kevin, and their campaign was never reported to the New York City Campaign Finance Board.

20. To add insult to injury, Kamillah and Kevin started badmouthing me to anyone who would listen, saying I was "fired" from their campaign, and that I had "cost" them the win in 2017. None of this is true.

21. At the time of the campaign, I was dating and living together with Lok Yung, the campaign's treasurer. I secured Lok for the campaign after the previous treasurer quit. Lok is an accountant.

22. Lok told me about serious campaign payment and reporting concerns that she brought directly to Kamillah's attention.

23. Lok told me that she asked about my contract as a political consultant, and Kamillah would avoid the subject and kept putting it off.

24. After several requests, Lok told me that she didn't believe that Kamillah or the campaign had any intention of paying me. I told her I believed Kevin and Kamillah were my friends and they wouldn't screw me.

25. A week before primary day, while I was still recuperating from open heart surgery, Lok came to me and said, "They don't have the money to pay you. It's gone. They spent it."

26. Not only did Kamillah and Kevin not pay me, but I was out of work for several months in the summer and fall of 2017. I saw Kevin and Kamillah vacationing in Paris, France, on Facebook. They had the money to go to Paris, but they didn't have the money to pay their workers.

27. If Kevin and Kamillah were hard-up, I would have worked with them. They are not hard-up. Kevin and Kamillah are worth millions. Kevin is a successful real estate investor and owns several commercial, rent-producing properties, including properties in the NYC Council District Kamillah represents.

28. I am not alone. In addition to Mr. Luthmann, I have heard of several other people related to the campaign that were never paid. But I know for a fact that Kevin and Kamillah's family members worked for the campaign, and every one of them was paid in full, some of them in cash.

29. As it relates to Mr. Luthmann, I personally witnessed him spend at least 100 hours on the 2017 Kamillah Hanks campaign.

30. I have worked with many election lawyers on many campaigns, including John Ciampoli. I know what work is required from election lawyers.

31. Not only did Mr. Luthmann and I draft and prepare the Designating Petitions for Kamillah Hanks to have ballot access to the Democratic and Reform Party lines and conducted a class on how campaign volunteers should properly collect valid signatures, but Mr. Luthmann and I also reviewed those designating petitions line by line and "scrubbed" them prior to filing with the NYC Board of Elections. This work was performed at his office. I was there, along with Jason Reynard and others, including Kevin Barry Love.

32. At the time, Mr. Luthmann's offices had a security camera system. I know this because I saw Mr. Luthmann going onto his phone, accessing recorded files, and watching what was going on in his office. Mr. Luthmann also used speakers on that system to communicate with Jason Reynard, who was back in the office, while Luthmann and I were inside the NYC Board of Elections and elsewhere. I believe that the FBI took these records when Mr. Luthmann was later arrested on an unrelated matter and may still retain them.

33. Additionally, we pulled the filed designating petitions for Debi Rose and Phil Marius. Debi Rose's petitions were pretty clean, but Phil Marius' petition was a mess. Within

minutes of reviewing them, I knew that we had an excellent shot at getting Phil Marius thrown off the ballot.

34. Kamillah, Kevin, Scott Levenson, Lok Yung, Priscilla Marco, Jason Reynard, Mr. Luthmann, and others were present when we had the conversation as to whether we had a shot at Debi Rose, and whether we should try to get Phil Marius thrown off the ballot. We had no shot at Debi Rose. Scott Levenson was initially against knocking Phil Marius off. I was for it because I said that if Phil Marius remained on the ballot, the anti-Debi Rose vote would be split.

35. Ultimately, Kevin, Kamillah, and eventually Scott Levenson agreed that they wanted Mr. Luthmann and me to proceed in getting Phil Marius thrown off the ballot so Kamillah would be able to pull all of the anti-Debi Rose votes in the Democratic Party primary without the votes being split. At the time, we were both campaign employees, and we both expected to get paid for our work. Additionally, Kevin and Kamillah assured us that we would be paid.

36. Phil Marius submitted over 1200 signatures to qualify for the ballot. The NYC Board of Elections required 450 valid signatures. Through Mr. Luthmann and my tireless efforts over two weeks, many twelve-hour days, and many long nights, Phil Marius was thrown off the ballot at the NYC Board of Elections hearing. Our efforts were so devastating to him, Phil Marius was unsuccessful in getting even one invalidated signature restored by the election commissioners.

37. Mayoral Candidate Sal Albanese, one of Luthmann's other political clients at the time, stopped in Luthmann's office while we were working and saw us there. Sal and I had an entire conversation. Sal was in disbelief that we believed we could get Phil Marius thrown off the ballot. I have known Sal for many years from Brooklyn politics.

38. Mr. Luthmann's wife at the time, Tammara Moore, was the legal objector to Phil Marius' designating petition, with Kevin and Kamillah's consent.

39. Mr. Luthmann also set up an election law battle in the New York State Supreme Court in case the New York City Board of Elections upheld Phil Marius' designating petition.

40. Mr. Luthmann filed a legal petition in New York State Supreme Court, Richmond County. If I remember correctly, the case was assigned to Justice Minardo, who was sitting on the bench at the time.

41. Mr. Luthmann not only drafted and filed the complaint, but he also paid and consulted with private investigators, process servers, and a handwriting expert (Don Frangipani), in order to set up the court battle were it to have been necessary.

42. It was only because of Mr. Luthmann and my good work that the Phil Marius petition didn't even get passed the New York City Board of Elections. Marius could not restore one signature and didn't go to court, in part because Mr. Luthmann and I showed the dishonest and fraud in Marius' submitted petitions.

43. I also know that Mr. Luthmann did other work for Kevin and Kamillah. One legal matter was related to the campaign. That one was about Nadia Hanks, Kamillah's daughter. I remember there being a discussion in the campaign headquarters about whether Nadia's not graduating could affect Kamillah politically, and whether campaign funds could be used to pay Mr. Luthmann to get her to graduate.

44. I know Mr. Luthmann filed a court case and I know he was successful in getting Nadia to walk at her graduation. Mr. Luthmann saved Nadia and the family a lot of embarrassment.

45. Both Mr. Luthmann and Kevin told me that Mr. Luthmann performed other work for Kevin, including business matters, matters involving BMW, and other work. Mr. Luthmann told me that Kevin only partially paid him for those cases as well. I do not believe Kevin ever sued Mr. Luthmann for malpractice or even made the accusation.

46. The fake Debi Rose Facebook page was the worst-kept secret of the 2017 campaign. Everyone, including Kamillah and Kevin, knew Luthmann was running the page. At a certain point, Kamillah was advised by Scott Levenson and others to get off of her personal Facebook page because the fake Debi Rose was becoming too controversial.

47. Mr. Luthmann told me he communicated with Kamillah Hanks on Facebook Messenger, and he had conversations with her related to the fake Debi Rose Facebook page on Facebook Messenger and elsewhere.

48. When Luthmann would walk into the campaign office, people would shout, “Hey Baby,” and everyone would smile. Luthmann’s fake Debi Rose Facebook posts would often start with the words “Hey Baby!” referring to the way in which Debi Rose greets people.

49. I know Mr. Luthmann didn’t do the fake Facebook page for free and that he was going to get paid by Kamillah and Kevin because Mr. Luthmann told me so. I was not privy to their arrangement.

50. I believe that there is merit to all of Mr. Luthmann’s claims in his complaint and amended complaint. I previously told this and everything above to Mr. Almagno.

51. As I said before, prior to the disclosure of anything sensitive about the campaign, including emails, records, recordings, statements, and the like, I would ask to be subpoenaed. I have an excellent reputation, built over forty (40) years in this business and I would like to keep it that way.

52. Further affiant sayeth not.

MICHAEL J. COX

Sworn before me

This 11th day of April 20 23

Notary Public

PERRY DONDRE STEVEN
Notary Public, State of New York
No. 01PE6368561
Qualified in New York County
Commission Expires December 18, 202

EXHIBIT M

SWORN STATEMENT

STATE OF FLORIDA

-VS-

CHRISTOPHER AMBROSE

Name RICHARD LUTHMANN Date of Birth 11/08/1979

Business Address ______ Telephone ______

Home Address 338 Sugar Pine Lane, Naples, FL 34108 Telephone 239-631-5957

who, being duly sworn, deposes and says that on the 23rd day of May

A.D., 20 23, in Collier County, State of Florida, that

CHRISTOPHER AMBROSE did violate F.S. § 837.05 by knowingly and maliciously making a false report that was caused to be sent to Florida Law Enforcement. The basis of the false report was the protected newsgathering and reporting activity of RICHARD LUTHMANN, an investigative journalist and a member of the National Writers Union. CHRISTOPHER AMBROSE is an attorney who knows or should have known that newsgathering and reporting are not threatening or actionable as a matter of Law. AMBROSE's activities are LIBEL PER SE against Luthmann, a journalist, and harm LUTHMANN in his profession, are untrue, and are deliberately motivated by ACTUAL MALICE

(over)

Sworn to and subscribed before me

this 23 day of May, 20 23

Notary Public "Per F.S.S. 117.10"

My Commission Expires:

Report No. 23-208392

Collier County Sheriff's Office

DL: L355741794081

Form #164 / Rev. 2/04-1141

Additionally, AMBROSE's activity in Complaining against LUTHMANN's FIRST AMENDMENT Protected rights of the press is a strategic complaint against PUBLIC PARTICIPATION. LUTHMANN believes AMBROSE has engaged in CHILD ENDANGERMENT in his home in Madison CT based upon the information available in the public record and other other material received from protected journalist sources. LUTHMANN believes AMBROSE's complaint against him is little more than retribution and an "ALIBI" against the rampant underage drinking, drug use, and sex that occurs in AMBROSE's home on Horsepond Road in Madison CT on a regular basis. LUTHMANN has seen evidence and spoken to witnesses that AMBROSE is aware that MEN as old as 23 years old are supplying drugs and alcohol to children as young as 14 and 15 and having sex with them. The COMPLAINT against LUTHMANN is a knowing waste of scarce FLORIDA LAW ENFORCEMENT Resources and was submitted by AMBROSE for improper and criminal purposes with his full knowledge and intent. Please investigate and pursue all applicable charges.

[signature]

Sworn to and subscribed before me

this 23 day of May, 20 23

[signature] 2113

Notary Public "Per F.S.S. 117.10"

My Commission Expires:

Report No. 23-208392

EXHIBIT N

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

THE PEOPLE OF THE STATE OF NEW YORK

-against-

RICHARD A. LUTHMANN,

Defendant.

PEOPLE'S VOLUNTARY DISCLOSURE FORM

Ind. No. 379-2017

The People of the State of New York hereby voluntarily disclose to defendant(s) the following information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. *OCCURRENCE*

Date: January 1, 2015-September 30, 2017
App. Time: Various times as specified in records submitted to counsel
Place:700 Victory Blvd. Apart 7A, Staten Island, New York 10301, 1811 Victory Blvd. Staten Island, New York 10314 and other locations.

2. *ARREST*

Date: November 29, 2018
App. Time:
Place: Eastern District of New York, 350 Cadman Plaza East, Brooklyn, New York 11201

3. *CONDUCT OF THE DEFENDANT(S)*

This will be specified in a further submission.

4. ***THEORY OF LIABILITY***

The People intend to prove the defendants acted as:

[X] Principal [ ] Accomplice [ ] Both [ ] Other

As of this date, the defendant is charged as a principal.

B. NOTICES

1. ***STATEMENTS***

[ ] If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. *(Where a statement has been videotaped, counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time for viewing the tape or should provide a blank tape for copying.)*

Number: Oral statements to Detective Improta as part of the res gestae and as a result of a police report filed by Defendant. 1

The defendant submitted letters to the New York City Police Department as prt of a request for an investigation for allegations of computer trespass on his computer. These were published on defendant's website.

Date: To be provided
Location: Unknown where the letters were generated from.
Individual Made to:
Substance of
Statement:

Number: 2
Date:
Location:
Staten Island, NY
Individual Made to:
Substance of
Statement:

2. ***IDENTIFICATION* NONE**

[ ] If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by

a witness who has previously identified defendant.

C. DISCOVERY

1. ***ADDITIONAL STATEMENTS***

[ ] If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to be jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. CPL §240.20(1)(a). **NOT APPLICABLE**

2.. ***GRAND JURY TESTIMONY***

[ ] If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relating to this criminal action. CPL §240.20(1)(b). **NOT APPLICABLE**

3. ***SCIENTIFIC AND MEDICAL REPORTS***

[ ] If checked, the People hereby disclose written reports or portions thereof, concerning a physical or mental examination or scientific test or experiment, relating to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(c). **NOT APPLICABLE EXCEPT TO THE EXTENT THAT FACEBOOK AND TWITTER TRANSMISSIONS ARE SUBMITTED IN COURT TODAY**

4. ***PHOTOGRAPHS AND DRAWINGS***

[x] If checked, there exist photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. CPL §240.20(1)(d). *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to examine this material.)*

5. ***INSPECTION OF PROPERTY***

[x] If checked, there exist photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officer or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy or other reproduction. CPL §240.20(1)(e).

6. ***OTHER PROPERTY***

[x] If checked, there exists other property obtained from the defendant, or a co-defendant to be tried jointly, CPL §240.20(1)(f), or from another source.

7. ***TAPES AND ELECTRONIC RECORDINGS***

[ ] If checked, there exist tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction. CPL §240.20(1)(g). *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.)*

8. ***BRADY MATERIAL***

[ ] If checked, the People have material which is required to be disclosed to defendant prior to trial pursuant to the United States Constitution or the New York State Constitution. CPL §240.20(1)(h).

9. ***COMPUTER OFFENSES***

[ ] If checked, notice is hereby served pursuant to Penal Law 156.00(6), which governs offenses involving computers. CPL §240.20(1)(j)

D. DEMAND FOR NOTICE OF ALIBI

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission. Within a reasonable time after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

E. RECIPROCAL DISCOVERY

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

NOTE: Any defense motion or request addressed to the above-captioned indictment should be directed to the attention of the Assistant District Attorney named below, who is assigned to this case.

Dated: Staten Island, New York
November 29, 2018

Eric Nelson, Esq.
Special District Attorney
District Attorney
130 Stuyvesant Place
Staten Island, New York 10301

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

---x

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiffs, Ind No. 379-2018

-against-

RICHARD A. LUTHMANN

Defendant,

---x

---x

VOLUNTARY DISCLOSURE FORM

x

ERIC NELSON, ESQ.
SPECIAL DISTRICT ATTORNEY

EXHIBIT O

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

---x

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

AFFIRMATION IN OPPOSITION TO MOTION

-against-

Ind. No. 379/2018

RICHARD LUTHMANN,

Defendant.

---x

ERIC NELSON, an attorney-at-law, affirms under the penalties of perjury, that the following statements are true:

1. I was assigned the Special District Attorney in and for the County of Richmond by the Administrative Judge of Richmond County and charged by him with the investigation which led to the prosecution of defendant with charges in the indictment, and submit this affirmation in opposition to the defendant's motion dated January 11, 2023.

2. Defendant seeks ten separate courses of relief and for the reasons set forth and in the memorandum of law, the sought after relief should be denied on each and every course of relief.

3. The plea/sentence minutes dated October 27, 2020 (Mundy. J.) are detailed regarding defenda waiver of his constitutional rights, that defendant had a detailed understanding as to what he was pleading guilty to, and that he received effective representation during the pendency of the case and the plea of guilt. Exhibit A.

4. On October 27, 2020, before this Court, defendant entered a plea of guilty to

several counts of Indictment No. 379/2018, namely the charges of Falsifying Business Records in the First Degree under count one of the indictment (P.L. §175.10) Falsifying Business Records in the First Degree under count three of the indictment (P.L. §175.10), Falsifying Business Records under count four of the indictment (P.L. §175.10) and two counts of Election Law misdemeanors under counts 14 and 15 of the indictment (E.L. §17-102(5)) and explicitly waived the right of appeal. See Exhibit A (Plea minutes of October 27, 2020) at pp. 17-20.

The Court as part of the sentence granted the issuance of Orders of Protection in favor of the five complaints, including the Richmond County District Attorney, Michael E. McMahon. He was sentenced to time served on the same day he pled guilty. Defendant additionally pled guilty to an unrelated Superior Court information involving the admitted theft of a client's monies from his firm's I.O.L.A. account.[1].Exhibit A.

5. During that proceeding, the defendant appeared by a video link, permitted by the Governor's Executive Order No. 5 during the COVID-19 pandemic. See: Executive Order No. 5/2021 of Governor Andrew M. Cuomo. Mr. Luthmann was incarcerated at the Allenwood Federal Correctional Facility in Pennsylvania. He appeared virtually on a video/audio link, while the attorneys and the Court appeared in person.[2] He and his attorneys gave their express consent and the record bears out his express consent. Exhibit A at p. 2-3. Mr. Luthmann was additionally advised a Court stenographer was transcribing the proceeding.

6. Mr. Luthmann, a former attorney, was serving his sentence in Federal Custody which

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[1] The parameters of the pleas and sentenced were agreed on after extensive conferences between the Court, the Special District Attorney and both of Mr. Luthmann's counsel. Thiese charges had to be resolved before defendant was released from Federal custodyinto a half way house. Therefore, there was no State prison time was offered.

Further, since the Department of Probation indicated they could not monitor Defendant out of state, the sentence of probation was modified to a conditional discharge.

[2] This Court (Mundy, J.) and its staff went through great efforts to secure Mr. Luthmann's appearance with the United States Bureau of Prisons because Mr. Luthmann was in Federal custody at this time. Both of Mr. Luthmann's counsel represented they had his consent to appear virtually as he did.

imposed by the United States District Court, Eastern District of New York on September 9, 2019.

7. Defendant's motion should be denied for his allegations are not grounded in facts, but makes baseless, scurrilous allegations and are therefore meritless.

8. For example in ¶ 9 of his affirmation, Luthmann states, "Special Prosecutor Nelson should be disqualified, censured, referred to Attorney Discipline, prosecuted, convicted…..Nelson belongs in the shed next to Family Court, is on the lower end of the food chain , and is just incapable". Defendant goes on to state, "Luthmann's 'Hellbound Train' has left the station and 'Luthmann is a warrior'and he (Luthmann) wants to bring full force on Nelson and his masters in the Staten Island Swamp'". See ¶ 13 of Defendant's affirmation

A. As to the Request for Hybrid Reprentation

9. The defendant concedes there is no usual right to hybrid representation. It will be further addressed in the Memorandum of Law.

10. The decision to grant a defendant hybrid representation rests is in the discretion of the Court, and the Courts should not accept motion papers or arguments from a pro-se defendant which an attorney would be reluctant to make. An attorney certainly would not submit the papers Mr. Luthmann has done and the Court should hold defendant to the same standards as any individual seeking to file papers with the Court..

11. Defendant seeks to engage in baseless, divisive ad hominem attacks and in a "scorched earth" policy against the prosecutor and anyone who has stood in his way. No attorney worth his salt would ever put his name on the papers defendant filed in support of his motion. This should not be countenanced in any proceeding, whether by counsel or a pro se litigant and

granting the application for a hybrid representation would give defendant cover to do so.

B. As to the Request for Waiver of Luthmann's Physical Appearance

12. There is no need for the defendant's appearance or a zoom hearing. "CPL 440.30 contemplates that a court will in the first instance determine on written submissions whether the motion can be decided without a hearing." The matter can, and should be, determined on the written submissions.

C. Disqualification of the Special Assistant District Attorney

13. There is no basis to disqualify the Special Assistant District Attorney.

14. As discussed in Point C of the Memorandum of Law, a public prosecutor should not be removed unless necessary to protect a defendant from 'actual prejudice arising from a demonstrated conflict of interest or a substantial risk of an abuse of confidence. No such showing has been made here.

15. On the one hand, Luthmann tells the Special Prosecutor he (the Special Prosecutor will "walk away" if he gives up McMahon. Defendant stated in Exhibit E, a letter to your affiant "Give him to me willingly, and you walk away scot free. I am requiring your truthful testimony as to McMahon's misdeeds". Defendant Exhibit E at pp.3. When defendant's attempt to scorch the earth fail, he goes on the offensive. Again, he resorts to vitriol, to attacks on lawyers and judges when he does not get his way, which were similar to the attacks on the persons who he impersonated, created fake social media accounts on, stalked and photo-shopped lewd and lascivious images on some of their pictures.

16. Regarding his claim that the indictment should be dismissed or the Special District Attorney removed, defendant references an e-mail conversation with Mr. Reich, which merely sought interpretation of decisions posed in a hypothetical setting. This had no effect on the Grand Jury, was not presented to the Grand Jury during the presentation .Defendant's claim does not rise to an unauthorized practice of law. The practice of law it embraces the preparation of pleadings and other papers incident to actions and special proceedings and the management of such actions and proceedings on behalf of clients before judges and courts, and in addition conveyancing, the preparation of legal instruments of all kinds, and in general all advice to clients and all action taken for them in matters connected with the law. *Thornton on Attorneys at Law*, in section 69, defines the practice of law in the same terms. An e-mail communication from an attorney asking a former attorney regarding a question about the meaning of a case cannot be deemed the practice of law and there is no client who Mr. Reich was representing.

17. Further, regarding if defendant's defense is based on First Amendment claims, he could have raised that as a trial defense. In any event, Mr. Luthmann waived all claims about Grand Jury sufficiency by pleading guilty.

D. The Defendant's claims regarding the presentation of the case in the Grand Jury.

18. Defendant then goes on the offensive by citing principles about the Grand Jury presentation and what he claims is law to back up his contentions. Defendant's counsel was provided with the Grand Jury testimony before any plea was accepted and there was never a motion to dismiss the Indictment. Further, he admitted his guilt to three counts of Falsifying Business records, based upon creating business records, by means of Criminal Impersonation.

19. Defendant had every opportunity to offer a First Amendment defense and not accept

the pleas. In fact, there was no circumstances of coercion surrounding the plea, for defendant appeared virtually from another state and could have terminated the session at any time.

E. Vacating of Judgment of Conviction

20. Defendant was convicted upon a plea of guilty. Therefore, in the absence of a motion to withdraw the plea or to bring a postconviction motion to vacate the plea as involuntary, the plea and the resulting conviction are presumptively voluntary, valid and not otherwise subject to collateral attack.

21. There is simply no basis to find the plea involuntary. The record demonstrates a substantial colloquy that more than satisfies constitutional requisites. It shows that the defendant related that he had had ample opportunity to discuss the plea bargain with counsel and was satisfied with counsel's performance, that nobody had made any promises or threats, and that he was pleading guilty voluntarily, he admitted to the conduct constituting the crimes, and there was nothing in the record that cast doubt upon his guilt. Such a plea stands.

22. The Special District Attorney provided counsel with all discovery, including the Grand Jury minute and exhibits. See:C.P.L. Article 245.. Defense counsel never moved to Dismiss and/or Reduce the counts in the Indictment and by his plea of guilt has waived the sufficiency and conduct of the prosecutor in the Grand Jury.

23. Moreover, the defendant was afforded meaningful representation when he received an advantageous plea and nothing in the record casts doubt on the apparent effectiveness of counsel

F. Dismissal with Prejudice

24. There is simply no authority for a dismissal with prejudice in this circumstance. Presumably, if defendant were successful on a CPL 440.10 application in this circumstance, the proper corrective action would be vacatur of the plea and the case is restored to its prepleading status.

G. and H. Challenge to Fees Paid and to Be Incurred

25. Although probably not an issue that can be raised in the criminal proceeding, it is sufficient to note that defendant had "not paid the fee[]s . . . and is not subject to a demand for payment of the fee, it cannot establish either an injury or the threat of injury resulting from [the payment by the City and thereby lacks standing to challenge it.

I. Censoring Prosecutor and Other Referrals

26. Defendant points to nothing that the special prosecutor has done to warrant any kind of sanction or referral.

Accordingly, the motion should be denied in its entirety.

Dated: February 6, 2023
Staten Island, New York

ERIC NEILSON, ESQ.
SPECIAL DISTRICT ATTORNEY
RICHMOND COUNTY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND: CRIMINAL TERM
--X

THE PEOPLE OF THE STATE OF NEW YORK

Plaintiff,

-against-

RICHARD LUTHMANN

Defendant.

--X

AFFIRMATION IN OPPOSITION TO MOTION

ERIC NELSON, ESQ.
SPECIAL DISTRICT ATTORNEY
54 Florence Street
Staten Island, New York 10308
(718) 356-0566

Signature (Rule 130-1.1-a)

____
Eric Nelson, Esq.

Richard A. Luthmann
338 Sugar Pine Lane
Naples, FL 34108
Tel: (239) 631-5957
richard.luthmann@gmail.com

Via Priority Overnight U.S. Mail

November 3, 2023

Clerk of Court
New York County Supreme Court
New York County Courthouse
60 Centre Street
New York, NY 10007

RE: *Luthmann v. Hanks et al.*

Dear Sir or Madam:

I am the Pro Se Plaintiff in the above-referenced matter.

I seek to purchase an index number and have the enclosed filed.

Enclosed is an original summons and verified complaint with a jury demand and exhibits for filing. Also enclosed is a US Post Office postal money order in the sum of $275.00 representing the full filing fee (Index Number ($210.00) + Jury Demand ($65.00).

I do not opt out of paper filing at this time.

If you have any questions or concerns, please do not hesitate to contact me.

Regards,

Richard A. Luthmann

CC: File

UNITED STATES POSTAL SERVICE ®

CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION

NOT NEGOTIABLE

Pay to New York County Clerk

Address 60 Centre Street

New York NY 10007

KEEP THIS RECEIPT FOR YOUR RECORDS

Serial Number 28783871302

Year, Month, Day 2023-11-01 Post Office 339071 Amount $275.00 Clerk 09

UNITED STATES POSTAL SERVICE ®

POSTAL MONEY ORDER

Serial Number 28783871302

Year, Month, Day 2023-11-01 Post Office 339071 U.S. Dollars and Cents

$275.00

Amount Two Hundred Seventy Five Dollars and 00/100 ******

Pay to New York County Clerk

Address 60 Centre Street

New York, NY 10007

Memo Lutterman v. Hawkes et al.

Clerk 09

From Richard Lutterman

Address 338 Sugar Pine Lane

Naples FL 34108

UNITED STATES POSTAL SERVICE U.S. MAIL

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆000008002⑆ 28783871302⑈

Recent Filing

From Richard A Luthmann <richard.luthmann@protonmail.com>

To cc-nyef@nycourts.gov

Date Thursday, November 16th, 2023 at 7:19 PM

Dear Sir or Madam:

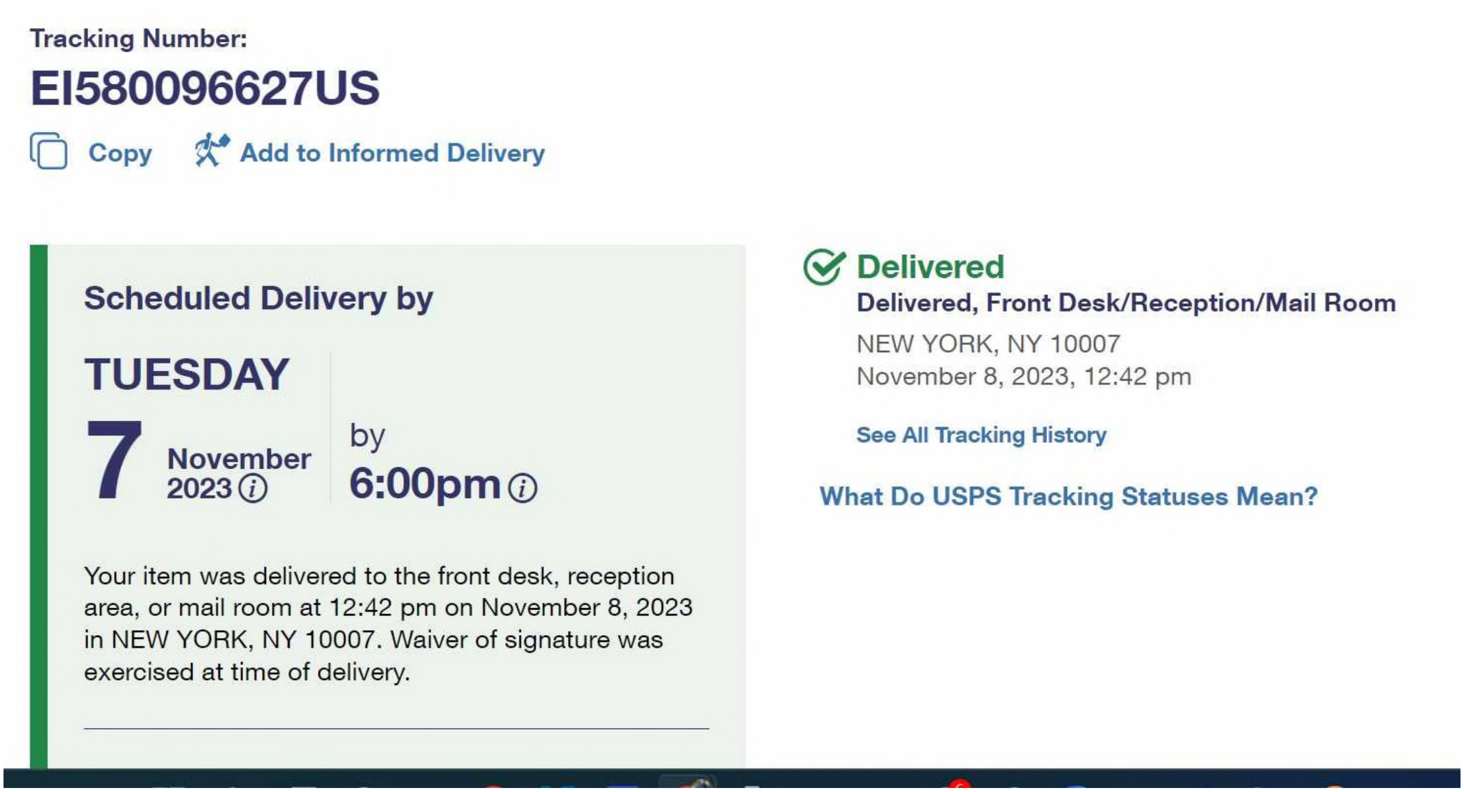
I called the 646-386-3737 phone number and I was directed to this email.

I am a Pro Se party.

I send a paper summons and complaint with exhibits for filing last week along with a cover letter and a $275 US Postal Money Order ($210 for index number and $65 for jury demand).

The caption is Richard A. Luthmann v. Kamillah M. Hanks, et al. A copy of the mailed transmission and the postal money order is attached for your convenience.

It was received on November 8, 2023, at 12:42pm by the mail room at 60 Centre Street.



I spoke to someone from the Clerk's Office yesterday, who said that things were backed up because of the two holidays last week. I understand that things take time. But I just would like to know when the document will be assigned an index number and uploaded to the NYSCEF system. I want to serve the parties with a conformed copy of the pleadings with the index number affixed, and I do not want to be prejudiced by losing days during processing that might be needed to locate and serve the parties.

Do you have any idea when the documents will be uploaded to the NYSCEF system?

Than you in advance for your time.

Regards,

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Muck Rack Profile
Substack: This is For Real?
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477.32 KB

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10.05 MB