

Richard A. Luthmann
P.O. Box 140622
Staten Island, NY 10314

By US Mail

April 26, 2018

Virginia Lopreto, Esq. (Joint Tortfeasor)
565 Fifth Avenue, 7th Floor
New York, NY 10017
Tel: (212) 888-6106
Fax: (212) 202-4826

Tammara Lynn Moore (Joint Tortfeasor)
700 Victory Boulevard, Apt. 7-L
Staten Island, NY 10301
Tel: (516) 383-7729

**RE: Imminent Civil Action against the Joint Tortfeasors
Come and See**

Dear Ms. LoPreto and Tammara Lynn Moore:

Richard A. Luthmann ("Luthmann") is the Pro Se litigant hereto. Please cease and desist from contacting anyone else on issues pertaining to Luthmann and address all correspondence to the above address.

Luthmann was arrested on December 15, 2017, in connection with Criminal Docket Number 17-664, pending in the United States Court for the Eastern District of New York. Luthmann has professed his innocence as to all charges levied against him.¹ Luthmann presently resides at his mother's home pursuant to the conditions of pre-trial release²

¹ See Watch: Lawyer hails decision as Richard Luthmann is granted bail, SILIVE.COM (<https://bit.ly/2HxVGmi>).

² Luthmann is on "four walls" home confinement. Luthmann cannot open the door to the house, including the side-door entrance, behind a fenced-in enclosure on private property, which is Luthmann's separate entrance. Moreover, no one who lives or resides at the separate front door of the residence is authorized to accept any legal service on Luthmann's behalf, nor is Luthmann legally able, pursuant to the Order of the Magistrate Judge, to retrieve anything affixed to the outside door of the separate entrance. C.P.L.R. service is not possible, nor is it authorized upon Luthmann pursuant to the Order of the

imposed upon Luthmann by Magistrate Judge Scanlon in the Eastern District of New York.³ Luthmann writes this letter to address several issues of grave concern.

Luthmann is the husband of Tammara Lynn Moore ("Tammara").⁴ Since Luthmann's arrest, Tammara has engaged matrimonial counsel (Joint Tortfeasor Virginia LoPreto).⁵ Tammara has avoided attending Luthmann's Bail Hearing under the pre-text of "school" (which was in actuality an "on-line course" with M.I.T.). Tammara is, upon information and belief, coldly cooperating with the Government as against her own husband, Luthmann, who has professed his innocence. Tammara's actions are substantially undertaken because Tammara wishes to "distance" herself from Luthmann; as Tammara seeks current and future hedge fund and/or other financial services employment. Such "distance" is apparently being "blessed" by a memorialization of cooperation from the United States Attorney's Office that is currently prosecuting her husband, Luthmann.

In a transparent "trap" developed in possible coordination with the Government, it appears that Tammara has conditioned the release of Luthmann's personal effects AND sensitive property (including client files) upon Luthmann's agreement that Tammara has "access" and "personal financial materials" on Luthmann's computer that remains in the apartment at 700 Victory Boulevard, Apt. 7-L, Staten Island, New York, 10301 (the "Apartment"), where Luthmann and Tammara once lived together. While Tammara is not Greek, she should not be running around offering "Trojan Horses" as a de facto agent of the Government.

The computer in the Apartment's second bedroom (Luthmann's home office) belongs to Luthmann and/or Luthmann's Law Firm (the "Luthmann Law Firm, PLLC"). The fact that there may be any personal financial materials belonging to Tammara (which there are not) are incidental. There is a high probability that there are attorney-client privileged materials on that computer and it would be inappropriate to give Tammara a copy of that or any hard drive belonging to Luthmann and/or Luthmann's Law Firm.

Also, there are important Fourth Amendment and Attorney-Client Privilege concerns here. While Tammara and her like-minded counsel (Hillary voters) believe that the attorney-client privilege exists as a legal shield only for Hillary's emails and DNC servers, Luthmann takes the position that the attorney-client privilege is alive and well. And as such, Luthmann is compelled to protect the privacy and confidentiality of his former clients, as well as assert the full measure of the privacy rights and liberties

Federal Court, which takes supremacy over New York State Court Rules pursuant to United States Constitution, Article VI, Clause II.

³ Enclosed please see a copy of the United States Magistrate Judge's Order dated February 28, 2018.

⁴ Based on published statements on the Internet (<https://bit.ly/2HRIE6x>), Tammara Lynn Moore is mentally ill.

⁵ Which is Tammara's constitutional right, and Ms. LoPreto (LoPreto) has apparently been retained.

accorded him under the Federal Constitution – rights that appear to be shrinking every day as the tyranny of the unchecked “Deep State” marched onward.

However, as the Government has recently demonstrated that it has little respect for the Attorney-Client Privilege,⁶ and Tammara is so willing to act complicity with governmental miscreants, Luthmann must be vigilant to protect his Fourth Amendment privilege. As there was never any warrant issued search Luthmann’s Apartment AND Luthmann never in any way -WITTINGLY OR UNWITTINGLY - consented to allow Tammara to give the Government access to any evidence, materials, and / or things, tangible and / or intangible, Luthmann does not consent to allow access to Tammara to Luthmann’s computer or to any other things in the Apartment that may, in any way, shape, or form, belong to Luthmann or Luthmann’s law firm. Tammara’s actions to date are threats and bullying at best and smack of the betrayal resident to the Ninth Circle of Dante’s Inferno.

Tammara, educated by her joint tortfeasor attorney and governmental miscreants, knows that most spousal consent searches are valid. Absent an affirmative showing that the consenting spouse has no access to the property searched, the courts generally hold that either spouse may consent to a search of all of the couple’s property. *See, e.g., Trulock v. Freeh*, 275 F.3d 391, 398, 403-04 (4th Cir. 2001) (holding that woman did not have authority to consent to search of computer files of the man with whom she lived, when she had told agents that she did not know the password to access his files); *United States v. Duran*, 957 F.2d 499, 504-05 (7th Cir. 1992) (concluding that wife could consent to search of barn she did not use because husband had not denied her the right to enter barn); *United States v. Long*, 524 F.2d 660, 661 (9th Cir. 1975) (holding that wife who had left her husband could consent to search of jointly-owned home even though husband had changed the locks).

For example, in *United States v. Smith*, 27 F. Supp. 2d 1111 (C.D. Ill. 1998), a man named Smith was living with a woman named Ushman and her two daughters. When allegations of child molestation were raised against Smith, Ushman consented to the search of his computer, which was located in the house in an alcove connected to the master bedroom. Although Ushman used Smith’s computer only rarely, the district court held that she could consent to the search of Smith’s computer. Because Ushman was not prohibited from entering the alcove and Smith had not password-protected the computer, the court reasoned, she had authority to consent to the search. *See id.* at 1115- 16. Even if she lacked actual authority to consent, the court added, she had apparent authority to consent. *See id.* at 1116 (citing *Illinois v. Rodriguez*, 497 U.S. 177 (1990)).

⁶ These are “dangerous” days for lawyer-client relations, according to no less of an authority than Alan Dershowitz, Professor Emeritus of Harvard Law School. (<https://bit.ly/2HWY6OH>). An according to President Donald Trump, the United States’ Chief Law Enforcement Officer: “Attorney-client privilege is dead!” (<https://bit.ly/2KkUIRE>).

Tammara's attempts to gain Luthmann's *de facto* consent to appropriation of Luthmann's property to a Government search smacks of treachery for Tammara and of ethical violations for Tammara's joint tortfeasor attorney, who communicated this not-so-veiled threat to Luthmann's criminal counsel in a phone conversation on April 26, 2018. Moreover, Tammara's attempts to allow Government access to potential evidence as against Luthmann, her innocent spouse, tends to inculcate Tammara as to the public charges of mental illness, which, in the opinions of many, were what led to her termination from Two Sigma Investments, LLC, where she formerly held the position of Vice President.

Importantly, the so-called "Trojan Horse" is merely a smoke-screen for Tammara and her attorney's joint tortious activities that occurred between Wednesday, April 18, 2018, and Monday, April 23, 2018. Tammara had represented through LoPreto that ALL of Luthmann's personal chattel property that remained in the Apartment including, but not limited to clothing, accessories, electronics, and other things for which repeated requests have been made to Tammara for the coordination and provision for Luthmann's agent(s) and/or designee(s) to retrieve the same ("Luthmann's Property"). However, LoPreto failed to communicate to Luthmann and /or Luthmann's attorney's or agents that Luthmann's Property was improperly, vindictively and maliciously strewn across the lobby of the building containing the Apartment beginning on April 21, 2018. As Luthmann's Property, valued in excess of \$75,000.00, was improperly, vindictively, and maliciously strewn across the Apartment building's lobby, waste was caused, and the vast majority of Luthmann's items were stolen. LoPreto admitted – on April 25, 2018 - to Luthmann's counsel that LoPreto failed to properly communicate to Luthmann's counsel that Luthmann's Property was available. As such, when Luthmann's Property was placed in the Apartment building lobby, it was effectively abandoned – and done so negligently, recklessly, improperly, vindictively, and maliciously – resulting in substantial harm, loss, and waste to Luthmann.

PLEASE TAKE NOTICE that commencement of a legal action in the appropriate court of general jurisdiction in the State and City of New York for the negligent, reckless, improper, vindictive, and malicious actions and / or omissions described herein is imminent as against Tammara and LoPreto, the joint tortfeasors.

Luthmann's personal legal materials are also extremely vital to his defense, and have been withheld from his possession since the date of his arrest. As such, please contact Luthmann to make provision for the IMMEDIATE retrieval of ALL of Luthmann's items related to his personal legal defense, if those items have not been improperly, vindictively and maliciously strewn across the public square for all to see and / or steal. Luthmann reserves the right to subpoena Tammara and LoPreto to ascertain the extent of the participation of governmental miscreants in this improper, vindictive and malicious scheme.

Also, as stated above, there are many materials in the Apartment that properly belong to the Luthmann Law Firm, PLLC, including but not limited to equipment, digital materials, and sensitive client information and files. As Tammara was a former employee

of the Luthmann Law Firm, PLLC, Tammara understands her heightened responsibility not to create waste or do any harm to the chattel property of the Luthmann Law Firm, PLLC, or any of its clients. Tammara, for better or worse, has been the de facto custodian responsible for this property since December 15, 2017. It may be best for all involved that Tammara make provision for the IMMEDIATE retrieval of ALL items related to Luthmann's law firm and its clients, which is now in the process of winding down and returning client property. Tammara may write Luthmann to coordinate this task unless and until the Chief Administrative Judge of the New York State Courts and/or the Administrative Judge for the 13th Judicial District Court for Richmond County issue an Order that addresses the same which, to our knowledge to date, has not occurred.

On a personal note, Tammara should know that Luthmann will always remain the Game of Thrones lawyer:

To the traitor and bitch Tammara Lynn Moore,

You have betrayed your own kind and you have betrayed yourself. Vengeance shall be mine, bitch, - through the legal process - come and see.

I want my things back. Send them to me, bitch, and I will not trouble you or your wildling lover, the attorney from the Upper East Side. Keep them from me and I will use all available legal process to salt all the earth that any of you may ever walk upon. You will watch as I seize your hopes and dreams and skin them living - in court documents - come and see.

You will watch as the legions of the #FakeNews media take turns raping what is left of your reputation. You will watch as the dogs of war - incident to the legal process - devour your wild little mind and wish that someone had just spooned your eyes from their sockets. Come and see.

Richard A. Luthmann
Pro Se Litigant

CC: File

Encl.: Order dated 2-28-2018