

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

1:17-CR-00664-RJD-RER

v.

RICHARD LUTHMANN,

Defendant.

-----X

**NOTICE AND DECLARATION IN RESERVATION OF
RIGHTS OF RICHARD LUTHMANN WITH RESPECT TO
EVIDENCE OF UNPRECEDENTED GOVERNMENTAL
AND PROSECUTORIAL MISCONDUCT**

RICHARD LUTHMANN, of sound mind and full age, declares the truth of the following under the penalties of perjury:

1. I am the *Pro Se* Defendant in the above-captioned matter.
2. I am currently under the supervision of the US Probation Office for the Middle District of Florida. Jurisdiction over my *supervision* was transferred to the US District Court for the Middle District of Florida. See United States of America v. Luthmann, 2:22-cr-00021-SPC-NPM-1 (M.D.FL).
3. This Court retains jurisdiction over the Judgment in my case dated October 23, 2019, passed down by the late Judge Weinstein. See ECF # 219.
4. This NOTICE AND DECLARATION is a reservation of my constitutional and statutory rights based on several essential facts showing extraordinary and unprecedented misconduct, the destruction of evidence, and a cover-up by FBI Special Agent Paul Tambrino, Lead Prosecutrix Moria Kim Penza, and others working on behalf of the Government of the United States.

5. These facts include the litigation currently pending in the US District Court for the Eastern District of New York related to the matter of United States v. Raniere, 18-CR-204 (NGG) (VMS), (E.D.N.Y.), and in the US Court of Appeals for the Second Circuit in the matter of United States v. Raniere, No. 20-3520 (2d Cir. 2022). I incorporate those proceedings, particularly the Rule 33 arguments and evidence of shocking Governmental, FBI, and Prosecutorial misconduct by reference:

- a. Dr. J. Richard Kiper: “In my 20 years experience with the FBI, I have never seen data manipulation, evidence tampering anything like this on this scale.
- b. Stacey Eldrich: “I worked in the FBI for about 10 years. It is clear that the photos in this case were planted there.”
- c. Steve Abrams Esq, cyber lawyer: “This is the most serious tampering of evidence that I’ve ever seen.”
- d. Wayne B. Norris expert witness for digital forensics: “It’s inescapable that the FBI proactively created fake evidence.”
- e. Stephen Bunting: Computer Forensics expert. “It was changed while in FBI custody, it was changed, it was modified and was altered.”
- f. William Odom: “In 25 years of digital forensic investigations, five of which was with the FBI, the amount of technical ability and premeditation to perform this fraud in the case against Mr. Raniere – I’ve never seen anything like that.”
- g. Former US Attorney for the Eastern District of Arkansas, Harry Bud Cummins: “This is more than enough to deem this a matter of high priority...

The FBI should immediately get to the bottom of this. The government should not circle the wagons.”

- h. Attorney and Harvard University Law School Professor Alan Dershowitz:
“Multiple experts have concluded that government tampering of digital photos is, at the very least, a highly likely conclusion. If true, this represents a level of corruption that is so unprecedented, so high, by whoever may be responsible. The current situation is simply untenable. There must be immediate action. There should swiftly be an evidentiary hearing that will determine the truth. Appropriate relief may include...dismissal of the indictment on the basis of outrageous government misconduct.

6. I was politically railroaded in this case and will get into that more fully in the future. I believe Hillary Clinton, Former Rep. Joe Crowley, Chuck Schumer, Former Rep Michael E. McMahon¹, and others pushed a political contract through the EDNY to “get Luthmann.” At the time, I was the Law Chair of the New York State Reform Party, the

¹ McMahon became Richmond County, New York (Staten Island) District Attorney on January 1, 2016. Luthmann and his co-defendants Padula and Beck, were all legal objectors and/or political operatives working against McMahon’s candidacy, calling attention to a “Lazarus moment,” where dead Democrats apparently “arose” to sign his ballot access petition. I guess voting Democrat is one way to ensure “life after death”:

“What is to be noted is that the signatures of seven dead people appeared on [McMahon’s] petitions. At least five living people have signed sworn affidavits that their signatures appeared on petitions that they didn’t sign.

Rachel Shapiro, STATEN ISLAND ADVANCE (Aug. 06, 2015), available at: https://www.silive.com/opinion/strictly-political/2015/08/call_it_political_fraud_is_a_s.html

now-defunct “Fifth” ballot access line under New York Election Law. I was a driving force in that party, and if I were not “taken out” by the NYS Democrats with an axe to grind, we would have run a celebrity for Governor on the gubernatorial line in 2018 and kept ballot access. My indictment crippled that party, as was intended. I was canceled.

7. I was screwing with the money and patronage of the NYS Democrat and Conservative Parties. I wasn’t a Republican, so the RINOs didn’t protect me. But everyone in NYS politics knew about the Federal Grand Jury, which was supposed to be secret, including NYS Conservative Party Chairman, the very pompous Jerry Kassar. See the attached **EXHIBIT “A.”** It is concerning that Federal Grand Jury chambers have such “leaky deals.” Maybe the Republican Congress can get to the bottom of this.

8. I got taken out, in part, for filing a dirty trick of a “Pre-Election Surprise” case against Hillary Clinton. A week before the November 8, 2016, election, I claimed (truthfully) “Bill Clinton is a rapist” because I defended my client’s right to free speech. See the attached **EXHIBIT “B.”** Bill and Hillary didn’t like it. But if my activities swayed even a few meaningful votes to keep those killers out of the Oval, I consider the four years I spent in the deep state gulag well worth it. Given a choice and knowing the consequences, I would do it again. I will not shy away from the front lines in defense of liberty.

9. I was referred that case by Roger Stone, a Great American and an expert on Government Fuckery himself. No less prestigious an outlet than New York Magazine reported all about it. See the attached **EXHIBIT “C.”**

10. I was prosecuted for felony “First Amendment Crimes” and “Election Law Violations” involving satire and free speech. Proceedings are also pending in New York

State Supreme Court *People v. Luthmann*, 2022 N.Y. Slip Op. 67767, (N.Y. App. Div. 2022); *People v. Luthmann*, Index No. 379/2018, (N.Y. Sup. Ct. Rich. Cty.).²

11. Left-wing outlet VICE Magazine covered my Indictment. Upon information and belief, the story was fed to them by the Prosecutrix, which is part of her *modus operandi*. **See EXHIBIT “D.”** The report contained all of her bogus talking points, including “Better Call Saul” and allegations of “mafia involvement,” an “Abbot and Costello routine,” which was eventually laughed out of Court by the late Judge Jack B. Weinstein. See the attached **EXHIBIT “E.”**

12. Innocent defendants plead guilty all the time. I am one of them. I had a ravenous, career-advancement-hungry Prosecutrix, whom I believe cheated and violated the US Constitution to secure my conviction. She held all the cards and was looking to put me away for life when I always knew I did nothing wrong. See USDJ Jed S. Rakoff, *Why the Innocent Plead Guilty and the Guilty Go Free: And Other Paradoxes of Our Broken Legal System* (February 16, 2021).

13. Another basis is reviewing the partial file returned by my attorneys, Arthur Aidala and Mario Romano. I am still waiting for the remainder of my file. I first asked in

² In that case, at an August 1, 2018, grand jury proceeding, sitting New York State Supreme Court Justice Ronald Castorina, Jr. committed perjury, suborned by Special Richmond County District Attorney Eric Nelson. Nelson also committed the felony of Unauthorized Practice of Law by knowingly engaging disbarred attorney and federal felon Perry Reich to help illegally circumvent Nelson’s duties as legal advisor to the grand jury. A complaint has been filed with the Public Integrity Unit of New York Attorney General Letitia James’ Office Submission # 1-419121442. The political nature of this criminal misconduct is unprecedented. The perjury of an NYS Supreme Court Justice and the commission of multiple felonies by a Special Prosecutor to secure a felony conviction could only have been the result of massive political pressure. I also reserve my rights to allow these proceedings to run their course because they may also produce evidence of misconduct, improper coordination with Federal Authorities, political contracts, or other issues that may be squarely relevant here.

mid-2021. Romano had a stroke. I just received a partial copy a few days ago, but some vital items are missing and still need to be transmitted. See the attached **EXHIBIT “F.”**

14. My partial review shows what I believe to be FBI Misconduct by Special Agent Paul Tambrino and others. Tambrino filed an FBI CHS Reporting Document on February 7, 2018. The report concerned a meeting with the Government’s Star Witness, Guy G. Cardinale, a five-time felony and alleged pedophile. See the attached **EXHIBIT “G.”**

15. Every other time I met with Cardinale in 2017, the Government had him “wired up” to obtain evidence on their behalf. This time, the Government’s pretext for not having Cardinale “wired up” was that there was a court proceeding that day. I never even made it into the courtroom or the court building. I met with Cardinale in the parking lot, conversed, and got into his car. Once I got into the car, my conversation with Cardinale made the case that the Government was politically contracted to devise against my co-defendants and me nearly impossible to prosecute. I confronted Cardinale about being a pedophile. We discussed an instance where he asked for my help to fix a situation involving an underage child. I refused to help him with his sick and criminal endeavors there. Why would I help him with other illegal activity? I also confirmed that my co-defendant, George Padula, III, was not a “mobster.” I believe I said Padula was “connected to a fork.”

16. These facts didn’t stop the Prosecutrix. Her express train to career advancement would not be derailed. These false facts and others were knowingly included in the Indictment until they were laughed out of this Court by the late Judge Weinstein, as described above.

17. I believe that Cardinale was wired up by the FBI that day, but they destroyed the evidence when they heard how devastating the 7-31-2017 conversation was. I think the Prosecutrix knew all about it. I believe the Prosecutrix knowingly presented false evidence to the Grand Jury to obtain the Indictment in this matter. The Prosecutrix further proffered false evidence to the Court in my Pretrial Detention Memorandum and throughout these proceedings. Thankfully, for the US Constitution, that woman is no longer employed as a prosecutor. All you need to know is that in one of her first cases in private practice at a Democrat Party Law Firm, the Prosecutrix sued Donald Trump. See the attached **EXHIBIT "H."**

18. But the Prosecutrix and FBI Special Agent Paul Tambrino submitted the bogus 2-7-2018 FBI Report once they "legally" eavesdropped on my attorney-client communications and emails while I was warehoused in the Brooklyn Metropolitan Detention Center from December 15, 2017, onward.

19. In December 2017 and January 2018, I implored Attorneys Aidala and Romano that there was FBI misconduct. At the very least, the FBI was missing the recording from 7-31-2017 when I knew I had met Cardinale.³ Where was it?

20. I believe that the FBI, in conjunction with the Prosecutrix, engaged in the destruction of evidence. And further, the bad actors were alerted to the existence of the 7-31-2017 Luthmann recording through the collection of evidence violating the Sixth Amendment right to counsel.

³ Cardinale has never testified under oath in this case and has never been questioned about whether he made a recording on 7-31-2017, or the circumstances around why Special Agent Paul Tambrino magically instructed him not to make a recording on that day when every other meeting in 2017 was "wired up."

21. My ability to meaningfully confer with my attorneys while in the Federal Bureau of Prisons (BOP) custody was nil. I could not speak freely with Romano or Aidala at the Brooklyn Metropolitan Detention Center (MDC-Brooklyn). The BOP monitors and saves all telephonic and e-mail conversations and provides copies to the US Attorneys. I was effectively denied any meaningful ability to confer with and understand counsel because no attorney-client privilege exists. Plus, I believe the Feds bug the attorney meeting rooms.

22. I was hamstrung from freely expressing myself and intelligently questioning and understanding my legal rights and their ramifications. See the attached **EXHIBIT "I."**

23. BOP TRULINCS e-mails do not qualify for the protection of attorney-client privilege. United States v. Mejia, 655 F.3d 126, 133-35 (2d Cir. 2011) (finding that inmate waived attorney-client privilege because the BOP recorded his phone conversation).

24. In the ten-plus (10+) years since Mejia, the BOP has not improved - all phone calls and electronic communication to attorneys are still not privileged and are recorded and monitored by law enforcement. United States v Asaro, 2014 US Dist LEXIS 97396, at *4 [EDNY July 15, 2014, No. 14-Cr-26 (ARR) ("Certainly, it would be a welcome development for BOP to improve TRULINCS so that attorney-client communications could be easily separated from other e-mails and subject to protection.")

25. There is also a Due Process concern because the communication intercepts tipped off the Government and the Prosecutrix that there was a gaping gap surrounding the 7-31-2017 conversation that Luthmann was prepared to drive through to an acquittal. These intercepts were obtained in violation of the Fifth, Sixth, and Ninth Amendments to the United States Constitution. The attorney-client privilege is a common

law right originally reserved to the people at the time of the ratification of the 1791 Amendments in the Bill of Rights. The attorney-client privilege is not merely an evidentiary rule for what the Government may offer before the tribunal. The Court severely punished me for mouthing this constitutional challenge (and invoking then-President Trump) in April 2018. My bail was revoked, and I was remanded, never to see the light of day for several years. See the attached **EXHIBIT “J.”**⁴ (The Government has recently demonstrated that it has little respect for the Attorney-Client Privilege...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>). And according to President Donald Trump, the United States Chief Law Enforcement Officer: “Attorney-client privilege is dead!” (<https://bit.ly/2KkUIRE>)).

26. If the crime was destroying Cardinale’s copy of the 7-31-2017 conversation, the cover-up and further crime are the bogus 2-7-2018 FBI Report.

27. My attorneys, Aidala and Romano, have copies of the 7-31-2017 conversation in their possession. I am still waiting for these copies. I am patient because Attorney Romano recently suffered a stroke. I also have to wait for other legal proceedings to resolve before I can properly make a presentation before this Court.

28. I also fear that, because of my statements here in the reservation of my rights, the Stasi/Deep State/FBI will retaliate against me for the temerity of even speaking of an appeal to the US Constitution for the rights assured to me by the constitutional republic.

⁴ In retrospect, the letter wasn’t the greatest idea. But I’m right.

**PLEA AGREEMENTS BASED UPON UNPRECEDENTED
AND SERIOUS GOVERNMENTAL AND
PROSECUTORIAL MISCONDUCT**

29. A guilty plea is constitutionally valid only to the extent that it is "voluntary" and "intelligent." Brady v. United States, 397 U.S. 742, 748, 25 L. Ed. 2d 747, 90 S. Ct. 1463 (1970). We have long held that a plea does not qualify as intelligent unless a criminal defendant first receives "real notice of the true nature of the charge against him, the first and most universally recognized requirement of due process." Smith v. O'Grady, 312 U.S. 329, 334, 85 L. Ed. 859, 61 S. Ct. 572 (1941).

30. A plea of guilty entered by one fully aware of the direct consequences of the plea is voluntary in a constitutional sense "unless induced by threats (or promises to discontinue improper harassment), misrepresentation (including unfulfilled or unfulfillable promises), or perhaps by promises that are by their nature improper as having no proper relationship to the prosecutor's business (e. g. bribes)." Brady at 755.

31. The Brady rule reinforces the distinct legal and ethical obligations of the Government:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

Berger v. United States, 295 U.S. 78, 88, 55 S. Ct. 629, 79 L. Ed. 1314 (1935); see also Strickler v. Greene, 527 U.S. 263, 281, 119 S. Ct. 1936, 1948 (1999) (discussing how Brady illustrates "special role played by the American prosecutor"); United States v. Rodriguez, 496 F.3d 221, 225 (2d Cir. 2007)(same). These obligations prevent the Government from exploiting its position to obtain an unfair advantage. United States v. Mahaffy, 693 F.3d 113, 134 (2d Cir. 2012) ("Brady violations obscure a trial's truth-seeking function and, in so doing, place criminal defendants at an unfair disadvantage. When the Government impermissibly withholds Brady material, 'its case is much stronger, and the defense case much weaker, than the full facts would suggest.'") (quoting Kyles v. Whitley, 514 U.S. 419, 429, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995)) (internal alterations omitted).

32. The instant circumstances are apparent exceptions to the general rule that a guilty plea generally extinguishes claims of any "antecedent constitutional violation." United States v. Bruce, 488 U.S. 563, 569, 109 S.Ct. 757, 102 L.Ed.2d 927 (1989); Tollett v. Henderson, 411 U.S. 258, 93 S.Ct 1602, 36 L.Ed.2d 235 (1973).

33. Recent applications of this principle include United States v. Fisher, 711 F.3d 460 (4th Cir. 2013), and Ferrara v. United States, 456 F.3d 278 (1st Cir. 2006). Both Fisher and Ferrera involved egregious governmental conduct.

34. In Fisher, a DEA Agent lied about the source of information used to obtain a warrant as part of a larger pattern of self-enriching criminal activity. 711 F.3d at 463.

35. In Ferrera, members of the prosecution knowingly withheld and then manipulated evidence that the defendant had not ordered a murder he pled guilty to committing. 456 F.3d at 281-86.

36. If the Raniere claims are correct and the lead Prosecutrix was aware of FBI creation, fabrication, tampering, and destruction of evidence, the Government would bear the burden of proof as to why the Plea Agreement and the Indictment should not be subject to complete and total *vacatur* with prejudice. The presumption of regularity that attaches to each and every one of her prosecutions (including mine) is lost.

37. Did the FBI engage in misconduct in my case? I believe so. And the Prosecutrix knew all about it and encouraged it for her personal career advancement motives.

38. In the Second Circuit, the Prosecutrix's constructive knowledge extends to those individuals who are "an arm of the prosecutor" or part of the "prosecution team." United States v. Gil, 297 F.3d 93, 106 (2d Cir. 2002); United States v. Morell, 524 F.2d 550, 555 (2d Cir. 1975); United States v. Bin Laden, 397 F. Supp. 2d 465, 481 (S.D.N.Y. 2005). Whether someone is part of the prosecution team depends on the level of interaction between the prosecutor and the agency or individual. See United States v. Locascio, 6 F.3d 924, 949 (2d Cir. 1993); Pina v Henderson, 752 F.2d 47, 49 (2d Cir. 1985) (holding that a prosecutor's constructive knowledge did not extend to a parole officer who "did not work in conjunction with either the police or the prosecutor" but did extend to a police officer who was the investigating officer on the case); Morell, 524 F.2d 550, 555 (2d Cir. 1975); Bin Laden, 397 F. Supp. 2d at 481. Thus, investigating case agents are part of the prosecution team. Bin Laden, 397 F. Supp. 2d at 481.

39. FBI Special Agent Paul Tambrino was clearly part of the Prosecutrix's team.

40. I also wish the Court to take notice of ECF # 239. My co-defendant, George Padula, III, has previously brought to the Court's attention allegations of the Prosecutrix's misconduct before the Grand jury that rise to the level of violations of the Fifth Amendment's Grand Jury Clause. I believe that the Indictment against me is fatally flawed by the Government and the Prosecutrix's misconduct, which activity may be criminal and is subject to *vacatur* with prejudice.

ACTUAL INNOCENCE

41. I am actually innocent of all the charges against me. The entire indictment was a political contract and "hit-job," instituted by a bent Acting US Attorney seeking to curry political favor for her soft landing into private practice and pressed forward by career-advancement-hungry Prosecutrix, whom I believe cheated and violated the US Constitution to secure my conviction.

42. The Plea Colloquy also establishes my actual innocence of the Government's charges. Once the *Raniero* proceedings have run their course, I intend to file a comprehensive motion. But in short, at the Plea Colloquy and again at Sentencing, the Court accepted an insufficient factual allocution to justify the crimes pleaded to. Concerning the wire fraud, I stated that I *represented clients who had committed fraud*. I never said I was part of the fraud or made any criminal agreement.

43. Moreover, the Plea Colloquy does contain a sufficient allocution to the extortionate credit conspiracy. The Magistrate Judge was even unsure from his statements from the bench.

44. I reserve the right to address all the issues raised herein upon the resolution of critical issues by the courts.

Conclusion

45. For the reasons stated *supra.*, the Court should respect this NOTICE AND DECLARATION, reserving my rights. The Court should consider this pleading when an appropriate motion is filed for the Court's consideration once the outstanding matters described above have been resolved.

Dated: Naples, Florida
January 18, 2023

Respectfully submitted,


Richard Luthmann*

*Signed under penalties of perjury contained in Title 18 of the United States Code.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

1:17-CR-00664-RJD-RER

v.

RICHARD LUTHMANN,

Defendant.

-----X

CERTIFICATION OF SERVICE

RICHARD LUTHMANN, of full age and sound mind, declares as follows under the penalties of perjury contained in the US Code:

1. I am the Defendant in the above-captioned matter.
2. I served the following parties with a copy of the enclosed NOTICE AND DECLARATION IN RESERVATION OF RIGHTS OF RICHARD LUTHMANN WITH RESPECT TO EVIDENCE OF UNPRECEDENTED GOVERNMENTAL AND PROSECUTORIAL MISCONDUCT, by mailing the papers to the person at the address designated by them for that purpose by depositing the same in a first-class, postpaid, properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service, the addressees as indicated below:

United States Attorney for the
Eastern District of New York
271 Cadman Plaza East
Brooklyn NY 11201

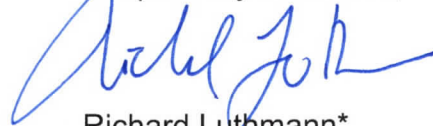
Mario Romano, Esq.
8118 13th Avenue
Brooklyn, NY 11228

Arthur Aidala, Esq.
546 5th Avenue, 6th Floor
New York, NY 10036

Honorable General Letitia James
Attorney General of the State of New York
Office of the Attorney General
The Capitol
Albany, NY 12224-0341
RE: NYAG Submission #1-419121442

Dated: Naples, Florida
January 18, 2023

Respectfully submitted,



Richard Luthmann*

*Signed under penalties of perjury contained in Title 18 of the United States Code.

EXHIBIT A



← 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

3

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

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gerardkassar @gerar... Following
Chairman, NYS Conservative Party

Richard Luthmann @rluthmann

What's happening

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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

#Girls5eva
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Promoted by Peacock

Technology · Trending
Venmo
Trending with Tip Jar

Trending in United States
Mayor Bottoms
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Messages



EXHIBIT B



RAPE

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

-----X

MARK GALLAGHER, a natural person,

Index No.

Plaintiff,

-against-

SUMMONS

NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C.,
TISHMAN SPEYER, XYZ BUSINESS ENTITES 1-10,
said names being fictitious name placeholders for
actual related and/or affiliated entities with NBC
UNIVERSAL, INC., RCPI HOLDCO, L.L.C., and/or
TISHMAN SPEYER, whose actual identities will be
ascertained hereafter, NBC UNIVERSAL GOONS
1-10, said names being fictitious name placeholders
for actual goons in the employ and/or under the
dominion and control of NBC UNIVERSAL, INC.,
RCPI HOLDCO, L.L.C., and/or TISHMAN SPEYER,
whose actual identities will be ascertained hereafter,

Defendants.

-----X

SIRS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to
serve a copy of your answer, or, if the complaint is not served with this summons, to serve
a notice of appearance, on Plaintiffs attorney within 20 days after service of this summons,
exclusive of the day of service (or within 30 days after service is complete if this summons
is not personally delivered to you within the State of New York); and in the case of your
failure to appear or answer, judgment will be taken against you by default for the relief
demanded in the complaint.

The basis of venue is that the situs of the occurrences detailed in the complaint is
New York County.

PLEASE TAKE FURTHER NOTICE: SPOLITAION NOTICE: You are advised that you are under a legal duty to maintain, preserve, retain, protect, and not destroy any and all documents, data and things, tangible and intangible, electronic and hard copy that may be relevant to the Plaintiff, MARK GALLAGHER, to the Plaintiff's interaction with the named defendants and any and all related and/or affiliated persons, natural or legal, related to the allegations in the enclosed complaint. The failure to preserve and retain any and all relevant documents, data and things, may constitute spoliation of evidence which will subject you to legal claims for damages and/or evidentiary and monetary sanctions.

DATED: Staten Island, New York
November 1, 2016

Yours, etc.,

THE LUTHMANN LAW FIRM, PLLC



By: _____

Richard A. Luthmann

1811 Victory Boulevard
Staten Island, NY 10314
Tel: (718) 447-0003
Fax: (347) 252-0254
ruthmann@luthmannfirm.com

TO: NBC UNIVERSAL
C/O CT CORPORATION SYSTEM
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

TISHMAN SPEYER
C/O NATIONAL REGISTERED AGENTS, INC.
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

RCPI HOLDCO, L.L.C.
C/O NATIONAL REGISTERED AGENTS, INC.
111 EIGHTH AVENUE
NEW YORK, NEW YORK, 10011

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

-----X

MARK GALLAGHER, a natural person,

Plaintiff,

-against-

NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C.,
TISHMAN SPEYER, XYZ BUSINESS ENTITES 1-10,
said names being fictitious name placeholders for
actual related and/or affiliated entities with NBC
UNIVERSAL, INC., RCPI HOLDCO, L.L.C., and/or
TISHMAN SPEYER, whose actual identities will be
ascertained hereafter, NBC UNIVERSAL GOONS
1-10, said names being fictitious name placeholders
for actual goons in the employ and/or under the
dominion and control of NBC UNIVERSAL, INC.,
RCPI HOLDCO, L.L.C., and/or TISHMAN SPEYER,
whose actual identities will be ascertained hereafter,

Defendants.

-----X

Index No.

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff MARK GALLAGHER, a natural person, by and through their undersigned attorneys, the Luthmann Law Firm, PLLC, for their complaint against the defendants herein hereby allege as follows:

PRELIMINARY STATEMENT

1. This action is brought on behalf of MARK GALLAGHER (“GALLAGHER”), a natural person, who was, for lack of a better term “roughed up” by the “GOON SQUAD” from NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER and others, simply because MARK GALLAGHER was present at the NBC UNIVERAL, INC.’s production “THE TODAY SHOW” on October 13, 2016, simply for being a known Donald Trump supporter, outraged by the conduct of Bill Clinton, a rapist.

2. Reminiscent of Hilter's SS and their hooded "final exits", the GOON SQUAD descended upon GALLAGHER while he was speaking with two nice ladies from Louisiana about their dogs. The GOON SQUAD caused GALLAGHER substantial injury (**SEE EXHIBIT "A"**) solely because GALLAGHER was suspected of being a Donald Trump supporter outraged by the conduct of Bill Clinton, a rapist.

THE PARTIES AND VENUE

3. Plaintiff, MARK GALLAGHER, a natural person, is a social worker who works for the betterment of the lives of special needs adults and children and is a resident of the State of New Jersey.

4. Defendant, NBC UNIVERSAL, INC., is a corporation that operates in the State of New York and that can be served at C/O CT CORPORATION SYSTEM, 111 EIGHTH AVENUE, NEW YORK, NEW YORK, 10011.

5. Defendant, RCPI HOLDCO, L.L.C., is a corporation that operates in the State of New York and that can be served at C/O NATIONAL REGISTERED AGENTS, INC., 111 EIGHTH AVENUE, NEW YORK, NEW YORK, 10011.

6. Defendant, TISHMAN SPEYER, is a corporation that operates in the State of New York and that can be served at C/O NATIONAL REGISTERED AGENTS, INC., 111 EIGHTH AVENUE, NEW YORK, NEW YORK, 10011.

7. Defendants, XYZ BUSINESS ENTITIES 1-10 are fictitious placeholder names for actual related and/or affiliated entities with defendants NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., and/or TISHMAN SPEYER.

8. Defendants, XYZ BUSINESS ENTITIES 1-10 are fictitious placeholder names for actual goons in the employ and/or under the dominion and control of NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., and/or TISHMAN SPEYER.

9. Venue is proper in the County of New York because the situs of the occurrences detailed in the complaint is New York County.

FACTS COMMON TO ALL COUNTS

10. GALLAGHER is a social worker who lives in New Jersey and who works with special needs adults and children.

11. GALLAGHER was motivated pay off his college debt by collecting money from Alex Jones, a Great American, who runs the website and newsgathering and reporting outlet www.infowars.com.

12. In order to raise awareness for the fact that BILL CLINTON IS A RAPIST (**SEE EXHIBIT "B"**) Alex Jones, a Great American, offered an incentive program for all of the loyal followers of his website and newsgathering and reporting outlet www.infowars.com.

13. The incentive program offered monetary compensation for any person that could raise awareness of the fact that BILL CLINTON IS A RAPIST on national television by wearing a tee shirt informing the populace of "BILL CLINTON" and "RAPE". **SEE EXHIBIT "C"**.

14. Alex Jones, a Great American, offers \$1,000 to anyone who wears the shirt on national television visible for greater than five (5) seconds. <http://www.infowars.com/update-bill-clinton-rape-promotion/>

15. Alex Jones, a Great American, offers \$5,000 to anyone who wears the shirt on national television and says "Bill Clinton is a rapist" heard audibly. <http://www.infowars.com/update-bill-clinton-rape-promotion/>

16. GALLAGHER believes Bill Clinton is a rapist.

17. GALLAGHER is a fan of Donald Trump.

18. On October 12, 2016, GALLAGHER appeared on ABC's GOOD MORNING AMERICA with the BILL CLINTON IS A RAPIST T-SHIRT visible for greater than five (5) seconds. <https://youtu.be/sLWYUxeFrKE?t=4m5s>

19. GALLAGHER stands to collect \$1,000 from Alex Jones for the appearance on ABC's GOOD MORNING AMERICA.

20. The security personnel at ABC's GOOD MORNING AMERICA reacted to GALLAGHER.

21. The security personnel at ABC's GOOD MORNING AMERICA reacted to GALLAGHER in a reasonable manner.

22. The security personnel at ABC's GOOD MORNING AMERICA reacted to GALLAGHER in a reasonable manner by escorting GALLAGHER from the ABC's GOOD MORNING AMERICA premises.

23. The security personnel at ABC's GOOD MORNING AMERICA reacted to GALLAGHER in a reasonable manner by escorting GALLAGHER from the ABC's GOOD MORNING AMERICA premises without placing their hands upon GALLAGHER.

24. The security personnel at ABC's GOOD MORNING AMERICA reacted to GALLAGHER in a reasonable manner by escorting GALLAGHER from the ABC's GOOD MORNING AMERICA premises without injuring GALLAGHER in any way.

25. On October 13, 2016, GALLAGHER attempted to be an audience member at NBC UNIVERSAL, INC.'s production "THE TODAY SHOW".

26. On October 13, 2016, GALLAGHER attempted to be an audience member at NBC UNIVERSAL, INC.'s production "THE TODAY SHOW" held at the Premises at 1260 Avenue of the Americas, New York, New York (the "Premises").

27. On October 13, 2016, GALLAGHER attempted to be an audience member at NBC UNIVERAL, INC.'s production "THE TODAY SHOW" held at the Premises at 1260 Avenue of the Americas, New York, New York, owned by RCPI HOLDCO, L.L.C. **SEE EXHIBIT "D"**.

28. On October 13, 2016, GALLAGHER attempted to be an audience member at NBC UNIVERAL, INC.'s production "THE TODAY SHOW" held at the Premises at 1260 Avenue of the Americas, New York, New York, managed by TISHMAN SPEYER.

29. The Premises at 1260 Avenue of the Americas, New York, New York, are patrolled by a "GOON SQUAD" employed and/or under the dominion and control of NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER and others (the "GOON SQUAD" or the "NBC UNIVERSAL GOONS" and each an "NBC UNIVERSAL GOON").

30. Upon information and belief, said GOON SQUAD serves as the personal security detail for liberal douche ALEC BALDWIN from time to time. **SEE EXHIBIT "E"**.

31. GALLAGHER entered the fenced-in area on the Premises where guests and/or audience members and/or invitees of NBC UNIVERAL, INC.'s production "THE TODAY SHOW" gather each morning in the background while the show airs live.

32. GALLAGHER entered the fenced-in area on the Premises where guests and/or audience members and/or invitees of NBC UNIVERAL, INC.'s production "THE TODAY SHOW" gather each morning in the background while the show airs live, while wearing a sweater.

33. GALLAGHER entered the fenced-in area on the Premises where guests and/or audience members and/or invitees of NBC UNIVERAL, INC.'s production "THE TODAY SHOW" gather each morning in the background while the show airs live, while wearing a sweater and while no "Bill Clinton is a rapist" shirt was visible.

34. At no relevant time when GALLAGHER entered the fenced-in area on the Premises where guests and/or audience members and/or invitees of NBC UNIVERAL, INC.'s production "THE TODAY SHOW" gather each morning in the background while the show airs live was GALLAGHER visibly wearing a "Bill Clinton is a rapist" shirt.

35. While speaking with two ladies from Louisiana about their dogs, GALLAGHER was manhandled by the GOON SQUAD.

36. At all relevant times after GALLAGHER was speaking with two ladies from Louisiana about their dogs, GALLAHER was manhandled by the GOON SQUAD, causing him substantial injuries.

37. At all relevant times after GALLAGHER was speaking with two ladies from Louisiana about their dogs, GALLAHER was manhandled by the GOON SQUAD and said interaction between GALLAGHER and the GOON SQUAD was captured on camera by the NBC UNIVERAL, INC.'s production "THE TODAY SHOW".

38. At all relevant times after GALLAGHER was speaking with two ladies from Louisiana about their dogs, GALLAHER was manhandled by the GOON SQUAD and said interaction between GALLAGHER and the GOON SQUAD was captured on camera by the NBC UNIVERAL, INC.'s production "THE TODAY SHOW" and remains in the possession, dominion and/or control of NBC UNIVERAL, INC. and/or its related or affiliated entites.

39. One member of the GOON SQUAD grabbed GALLAGHER by his arm.

40. One member of the GOON SQUAD grabbed GALLAGHER by his neck.

41. All members of the GOON SQUAD appeared to GALLAGHER to be at least 6 foot tall and 250 pound goons.

42. The members of the GOON SQUAD attempted to forcibly exit GALLAGHER from the Premises.

43. The members of the GOON SQUAD attempted to forcibly exit GALLAGHER from the Premises by dragging GALLAGHER to a metal barrier on the Premises.

44. The number of members of the GOON SQUAD that manhandled GALLAGHER began at two (2) and grew to four (4) or five (5).

45. After the members of the GOON SQUAD had succeeded to exit GALLAGHER from the Premises, the members of the GOON SQUAD had attempted to tackle GALLAGHER to the ground.

46. After the members of the GOON SQUAD had succeeded to exit GALLAGHER from the Premises, the members of the GOON SQUAD had attempted to tackle GALLAGHER to the ground, forcing the scrum of persons into the street.

47. After the members of the GOON SQUAD had succeeded to exit GALLAGHER from the Premises, the members of the GOON SQUAD had attempted to tackle GALLAGHER to the ground, forcing the scrum of persons into the street where the scrum of persons was struck by a car.

48. After the members of the GOON SQUAD had succeeded to exit GALLAGHER from the Premises, the members of the GOON SQUAD had attempted to tackle GALLAGHER to the ground, forcing the scrum of persons into the street where the scrum of persons was struck by a car causing the scrum of persons to hit the ground.

49. At no relevant time while at the Premises did GALLAGHER take his sweater off.

50. At no relevant time while at the Premises did GALLAGHER reveal the "Bill Clinton is a rapist" shirt.

51. Shortly after the time the scrum that was comprised of the GOON SQUAD and GALLAGHER hit the ground, GALLAGHER was struck in the back of the head with a security radio.

52. Shortly after the time the scrum that was comprised of the GOON SQUAD and GALLAGHER hit the ground, GALLAGHER was struck in the back of the head by a member of the GOON SQUAD's knee.

53. GALLAGHER was delivered by the GOON SQUAD to NYPD Counter-Terrorism Officers.

54. GALLAGHER was delivered by the GOON SQUAD to NYPD Counter-Terrorism Officers who said "DO WE NEED TO TAZE YOU?"

55. Upon being delivered by the GOON SQUAD to NYPD Counter-Terrorism Officers who said "DO WE NEED TO TAZE YOU?", GALLAGHER gave himself up so he would not be tazed.

56. After being delivered by the GOON SQUAD to NYPD Counter-Terrorism Officers, GALLAGHER was charged with criminal trespass.

57. GALLAGHER was roughed up by the GOON SQUAD leaving GALLAGHER with bruises on his hands, arms and torso.

58. GALLAGHER was roughed up by the GOON SQUAD leaving GALLAGHER with lumbar and pelvic sprains.

59. GALLAGHER was roughed up by the GOON SQUAD causing GALLAGHER severe and substantial neck pain and injury that bothers GALLAGHER continuously.

60. GALLAGHER was roughed up by the GOON SQUAD causing GALLAGHER severe and substantial pain and injury to GALLAGHER's left shoulder blade that bothers GALLAGHER continuously.

61. GALLAGHER was roughed up by the GOON SQUAD causing GALLAGHER severe and substantial pain and injury to GALLAGHER's right side ribs.

62. GALLAGHER was roughed up by the GOON SQUAD causing GALLAGHER severe and substantial pain and injury to GALLAGHER's right ankle.

63. GALLAGHER was roughed up by the GOON SQUAD causing GALLAGHER severe and substantial pain and injury to GALLAGHER's lower back.

64. The rules while on the Premises are "Please refrain from using political statements, commercial promotions or profanity", according to the website of the NBC UNIVERSAL, INC.'s production "THE TODAY SHOW". **SEE EXHIBIT "F"**.

65. At no time while he was at the Premises did GALLAGHER use political statements, commercial promotions or profanity.

66. The GOON SQUAD used unnecessary roughness to remove GALLAGHER from the Premises.

67. The GOON SQUAD used unnecessary roughness to take GALLAGHER down.

68. The GOON SQUAD said only that GALLAGHER must leave while they manhandled GALLAGHER.

69. The GOON SQUAD said only that GALLAGHER must leave while they manhandled GALLAGHER to which GALLAGHER said 'Why must I leave? I didn't do anything wrong.'

70. With respect to his presence at the Premises, GALLAGHER did nothing wrong.

71. With respect to his presence at the Premises, GALLAGHER was unreasonably targeted and/or manhandled and/or unreasonably removed and/or caused to be arrested.

72. With respect to his presence at the Premises, GALLAGHER was unreasonably targeted and/or manhandled and/or unreasonably removed and/or caused to be arrested by the GOON SQUAD in such a manner that was extreme, outrageous, reckless, willful, wanton and in total disregard for the health and/or safety of GALLAGHER.

73. With respect to his presence at the Premises, GALLAGHER was unreasonably targeted and/or manhandled and/or unreasonably removed and/or caused to be arrested because GALLAGHER was a Trump supporter.

74. With respect to his presence at the Premises, GALLAGHER was unreasonably targeted and/or manhandled and/or unreasonably removed and/or caused to be arrested because NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER and others failed to adequately train the GOON SQUAD, its employees and/or those under their respective dominion and control.

75. GALLAGHER has sustained severe, substantial and serious injuries as a result of the actions and/or omissions of NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER and others, including the GOON SQUAD.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND
AGAINST ALL NBC UNIVERAL GOON DEFENDANTS, BASED ON THE
UNREASONABLE USE OF FORCE, ASSAULT AND BATTERY, PLAINTIFF
ALLEGES AS FOLLOWS UPON INFORMATION AND BELIEF**

76. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

77. The actions of the NBC UNIVERAL GOON defendants, and each of them, on manhandling, seizing, touching, striking, choking, detaining, placing their hands upon plaintiff in the course thereof, subjecting plaintiff to unreasonable and unjustifiable arrest, placing their hands upon plaintiff in the course thereof, and in detaining plaintiff without cause and for an impermissible period, all constitute the use of unreasonable force, assault and battery upon the plaintiff.

78. As a result of Defendants' actions as aforesaid, Plaintiff was harmed in his person, suffered severe, serious and substantial personal injuries, was publicly embarrassed and humiliated, put in fear of Plaintiff's health and safety, put in fear of further assault and pain, was caused great, ongoing, and permanent anxiety, was caused to feel pathological fear of security personnel, and was otherwise caused severe emotional distress, all to Plaintiff's injury in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF
AND AGAINST ALL DEFENDANTS, BASED ON CONCERTED ACTION
LIABILITY - CONSPIRACY**

79. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

80. The defendants, and each of them, in performing the acts and actions complained of herein and above, acted in concert and in conspiracy to commit assault and battery upon Plaintiff and to otherwise injure him as set forth herein and above.

81. The defendants, and each of them, aware of the reasonable foreseeability of actions complained of herein and above by the NBC UNIVERSAL GOONS, acted in concert and in conspiracy to commit assault and battery upon Plaintiff and to otherwise injure him as set forth herein and above.

82. There was an understanding as between two or more of the Defendants.

83. Defendants committed overt acts in furtherance of the understanding, including but not limited to the assault and battery committed upon Plaintiff.

84. Defendants intentionally participated in the furtherance of the plan not limited to the assault and battery committed upon Plaintiff

85. As a result of Defendants' actions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF PLAINTIFF
AND AGAINST ALL DEFENDANTS, BASED ON CONCERTED ACTION
LIABILITY –AIDING AND ABETTING**

86. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

87. The defendants, and each of them, in performing the acts and actions complained of herein and above, acted in concert and in conspiracy to commit assault and battery upon Plaintiff and to otherwise injure him as set forth herein and above.

88. The defendants, and each of them, aware of the reasonable foreseeability of actions complained of herein and above by the NBC UNIVERSAL GOONS, acted in substantial assistance or encouragement of the NBC UNIVERSAL GOONS to commit assault and battery upon Plaintiff and to otherwise injure him as set forth herein and above.

89. As a result of Defendants' actions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND
AGAINST NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER, XYZ
BUSINESS ENTITIES DEFENDANTS, BASED ON NEGLIGENT HIRING,
SUPERVISION OR RETENTION**

90. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

91. That the NBC UNIVERSAL GOONS are tortfeasor employees of Defendants NBC UNIVERSAL, INC., RCPI HOLDCO, L.L.C., TISHMAN SPEYER and/or XYZ BUSINESS ENTITIES (“Defendant-Employers”).

92. The Defendant-Employers and the tortfeasor employees were in employer-employee relationship.

93. The Defendant-Employers knew of the tortfeasor employees' propensity to commit the tortious act or should have known of such propensity had the Defendant-Employers conducted an adequate hiring procedure.

94. The Defendant-Employers hired, supervised and/or retained the tortfeasor employees despite their propensity to commit the tortious acts.

95. The plaintiff suffered damages proximately caused by the Defendant-Employers' negligent hiring or supervision.

96. The tort was committed on Defendant-Employers' Premises and/or using Defendant-Employers' instrumentalities.

97. As a result of Defendants' actions and omissions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND
AGAINST ALL DEFENDANTS – ABUSE OF PROCESS**

98. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

99. Defendants availed themselves of regularly issued process, the criminal arrest procedure.

100. Defendants availed themselves of regularly issued process, the criminal arrest procedure, with intent to do harm without excuse or justification.

101. Defendants availed themselves of regularly issued process, the criminal arrest procedure, with intent to do harm without excuse or justification in order to obtain a collateral objective that is outside the legitimate ends of the process.

102. As a result of Defendants' actions and omissions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

AS AND FOR A SIXTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND AGAINST NBC UNIVERSAL GOONS DEFENDANTS – FALSE IMPRISONMENT

103. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

104. That the NBC UNIVERSAL GOON Defendant intended to confine the plaintiff.

105. That the Plaintiff was conscious of the confinement.

106. That the Plaintiff did not consent to the confinement.

107. That the confinement was not otherwise privileged.

108. That as a result of Defendants' actions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

AS AND FOR A SEVENTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND AGAINST ALL DEFENDANTS – NEGLIGENCE

109. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

110. Defendants owed a duty to plaintiff to protect the plaintiff from a particular injury or damage sustained at the Premises and immediately outside the Premises.

111. Defendant breached this duty.

112. Defendant's breach was the proximate cause of injury or damage to plaintiff.

113. As a result of Defendants' actions and omissions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR AN EIGHTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND
AGAINST ALL DEFENDANTS – PREMISES LIABILITY**

114. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

115. Defendants owed a duty to plaintiff to protect the plaintiff from a particular injury or damage sustained at the Premises and immediately outside the Premises.

116. Defendants owed a duty to plaintiff to protect the plaintiff and keep the plaintiff safe at the Premises and immediately outside the Premises.

117. Defendant breached this duty.

118. Defendant's breach was the proximate cause of injury or damage to plaintiff.

119. As a result of Defendants' actions and omissions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

**AS AND FOR A NINTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF AND
AGAINST ALL DEFENDANTS – PRIMA FACIE TORT**

120. Plaintiff repeats and reiterates all of the allegations set forth in all paragraphs above, inclusive, as if the same were again fully set forth hereat.

121. Defendants have engaged in the intentional infliction of harm as against Plaintiff.

122. That the intentional infliction of harm as against Plaintiff resulted in special damages,

123. That the intentional infliction of harm as against Plaintiff was without any excuse or justification.

124. That the intentional infliction of harm as against Plaintiff was accomplished by an act or series of acts which would otherwise be lawful.

125. That malevolence for the Plaintiff was the sole motive for defendant's otherwise lawful act.

126. As a result of Defendants' actions as aforesaid, Plaintiff was injured in an amount to be determined by the trier of fact greater than the minimum jurisdictional amounts of this court, but not less than THREE MILLION AND NO/100 (\$ 3,000,000.00) DOLLARS.

JURY TRIAL DEMANDED

127. Plaintiff demands a jury trial on all issues.

WHEREFORE, in light of the foregoing, plaintiff demands judgment on his various claims as follows:

A. On each of Plaintiff's NINE causes of action, the sum of THREE MILLION AND NO/100 (\$ 3,000.000.00) DOLLARS, to be allocated among the defendants as the trier of fact may appropriately determine; and

B. On each of Plaintiff's causes of action, punitive damages to be awarded in a sum of not less than \$ FIFTY MILLION AND NO/100 (\$ 50,000.000.00) DOLLARS, to be allocated among the defendants as the trier of fact may appropriately determine; and

C. On each of the above causes of action, attorneys' fees and the costs and disbursements of this action.

DATED: Staten Island, New York
November 1, 2016

Respectfully submitted,

THE LUTHMANN LAW FIRM, PLLC



By: _____
Richard A. Luthmann
1811 Victory Boulevard
Staten Island, NY 10314
Tel: (718) 447-0003
Fax: (347) 252-0254
ruthmann@luthmannfirm.com

VERIFICATION

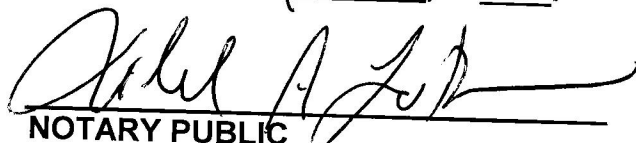
State of New York

County of Richmond ss.:

MARK GALLAGHER, being duly sworn, deposes and says: I am the Plaintiff in this matter. I have read the foregoing pleadings to be submitted to the Court and know the contents to be true to my own knowledge, except for those matters alleged to be on information and belief, and as to those matters, I believe them to be true.


MARK GALLAGHER

Sworn to before me this 1st day
of November, 2016.


NOTARY PUBLIC

RICHARD A LUTHMANN
NOTARY PUBLIC
STATE OF NEW YORK
REG. NO: 02LU6235872
COMM. EXP: FEB. 14, 2019

EXHIBIT C



CRIME | 8:00 A.M.

Trolled Lawyer Richard Luthmann was a Roger Stone-worshipping member of the Staten Island

political scene. Then the fake Facebook posts began.

By James D. Walsh

Richard Luthmann as he appeared on the cover of the *Post*. Photo-Illustration: Intelligencer. Photo: Richard Luthmann/Facebook

Late one night in December 2017, Richard Luthmann and his wife settled into their Staten Island living room to watch a movie. Lately, Luthmann, a 38-year-old attorney, had been staying up all hours of the night, stoked by scotch and cocaine, pounding out legal briefs and public-relations work. But that night, Luthmann decided to watch *Get Me Roger Stone*, a documentary about the infamous strategist whose career Donald Trump had revived. Luthmann chose the film not only because he was friends with one of its producers, local political activist Frank Morano, but also because Luthmann considered himself something of a dirty trickster.

For the better part of the previous two years, Luthmann had been a pariah of Staten Island's political scene. Using social media and spurious court filings, he had targeted local politicians of all stripes. He created fake Facebook and Twitter accounts that impersonated political candidates and power brokers, chumming for voter outrage — like the page he created for a state-assembly candidate on the South Shore, arguably the city's most conservative district, that read, "Mayor Bill de Blasio is right! We need a homeless shelter in Annadale!" Or the page he created for a city councilwoman, bragging about the "SRO Welfare Hotel full of Criminals and Drug Addicts" she planned to develop.

"I'm not a likeable guy, I know that. Do I really care? Not at all," Luthmann told me. "I was the Roger Stone of Staten Island. I was behind every campaign."

To the discerning voter, Luthmann's fake pages might have read as parody. But the 2016 election had shone a light on the destructive role social media could play in politics, and many Americans were demanding consequences. By the time Luthmann sat down to watch *Get Me Roger Stone*, the film's titular figure was under investigation by Special Counsel Robert Mueller. Luthmann himself had wreaked enough havoc on Staten Island to inspire a string of investigative stories by local news outlet NY1. To Luthmann, the stories had been politically motivated hit jobs and, in response, he had filed a defamation suit against NY1, its reporter, and her sources — but not before a Richmond County judge, at the Staten Island district attorney's request, had appointed a special prosecutor to look into Luthmann's fake accounts.

Still, as Luthmann's eyes grew heavy in front of the television, he was at ease, confident enough in his actions and understanding of the law to know that there was no way a special prosecutor's investigation could lead to an indictment. He fell into a deep sleep, unaware that federal investigators had been looking into more than his fake accounts or that he would soon be awoken by FBI agents pounding on his door. He certainly didn't know that he would be the first person in the country to be indicted for impersonating politicians on social media.

"Legally, you can deploy social media as long as you're going after someone who is a public figure. You have a First Amendment protection," Luthmann said. "At least that's what I thought."

Before he was a pariah, Luthmann was a rising star on Staten Island. He grew up in Eltingville on the South Shore, where he was raised mostly by his mother, a real-estate broker. Luthmann was drawn to politics as a kid, but he never won a race for class office. "I didn't learn how to do dirty tricks then, so I had a distinct disadvantage," he told me.

He earned his bachelor's degree at Columbia University before attending New York Law School in Tribeca, commuting every day on the ferry from his childhood home.

"It was obvious from the first time I saw him speak in one of our classes that he was very brilliant," said Olivier Vallez, a business consultant and classmate of Luthmann's at New York Law School. "He had been a philosophy major at Columbia, and a lot of the core classes in law school are theory based. So he would get into debates in the middle of a class of 150 students, quote Nietzsche, and have these deep philosophical arguments that created a love-hate relationship with professors."

After law school, Luthmann received a master of laws degree from the University of Miami and spent a few years in South Florida working for a group of international banks and insurance companies headquartered in the Bahamas. In 2009, Luthmann returned to Staten Island and eventually opened his own practice above a Thai restaurant on Victory Boulevard.

Very quickly, Luthmann developed a reputation as an eccentric, theatrical, and occasionally effective litigator. If his courtroom behavior didn't leave an impression, his appearance — always adorned with colorful bow ties and cartoonish glasses — did. Luthmann's greatest skill, though, was his ability to find cases that generated local media attention. When the

Department of Education suspended the Susan Wagner High School football team's season because of a hazing investigation, Luthmann took the case pro bono and got a judge to lift the ban. He went to court for a 10-year-old Little Leaguer who had been ruled ineligible for the county all-star team. A year later, Luthmann represented Tod "Doc" Mishler, an 80-year-old cowboy with a handlebar mustache who was charged with animal cruelty after he rode his horse over the Outerbridge Crossing. (Mishler pleaded guilty to disorderly conduct.) Luthmann sued the NYPD on behalf of the scions of Dell's Maraschino Cherries after their father killed himself in the middle of a raid on the company's cherry factory-marijuana farm.

In court, Luthmann filed sensational briefs the way middle-school troublemakers huck paper airplanes, outlining bizarre conspiracies and baselessly accusing adverse litigants of having mob connections to divert attention from his own tardiness. In 2014, creditors sued Luthmann, accusing him of helping one of his clients hide assets; in response, Luthmann countersued the creditors and their attorney. Citing an arcane statute of New York State law, Luthmann requested trial by combat. Accompanying his request was a 29-frame slideshow detailing the history of the practice laced with references to *Game of Thrones*. Both cases were eventually settled without bloodshed but not before Luthmann appeared on the front page of the New York *Post* holding a broadsword and a shield (a copy of which Luthmann began attaching to his email signature) and on a *Fox & Friends* segment.

"It was surreal, like nothing I'd ever seen," said Richard Chusid, the attorney Luthmann challenged to a duel. "He was a defendant in that case, and he was able to shift the focus from the underlying conduct that was alleged to all of this trial-by-combat stuff and the press went crazy for it. It was brilliant."

As Luthmann's prominence grew, so did his involvement in local politics. He claimed to be a moderate Democrat, but he didn't have any particularly strong convictions on policy issues. Luthmann was captivated by the pageantry, and it didn't take long for him to insinuate himself into Staten Island's relatively small political scene. He had been a Cub Scout with Joe Borelli, the island's Trump-cheering city councilmember, and he served as general counsel to the Staten Island Hispanic Chamber of Commerce. In 2012, the Staten Island Economic Development Corporation honored him as one of its 20 under 40. A few years later, a marketing firm crowned him King of Staten Island.

"He was Mr. Kiwanis, Mr. Charity. He would give to this cause and that cause and every politician," said George Passariello, a Staten Island public-relations consultant who said he

knew Luthmann because “he was friends with my sister’s husband’s nephew.”

Luthmann became a staple at fundraisers, giving thousands of dollars to city, state, and national candidates across the ideological spectrum. Some found his act charming, but others recognized something unsettling, perhaps even menacing, about him.

“The last memory I have of him, I was going to the South Beach Civic Association picnic on the boardwalk, and he started squirting me with a Super Soaker gun,” said Republican congresswoman Nicole Malliotakis, who was a member of the state assembly at the time. “You have a bunch of seniors at this picnic, and all of a sudden this guy comes out with a Super Soaker gun squirting the local assembly member. It was a very odd situation.”

Luthmann often coupled his underhanded tactics with outright bullying, misogyny, and racism. He made Photoshopped images of female candidates performing sex acts and bragged that he had once convinced the top lawyer for the New York City Board of Elections that he had referred to him as a “jurat,” when he had called him a “Jew-rat.” He created a fake Facebook page for Malliotakis and in 2017 chided her on his own page with a cherished Trump quote: “A person who is flat-chested is very hard to be a 10.”

Luthmann himself had once run for office. In 2013, at 33 years old, Luthmann threw his hat into the ring for the Democratic primary for Staten Island borough president. He was tolerated at first, but the party began to distance itself after he sent an email questioning the physical fitness of his primary opponent, a 66-year-old retired schoolteacher who had lost a leg to diabetes. Ultimately, Luthmann was forced to withdraw from the race after Kevin Elkins, the executive director of the Democratic Committee of Richmond County at the time, challenged the veracity of hundreds of signatures on Luthmann’s nominating petition.

“At that point, we were warning people: ‘Just because he looks like a clown doesn’t mean he’s harmless,’” said Elkins. “But some people still thought he was entertaining.”

Luthmann considered himself a Young Turk challenging the Democratic Establishment, and the party’s rejection only deepened his suspicions. Before, Luthmann’s political ambitions had been driven by notoriety; now they were animated by revenge. He began a years-long campaign to undermine the local Democratic Party. Inspired by a news story he had read about Israeli and U.S. intelligence agencies using social media to influence voters, he created @realjohngulino, a Twitter account that mocked the chair of the party, John Gulino, and a series of fake Facebook pages to harass and impersonate Elkins. The day after 75-year-old Stuart Brenker, a friend of Gulino’s, refused to shake Luthmann’s hand at a fundraiser, Brenker

started getting calls from friends who said they had seen Brenker spouting anti-Semitic rhetoric on Facebook. Brenker immediately suspected that Luthmann was behind the fake account and enlisted his son-in-law to contact Facebook to try to get the posts taken down. The company never responded, Brenker said.

Luthmann also went after the party in the courtroom. After Michael Grimm's congressional seat opened up in 2015, Luthmann encouraged his own driver, Lawrence Gilder, who is Black, to file a \$20 million discrimination suit against Gulino and the party for denying Gilder an opportunity to run. Luthmann represented Gilder, alleging in court that Gulino had refused to meet with him. But to Gulino — and anyone familiar with Luthmann's reputation — the lawsuit was part of Luthmann's effort to sabotage the Democratic Party. "We were of the view that it was a stunt," Gulino's attorney, Andrew Hoffman, said. (Gilder did not return requests for comment.)

Luthmann maintained that Gilder genuinely wanted to run on a marijuana-reform platform with the slogan "Free the Weed," but he undercut himself almost in the same breath. "There was definitely a dirty-trick element to it," Luthmann told me. "It's no different than what Roger Stone did with Trump back in 2000 to get rid of Pat Buchanan, who was running on the Reform Party."

A federal judge dismissed Gilder's lawsuit, but once again Luthmann used the case to gin up media attention. "I was passed up for Rep. Grimm's seat because I'm black: lawsuit," read a [Post](#) headline. In one filing, Luthmann claimed he feared for his own life because two "low-level Colombo crime family associates" were threatening him on behalf of Gulino. "Mobsters may be after him, lawyer alleges, citing suit against Dem leader," read the ensuing headline in the Staten Island [Advance](#).

In 2015, Luthmann waged an aggressive campaign against Michael McMahon, the Democratic candidate for Staten Island district attorney. As a former city councilmember and congressman, McMahon epitomized the sort of Establishment politics Luthmann despised. Luthmann created a fake Facebook page that copied all of the candidate's real posts to trick voters into thinking it was McMahon's real page. Once he had tricked enough people into following the page, he changed its header to "Tax Hike Mike" and launched an assault on McMahon. Luthmann justified much of his online behavior by claiming that he essentially lied with the truth — as a city councilmember, McMahon had voted in favor of tax hikes, and therefore it was perfectly acceptable to call McMahon "Tax Hike Mike."

“From Plato to Machiavelli to Hannah Arendt, the practice of politics has never been tied to truth,” Luthmann once wrote on Facebook.

A flowchart Luthmann filed in court outlining the intricate conspiracy he believes took him down. Graphic: Richard Luthmann

While Luthmann was attacking McMahon, a new force emerged in American politics that seemed to align perfectly with Luthmann’s ethos. Not only was Donald Trump an outsider who had been shunned by the political Establishment, he was a no-holds-barred showman. Luthmann went all in for Trump. He added a MAGA hat to his splashy wardrobe and created the Facebook pages “Staten Islanders for Trump,” “Democrats for Trump,” and “Blacks for Trump.”

For years, Luthmann had remained a Democrat almost out of spite, but in the run-up to the 2016 election, he joined the now-defunct New York State Reform Party. The party’s vice-chair at the time was John Tabacco, a fellow Staten Islander and conservative talk-show host, and it was he who brought Luthmann to Stone’s Upper East Side apartment. There, surrounded by Stone’s collection of conservative curios, Luthmann and Stone discussed Luthmann’s plan to encourage Reform Party members to register themselves as poll watchers. After that meeting, Luthmann said Stone had asked him for advice in a landlord-tenant dispute. (Stone and Tabacco did not respond to requests for comment.)

Days before the 2016 election, Stone reached out again to see if Luthmann would represent Mark Gallagher, a Trump supporter who had been expelled from the *Today* show audience for wearing a T-shirt with the word *rape* above a picture of Bill Clinton. The stunt had been orchestrated by conspiracy theorist Alex Jones, according to Gallagher, but Stone was promoting his book *The Clintons’ War on Women* at the time. Luthmann agreed to represent Gallagher and promptly filed a \$53 million lawsuit against NBC. The complaint compared NBC security to Hitler’s SS, and Luthmann promoted the case on Jones’s Infowars website. “I’m a Trump supporter and NBC’s ‘goon squad’ beat me up,” read the *Post*’s headline this time. (The case went nowhere.)

On Election Night 2016, the Australian Broadcasting Corporation’s chief foreign correspondent reported from Luthmann’s watch party (which doubled as his 38th-birthday celebration) to show the world what an average Trump voter in America looked like. Trump’s ascension validated Luthmann’s political principles, noxious as they were, and Luthmann’s

reverence for Trump and Stone only grew. “I am not a Republican or a Reaganite. I am a Trumpian, and I play by a different set of rules,” Luthmann wrote on Facebook. “My political Bible was written by Roger Stone. I am a bear with the taste of blood in my mouth. I am a man-eater.”

In 2016, Luthmann created a fake Facebook account for Janine Materna, a candidate in the Republican primary for the state-assembly seat representing Staten Island’s South Shore. Materna was running against Luthmann’s friend Ron Castorina, Jr. As the September primary drew near, one of Materna’s campaign volunteers noticed the imitation account — it had the same image as the one on Materna’s own profile and regularly “checked in” at Materna’s campaign headquarters. An early post on the copycat page showed a 2014 picture of Materna with Mayor de Blasio at Staten Island’s annual Groundhog Day event (the day the mayor accidentally dropped the groundhog, named Charlotte, which later died from its injuries). Below the picture, the caption read, “We will have a conversation about Housing Projects on the South Shore.” Materna was mortified.

“It was completely false,” Materna said recently. “Although I have tremendous sympathy for people who are homeless, a shelter was not something that I had envisioned on the South Shore.”

There was a photo of Materna with former attorney general Eric Holder, captioned “Black Lives Matter,” below which someone had commented, “Sorry hun you lost my vote.” Another post featured a photo of Materna’s car parked in a handicap spot. “To heck with the cripples and retards. I will park where I want!” read the caption. (Materna said her campaign had sole usage rights to the parking lot.) Anytime Materna or her supporters posted a comment saying the page was fake, Luthmann would delete it. He bought ads so more South Shore residents would see the phony page. Materna contacted Facebook multiple times to have the page taken down (the company never responded) and filed a complaint with the NYPD, saying she feared for her safety (it went nowhere).

“It reached thousands of people,” Materna said. “It looked exactly like me. It was my picture. It was my name. It was me, and there was nothing that could be done.”

Luthmann’s 2017 indictment named five victims, but Luthmann told me this represented “a mere fraction” of his stable of fake Facebook and Twitter accounts. But as much as Luthmann considered himself a “dirty trickster,” he could just as easily have called himself a troll, a bully,

or a shitposter. There's little evidence to suggest that he significantly influenced the outcome of any race. McMahon won his handily, and Materna lost her race to Castorina by more than 1,200 votes, a wide margin by state-assembly standards and far more votes than a fake Facebook page can claim credit for.

But the reputational damage done by Luthmann's smear campaigns was potentially worse than the political blows he had tried to inflict. "These posts, especially that one about the handicap spot, caused me significant harm in terms of online threats," Materna said. "I didn't want to be a textbook case where someone's asking for help and then the next minute they get shot in the head."

In August 2017, NY1 reporter Amanda Farinacci published a series of stories based on Facebook messages leaked from Luthmann's personal account that revealed him to be the administrator of many of the fake accounts that had been dogging Staten Island candidates. Farinacci's reporting spurred Staten Island district attorney McMahon to sign an order assigning a special prosecutor to investigate Luthmann (as a victim in the case, McMahon's office couldn't investigate).

But while the special prosecutor was investigating Luthmann for his social-media malfeasance, federal prosecutors in the Eastern District of New York were investigating him for an entirely different scheme. On the morning of December 15, 2017, FBI agents arrested Luthmann at his house and charged him in an 11-count indictment that included fraud, kidnapping, and extortion. It alleged that in 2015, Luthmann and two associates had created a business that contracted with Chinese companies to send container loads of recyclable scrap metal to China. Once they had the contracts, Luthmann and his co-conspirators instead sent containers full of cheap filler and concrete, not recyclable metals. The nominal president of the company was a destitute man who regularly bummed cigarettes outside Luthmann's law office, and Luthmann allegedly claimed to recruit someone connected to the Luchese crime family to provide muscle. (Luthmann denies any connection to organized-crime figures.) According to court documents, Luthmann asked his co-conspirators to refer to him as Saul, a reference to Saul Goodman, the corruptible attorney on the show *Breaking Bad*.

Although the federal case was not connected to the Staten Island special prosecutor's case, filings in the federal case exposed just how deranged Luthmann's political machinations had been. According to one of the FBI's confidential sources, Luthmann had once tried to pay an

exotic dancer to say she had been raped by McMahon. He had also talked about hiring people to beat up or kill Elkins, the former executive director of the Staten Island Democratic Party who had spoiled Luthmann's bid for borough president in 2013. For Materna, Luthmann's federal indictment and the sordid details it unearthed were proof that his online behavior really had been a warning sign.

"It made me feel that I did the right thing in terms of going to the police and making sure that this person was put away or got the help that he needed," said Materna, who now has an order of protection against Luthmann. "He is a danger to society."

In March 2019, Luthmann pleaded guilty in federal court to wire fraud and extortion. At his sentencing hearing, he blamed his behavior on an unstable marriage and said that, since his arrest at the end of 2017, he had been diagnosed as bipolar. He was sentenced to four years in federal prison.

Meanwhile, he was facing the special prosecutor's investigation. In August 2018, a year after NY1 published Farinacci's stories, Special Prosecutor Eric Nelson presented his case before a grand jury, which returned a 17-count indictment. Last October, rather than risk a state-prison sentence after completing his federal sentence, Luthmann pleaded guilty to three felony counts of falsifying business records. In addition to these, he had been charged with identity theft, criminal impersonation, stalking, and election-law violations. By most accounts, Luthmann seems to have been the first person in the country to be indicted explicitly for impersonating politicians on social media.

"There really was no precedent," Nelson told me. "I conducted a search, and the only state where I found something comparable with the use of social media — and it wasn't in a political context — was in Texas." That case involved 12- and 13-year-old girls who were arrested for impersonating a classmate on Facebook.

Prosecutors are reluctant to bring cases that run the risk of raising First Amendment issues. Had Luthmann fought the charges, his case might have been a free-speech flash point. Instead, his plea was a blip in the news, a last-gasp reminder of toxic Trump-era politics that so many people were eager to leave behind.

"Luthmann had a remarkably good defense," said Ronald Kuby, a prominent civil-rights advocate who defended Raphael Golb, the first person in New York to be tried for social-media impersonation. "This was constitutionally protected satirical speech. It followed a long tradition of literary impersonation going back to the Founders. As odious and despicable and

horrifying as Luthmann is, he should not stand as a precedent for criminalizing basic constitutionally protected activities engaged in by millions of people around the country.”

In conversation, Luthmann claimed to be a victim of First Amendment infringement. He often compared himself to Thomas Nast, the cartoonist who had satirized Boss Tweed and Tammany Hall, but a better comparison may be with “Devin Nunes’ cow” (@DevinCow), the Twitter parody account that gained attention when the California congressman tried to sue it. Others say that there is a clear difference between parody and impersonation and that the charges against Luthmann were a reasonable check of dangerous behavior.

“Some might say we need to protect the right to very deadpan humor. But I’m not sure why we should want to preserve the right to play dirty tricks, especially if it’s something that damages people’s reputation through deceiving voters,” said Eugene Volokh, an expert on the First Amendment and a professor at the UCLA School of Law.

Luthmann’s time in prison was harrowing. He was being held in Brooklyn’s Metropolitan Detention Center during the 2019 blackout, he spent two months in the special-housing unit, separated from other inmates, and he has weathered a pandemic in which prisoners were at least four times as likely to contract COVID-19 than the general public. (On the plus side, he said he did get to talk politics with Anthony Weiner at FMC Devens.)

“I’m not the same guy I was when Trump came down the golden escalator. I’m broken and broke,” Luthmann wrote to me.

Like Trump, Luthmann now resides in Florida. In late April, the Bureau of Prisons released him to a halfway house, where he’ll stay until his full release this summer, when he’ll move in with his mother in Collier County. Also like Trump, Luthmann remains convinced that he’s the victim of a Democratic conspiracy. As part of his supervised release, he is forbidden from writing “threatening letters,” though he seems confused by what that actually means. “The language is ambiguous,” he wrote in an email, wondering if he would get in trouble for pitting competing job offers against each other. But Luthmann knows there’s little chance he’ll have two job offers. A convicted felon, he no longer has a law license, and he’s unsure if anyone will hire him to do political work, even in Florida.

“The only way that I could ever think that I would get back to politics was if I get a pardon from the president,” Luthmann told me, his hope perhaps buoyed by Trump’s pardon of Stone. “It’s probably not going to be from this president. It will have to be from Trump in 2024.”

TAGS: RICHARD LUTHMANN NEW YORK MAGAZINE CONSPIRACY THEORIES ROGER STONE MORE

EXHIBIT D



FYI.

This story is over 5 years old.

[The VICE Guide to Right Now](#)

The 'Trial-by-Combat' Lawyer Is Back and Scarier Than Ever

Richard Luthmann was once known for his colorful attire and for asking a judge if he could settle a dispute via trial-by-combat. Now he's accused of comparing himself to Saul Goodman while engaging in insane mob-tainted activity.



By [Allie Conti](#)

December 19, 2017, 4:11pm



VICE



PHOTO VIA RICHARDLUTHMANN'S PUBLIC FACEBOOK PAGE

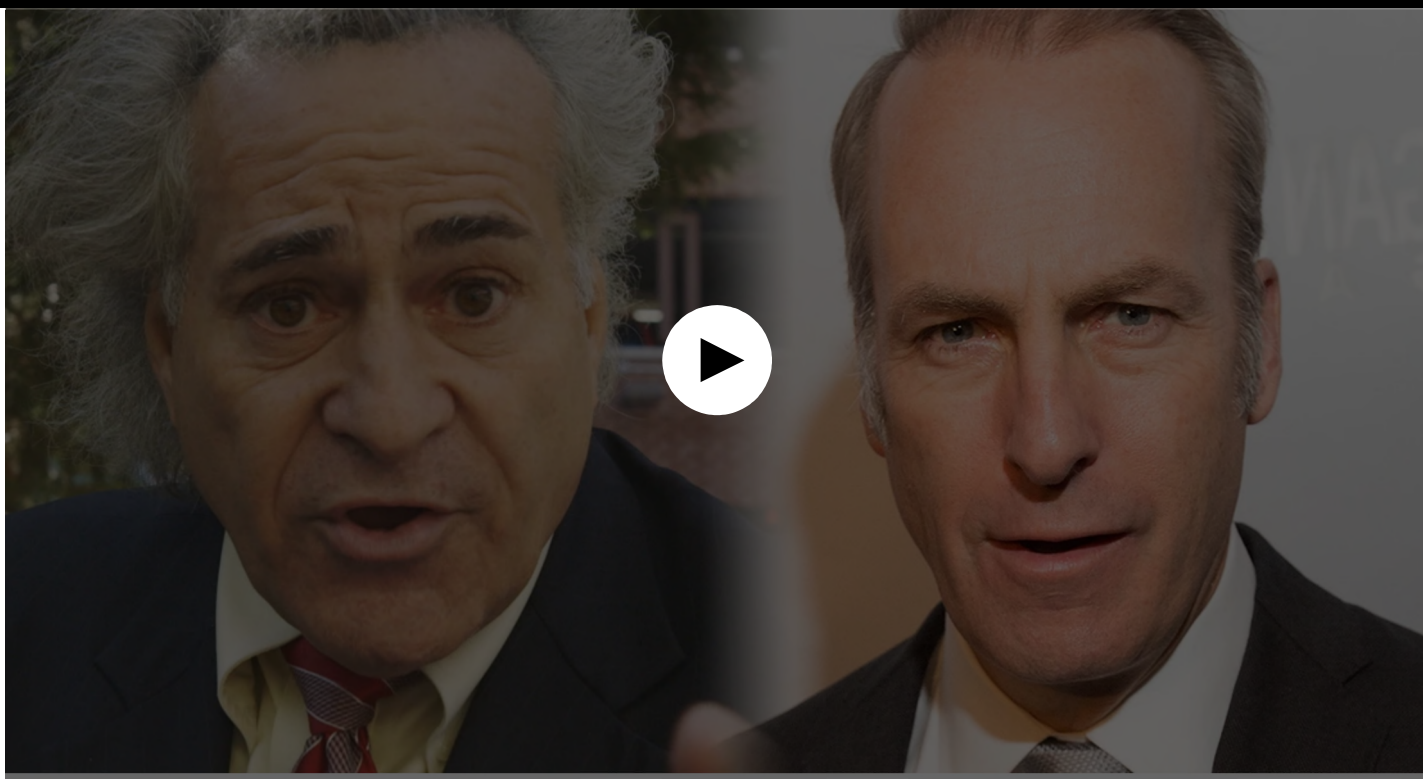
Richard Luthmann seems to have a thing for comparing himself to Saul Goodman. Like the fictional TV character, the 38-year-old Staten Islander is a flamboyant lawyer with plenty of ties to allegedly violent criminals. But he's also facing federal charges for allegedly running a fake scrap metal empire that involved setting up a blind man as the fall guy and extorting people at gunpoint. In fact, according to the 11-count indictment in that case, the bow-tie-wearing Luthmann may prove to be one of the most colorful—and dangerous—criminals in recent New York City lore.

ADVERTISEMENT



Before Luthmann embodied the spirit of *Breaking Bad*, he made headlines for trying to create a scene out of *Game of Thrones*. Back in 2015, the *Staten Island Advance* reported he was involved in a civil suit with plaintiffs who alleged Luthmann had encouraged his own client to illegally shield assets from them by violating state law. Luthmann (unsuccessfully) asked the judge in that case to sanction a trial-by-combat—to the death—in the event the case wasn't thrown out.

VICE



Now the attorney's back in the news because federal prosecutors alleged on Friday that, back in summer of 2015, Luthmann, an unnamed co-conspirator, and a guy named George Padulla III—who appeared to have mob connections—started a series of fake scrap metal businesses that actually sold filler parts to unsuspecting clients. They are accused of pressuring one of Luthmann's clients—who was blind, living on public assistance, and afraid of getting caught—into being the head of one of these companies.

The trio are said to have enlisted the help of 59-year-old Michael Beck, an alleged mob enforcer. According to the complaint, the hired muscle also precipitated a plot twist: At one point, he pulled a gun on the unnamed co-conspirator and claimed that the man owed Luthmann \$10,000.

Federal agents arrested Luthmann early Friday and charged him with kidnapping, money laundering, and extortion conspiracy, among other crimes. Prosecutors said that throughout his alleged crime spree, Luthmann referred to himself as "Saul." They also asked that the defendant remained locked-up during his trial because every witness they've interviewed, they said, has expressed fear of retaliation from a guy who claimed to have ties to multiple criminal organizations.

ADVERTISEMENT





There's evidence to suggest this isn't just bluster. In a recording, Luthmann was reportedly heard threatening to send the Chinese mafia to rape and kill the new attorney of a female ex-client. Court papers also said that Luthmann—who according to several posts and at least one photo on his public Facebook page is a Trump supporter—tried to send his muscle to kill Kevin Elkins, the former executive director of the Democratic Committee of Richmond County (a.k.a. Staten Island).

Luthmann isn't just accused of terrorizing people physically, by the way. He's also said to have created fake Facebook pages to spread misinformation about political enemies like District Attorney Michael McMahon. In another instance, according to the *New York Daily News*, when McMahon was running his campaign, Luthmann allegedly tried to pay an exotic dancer \$10,000 to allege, falsely, that the candidate raped her.

So far, Luthmann hasn't spoken in court other than to mouth "I'm OK" to his family, according to the *Advance*. But the accused's own social media accounts have, at least in the recent past, appeared to lend credence to some of prosecutors' claims.

"My political Bible was written by Roger Stone," he apparently wrote on a public Facebook page on August 25. "I am a bear with the taste of blood in my mouth. I am a maneater."

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EXHIBIT E

Judge sick of mafia references at ‘trial-by-combat’ lawyer’s hearing

By

[Emily Saul](#)

New York Post

March 14, 2018 8:59pm

[Updated](#)



Richard LuthmannHelayne Seidman

The hearing for a Staten Island attorney accused of extortion, fraud and kidnapping on Wednesday started sounding like an old Abbott & Costello routine.

“Who’s a made member?” Brooklyn federal Judge Jack B. Weinstein asked prosecutor Moira Kim Penza as she attempted to argue that lawyer Richard Luthmann and his co-defendants operated a scrap metal fraud scheme under the protective shadow of mafia muscle.

“None of them,” she responded.

SEE ALSO



Controversial lawyer arrested for kidnapping, extortion

The answer only exasperated the already on-edge judge.

“They can’t be connected to an amorphous concept of mafia,” Weinstein shot back, growing tired of “Who’s on First?” routine.

00:0001:22

But Weinstein grew even more impatient when Penza was unable to say which organized crime family the government thought to be involved.

Defense attorneys for all three men have said the mafia claim is bogus, with George Padula’s lawyer, Gerald McMahon, saying his client “is not connected, his family is not connected, this is a complete red herring that will taint this trial.”

Luthmann, Padula and others are accused of defrauding companies looking to purchase valuable recyclable scrap metal. They allegedly filled orders with cheap knockoffs instead.

While Luthmann — who once graced the front page of The Post, brandishing a sword and shield, after he [challenged another lawyer](#) to a “Game of Thrones”-style trial-by-combat duel — allegedly set up the shell companies, Padula was recruited as muscle after he’d bragged about family connections to organized crime, the government says.

Prosecutors contend that Luthmann at one point lured a co-conspirator to his office, where his co-defendant Michael Beck allegedly pulled a gun and claimed the unnamed man owed him \$10,000.

Documents have additionally accused the eccentric attorney of trying to have Staten Island [Democratic Party exec Kevin Elkins whacked](#) after Elkins barred him from entering a fundraiser.

SEE ALSO



City lawyer demands to settle case 'Game of Thrones'-style

Luthmann, who was recently [released on \\$1.5 million bond](#) under restrictive conditions, will be allowed to use the law library when he visits the courthouse for check-ins, Weinstein said Wednesday.

“It’s not as if he’ll write notes [to people] in the margins of the books,” he quipped when Penza objected. “It’s a good place for him to be.”

The typically effusive Luthmann remained silent as he left court, standing beside defense attorney Arthur Aidala and sporting one of his many signature bow-ties.

“He’s screaming his innocence from the highest mountain of Staten Island,” Aidala said as his client looked on approvingly, flashing a thumbs-up. “The best part of being released from prison was eating a plate of his mother’s chicken parmigiana and eggplant parmigiana.”

The trial is set to begin May 14. Weinstein has yet to rule on whether the men will be tried together, or separately.

Luthmann, Padula and Beck face up to life in prison if convicted.

EXHIBIT F

Richard Luthmann

From: Richard Luthmann <luthmannrichard@gmail.com>
Sent: Thursday, July 8, 2021 4:24 PM
To: mromanoesq@yahoo.com
Cc: arthur@aidalalaw.com
Subject: Flash Drive with Fed. Case Discovery

Mario,

Any movement on the flash drive with the discovery from the Federal case?

I got nothing going here except for watching Arthur's "intestinal fortitude" on Inside Edition.

Regards,

Richard Luthmann

338 Sugar Pine Lane
Naples, FL 34108
H: (239) 631-5957
C: (239) 287-6352

Some of the folders are empty btw. There's some more data. We'll chat when you can.

11:58 PM

Tuesday, January 10

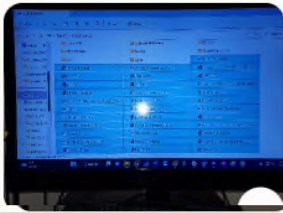


Luthmann 1-6 are complete. Everything else is empty. I need all the other folders downloaded again and reset. ▾

The good news is that Luthmann 1-6 was the bulk of the data, so copying the PO the other stuff should be quick. I am very interested in the Luthmann Computer file because I believe documents

[View all](#) >

MMS 12:24 AM



Also, all of these files outside of the folders are no good. There are corrupt/incomplete. I need those recopied and resent too.

MMS 12:27 AM

Thanks

12:28 ▾

EXHIBIT G

FD-1023	FEDERAL BUREAU OF INVESTIGATION CHS REPORTING DOCUMENT	 OFFICIAL RECORD <small>Document participants have digitally signed All signatures have been verified by a certified FBI information system.</small>
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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 <small>Document participants have digitally signed All signatures have been verified by a certified FBI information system.</small>
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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

FD-1023	Page 2 of 2	FEDERAL BUREAU OF INVESTIGATION
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EXHIBIT H

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

-----)	
SUMMER ZERVOS,)	Index No. 0150522/2017
)	
Plaintiff,)	Hon. Jennifer G. Schechter
)	
v.)	NOTICE OF APPEARANCE
DONALD J. TRUMP,)	
)	
Defendant.)	
)	
-----)	

PLEASE TAKE NOTICE that Moira Kim Penza of Wilkinson Walsh + Eskovitz
LLP, duly admitted to practice before this Court, hereby enters her appearance on behalf of
Plaintiff Summer Zervos in the above-captioned action.

Dated: November 25, 2019
New York, New York

Respectfully submitted,
WILKINSON WALSH + ESKOVITZ LLP

By: s/ Moira Kim Penza
Moira Kim Penza
130 West 42nd Street, Suite 1402
New York, New York 10036
Phone: (929) 264-7765
Fax: (202) 847-4005
mpenza@wilkinsonwalsh.com

Attorneys for Plaintiff

EXHIBIT I

WGCUNews
 On Air Now
LISTEN LIVE
PLAYLIST



WGCUNPR

DONATE

LAW

When It Comes To Email, Some Prisoners Say Attorney-Client Privilege Has Been Erased

March 31, 2021 · 7:00 AM ET
 Heard on Morning Edition



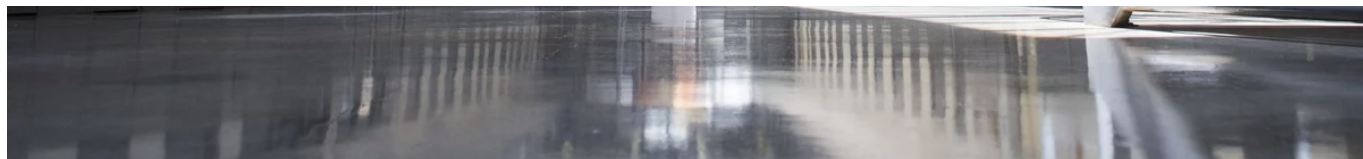
CARRIE JOHNSON

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Within the Federal Bureau of Prisons, inmates are asked to "voluntarily" agree to electronic monitoring in order to use the bureau's email system. Above, a prison cell block is seen at the Federal Correctional Institution, El Reno in Oklahoma in 2015.

Saul Loeb/AFP via Getty Images

It's a staple on some of the longest-running crime shows on television: Communications between people charged with crimes and their lawyers are protected from government snooping under what's known as attorney-client privilege.

In practice, things don't always work that way, especially when it comes to email messages between incarcerated people in the federal system and their attorneys. That's because within the Federal Bureau of Prisons, inmates are asked to "voluntarily" agree to electronic monitoring in order to use the bureau's email system.

The National Association of Criminal Defense Lawyers says there's nothing voluntary about it. Unless incarcerated people agree to monitoring, they're locked out of email communications. The group and a prominent civil liberties clinic at the University of

California, Berkeley are now sounding the alarm. They say their concerns have been compounded during a pandemic that has made in-person visits particularly risky.



LAW

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"BOP reading inmates' email was concerning even before the pandemic, but now email is one of the few ways attorneys can reliably communicate with their clients when they're in custody," said Catherine Crump, director of the Samuelson Law, Technology & Public Policy Clinic at Berkeley Law.

Together with the NACDL, the clinic has sued the Federal Bureau of Prisons for more information about how and where email messages exchanged over the prison service, known as TRULINCS, are monitored.

"We're in 2021 — the system has not caught up," said Jumana Musa, director of the Fourth Amendment Center at the NACDL. Musa said her group has been unable to

find any "overarching policy" at the Justice Department, with some inconsistencies even among prosecutors in the same U.S. attorney's office. While some DOJ offices have developed specific policies that cover when federal prosecutors can read the emails, others either don't have policies or have failed to describe what they're doing.

Action in Congress

Critics are also pushing Congress to act. In February, the House of Representatives overwhelmingly approved the Effective Assistance of Counsel in the Digital Era Act by a vote of 414 to 11.

The legislation, which awaits action in the Senate, would require the attorney general to make sure that the BOP refrains from monitoring the contents of emails between incarcerated people and their lawyers and to get a warrant to access their contents. The bill makes clear that authorities can pierce attorney-client privilege in situations where a prisoner or detainee is suspected of working with a lawyer to actively commit or cover up a crime or fraud.

The bill's sponsor, Rep. Hakeem Jeffries, D-N.Y., said the vote garnered a large bipartisan majority at a time when lawmakers don't agree on much.



CORONAVIRUS UPDATES

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"The time has arrived for us to address this egregious practice, lift up the presumption of innocence, facilitate due process and allow fundamental fairness to permeate all aspects of our judicial system," Jeffries said.

The Congressional Budget Office predicted that if the legislation passed the Senate, the Federal Bureau of Prisons would have to build a new email system and create a registry of approved lawyers — measures it expects could cost \$52 million through 2025.

Scott Taylor, a spokesman for the Federal Bureau of Prisons, pointed out that inmates and their contacts who use the email system "voluntarily consent to having all system activity monitored and retained." He said that prisoners and their lawyers can communicate through

phone, letters or visits, which he said are not monitored by staff.

An essential tool

Federal judges have had a mixed response to the concerns. Some have expressed consternation that it's happening. Others have ordered the government not to read the emails.

For attorneys and their clients, email can be an essential tool for communication. Ken White, a defense lawyer in California, points out that it's "extremely time-consuming and burdensome to visit somebody in jail, let alone prison."

"It's often a multihour process to visit someone, even for five minutes," White said.

Now, with the coronavirus pandemic sweeping the U.S., some in-person visits have been curtailed altogether, and the mail is slow. But White said he nonetheless tries to limit his communications on the BOP email system, using it to notify incarcerated clients about the dates of their

next hearings but not for strategy or the facts of their case.



THE CORONAVIRUS CRISIS

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Peter Goldberger, a defense attorney based in Ardmore, Pa., has firsthand experience with how the email monitoring can hurt a defendant.

Prosecutors collected communications from his client, former state Sen. Vincent Fumo, after Fumo was convicted of conspiracy, fraud, obstruction of justice and tax violations.

The government used Fumo's own emails against him at his resentencing hearing, when the judge cited them in part to tack on six more months to his prison term. In the messages, Fumo expressed "frustration" about prosecutors, wrote that he was "convicted of technical [BS]" and called the jury that convicted him "stupid," his lawyer said.

Clients want to communicate with their lawyers, and it's easy to forget their lawyers' warnings, Goldberger said.

"It seems to me that it would be so simple to fix electronically and so fair and appropriate to everyone," Goldberger said. "That lawyers' ability to communicate with their clients be made easier — not harder and not riskier."

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NATIONAL

EXHIBIT J

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By US Mail

April 26, 2018

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Tammara Lynn Moore (Joint Tortfeasor)
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Staten Island, NY 10301
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**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