United States Attorney's Office
Southern District of New York
Civilian Crime Reports Unit
Criminal Division

Civilian Crime Report

The U.S. Attorney's Office represents the Government in legal proceedings and works closely with investigative agencies including the FBI. The Criminal Division of the United States Attorney's Office is responsible for enforcing the federal criminal laws within the Southern District of New York, which encompasses the boroughs of Manhattan and the Bronx, as well as Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester Counties.

WE CANNOT CONSIDER INFORMATION SUBMITTED BY E-MAIL OR LEFT ON VOICEMAIL

Person Completing This Report:

Andrew G. Clark
Your Name

3270 Stoney Ridge Road
Address

Address (Line 2)

Eugene, OR — 97405
City, State — Zip

Lane — (541) 510-3915
County — Phone

Person/Entity Being Reported:

Wells Fargo Bank / Ogletree Deakins et al
Name of Person Being Reported

Wells Fargo Bank's Corporate Headquarters
Address

101 N. Phillips Avenue
Address (Line 2)

Sioux Falls, SD — 57104
City, State — Zip

Minnehaha — (605) 575-6900
County — Phone

Although the volume of information we receive from concerned members of the public prevents us from responding individually to every Report, be assured that we will carefully consider the information you have provided us to determine whether there is a matter for this Office to investigate. Should we determine that your Report raises a matter within the jurisdiction of this Office to investigate and that further information from you is necessary for our investigation, you will be contacted. This Office does not resolve individual consumer complaints.

NOTE FOR INTERNATIONAL SUBMISSIONS

We review for any appropriate action all submissions we receive. However, to avoid interference with the sovereignty of foreign nations, we do not respond to or acknowledge submissions from mailing addresses outside of the United States.

Does this Report Pertain to an Ongoing Case? ☐ Yes ☐ No ☑ Not Sure

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number (if known): Form was FedEx'ed to me based on a fascimile I sent.

Please clearly describe the violation of federal criminal laws that you would like to bring to our attention. Include as much information as possible; including the dates, places and nature of incident, and contact information for any witnesses (do not send original documents):

Repeated federal witness tampering and its concealment by fraudulent use of official systems.
Hobbs Act violations, Two incidents of gangland-style false arrest (aka "swatting) to tamper/intimidate.
Criminal RICO, Obstruction of Justice via perjury and fraudulent use of official systems. Sch.1 violations
of Sherman ATA, criminal violation of Sarbanes/Oxley by Wells Fargo, etc. see attached exhibits.

January 7, 2022 Civilian Crime Report Two Page Form. Six Page Letter. 28 Pages Exhibits 1 of 36

Are You a Victim of this Alleged Crime?

☑ Yes ☐ No ☐ Not Sure

Are You Aware of Any Other Victim(s)?

☑ Yes ☐ No ☐ Not Sure

If Yes, Please List Other Victim(s): There are other victims. The system deficiencies are endemic.

Are You Represented by an Attorney in this Matter? ☐ Yes ☑ No

If Yes, Please Provide Attorney Contact Info:

Name: ______________________ Phone: ______________________

Address: ______________________

Have You Filed a Lawsuit Concerning this Matter? ☑ Yes ☐ No

If Yes, Please Provide the Following Case Information:

Case Title and Docket Number: Case numbers on attached. The PACER/ECF

Name and Address of Court: record is (or contains) proof of all allegations

Status of Court Case (pending, dismissed, settled): Evidence obstructed by hoards of attorneys.

Have You Previously Filed a Report about this Matter with this Office or Any Other Federal, State or Local Agency(s)?

☑ Yes ☐ No If Yes, Date Filed: ______________________

Contact Person: ______________________ Agency: ______________________

Status of Previous Report: I filed with several agencies and FBI, see attached.

By submitting this form you certify that all of the statements made in this report (including continuation pages and addendum) are true, complete, and correct, to the best of your knowledge. You understand that a false statement of a material fact is a criminal offense (18 U.S.C. Section 1001).

Signature: mailed version signed Andrew Clark 1-7-22 Date: ______________________

IMPORTANT NOTE REGARDING THE PRESERVATION OF YOUR LEGAL RIGHTS:

Submitting a Report to this Office has no effect on any statute of limitation that might apply to any claim you may have. By submitting a Report to this Office, you have not commenced a lawsuit or other legal proceeding, and this Office has not initiated an investigation or lawsuit regarding the subject of your Report. If you seek to sue for money or other relief, you should contact a private attorney to represent you in court.

Mail this completed report to:

United States Attorney's Office
Southern District of New York
Attn: Civilian Crime Reports Unit (Criminal Division)
One St. Andrew's Plaza
New York, NY 10007

January 7, 2022

U.S. Department of Justice
United States Attorney - Southern District of New York
The Silvio J. Mollo Building - One Saint Andrew's Plaza
New York, New York 10007

Subject: Civilian Crime Report Attachment: Wells Fargo Bank / Ogletree Deakins et al.
Names and contact information for individual actors in PACER/ECF Record.

The final two years of my otherwise-excellent career were at Wells Fargo in Eugene, OR. I filed complaints with Department of Labor and with Office of Comptroller of Currency while still employed. Internal retaliation became offensive and frightening. Wells Fargo & Company policy (and the law) required that I immediately access our local Federal Bureau Investigation in-person at their office to perform formal "Evidence Parking". My employment was terminated; that is not an issue for me here in Oregon, an 'employment at will' state. Deadly tampering started three weeks later when police first arrived at my home.

THE PACER/ECF DOCKET HISTORY DEMONSTRATES OBSTRUCTION

My civil lawsuit 6.20.cv.00253.AA in Eugene OR District Court is an unheard "factual pleading." It is a most-perfect private civil RICO complaint complete with an immense evidence base that was obstructed. It includes police audio and video records and the best way for me to efficiently present all this is via Web. I never had a website until this happened. Meet me in a police car. Hear police in my home and in their HQ. Hear legal audio recordings of underlying court events, etc. **https://www.GoodShipGinsburg.com** (see Exhibit 2)
Here are some of the crimes against the justice system and myself detailed in my complaint:

1. Federal Witness Tampering in violation of 18 U.S.C. § 1512/1513

2. Two false arrests (aka "swatting") via company-corrupted police/prosecutor is a form of Tampering. The second one is also a violation of the Hobbs Act (18 U.S.C. 1951) third party benefit obtained via coercion and awarded under color of official right. It is a predicate act of "RICO".I assert that it is a violation of 18 U.S.C. § 1201 (et seq.), armed kidnapping by corporate agents to terrorize a federal witness.

3. SLAPP-suit 6-11-cv-06248.ho is tampering and a predicate act of RICO.

4. Criminal RICO 18 U.S.C. §§ 1961-1968 charged against all parties who are all attorneys who abused their powers and deliberately ignored evidence.

5. Obstruction of justice and concealment of evidence via perjury and false entries in judicial support systems is presented as a violation of 18 U.S.C. § 1519. Yates v. United States, 574 U.S. 528 (2015) allows for creative, non-punitive investigations of all of this.

6. Criminal violation of Sarbanes-Oxley charged against **Wells Fargo Bank** et al. and its responsible corporate officers. They hired attorneys to tamper with me in order to avoid actual investigation of my Dept. of Labor/OSHA SOX complaint. They lack internal controls required by SOX so their management is selectively unaware of any/all business issues. My civil lawsuit asked **Wells Fargo and Co.** to intervene but attorneys hide it.

7. Criminalizing communications with result of concealing evidence and avoiding correct adjudication is a conspiracy against rights in violation of 18 U.S.C. § 241. That crime is obvious just from the court docket.

8. Violations of the Sherman Anti-trust Act 15 U.S.C. §§ 1-38: Corporate engagement in RICO is presented as a Schedule 1 Violation of Sherman ATA et seq. There is no actual competition when corporate-paid attorneys are able to influence business and civil litigation by simply calling in false threat reports against others and letting the broken justice systems take it from there.

9. Leah Lively, then attorney for Ogletree Deakins bragged to me at the Eugene Courthouse in 2011 that she had filed 86 other lawsuits against employees and never lost a case. Filing federal lawsuits against unemployed lowest-level workers is the fee billing equivalent of using a DuPont Spinner to fish out of a barrel. It appears to be a creative form of Labor Racketeering and violation of Wells Fargo & Company's engagement policy. It is billing fraud at the least. I consider it to be thinly-veiled Bank Robbery with badly harmed victims.

I attempted to get Wells Fargo/Ogletree Deakins (et al) to perhaps look at this as a group project designed to identify and report endemic justice system deficiencies. I marveled that highly paid professional attorneys were flagrantly committing major federal felonies with deadly malice. Out of pity for them, I filed a solution metaphor into the court on 8.22.11, The Eugene Blair Project. A year or so later, **www.TheEugeneBlairProject.com** was created to visualize mutually beneficial solutions. *Yates v. United States* and the 'rule of lenity' indicates punishing people does not bring progress. All that was ignored and bypassed with all else.

Evidence and Exhibits

The Primary Evidence Repository is the PACER/ECF Docket History of Related Cases on Page 6

Exhibit 1 Federal Witness Tampering. This Exhibit is a tiny sliver of the evidence and should be unusual enough to grip the urgent attention of SDNY. Here in Eugene, OR it has never been seen and our justice establishment lacks precedent to understand its implications.

-- Proof of federal witness status. Two Agency acceptance letters are there along with one page of a Eugene OR police report. It demonstrates Wells Fargo was corrupting FBI processes by misrepresenting my FBI reports to local police. There is also one page from Criminal Resource Manual 1729 defining and describing “federal witness”, “tampering”, and “intimidation” as it relates to 18 U.S.C. § 1512 and 1513 (et al).

--Copy of “District Attorney’s Information” against me for 10 identical counts of stalking Ogletree Deakins, a corporate entity. They added one of their attorneys “Leah Lively” in towards the end as a corporeal “victim”. There was absolutely no conduct that qualified as “stalking”. There were no ‘protection orders”. It is 100% pure manufactured crime based on faxed business correspondence. *The 10 charges were to cause a local justice system called “Risk Assessment Tool” to consider me extremely dangerous. My evidence base includes the correspondence between parties that precipitated the massive arrest, all of it was obstructed.*

--Copy of some mainstream news articles showing Ogletree Deakins has a record of being involved in false arrest in Arizona in the same time frame, includng an active duty judge.

Exhibit 2 is Presentment of Evidence via Web. www.GoodShipGinsburg.com . Please notice they are secure, fully identified, internally-linked evidence repositories. Click on any of the items to download any particular exhibit. In particular: please notice the police a/v. The in-home and in-HQ audio recordings are excellent evidence once understood in context. The in-HQ audio was not intended. Hear them calling Wells Fargo. Hear a police officer suggest it may actually be “retaliation” only to be told by his supervisor that I am “crazy”. It captured the actual moment of criminalization; I content that is unique and historic. (**<u>not a paper exhibit</u>**).

Prior Litigation

Southern District of New York can prosecute this case right off the docket. The facts and evidence were placed into the PACER/ECF system, which also shows exactly how hoards of attorneys file piles of boilerplate to prevent the facts and evidence from being "discovered" and correctly adjudicated. PACER/ECF is also a perfect record of "conspiracy against rights" in violation of 18 U.S.C. § 241. It clearly demonstrates how the involved parties introduced external business correspondence as a threat and somehow obtained extrajudicial gag orders which became the sole focus of the proceedings.

The Wells Fargo (et al.) matter are ongoing since 2011. Time bars do not apply nor does 'res judicata'. The PACER/ECF docket of the related civil actions prove with no doubt that evidence was not allowed to be 'discovered' much less adjudicated...which is one of the crimes being reported. *In my opinion, an efficient 'first step' is to ask a talented para-legal with federal docket experience to confirm that I placed significant evidence in the court and that it was obstructed. Then have him/her print the evidence for a platoon of prosecutors.*

Wells Fargo, via Ogletree Deakins (employer law firm) filed an EMERGENCY SLAPP-suit against me: 6-11-cv-006248. The docket history of that case is beyond-the-pale and Ogletree Deakins demonstrated their total control over the court processes as spelled out in my second civilian crime report regarding public corruption. After the second false arrest and jailing, I filed 6:13-cv-01546-AA which prompted a completely illegal search and seizure of all my computer equipment. I refiled it as 6:14-cv-01103-JR. I filed appeals to both cases, all of which was dismissed and denied using the same generic methods as proven in PACER/ECF. However, the experiences allowed me to identify and research the system deficiencies that allowed any and all evidence to never see the light of justice. With the previous experience in hand, I filed 6:20.000253.AA and created the "mother of all discovery traps". Please access the unheard Motion per FRCP 16 and see how the attorneys won't confer, refused to acknowledge the existence of evidence, and then tampered/intimidated me with trumped up gag orders and contempt hearings. <u>The case and the appeal are currently in process. *The PACER/ECF docket history is a font of evidence and progress.*</u>

Prior Reporting

1. I reported the underlying business issues to my management first. When I sensed inaction and retaliation I accessed the Wells Fargo Ethics Hotline on several occasions.

2. I filed for a Sarbanes-Oxley (SOX) investigation as well as with Office of Comptroller of the Currency. My first in-person parking of evidence at local Federal Bureau-Investigation (FBI), while still employed, was 5.25.11. See Exhibit 1.

3. A core Wells Fargo system I had to use was being developed in India and the roll-out was a complete disaster. My research into the Wells Fargo "India Operation" <u>indicated</u> problems so extra-ordinary that I was compelled to report to Central Intelligence Agency (CIA) via their nationwide FAX number (in early June 2011). I also reported via email to the United States Consulate offices in Bangalore and Hyderabad, which typically have CIA staff on-site. Curiously, on July 7, 2011 Reuters news from India read "Wells Fargo De-risks India Operation" which of course I saved and can provide. It is most likely a coincidence.

4. I refiled an augmented report, in person, with local FBI on 7.27.11 that included the police visit to my home on 7.18.11. The first of two false arrests was two days later, 7.29.11.

5. The second Civilian Crime Report demonstrates how 6.11.006248 (the Wells Fargo SLAPP-suit) filed in early August 2011 was used to dictate the results of all other investigations. **<u>Seems once they 'throw it into court', no other government agency will look at it… except SDNY, hopefully.</u>**

6. I filed with SEC Whistleblower's Office on numerous occasions starting in 2011 and continuing on occasion until around 2013. SDNY would do well to investigate that entire function of the government. I will touch upon it in the second crime report on public corruption. SEC Whistleblower's Office is the exact opposite of 'transparency'.

7. After the second false arrest on manufactured crime in 2013, I essentially begged for FBI investigation and prosecution at that time. Eugene OR FBI did not allow me to properly relate my evidence submissions. In December 2013 I was granted one hour at FBI office and met with Agent Ken Jamison, who carefully studied a 20 page exhibit. He declared it "suspicious" and told me he would request permission to investigate it but warned me that the U.S. attorney for Eugene would probably not permit him to do so. When that happened, he called me and suggested civil litigation instead. That worked extremely well to get it all on the record.

8. In early 2014 I filed a large Police Pattern and Practice Report per 42 U.S.C. § 14141. That was mailed to the appropriate FBI office. It may have been effective but is more likely a coincidence. A year or so later, City of Eugene police began a major clean-up campaign and they are now among the very best police forces anywhere in America with innovative programs such as Cahoots, which is becoming a nationwide model. A couple of the police officers involved in my situation suddenly retired, by coincidence.

9. My civil lawsuits were also clearly stated to be Crime Reports filed per 18 U.S.C. § 4, misprision of felony because other citizens can and are being affected by similar justice system deficiencies. Opinion: It is way too easy to get other people arrested and have their their life destroyed by incorrect and fraudulent use of local judicial support systems. The justice system seems incapable of correcting even the most grotesque errors and internal fraud. As demonstrated, there is almost no actual recourse in Oregon and elsewhere. Our justice system meets technical definitions of 'the structure of holocaust' as defined pursuant to the Nuremberg Trials. It's result is (and always has been) ghettoization.

10. I attempted to report the situation to Wells Fargo and Company responsible corporate officers. I even went so far as to attempt their intervention in 6.20.cv.000253 but my correspondence was reported to the court as some form of offense. What was done to me by Wells Fargo's external agents is against their policy and training. But the Wells Fargo management is proven with this case to be far beyond reach and attorneys filter everything they see or hear.

Exhibits 1 and 2 follow this page

U.S. DEPARTMENT OF LABOR

Occupational Safety & Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101 - 3212

July 11, 2011

Mr. Andrew Clark
3270 Soney Ridge Road
Eugene, OR 97405

Re: Consumer Financial Protection Act of 2010 Complaint Dated June 19, 2011

Dear Mr. Clark:

This is to acknowledge receipt of your complaint of retaliation under the whistleblower provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C.A. § 5567 (or, CFPA), which you filed on June 19, 2011. Please be advised that OSHA's jurisdiction to investigate such complaints does not become effective until the "designated transfer date," pursuant to Sections 1058 and 1062 of the Dodd-Frank Act, which the Secretary of the Treasury has set as *July 21, 2011*. The relevant sections of the statute can be found at www.whistleblowers.gov.

Should you wish to re-file a written CFPA whistleblower complaint on or after July 21st, you may send us another letter with this request. However, in order for OSHA to initiate an investigation, you must provide information that you were retaliated against on or after July 21, 2011.

In your complaint letter, you also requested to file it under Section 806 of the Sarbanes-Oxley Act ("SOX"). Please note that we have docketed that portion of your complaint as a SOX complaint. The SOX complaint has been assigned to OSHA Investigator, Patricia Brown who can be reached at 206-553-5930, and your employer has been notified about it.

Thank-you for your cooperation.

Sincerely,

Vicky Coleman

Vicky Coleman
Regional Supervisory Investigator

OSHA Occupational Safety and Health Administration
www.osha.gov

was Officer Pieske who was there with us during the contacts and told Clark that Officer Pieske concurred with my findings in the matters. I asked Clark if there was anything else I could do for him. Clark said there was nothing else I could do for him and he left city hall.

Also per Sergeant Klinko's request, I contacted Marty Ogno, head of security for Wells Fargo. I called Ogno and told him I had contacted Clark and that he had been advised he was trespassed from all Wells Fargo properties. I also told Ogno Clark was concerned he had $24,000 in an account at Wells Fargo. Ogno said he had looked it up and though Clark only had about $200 in an account, but that he would close Clark's account and mail him a check with the remaining balance. Ogno asked how the contact went. I told Ogno that Clark felt he was being retaliated upon for contacting the FBI and CIA with Wells Fargo's wrong doings. Ogno said that he had been in contact with the FBI and told me that the FBI did not take Clark's reports seriously.

>>>>>
FBI would not say that.

Notice no person at FBI is referenced.

It is corruption of FBI processes and obstruction.

At approximately 1900 hours, dispatch advised that Clark had left a phone number for me to call him back so he could further discuss his desire to press charges against Wells Fargo for filing a false police report. I requested Sergeant Magnuson respond to the report writing room where I was working on reports so I could discuss the situation with him before calling Clark back. While I was explaining the situation to Sergeant Magnuson, Dispatch advised that Clark had called back 3 more times requesting contact. I then asked Sergeant Magnuson if he would contact Clark in my behalf in that I was unable to effectively communicate to Clark that Wells Fargo had broken no laws and that they had the right to trespass Clark from their properties.

Reviewed by FTO: **Pieske** **112**
Name Badge

BTW, I did report to CIA via nationwide fax# and consulate offices in Bangalore and Hyderabad India due to concerns related to system development work on the CORE/ELF system I had to use here that was being badly programmed in India.

Notice: entire police report posted, URL is case-sensitive
https://www.risepatriot.com/Police%20reports.pdf

Esch
#623

07-19-11 2330 Hours

Approved By: Magnuson 122

do_not_reply@occ.treas.gov <do_not_reply@occ.treas.gov> 6/29/2011 6:01 AM

OCC Case # 01640244 has been created.

To mir99@comcast.net

6/29/2011

Re: Case# 01640244

Dear Andrew Clark:

This is an automatically generated message. Please do not reply to this email. We are unable to respond to messages sent to this address.

Please keep a copy of this email for your records!

This email acknowledges receipt of your Online Consumer Complaint form. Based upon your correspondence we have opened a case in the OCC's Customer Assistance Group (CAG). Please make note of the case number listed above, and provide the number on any future correspondence or contact with our office.

We are reviewing the information you provided, and will contact the bank requesting a response to your issues. In most instances, the bank will respond directly to you and copy us in writing. Once you receive the bank's response, it is very important that you carefully review their summary and actions taken, if any.

If the bank has satisfactorily addressed your issues and/or concerns no further action on your part is required. If however, the bank failed to address your issues and/or concerns or you disagree with their response, please contact the CAG in writing within 30 days of receipt of the bank's letter. Please include in your reply the specific issues that the bank failed to address or, if applicable, the reasons you disagree with the bank's assessment. Also, please include any additional documentation that supports your position.

The OCC examines national banks to ensure their safe and sound financial condition and ensures compliance with applicable banking laws, rules and regulations. The CAG was established to assist customers who have questions or complaints involving national banks. For additional information on the OCC and CAG please visit our internet site www.helpwithmybank.gov.

The CAG offers guidance, and assists consumers in resolving complaints about national banks and their subsidiaries. The CAG is not a consumer advocacy or bank advocacy group. The OCC is an administrative agency and we do not have jurisdiction to resolve contractual and factual issues. We do not have judicial authority and cannot award damages in excess of a bank's error.

While complaint processing times may vary, on average you should receive a written response from CAG within 60 days after we have a complete file.

If you would like to check the status of your case online, please click on the following link: https://appsec.helpwithmybank.gov/olcc_form/checkstatus.aspx or visit www.helpwithmybank.gov and click on the Check Case Status page.

Should you have questions, please contact this office at the number listed below.

Sincerely,

Customer Assistance Group
1-800-613-6743

1729. PROTECTION OF GOVERNMENT PROCESSES -- TAMPERING WITH VICTIMS, WITNESSES, OR INFORMANTS -- 18 U.S.C. 1512

Section 1512 of Title 18 constitutes a broad prohibition against tampering with a witness, victim or informant. It proscribes conduct intended to illegitimately affect the presentation of evidence in Federal proceedings or the communication of information to Federal law enforcement officers. It applies to proceedings before Congress, executive departments, and administrative agencies, and to civil and criminal judicial proceedings, including grand jury proceedings. *See* 18 U.S.C. § 1515(a)(1). In addition, the section provides extraterritorial Federal jurisdiction over the offenses created therein. *See* 18 U.S.C. § 1512(g); 128 Cong. Rec. H8469 (daily ed. Oct. 1, 1980); H. R. Rep. No. 1369, 96th Cong., 2d Sess. 20-22 (1980).

The express prohibitions against tampering with witnesses and parties contained in former 18 U.S.C. §§ 1503 and 1505, are now in paragraphs (b)(1) and (2) of 18 U.S.C. § 1512. (As discussed in this Manual at 1724 and 1727, the omnibus clauses of these provisions still cover witnesses.) All forms of tampering with informants covered in former 18 U.S.C. § 1510, with the exception of tampering by means of bribery, are now proscribed by 18 U.S.C. § 1512(b)(3). Tampering with informants by means of bribery remains an 18 U.S.C. § 1510 offense.

Section 1512 augments the prohibitions of the former law in several important respects. First, section 1512(b)(3) sweeps more broadly than former 18 U.S.C. § 1510 and expands the class of informants protected by Federal law. For example, it protects individuals having information concerning a violation of a condition of probation, parole, or bail whether or not that violation constitutes a violation of any other Federal criminal statute. Second, it protects individuals seeking to provide information to Federal judges or Federal probation and pretrial services officers.

Section 1512 also includes attempts in its list of prohibited conduct. There is no requirement that the defendants actions have the intended obstructive effect. *See, e.g.*, *United States v. Murray*, 751 F.2d 1528 (9th Cir.), *cert. denied*, 474 U.S. 979 (1985); *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), *cert. denied*, 479 U.S. 1039 (1987). As amended by the Criminal Law and Procedure Technical Amendments Act of 1986, Pub. L. 99-646, it is clear that the killing of a witness or attempts to kill a witness in order to prevent his/her testimony constitutes an act of force intended to "influence the witness' testimony." *See* 18 U.S.C. § 1512(a). This change was necessitated by one court interpreting former § 1512 as not reaching an act of attempted murder that was intended to prevent a witness from testifying. *See United States v. Dawlett*, 787 F.2d 771 (1st Cir. 1986).

The section specifically abolishes the pending proceeding requirement of 18 U.S.C. §§ 1503 and 1505. The provision also eliminates ambiguity about the class of individuals protected. Although the former law protected witnesses, parties, and informants, it was unclear whether that law reached the intimidation of third parties (for example, the spouse of a witness) for the purpose of intimidating the principal party. Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct directed toward "another person." *See* 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982).

Section 1512 protects potential as well as actual witnesses. With the addition of the words "any person," it is clear that a witness is "one who knew or was expected to know material facts and was expected to testify to them before pending judicial proceedings." *United States v. DiSalvo*, 631 F.Supp. 1398 (E.D. Pa. 1986), *aff'd*, 826 F.2d 1054 (3d Cir. 1987). Under § 1512, an individual retains his/her status as a witness even after testifying. *United States v. Wilson*, 796 F.2d 55 (4th Cir. 1986), *cert. denied*, 479 U.S. 1039 (1987) (protection of witness under § 1512 continues throughout the trial); *United States v. Patton*, 721 F.2d 159 (6th Cir. 1983) (witness retains status while defendant's motion for a new trial is pending); *United States v. Chandler*, 604 F.2d 972 (5th Cir. 1979) (witness retains status while case is pending on direct appeal). *Cf. United States v. Risken*, 788 F.2d 1361 (8th Cir.), *cert. denied*, 479 U.S. 923 (1986) (party was a witness after asserting his Fifth Amendment privilege and being dismissed from the stand since he could be recalled at any time).

Section 1512 of Title 18 contains two significant additions to the types of tampering barred by Federal law. First, it forbids "misleading conduct," as defined in 18 U.S.C. § 1515. Such conduct was not covered in those circuits that had narrowly construed the omnibus clauses of 18 U.S.C. §§ 1503 and 1505 under the rule of ejusdem generis. *See United States v. Metcalf*, 435 F.2d 754 (9th Cir. 1970); *United States v. Essex*, 407 F.2d 214 (6th Cir. 1969). *see generally*, 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). Second, 18 U.S.C. § 1512 makes intentional harassment a misdemeanor. This offense is intended to reach conduct less egregious than the corrupt, threatening or forceful conduct required for a violation of former 18 U.S.C. §§ 1503 and 1505. Harassing conduct has been defined as that intended to badger, disturb or pester. *Wilson*, *supra*.

Despite its coverage, section 1512 was not intended to reach all forms of witness tampering. Its coverage is limited to tampering accomplished by the specific means enumerated in the provision. *United States v. King*, 762 F.2d 232 (2d Cir. 1985), *cert. denied*, 475 U.S. 1018 (1986). The more imaginative types of witness tampering as well as forms of tampering defying enumeration were still prohibited by the omnibus provision of § 1503. *United States v. Lester*, 749 F.2d 1288 (9th Cir. 1984).

It is unclear whether 18 U.S.C. § 1512(b)(3) was intended to widen the prohibition against obstructing investigations contained in former 18 U.S.C. § 1510 to include investigations that are not per se criminal in nature, such as an FAA investigation of an aircraft accident, or a Senate committee investigation of the trucking industry. A comparison of the difference in phraseology between 18 U.S.C. §§ 1510 and 1512(b)(3), however, indicates that those differences are differences of style, not substance, and that no such expansion was intended. Section 1510 proscribes interference with "the communication of information relating to a violation of any criminal statute of the United States . . ." to a (Federal) criminal investigator; 18 U.S.C. § 1512(b)(3) proscribes interference with "the communication to a (Federal) law enforcement officer . . . of information relating to the commission or possible commission of a Federal offense." There is nothing to indicate that Congress intended to depart from the generally accepted meaning of "law enforcement" as criminal law enforcement and of "offense" as criminal violation. *See* 18 U.S.C. § 1515(4); 128 Cong. Rec. H8203 (daily ed. Sept. 30,

ALEX GARDNER
Lane County District Attorney
8th Avenue
E... ..e, OR 97401
(541) 682-4261 (541) 682-3890 (fax)

October 13, 2021 WELLS FARGO'S ATTORNEYS (Ogletree Deakins) TAMPERED WITH FEDERAL WITNESS VIA FALSE ARREST. It is classic Mafia-style kidnapping by police acting upon false threat reports. Another attorney (Seyfarth Shaw) refused to look at evidence and obstructed justice in all courts.

Civil case 6.20.cv.000253.AA False Arrest of Federal Witness as Predicate Act of RICO. Posted correspondence demonstrates it was completely manufactured crime. Wells Fargo does not condone this stuff but their attorneys hide it. Police and Court Audio:
www.RisePatriot.com (Not politics or patriots.... it is official evidence, all obstructed from Court)
Family Court Interface: **www.WellsFargoWitz.com** Public Corruption: **www.GoodShipGinsburg.com**

In the Circuit Court of the State of Oregon for Lane County

THE STATE OF OREGON
Plaintiff,

vs.

ANDREW GLEN CLARK,
Defendant.

10 years prison, No protection order, no grand jury - Obvious Fraud of Official Systems
TEN IDENTICAL CHARGES input into Lane County's Risk Assessment Tool caused $600,000 bail, etc.

INFORMATION
211314234

The above-named defendant is accused on oath by the Lane County District Attorney as follows:

CRIMINALIZATION OF COMMUNICATIONS
A WELLS FARGO SPECIALTY

IT IS NOT POSSIBLE TO STALK A CORPORATION. THEY ADDED LEAH LIVELY AS A 'HUMAN VICTIM' BUT SHE NEVER FILED A COMPLAINT ABOUT HARMLESS BUSINESS FAXES.

TEN IDENTICAL CHARGES input into Lane County's Risk Assessment Tool caused $600,000 bail, etc.

THERE WAS NO STALKING PROTECTION ORDER.
THERE WAS NO PHYSICAL CONTACT
THEY BYPASSED PORTLAND POLICE ACROSS THE STREET FROM THEM AND CALLED EUGENE INSTEAD.

1. STALKING
2. STALKING
3. STALKING
4. STALKING
5. STALKING
6. STALKING
7. STALKING
8. STALKING
9. STALKING
10. STALKING

committed as follows:

COUNT 1

The defendant, on or between August 1, 2012, and July 23, 2013, in Lane County, Oregon, in an act and transaction separate and distinct from all others alleged in this Information, did unlawfully and knowingly alarm and coerce the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and staff attorney Leah Lively, by engaging in repeated and unwanted contact with the said victims, this contact causing Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and Leah Lively reasonable apprehension regarding their personal safety, and it being objectively reasonable for a person in the situation of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and Leah Lively to be alarmed and coerced by the contact; contrary to statute and against the peace and dignity of the State of Oregon;

COUNT 2

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COUNT 3

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COUNT 4

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COUNT 5

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COUNT 6

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COUNT 7

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COUNT 8

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COUNT 9

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COUNT 10

The defendant, on or between August 1, 2012, and July 23, 2013, in Lane County, Oregon, in an act and transaction separate and distinct from all others alleged in this Information, did unlawfully and knowingly alarm and coerce the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and staff attorney Leah Lively, by engaging in re[illegible]ed and unwanted contact with the said victims, this contact causing Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and Leah Lively reasonable apprehension regarding their personal safety, and it being objectively reasonable for a person in the situation of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and Leah Lively to be alarmed and coerced by the contact; contrary to statute and against the peace and dignity of the State of Oregon.

DATED this 25th day of July, 2013 at Eugene, Lane County, Oregon.

1. ORS 163.732/Class A Misdemeanor
2. ORS 163.732/Class A Misdemeanor
3. ORS 163.732/Class A Misdemeanor
4. ORS 163.732/Class A Misdemeanor
5. ORS 163.732/Class A Misdemeanor
6. ORS 163.732/Class A Misdemeanor
7. ORS 163.732/Class A Misdemeanor
8. ORS 163.732/Class A Misdemeanor
9. ORS 163.732/Class A Misdemeanor
10. ORS 163.732/Class A Misdemeanor

ALEX GARDNER, District Attorney

By:

Erik V. Hasselman, OSB 94510
Assistant District Attorney
Erik.Hasselman@co.lane.or.us

Agency: EGP 13-10194
DOB: 8/8/1958
DA No.: 039271301
FPN:
SII 5971848
FBI: 23042X9

REC[illegible]D JUL 2 9 2013 CIRCUIT COURT, LANE CO

CONFIDENTIAL

ORIGINAL DOCUMENT

Case Number(s): **EGC 211314234**

DOMC - PTS

WAIVED

Risk Assessment Tool Printout· Maximum Danger Scores··· as bad as they get due to FRAUDULENT USE OF OFFICIAL SYSTEMS·

Risk Assessment Summary for *CLARK ANDREW GLEN*

Date of interview: 7/25/13

Measure 11 Offenses	LOW/Green	MEDIUM/Yellow	HIGH/Red
A Felony	$75,000	150,000	250,000
B Felony	$50,000	100,000	175,000
Non-Measure 11 Offenses			
A Felony	$50,000	75,000	100,000
B Felony	$35,000	50,000	75,000
C Felony Person	$30,000	40,000	50,000
C Felony	$15,000	30,000	40,000
A Misdemeanor Person	$7,500	15,000	20,000
A Misdemeanor	$5,000	10,000	15,000
B Misdemeanor	$3,000	5,000	10,000
C Misdemeanor	$1,500	2,500	5,000

Score	Value	Risk Level
FTA Score	38.00	HIGH
ReOff Score	36.00	HIGH
Danger score	79.50	HIGH
CBR score:	354.00	

High Risk

Case Number	Charge with modifier	Vio F	Vio M	M 11 ReOf	Statute # & Classification		Security
EGC 211314234	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
	STALKING - MISDEMEANOR		X		163.732(2A)	A/MIS	$ 20,000.00
					Total Security for EGC 211314234:		**$ 200,000.00**

Facts warranting deviation (either above or below recommended security for class/type of offense) from rule: **none**

1. *Alt Address needed:* no
2. *No Alcohol Condition:* yes
3. *DUII Clause:* no
4. *DV Program Condition:* no

**Witnessing Minor Condition:* no

5. *No Weapons Condition: yes*
6. *No Victim Contact Condition:* yes
7. No Minor Contact Condition: no
8. Current CCH run & reviewed: yes
9. Police Report Ordered: yes
10. Police Report Reviewed: yes
11. MF AIRS reviewed: yes
12. OJIN Statewide reviewed: yes

Clarence A. Woods

Release Officer

Dated: 7/27/2013

see Questions (Fraud)

Ariz. County Seeks To Debar Ogletree Deakins

By Lana Birbrair 0 Comments Share us on:

Law360, New York (July 05, 2012, 8:51 PM ET) -- Arizona's Maricopa County has sought to prevent Ogletree Deakins Nash Smoak & Stewart PC from serving as a contractor for the county and has amended class claims that accuse the firm of 300 billing errors, including billing clients associate attorney rates for the work of recent law school graduates, the county confirmed Thursday.

In a notice sent to Ogletree on Monday, the county informed the employment boutique that it had filed a debarment action to prohibit the firm from doing business with the county, even as a subcontractor, for three years. It was the first time in the county's history that it had moved to debar a vendor, according to the county.

Ogletree responded Thursday that it no longer wanted to do any business with the county and noted that it had already sent refund checks to the county in response to claims that it had overbilled the county by charging attorney rates for the work of law school graduates who had not yet passed the bar, including a check sent in late June for almost $28,000.

"Ogletree made clear in October 2010 that it has no intention to do business with Maricopa County in the future," said John Doran of Sherman & Howard LLC, an attorney for the firm. "Nevertheless, Ogletree continues to look for common ground on which to resolve its long-standing issues with the county. The county has previously identified two instances where employee time was supposedly billed incorrectly, and Ogletree has issued refunds even though it disagrees with the county's position."

In its notice, Maricopa County referred to its long-running battle with Ogletree over $1.1 million in disputed charges, during which Ogletree has allegedly refused to participate in an audit of the firm's legal services.

The county has accused the firm of listing nonattorneys in its personnel database as associates when they begin working at the firm after law school but before they have been admitted to the bar, leading to $170,000 in charges on the services of employees who were fraudulently represented to be attorneys.

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In an amended class counter-claim filed last week, Maricopa County also increased the number of such alleged billing errors from nearly 40 to about 300, with additional errors including billing associates at the rate of senior partners.

Maricopa County claims taxpayers spent more than $170,000 on the services of nonlawyers who were fraudulently represented to be attorneys, $197,000 on attorneys who were charged at higher categories than deserved and $20,000 for librarians, office assistants and other employees whose time was added to billings in violation of the county's contract. The county says Ogletree's behavior violates its contract and constitutes fraud.

"The number of errors contained in the incomplete bills that we have received from Ogletree is rather stunning and it adds extra urgency for the need for a comprehensive audit of all of Ogletree billings," Maricopa County spokeswoman Cari Gerchick said. "In addition, the fact that Maricopa County has sent a 'notice of intent to debar' this vendor ... from doing business with the county for a period of time shows our commitment to having accountability and transparency in the procurement process."

The instant suit reasserts the county's claim that Ogletree should be subject to an extensive audit in a dispute stemming from the county's allegations that Ogletree violated both the legal services provider contract and procurement code by improperly expanding the scope of assignments and representation and overcharging for services it did not request or approve.

When the county's board of supervisors voted unanimously to terminate its legal services contract with Ogletree in September 2010, it had $1.1 million in outstanding charges, according to the complaint.

In a series of claims and counterclaims that have traveled between state court, alternative dispute resolution and attempts at nonbinding arbitration, Ogletree allegedly sought to recover the outstanding charges while the county tried to audit the firm's legal records in an attempt to show that Ogletree had racked up $5 million in billings while improperly subcontracting out legal work to firms that did not appear on a list of vendors the county had approved, in violation of the contract with Ogletree.

Maricopa County is represented by Julie Pace and David Selden of The Cavanagh Law Firm PA.

Ogletree is represented by John Doran of Sherman & Howard LLC.

The case is Maricopa County v. Ogletree Deakins Nash Smoak & Stewart PC, case number CV2011-002493, in the Superior Court of Arizona, Maricopa County.

--Editing by Katherine Rautenberg.

Related Articles

Ogletree Settles Billing Dispute With Ariz. County

Ariz. County Says Ogletree Billed Atty Hours For Grads

Ogletree Must Turn Over Billing Docs In Ariz. County Suit

Ogletree Can't Escape Ariz. County's Billing Records Suit

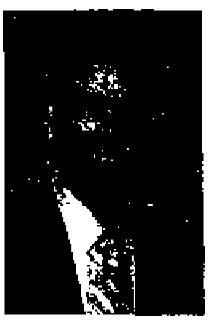
Ogletree Deakins Boosts Calif. Employment Group

0 Comments Sign in to comment

75

Sheriff Joe Arpaio's Favorite Law Firm, Ogletree Deakins, Cost Taxpayers $2.4 Million -- in Just Two Years

By Sarah Fenske
Published Wed., May 26 2010 at 8:00 AM



L. Eric Dowell, rainmaker

The battle for control of Maricopa County -- pitting Sheriff Joe Arpaio and County Attorney Andrew Thomas against the Board of Supervisors, judges, and county administrators -- has been costly to both taxpayers and the parties involved.

But it's been a major boon to one local law firm.

Ogletree Deakins, a relatively obscure firm specializing in employment law, became Arpaio and Thomas' go-to legal counsel just as the disputes were heating up. And, according to public records obtained by *New Times*, the firm has billed the county for a staggering $2.49 million since January 2009.

Most of the work had little to do with employment law -- and most of the firm's representation has been unsuccessful, legally speaking.

Ogletree Deakins has fought for the sheriff's right to take over the county's computer system. They tried to argue that the supervisors didn't have the right to sweep money from funds controlled by Thomas and Arpaio. They're currently pressing Arpaio's assertion that he shouldn't have to open his books to county auditors.

And, according to the billing records we looked at, it appears likely that Ogletree lawyers may have even been behind one of Arpaio/Thomas' biggest embarassments: the criminal charges they filed against the county's presiding criminal court judge, Gary Donahoe.

As *New Times* first reported earlier this month, prosecutors filed criminal charges against Donahoe without bothering to seek a grand jury indictment. They simply filed a direct complaint, and attached a "probable cause" statement that, almost word for word, matched a complaint that the sheriff's office had filed with the Arizona Commission on Judicial Conduct one week before. That complaint, detailing a conspiracy theorist's view of Judge Donahoe's conduct, was signed by Arpaio's chief deputy, David Hendershott.

It now appears that Hendershott had some help penning the letter.

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According to its billing statements, Ogletree charged the county $27,310 for something titled "MCSO State Bar/Judicial." The first two invoices with that notation were submitted on December 1, 2009--

just one day after Hendershott filed "his" complaint with the judicial conduct commission.

So did an employment law specialist draft the document that became the basis for the criminal charges against the county's presiding criminal court judge? If nothing else, it would explain why the document drew guffaws from seasoned prosecutors. Ogletree's lawyers were likely in way over their heads. (And really, what was prosecutor Lisa Aubuchon thinking, merely regurgitating Ogletree's letter as a criminal complaint?)

According to the billing statements examined by *New Times*, Ogletree also advised Andrew Thomas on matters involving the State Bar. (That cost the taxpayers $18,929). And, they advised either Arpaio or Thomas -- the billings aren't clear -- about issues relating to the selection of a new county attorney. (That cost us *another* $12,762.)

Finally, Ogletree billed the county a staggering $1.2 million for something described only as "contract compliance." County Spokeswoman Cari Gerchick told *New Times* that county administrators have no idea what that means.

We contacted L. Eric Dowell, a shareholder at Ogletree Deakins and the sheriff's lawyer of choice, to ask about the "contract compliance" payments, but we hadn't heard back by press time. We'll post an update if we get an answer.

In the mean time, looking at the wasted $2.4 million and the unexplained $1.2 million and the tens of thousands of dollars for failed legal adventures -- well, we never thought we'd say this, but we actually miss Dennis Wilenchik. Yes, *New Times* disagreed with Wilenchik on just about everything. But Wilenchik handled some pretty tough cases for Arpaio, not just political crap that should have never made its way to a docket.

And Wilenchik, unlike the sheriff's new $2-million-counsel, actually knew how to win.

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Attorney Fees

Ogletree Deakins Made 299 Billing Errors, Maricopa County Alleges; Firm Disputes Error Claims

Posted Jul 11, 2012 5:29 AM CDT
By Debra Cassens Weiss

Updated: Arizona's Maricopa County says it has identified 299 billing errors by its former law firm Ogletree, Deakins, Nash, Smoak and Stewart—and they may be "only the tip of the iceberg."

In a proposed second amended complaint filed on Monday, the county detailed the alleged 299 billing errors by the law firm, up from 36 errors alleged in an earlier version of the suit. The county also complains that Ogletree failed to cooperate in an audit, used subcontractor law firms that didn't conform to the county contract, and billed for unapproved services such as issuing media statements.

The largest number of alleged billing errors—227 in all—were due to Ogletree misclassifying 11 lawyers at higher experience levels than authorized by the contract, the proposed amended complaint says.

A June 2010 contract specified rates for associates, senior associates, partners and senior partners, and set the minimum years of experience necessary for each category, the county says. Permitted rates ranged from $125 an hour for associates with a minimum of one year of experience to $250 an hour for senior partners with at least 12 years of experience. A prior contract allowed the law firm to charge $275 an hour for all attorney services.

In some instances, Ogletree billed associates as partners and even senior partners, the proposed complaint says. The mistakes were "so extensive, so frequent, and so systemic that the conclusion is inescapable that when the county implemented lower billing rates for attorneys on June 1, 2010, Ogletree's Phoenix and national management made the decision to overcharge the county and thereby to lessen the effects upon Ogletree of the county's new, reduced billing rate structure," the county alleges.

The proposed complaint claims breach of contract, breach of fiduciary duty and fraud. It seeks class action status based on the claim that Ogletree improperly bills other public sector clients by classifying law graduates as associates even though they have have not yet passed the bar.

The court document alleges 37 instances of billing two nonattorney law grads as associates, despite a contract ban on such a practice. The suit also claims 35 instances of billing for 11 specialists such as librarians and information technology specialists. The firm is allowed to bill only for lawyers and paralegals, the county says.

The county claims the errors involve excessive charges of more than $300,000. Ogletree, on the other hand, claims the county owes nearly $1 million dollars in unpaid legal bills.

So far, Ogletree has agreed to refund $78,000 for billing errors, according to Maricopa County communications director Cari Gerchick. The county is seeking to debar the firm from contracting work with the county for three years.

A lawyer representing Ogletree in the litigation, John Doran of Sherman & Howard in Phoenix, says the dispute is over the contract interpretation. "There are not 299 billing errors or anything close to that number," he tells the ABA Journal in an email.

Doran says there were a few instances where it was debatable whether Ogletree could bill law grads as associates under the contract, and Ogletree reimbursed the county for those time entries. "The vast majority of the remaining time entries alluded to by the county consist of contract interpretation questions, not demonstrated billing errors," Doran says.

He points to one example involving billing entries for an of counsel lawyer who had enough years of experience to qualify for the billing rate charged. "But the county is improperly and semantically focusing on his title as 'of counsel' rather than his years of service to argue that Ogletree could not bill his time at all, let alone bill at the contractual rate," Doran says. "Virtually all of the challenged time entries are of this ilk. It is also important to note that all of the work Ogletree billed for was performed at the highest level, and nobody has ever suggested otherwise. We would also be remiss if we did not mention the fact that the county has not even paid Ogletree for virtually all of these time entries, so their claim is difficult to understand in any event." 37

October 18, 2013 | 11:33 pm | 68°

Valley & State

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- Print
- Email
- Most Popular

Stapley files a claim vs. Arpaio, Thomas, alleging false arrest

by Yvonne Wingett - Mar. 20, 2010 12:00 AM
The Arizona Republic

An attorney representing Maricopa County Supervisor Don Stapley filed a notice of claim against county officials Friday.

The claim alleges false arrest and malicious prosecution, among other accusations. The claim names Sheriff Joe Arpaio, Chief Deputy Dave Hendershott and County Attorney Andrew Thomas.

A notice of claim is the first step toward filing a lawsuit against a government entity.

Stapley, who is chairman of the Board of Supervisors, referred calls to attorney Merwin Grant.

"It's a protective filing," Grant said. "We anticipate that other facts will be put forward in the near future. And so, we may amend the notice."

Stapley and his wife, Kathy, will settle for $5 million, according to the claim. According to the document, the events over the last year and a half have caused the Stapleys humiliation, emotional distress, health issues and "loss of consortium," referring to loss of spousal relationship.

Maricopa County spokeswoman Cari Gerchick said the claim will be handled just like "any other person who would file a claim. However that impacts Mr. Stapley as chairman, we'll deal with it appropriately and ethically."

Arpaio wouldn't comment on the specifics of the claim, but allegations that the Sheriff's Office abuses its power, which are included in the claim, have become a familiar refrain, he said.

"It's like 'boots on the ground,' just another buzz word," he said. "It doesn't concern me, because I know my office runs a very professional operation."

Barnett Lotstein, a spokesman for Thomas, would not comment on the substance of the claim, but said, "Two grand juries made up of citizens of Maricopa County did return indictments finding probable cause against Mr. Stapley in the criminal matters."

He noted that Yavapai County Attorney Sheila Polk, who prosecuted the first case against Stapley and was overseeing the investigation of the second case against him, said under oath that both cases had merit.

In November 2008, a grand jury indicted Stapley on 118 counts related to his personal financial-disclosure forms. In August 2009, a judge dismissed many of the counts, and prosecutors later dismissed the rest in mid-September. Stapley thought his legal battles were over.

But three days later, deputies took Stapley into custody in the county parking garage on

Ogletree Deakins Sues Client Entity, Maricopa County, for Defamation

By Martha Neil
Sep 22, 2011, 07:24 pm CDT

A well-known labor and employment law firm has filed suit against Maricopa County, Ariz., seeking damages for claimed defamatory statements made in a letter from county officials terminating its services.

It "contained false and defamatory statements including, among other things, accusing Ogletree of unethical and possibly criminal conduct and of acting in an unreasonable manner," contends Ogletree Deakins Nash Smoak & Stewart in the complaint (PDF) the law firm filed yesterday in Maricopa County District Court.

The suit also alleges, on information and belief, that the county republished the termination letter to a broader circle than those who needed to see it and "intentionally leak[ed] misstatements and half-truths to the media for the purpose of impugning the integrity and business practices of Ogletree."

Among other relief, the complaint seeks damages for alleged defamation per se which, if proven, would entitle the law firm to compensation for injury to its professional reputation without showing actual out-of-pocket loss in the same amount.

As an Arizona Republic article notes, the lawsuit follows a hard-fought political battle between county's board of supervisors and the county sheriff and county attorney's office.

Former County Attorney Andrew Thomas is currently facing a legal ethics trial, and ethics complaints have also been made against others, including a couple of Ogletree lawyers.

The county, which has been arguing with the law firm about Ogletree's unpaid bills, declined the Republic's request for comment on the defamation suit.

Related coverage:

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(AZ BAR FIRM NO. 00441000)
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(JDoran@ShermanHoward.com)
Jamey G. Anderson (AZ Bar 024920)
(Janderson@ShermanHoward.com)
Attorneys for Plaintiff Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

MICHAEL K. JEANES
Clerk of the Superior Court
By Kristy Kee, Deputy
Date 09/21/2011 Time 16:28:08

Description	Amount
CASE# CV2011-017664	
CIVIL NEW COMPLAINT	301.00
TOTAL AMOUNT	301.00

Receipt# 21651368

EXAMPLE OF LEGAL BATTERY AGAINST ANY & ALL

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C., a South Carolina professional corporation,

Plaintiff,

v.

MARICOPA COUNTY, a political subdivision of the State of Arizona,

Defendant.

Case No. CV2011-017664

COMPLAINT

THE PEOPLE OF MARICOPA COUNTY AZ

Plaintiff Ogletree, Deakins, Nash, Smoak & Stewart, P.C. ("Ogletree"), a South Carolina professional corporation, by and through its undersigned counsel, respectfully submits its Complaint and affirmatively alleges as follows:

1. Ogletree is a national labor and employment law firm with an office located in and doing business in Maricopa County, Arizona.

2. Defendant Maricopa County (the "County") is a political subdivision of the State of Arizona.

3. This Court has jurisdiction pursuant to A.R.S. § 12-321 and venue is proper in this Court.

4. Prior to September 2010, Ogletree was an approved vendor on the County's list of outside counsel and was awarded several contracts for legal services.

PHOENIX\1109243.1

Samuels Yoelin Kantor LLP
Attorneys At Law

Well in advance of arrest on 7-18, they were 'setting the stage'.
<<<

May 30, 2013

Steven W. Seymour
SWS@SamuelsLaw.com

Detective Tony Veach
Eugene Police Department
300 Country Club Road
Eugene, OR 97401

CALL ... FOR VAMPIRES.

Re: Andrew Glen Clark (W/M, 08/08/1958)

Barkovic was fired 4 months later for drunk driving. He was behind the first false arrest (dismissed).

Dear Detective Veach:

This letter follows the voicemail I left for you earlier this week regarding the above-referenced Andrew G. Clark. As indicated in my voicemail, I was referred to you by Daniel J. Barkovic, Eugene City Prosecutor, regarding this matter. This firm represents the law firm of Ogletree Deakins Nash Smoak & Stewart, PC. This is a firm which focuses on labor and employment law, and which has offices throughout the United States, including Portland, Oregon.

For the past several months, my client has been the target of increasingly threatening communications initiated by Clark, as further explained in the enclosed Memorandum. Please note that throughout these communications, Clark has often focused on a partner in the law firm's Portland office. was the primary attorney representing their client, Wells Fargo, in litigation against Clark.

Also enclosed are the You Tube video (MPEGs → Wells Fargo Vampire Attorney in Court. mp4; beginning at 2:22), referenced in some of Clark's communications, and screen shots from that video which are referenced in the Memorandum.

As indicated in the Memorandum, my client seeks to initiate an action seeking a citation pursuant to ORS 163.744 for a stalking protective order against Clark. The statute provides that the first step is to complete a standard form of stalking complaint. Therefore, once you have had an opportunity to review the enclosed materials, please contact me at the telephone number/e-mail address referenced herein to review the most appropriate procedure for initiating this complaint.

Thank you for your kind attention to this matter.

Very truly yours,

Steven W. Seymour

SWS:jck
Enclosures
07180-00001 331496.docx
Cc: Mr. Christopher Mixon (w/o encls.)
Ms. Leah Lively (w/o encls.)

Samuels Yoelin Kantor LLP
Attorneys At Law

June 21, 2013

Steven W. Seymour
SWS@SamuelsLaw.com

BY EMAIL: erik.hasselman@co.land.or.us
AND FIRST CLASS MAIL

RECEIVED
JUN 24 2013
Lane Co. District Attorney

Mr. Erik Hasselman
Assistant District Attorney
Criminal Division
Lane County District Attorney
125 East 8th Avenue
Eugene, OR 97401

Re: Andrew Glen Clark – Stalking Order Complaint

Dear Erik:

Thank you for taking the time to meet with me last week and for your understanding and support.

Enclosed please find a form of Stalking Complaint as provided in ORS 163.744. From our previous conversation, I understand that you will rework these allegations into the proper format. I am sending the exhibits with the copy of this correspondence sent by regular mail to you and Detective Veach. Once reformatted, it can be provided to Christopher Mixon, General Counsel for Ogletree Deakins, for signature. I can facilitate that process.

Please contact me if you have any questions regarding this Stalking Complaint, or if I can provide any additional information to you.

Very truly yours,

Steven W. Seymour

SWS:smy
Enclosures
07180-00001:336449
cc: Mr. Anthony D. Veach, Detective, Violent Crimes Unit (w/encls.)
Mr. Christopher Mixon (by email, w/complaint, w/o exhibits)
Ms. Leah Lively (by email, w/complaint, w/o exhibits)
Dr. Dennis Davis (by email, w/complaint, w/o exhibits)

Notice all the CC's.
Dennis Davis bio follows
next page. Interstate false arrest
HELLO, FBI :(

111 S.W. 5th Ave., Suite 3800 | Portland, OR 97204-3642 | Phone: 503.226.2966 | Fax: 503.222.2937 | www.SamuelsLaw.com

(23) Fax dated 5/23/2013 1:22 p.m. which reads in part:

"Ogletree Deakins attorney Leah Lively . . . caused a police and SLAPP action against me. . . . I have no option and in fact have the obligation to return in spades what Oppressors deal out . . . until a victim's last breath. As I have written and said hundreds of times during the corporation/community anti-Sementic profiling and cleansing . . . Never Again. This Jew will not go quietly. I will scream loudly, clearly, daily . . . and I will make sure to bring as many of my oppressors with me to the same legal graveyard of ghettoization and defaming . . . endless lawsuits against you and your companies and massive negative publicity. Endless 'smearing.' . . . The innocent-but-rich executives will be "perp-walked and then sent to prison."

Angry Truth →

8. **Subscribed to and affirmed by:** ______________________

Ogletree Deakins Nash Smoak & Stewart, PC

Date:______________ By:______________________

Christopher A. Mixon, Shareholder and General Counsel

07180-00001:336432

Ogletree Deakins

Trainer Profile Dennis A. Davis, Ph.D. *

Dennis A. Davis, Ph.D. *

Director of Client Training
dennis.davis@ogletreedeakins.com
Location:
Torrance (Office: 760-599-0998, Fax: 310-217-8184)

Education:
Ph.D., United States International University, 1990
M.A., United States International University, 1984
B.A., Catholic University of America, 1982
Practice Areas:
Higher Education

Dennis A. Davis, Ph.D., is recognized nationally as an expert on Workplace Violence Prevention, Workplace Bullying, Conflict Resolution, Sexual Harassment, and Cultural Diversity.

Since 2008 Dennis has served as Ogletree Deakins' National Director of Client Training. In that capacity he develops and implements training programs which are designed to minimize the risks associated with inappropriate employee behavior.

Dennis spent more than ten years consulting to Federal, State, and Local law Enforcement Agencies, where he used his education in Clinical Psychology to teach willful compliance' techniques.

Dennis has conducted Behavioral Risk Management Training for university personnel, governmental agencies and private corporations across the United States. In addition to training, Dennis also provides on-going threat assessments to Ogletree clients.

His credentials act to give police/prosecutor comfort that what they want done is necessary and legally correct. It gives their work an air of authority.

Practice Areas:

Higher Education

Education:

Ph.D., United States International University, 1990
M.A., United States International University, 1984
B.A., Catholic University of America, 1982

Professional Activities:

- SHRM
- MLER
- ABA

Published Works:

- July 6, 2012 - Ogletree Deakins Blog Post - "Workplace Violence: Assessing the Risk and Dealing with the Consequences"

* Not an attorney.

The simplest solution is usually correct. If you did that, it is <u>my opinion</u> that Specific act of Genocide for economic/political reasons tied into the Kidnapping, Concealment, and the arguably-treasonous violation of Dodd Frank/SOX in context with my Wells Fargo India Solutions reporting is what propels this matter into something so criminal, so novel, that it will require application of the Death Penalty on a Liberal Basis."

(20) Fax dated 5/8/2013 7:27 a.m. which reads in part:

"<u>Art Film depicts District Court. The Judge oozes Blood from its freshly bitten arm into the Female Attorney's Mouth. Another Female Attorney is smearing Blood over herself in open COURT wearing a swimsuit</u>. . .

Ms. Leah Lively Attorney Ogletree Deakins . . .

I think Attorney REALLY screwed up. Let's compound it with an Act of Genocide to Retaliate. . . Leah Lively: Literally this-if you personally coordinated this by calling up security at Wells Fargo Bank in Portland to mess with mortgage biz in Eugene and then take my family away, you will be Dealt the Death Penalty if possible under the Law for your disgusting, treasonous, sickening coordinated act of Holocaust. Disbarment is going to happen. You appear to be the worst type of Bank Robber, Kidnapper, and Manipulator. You are a blight upon the entire human race the likes never before seen if you actually did what it seems that you did."

(21) Fax dated 5/9/2013 5:33 p.m. which reads in part:

"URGENT UPDATE LEAH LIVELY/OGLETREE DEAKINS

" . . . my recent Vampire Video which was a Grave Yard Hit . . . over 12,000 views in just a couple days. It is on sites or on youtube channel RisePatriot. <u>It can be "our song"</u>. <3 4 u"

(22) Email dated May 17, 2013 7:32 p.m. Subject: Andrew Clark dead at Albertson's Supermarket.
<u>http://www.youtube.com/watch?v=_Vb--OfEYwQ</u>:) This video is referenced in Exhibits 17, 18, 19, 20 and 21 and shows the scenes referenced in those Exhibits. Screen shots of those scenes are attached to Exhibit 22.

(16) Fax dated 4/28/2013 4:17 p.m. which reads in part:

"Ogletree Deakins attorney are mean Faggots. . . **They use time-tested "Child Rape Concealment Tactics" . . . Once you see it for what it is, you will want them put to death. It is that bad: what they do and coordinated for the "Bank" should subject them to the Death Penalty.** It is such a novel, horrific crime that is appropriate. . . That allows speedy execution of the Perpetrators of Holocaust (Leah Lively and her cohorts). It allows them to be Hanged by the Neck Until Dead as we laugh but I think an Electric Chair would make better Youtube Art." (Note Exhibits 17, 18, 19, 20 and 22 references to a Youtube video which includes an image of an actor suffering death on an electric chair)

(17) Fax dated 5/6/2013 10:24 p.m. which reads in part:

"All attorney involved in this matter acted illegally and due to my Agency filing there is absolutely no exit and no escape for what Ogletree/Wells Fargo perpetrated unless we Work Together for Progress."

(18) Fax dated 5/7/2013 8:33 a.m. which reads in part:

"NEW MUSIC ART Tool: "Liars, Lawyers what's the Difference" with Extremely BLOODY VAMPIRE Attorney Footage @ about 2 minutes until the end. Art Film depicts District Court, The Judge oozes Blood from its freshly bitten arm into the Female Attorney's Mouth. Another Female Attorney is smearing Blood all over herself in open COURT wearing almost nothing. . .

Dear Ms. Lively: . . .

Nobody wants to think of a really good looking woman as a Felon subject to Life in Prison or the Death Penalty but that is your new reality." (See Exhibit 22 which links to the referenced video.)

(19) Fax dated 5/7/2013 9:38 a.m. which reads in part:

"Art Film depicts District Court. The Judge oozes Blood from its freshly bitten arm into the Female Attorney's Mouth. Another Female Attorney is smearing Blood all over herself in open COURT wearing almost nothing. . .

Dear Ms. Lively: . . .

(11) Fax dated 4/21/2013 12:15 a.m. which reads in part:

"Ogletree Deakins Attorney are cheating fee-gouging Pus-Filled Anal Worms of Holocaust. They are expensive, know-nothing Gaping Legal Rectums Grunting Out Fecal Filings in Courts. Their boilerplate piles of random idiocy may impress others as stupid as them but it is treasonous Ebola-infected tripe from the Rotted Ogle Tree of Homicide. They are the Death of Intellect, the Death of the Worker. They are the Death of their Clients and all of America. Ogletree rapacious tyranny by fear and degradation of the American Worker must End."

(12) Fax dated 4/24/2013 7:53 a.m. which reads in part:

"Leah and Ogletree: There is a lot more to this meets the eye. This was among correspondence sent to Ms. Lively. I will let her show you the **hilarious ones where I suggested we drop the case and have loving sexual relations instead.**"

(13) Fax dated 4/24/13 8:15 a.m. which reads in part:

"Leah and Ogletree: There is a lot more to this meets the eye. This was among correspondence sent to Ms. Lively. I will let her show you the **hilarious ones where I suggested we drop the case and have loving sexual relations instead**. They were socially appropriate but direct. . . She and all others are "hung" by the "Cherry Picker Fallacy."

(14) Fax dated 4/27/2013 10:00 a.m. which reads in part:

"Leah Lively, Ogletree Deakins Attorney are going to be Toasted. At a minimum they will be disbarred and shamed until they turn to dirt. More likely: life in prison or the death penalty. You think I am kidding? I am not. I have not heard from them on Settling this . . . not from Wells Fargo et al either. *I will wait a short time then you will Be Punished Severely*."

(15) Fax dated 4/27/2013 10:59 a.m. which reads in part:

"Ogletree Deakins and most attorney are fee-pretexting, fee-gouging Highwaymen of the lowest order. . . Let us make an example of them using Tar and Feathers first followed by hanging or firing squad . . . or at least disbarment and imprisonment."

(7) Fax dated April 05, 2013 1:22 a.m. which reads in part:

"4.4.13, Hate-O-Gram . . . Charges Against Portland Attorneys Leah Lively, David Symes and Wells Fargo Security Agent Martin Ogno. It is possible Leah Lively's husband was involved. . .

They are the worst of the many anal worms who attacked me. They go first. It will taken (sic) down to the level of the process server. The Bar Association is going to be decertified. The local judges will be shipped out on rail after tar and feathering. One of the sickest most disgusting blots on the planet is the used-tampon of a beast named Leah Lively who is a filthy stinking corporate whore with intellectual Ebola. She thinks she is pretty. She is Ghastly Ugly. Her ugliness inside is so horrific it ruins an otherwise decent looking woman. . . Bust them, impoverish them, put them on the streets . . . I will start all-out-legal-war shortly due to necessity."

(8) Fax dated 4/13/2013 6:57 a.m. which reads in part:

"4.12.2013 Christopher Mixon Ogletree Deakins et al . . . I must now ramp up neutralization of legal opposition forces. There is no doubt in my mind all Attorney at Ogletree Deakins with CLIENTS will be finding another place to work within 30 days leaving the rest stuck with all the bills and no income and you and your families will possibly die on the streets. . . That is what shall be delivered to you and all who did Wrong to Me. What you dished out will be served Cold and in Spades and Beyond Comprehension."

(9) Fax dated 4/18/2013 8:51 a.m. which reads in part:

"Ogletree Attorney are Know-Nothing Perverted Anal Worms Who Rape, Kill, and Eat our Children . . . **Workers: Lock & Load NOW – Annihilate Stupid Overpaid Management.**"

(10) Fax dated 4/20/2013 10:10 a.m. which reads in part:

"BLAME: Ogletree Deakins Employment Law . . . They are a mindless, expensive, know-nothing Boilerplate Legal Filing Dumping Machine. Their piles of legal crap may impress the uneducated but it is treasonous tripe from the Rotted Fetid Ogle Tree. They are the Death of Intellect, the Death of the Worker. They are the Death of their Clients and all of America. Their rapacious tyranny must End. Drown them in Feces. Thank you very much."

(1) Undated fax which reads in part:

"ATTORNEY OGLETREE DEAKINS: *CHILD RAPISTS. CHILD KILLERS. Your Child is NEXT.*"

(2) Email dated March 8, 2012 10:56 a.m. which reads in part:

"I hope what you did to me happens to you or your kids. I really do so you can FEEL it. . . You will suffer as you made me. You are all sick animals and you must all be dealt what you dealt to me."

(3) Email dated June 20, 2012 1:06 a.m. which reads in part:

"You are abject criminals of the very most obvious sort. I am not talking about "torts" . . . you are Criminals. Your action is SLAPP and it is tandem to RICO. And then YOUR FIRM tries to BURN ME MORE? Bring it ON, Ms. Lively. . . Bring it On if that is what YOU want."

(4) Email dated August 2, 2012 6:30 p.m. which reads in part:

"You freaks are going down. There will be nothing left. You will be living in tents eating bugs for what you did. Ms. Lively: get ready for buying clothing at Salvation Army Counters after the 5 year stretch."

(5) Email dated August 8, 2012 10:39 p.m. which reads in part:

"Bunch of sick fuks (sic), you will get your payback each day as you have to live with yourself. Not much longer kiddos, not much longer. Infowars are ON pigs! Thank you for stealing and crushing. You all suck except people who want to look at this horror and actually help. thanks u."

(6) Fax dated 9/26/2012 12:21 p.m. which reads in part:

"Never again will a Jewish Person or Any Person be the Victim of a Crime Against Humanity without Apocalyptic Response. Now I am impoverished by Wells Fargo, they refuse to politely Settle the Matter and acted to destroy me utterly."

STALKING COMPLAINT

1. **Name of petitioner (person presenting complaint)**: Ogletree Deakins Nash Smoak & Stewart, PC, a South Carolina professional corporation, by and through Christopher A. Mixon, shareholder and general counsel, 401 Commerce Street, Suite 1200, Nashville, TN 37219-2246.

2. **Name of person being stalked if other than the petitioner**: N/A

3. **Name of respondent (alleged stalker)**: Andrew Glenn Clark

4. **Description of respondent**: white male, dob 08/08/1958

5. **Length of period of conduct**: May 2011 to present

6. **Description of relationship (if any) between petitioner or person being stalked, if other than the petitioner, and respondent**: From May 2011 until November 2012, respondent was the adverse party to petitioner's client, Wells Fargo Bank, N.A. in the following two proceedings:

a. **Andrew Clark v. Wells Fargo Home Mortgage,** US Dept of Labor, Case No.: 2012-SOX-00003 filed June 19, 2011, filed under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VII of the Sarbanes-Oxley Act of 2002, 18 USC § 1514A. and the implementing regulations at 29 CFR § 1980.

b. **Wells Fargo Bank, N.A. v. Andrew G. Clark,** US District Court Case No. 6:11-CV-06248-AA, Complaint for Injunctive Relief.

7. **Description of contact**: During the litigation referenced in Section 6, above, Clark, appearing pro se, engaged in the pattern of offensive, obscene, sometimes lurid, and often hostile communications with the petitioner and its client, Wells Fargo. Some of these communications were styled as "pleadings" and many of them were direct communications to Ogletree attorneys and staff.

The conclusion of the above-referenced proceedings did not, however, abate Clark's deluge of offensive and threatening communications to Ogletree and its attorneys. Clark's communications have continued on an almost daily basis through the present. And, the tone and content appear to be growing more aggressive.

Over the course of this relationship, Clark has sent not less than 2,500 communications to the petitioner. Those communications which constitute threats and instill in the respondent, and its attorneys and staff, a fear of imminent and serious personal violence from the respondent, are attached as Exhibits 1-23 and are summarized as follows:

9 of 25
13-10194

Samuels Yoelin Kantor LLP
Attorneys At Law

July 18, 2013

Steven W. Seymour
SWS@SamuelsLaw.com

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7009 2250 0002 2715 0509
AND FIRST CLASS MAIL

Note from Andy... I was already jailed when this arrived.

Mr. Andrew Clark
3270 Stony Ridge Road
Eugene, OR 97405

Re: Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Attorneys at Law

Dear Mr. Clark:

This law firm represents Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (hereinafter "Ogletree Deakins") As its attorneys, we are authorized to communicate the following demands on behalf of our client, including all of its offices throughout the United States of America:

1. Telephonic Contact Prohibited

This letter demands that you have no Telephonic Contact with our client, or any of its personnel, from and after the date of this letter. For purposes of this demand, "Telephonic Contact" means:

A. Sending to, or leaving at, any Ogletree, Deakins telephone (including any telephonic facsimile device), any text message, voicemail, facsimile, or any other message; and

B. Causing any Ogletree, Deakins telephone or telephonic facsimile device to ring.

2. Trespass Prohibited

This letter demands that you refrain from entering onto any premises in the possession of Ogletree, Deakins. That is, you are prohibited from entering or remaining and have been denied entry to any real property in which Ogletree, Deakins has a real property interest.

I am informed that you have been contacted by Detective Anthony Veach of the Eugene Police Department regarding the repeated electronic communications which you have been sending to Ogletree, Deakins. Please be advised that this demand letter is supplemental to and in conjunction with law enforcement efforts.

111 S.W. 5th Ave., Suite 3800 | Portland, OR 97204-3642 | Phone: 503.226.2966 | Fax: 503.222.2937 | www.SamuelsLaw.com

10 of 25
13-10194

Your prompt attention to this matter is expected.

Very truly yours,

SAMUELS YOELIN KANTOR LLP
Attorneys at Law

By: Steven W. Seymour

SWS
07180-00001:342271
cc: Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

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