

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**ETHAN BOOK and  
ETHAN BOOK FOR U.S. SENATE**

**Plaintiffs**

**: Case No. 3:10-cv-1228 (PCD)**

**v.**

**SUSAN BYSIEWICZ, GAYLE S.  
SLOSSBERG, JAMES F. SPALLONE,  
RICHARD BLUMENTHAL and  
STATE OF CONNECTICUT**

**Defendants**

**: August 10, 2010**

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**PLAINTIFFS' MOTION FOR ARTICULATION REGARDING  
COURT RULING TO DENY MOTION FOR EMERGENCY  
TEMPORARY PRELIMINARY INJUNCTION**

With reference to Federal Rules of Civil Procedure, Rule 1 and the 1<sup>st</sup> and 5<sup>th</sup> Amendments, Plaintiffs Ethan Book and Ethan Book for U.S. Senate move for articulation regarding the Court ruling issued on the afternoon of August 9, 2010 by Senior District Judge Peter C. Dorsey to deny the Plaintiffs' unopposed Motion for Emergency Temporary Preliminary Injunction. Specific points of inquiry are presented together with related factual reference.

This is a matter in which the Plaintiffs seek a Court ruling to suspend or postpone the Primary

**Expedited Processing Requested**

Election for choosing a Republican candidate for the U.S. Senate. Focal points of the relevant issues for this Court are that the Certificate of Endorsement which candidate Linda McMahon presented to the Connecticut Secretary of State, as is administered by Defendant Susan Bysiewicz, on June 2, 2010 is fatally defective for reasons including that it was not “properly completed” as is mandated by explicit terms of the prepared form which is distributed by the Secretary of State, also that the form which is prepared and distributed by the Secretary of State was never properly promulgated by the legislative Regulation Review Committee as is required of the Uniform Administrative Procedure Act, and further for reasons which include deliberate indifference and a continuation of an interagency governmental conspiracy by various Defendants, the Plaintiffs have not had a full and fair opportunity to campaign.

In the Complaint, regarding jurisdiction, there is specific mention of the 9<sup>th</sup> and 14<sup>th</sup> Amendments, of 42 U.S. Code, Sections 1983, 1985 and 1986, of Article III, Section 2 of the Constitution, and of related matters including conspiracy.

**I.** The Plaintiffs’ properly filed with this District Court on Monday, August 2, 2010 a formal Complaint of this lawsuit. After providing good explanation of the Court’s jurisdiction and narrative background, the Complaint specifically seeks that this Court issues a declaratory ruling to affirm the invalidity of the McMahon Certificate of Endorsement, that it issues an injunction to order suspension or postponement of the mentioned Primary Election which is scheduled for this date, and that the Court orders reasonable financial compensation for the Plaintiffs. On the afternoon of August 3, 2010, the confirmed copies of the Complaint were made available by the Court Clerk. On the same afternoon, the Plaintiffs’ thereupon promptly had the Complaint and Summons properly served each of the named Defendants. On the afternoon of August 4, 2010, the Plaintiffs presented to this Court and to each Defendant a

formal Notice of Intent to Present Motion for Emergency Temporary Preliminary Injunction.<sup>1</sup> On the morning of Friday, August 6, 2010, the Plaintiffs filed with the Court a formal Motion which was entitled “**PLAINTIFFS’ MOTION AND MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR EMERGENCY TEMPORARY PRELIMINARY INJUNCTION**”. The file stamp reflects a time of 11:31 a.m. At the time that the Motion was presented to the Court, Plaintiff Book specifically advised the attending official that the Motion seeks an emergency temporary preliminary injunction regarding the upcoming Primary Election. In a conscious attempt to give the officials of the Court Clerk and the Court space and opportunity to do their jobs, the Plaintiffs waited before making specific inquiry as to the status of the Motion. At precisely 1:00 p.m. on Monday, August 9, 2010, Plaintiff Book called the Office of the Clerk by telephone. He inquired of the status of the Motion. He was told that the Motion had not yet been scanned or docketed. In other words, the Motion was not yet before the assigned Judge (at that time, the Honorable Janet Bond Arterton). Plaintiff Book the specifically reaffirmed that the Motion seeks that the scheduled Primary Election be suspended or postponed. The speaker assured that the Motion would be before Judge Arterton in the afternoon. At about 3:30 p.m., Plaintiff Book again called the Office of the Clerk. He was told that the Motion had been scanned and docketed. He again reminded the official that the Motion seeks an emergency temporary injunction regarding the scheduling of the Primary Election. He was told that the Motion could be electronically flagged for notice to Judge Arterton. Plaintiff Book requested that. At about 3:45 p.m., Plaintiff Book called the Office of the Court Clerk. He requested to speak with the Chief Clerk. After several minutes of delay, the call was taken by one named Laurie who described her position as manager of the New Haven Office of the Clerk. She reviewed the electronic record of the case and advised that the case had just been transferred to Judge Peter C. Dorsey. Then during our conversation of about three minutes, she advised that there had just appeared electronic

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<sup>1</sup> In the Notice of Intent, the Plaintiffs particularly cited Donohue v. Board of Elections of the State of New York, 435 F.Supp. 957, 959 hn 25 (1976) which affirms that the federal court has equity powers to order a new presidential election after the fact (See also Pesttrak v. Ohio Elections Commission, 670 F.Supp. 1368, 1378 (S.D. Ohio, 1987.).

notice of a ruling from Judge Dorsey. She has advised that the electronic ruling advises of denial of the Plaintiffs' unopposed Motion with the explanation given that "Motion is outside the scope of the Court's authority". *Simply considering the various procedural steps which are described here, can it be said that the Plaintiffs have had a full and fair opportunity to litigate?*

**II.** *Also, does not the position assumed by this Court appear to be in conflict with the 9<sup>th</sup> and 14<sup>th</sup> Amendments, with 42 U.S. Code, Sections 1983, 1985 and Article III, Section 2 of the Constitution (See also Donohue and Pesttrak cases cited above.)?*

**III.** *Notwithstanding any reasonable consideration of limitation of this Court's authority regarding mandamus relief, would there be any limitation of authority of this Court to issue a declaratory ruling regarding the validity of the McMahon Certificate of Endorsement and related considerations?*

**IV.** The Complaint is explicit as to Attorney General Richard Blumenthal being named as Defendant. Substantive and undisputed information is provided in support (Complaint at Paragraphs 23 – 32; at p. 19a). It is of particular note that Paragraph 31 of the Complaint reports that from 1973 - 1974, Richard Blumenthal served as law clerk in the Connecticut District Court for Judge Jon O. Newman (later serving as Chief Judge of the 2<sup>nd</sup> Circuit Court of Appeals, that during the time period that the formal appeal of Plaintiff Book's lawsuit of Book v. CRRRA et al., Case No. 3:95-cv-1344 was procedurally dismissed). Additional relevance is that from 1977 through 1981, Mr. Blumenthal served as U.S. Attorney (pursuant to an appointment of President Jimmy Carter). The information reported under Item I above suggests that this matter was assigned to Judge Dorsey late in the afternoon of Monday, August 9, 2010 and that within a very brief time period following that assignment, he ruled to deny the Motion for lack of federal court purview to take such action. It is curious that public information also reflects that from 1964 through 1969, Jon Newman served as U.S. Attorney, that Peter C. Dorsey served as U.S. Attorney from 1974 through 1977, and that Defendant

Blumenthal served as U.S. Attorney from 1977 through 1981. *Might the kind of close and material association described here between Judge Dorsey and Defendant Blumenthal be cause for disqualification as is provided for in 28 U.S. Code, Sec. 372(c) [See also the Code of Judicial Conduct, Canon 2(c).]?*

**V.** *Does the Connecticut District Court have an unwritten policy or practice of evading substantive matters of public interests which have been presented over time by Plaintiff Book similar to the policy which was recently articulated by Justice Clarence Thomas before the Congressional Appropriations Committee of the Supreme Court justices evading the birthing issue of President Barack Obama?*

**VI.** *Is it not true that the Plaintiffs' claims that the McMahon Certificate of Endorsement was never "properly completed" and that the form on which the procedural mandates appear never properly promulgated as is required of the Uniform Administrative Procedure Act are undisputed and reasonably undisputable?*

**VII.** *As the federal District Court may sua sponte move to dismiss a lawsuit for lack of jurisdiction, can it not also of its own motion and for good causes move to reconsider its action on a matter of substantive public importance?*

**There are good and lawful causes for this Court to articulate regarding the various particular matters presented here.**

Respectfully submitted for Ethan Book  
and Ethan Book for U.S. Senate

Ethan Book  
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**CERTIFICATION:**

I hereby certify that a complete copy of the foregoing Motion for Articulation was mailed by 1<sup>st</sup> class regular mail in accordance with Rule 5(b) of the Federal Rules of Civil Procedure on August 10, 2010 to the following:

Robert D. Snook  
Office of the Attorney General  
55 Elm Street  
P.O. Box 120  
Hartford, CT 06141-0120  
Robert.Snook@ct.gov

Also, this Motion has been presented to the legal representative of the Defendants electronically as well also to other potentially interested persons such as Christopher Healey, Linda McMahon, Rob Simmons and Peter Schiff, among others.

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Ethan Book