

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

FILED
2010 NOV 30 P 3:36

U.S. DISTRICT COURT
NEW HAVEN, CT

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

: November 30, 2010

PLAINTIFFS' MOTION FOR LEAVE TO PRESENT
FOURTH SUPPLEMENT TO MOTION FOR RECONSIDERATION
REGARDING EMERGENCY TEMPORARY PRELIMINARY
INJUNCTION AND SUPPLEMENT

With reference to Federal Rules of Civil Procedure, Rule 15, the Plaintiffs Ethan Book and Ethan Book for U.S. Senate hereby present a Motion for Leave to Present Fourth Supplement to the pending Motion for Reconsideration Regarding Emergency Temporary Preliminary Injunction (#11), an unopposed pleading which was supplemented on October 6, 2010 (#23) and also on November 9, 2010 (#28) and November 12, 2010 (#30) (Of which the Plaintiffs to date have not received notice of Defendants' opposition to any of these pending pleadings.). For simplicity and judicial economy, the same Fourth Supplement is incorporated together with this Motion for Leave. In this regard, pursuant to Rule 65(a) of the Federal Rules of Civil

Procedure and in accordance with the claims for relief stated in the Amended Complaint (#27), the Plaintiffs hereby reaffirm their pending and unopposed pleadings to the effect to move that this Court issues a preliminary injunction to suppress the results of the portion of the August 10th Republican Primary Election pertaining to the position of U.S. Senator, to suppress the portion of the November 2nd General Election pertaining to the position of U.S. Senator and to direct Defendant Bysiewicz to schedule a special election four months from the date of such Court ruling to grant the Preliminary Injunction.

As additional support for key areas of claims in support of the Plaintiffs' position regarding a Preliminary Injunction, the Plaintiffs briefly describe here the various Exhibits which accompany this Motion and Supplement and then they discuss the relevant information as it supports the Plaintiffs' claims:

Exhibit 1: A formal Statement provided by the Plaintiffs on November 19, 2010 to the Honorable Nicholas Panuzio, Chairman of the Election Panel which was established by the City of Bridgeport to review issues of defects of the voting process experienced in the City during the general election of November, 2, 2010 (at A-1).

Exhibit 2: A formal Supplement submitted by the Plaintiffs to Defendant Bysiewicz on November 22, 2010 (at A-16), a Supplement to the Petition presented by the Plaintiffs on November 3, 2010 (See Amended Complaint, #27, at its Exhibit 14, p. A-47.).

Exhibit 3: A letter sent on November 23, 2010 to the Plaintiffs on by presumed Associate Attorney General Joseph Rubin (at A-26), a letter sent on behalf of Defendant Blumenthal as Attorney General, in response to matters including of Freedom of Information requests sent by the Plaintiffs to Defendant Blumenthal on November 21, 2010 (a letter which is an enclosure to Exhibit 2 at A-22).

Exhibit 4: The full actual text of an e-mail message sent during the early afternoon of November 24, 2010 by Defendant Bysiewicz to the Plaintiffs (at A-27), that in response only

to the Plaintiffs Supplemental Petition of November 22, 2010.

Exhibit 5: The full actual text of an e-mail message sent by the Plaintiffs to Defendant Bysiewicz on November 28, 2010 (at A-28).

The Plaintiffs hereby proceed to discuss the information of these various Exhibits as they pertain to Plaintiffs claims both of the pending pleadings for Preliminary Injunction as well as to related claims of the Amended Complaint.

EXHIBIT 1:

Exhibit 1 is a formal Statement made by the Plaintiffs to the Bridgeport Election Panel on November 19, 2010. It is a Supplement to an earlier Statement presented by the Plaintiffs on November 17, 2010. There are several relevant portions of credible and undisputed information provided and discussed in that Statement which are relevant to and which effectively merge with issues of the present. Prominent in the Statement is information regarding what the Plaintiffs describe as “weed-gate”, that is credible, corroborated and undisputed information regarding the participation of Christopher Dodd in the early 1980’s in the illegal importation of a plane-load of marijuana from Latin America to the United States, also a disturbing set of facts pertaining to “Lincoln-gate”, the unlawful action by a Bridgeport police officer on May 10, 2010 (curiously just prior to the Connecticut Republican Convention of May 22, 2010) to order unlocked, searched and to order seized a 2000 Lincoln Town Car which has been used in Plaintiff Book’s livelihood (Amended Complaint at Para. 13).

The significance of “weed-gate” to the present is that, using the same legal references which have been used in the present for stating a claim (re: Pls. Opposition, #19, at pgs. 10 and 28 – 30), including that a claimant must present sufficient for a claim which is more than merely possible but rather is plausible, for Plaintiff Book’s role even before the curiously concurrent public announcements on January 7, 2010 by Senator Dodd that he would not seek re-election

and of Defendant Blumenthal that he would seek the Democrat Party nomination for the position of U.S. Senate, there is more than a plausible showing that the emerging “weed-gate” was a factor in Senator Dodd’s decision. In addition, for what is discussed in Exhibit 1, it is at least plausible that the emerging potential political scandal of “weed-gate” was also a factor in the action of the Obama administration to include a \$100 million political “favor” for Senator Dodd, that being a grant for the construction of a university hospital, just while the Obama administration in December of 2009 was frantically attempting to secure sufficient votes in the Senate for passage of the widely disputed and contested Obama health care legislation. This is a very important factor to understand as one of the starting points, a foundation made in the sand, of the political campaign of Defendant Blumenthal.

It is in this setting that there also emerges a separate “Lincoln-gate”, that is the unlawful action on May 10, 2010 of Ofcr. John Gallant of the Bridgeport Police Department to order searched and seized a Lincoln Town Car owned by Plaintiff Book and used in his small transportation business, an alternative livelihood to Book’s disrupted banking career. The respective incident report indicates that the vehicle was suspected to have been stolen, however, the vehicle was not then stolen, Book had never reported it to be stolen, Book was not specifically contacted regarding such a matter, there was no credible information to satisfy any showing of probable cause that it was stolen, and further that at the time that Ofcr. Gallant was at the vehicle with a local private towing operator, a neighbor to Book called out, “Don’t take that car. It belongs to a man who is candidate for the U.S. Senate. He lives over there!” as she gestured to Book’s current temporary residence [a personal living situation which is a direct result of claims raised in Ethan Book Jr. v. Sgt. Kimberly Parks and the City of Bridgeport Police Department et al., Case No. 3:09-cv-0472(AVC), among others]. As the Plaintiffs asserted in their accompanying Statement (beginning at A-3), “it strikes me that my Lincoln may have been removed by Ofcr. Gallant, not simply *despite* the fact that I am a candidate for the U.S. Senate but rather *because* I am an active and threatening (for substantive issues which I raise and represent) Republican candidate for the U.S. Senate, and/or that there has been extended delay for the City officials resolving the matter *because* I am a Republican candidate for the U.S. Senate, among other issues”. Thus, it is at least plausible that some officials of the Bridgeport

Police Department, that in a City where the municipal government has for a long-term been overwhelmingly Democrat, has for a number of years acted as an arm of the political campaign of Defendant Blumenthal, a campaign which very clearly began long before his public announcement of January 7, 2010 (additional supporting information available: Again, this is one area where claims of the present merge with proper claims presented in Book v. Parks et al.).

Further, all the above in the full context of Exhibit 1, and of the credible claims of this lawsuit, this background also affords more than a plausible explanation of the high level of attention placed to the City of Bridgeport and the State of Connecticut election process by President Obama with his personal visit and public appearances on October 30, 2010 and by former President Bill Clinton with his personal visit on October 31, 2010, just prior to the recent general election (See discussion at A-4.). *What the Plaintiffs have been doing is feared by those for whom the information and the issues is most suited for public exposure and review!*

EXHIBIT 2:

Exhibit 2 is a Supplement to the formal Petition which the Plaintiff's presented to Defendant Bysiewicz on November 3, 2010 (Amended Complaint at its Exhibit 14, p. A-47). In addition to the substantive legal issues of the lack of validity of the McMahon Certificate of Endorsement and the lack of validity Blumenthal Certificate of Endorsement (that for reasons including the failure of Defendant Bysiewicz to have obtained the statutorily-required approval of the legislative Regulation Review Committee for the form which was prepared in 2006 for Certificate of Endorsement), there are also additional issues of the failure of Defendant Bysiewicz to have obtained proper approval for the form which was prepared also in 2006 and distributed by municipal Registrars of Voters for Voter Registration, and further the failure of the municipal Registrars, that as per instructions of Defendant Bysiewicz, to reasonably verify citizenship and further the failure of local and state law enforcement to prosecute for false

statements made on the Voter Registration forms, among other issues. *For these and related reasons, there is both no legal validity to the election process for the position of U.S. Senator and also there can be NO PUBLIC CONFIDENCE in the election and voting processes statewide!*

In addition, the Plaintiffs give reference to yet another citizen of this State who has observedly been the object of other overreaching excess of statutory authority for Defendant Blumenthal, that where there was an apparent attempt at political showcasing (at Exhibit 2, its p. A-18, para. 2). This additional newly-obtained information for which the Plaintiffs are able to provide additional detail in a suitable forum, is corroborative to Plaintiffs' claims against Defendant Blumenthal.

As additional relevant support to such issues of statutory excesses and lack of minimal due process protections (all of which supplement and add to what the Plaintiffs presented to Defendant Bysiewicz on June 24, 2010; at Amended Complaint, its Exhibit 10 at p. A-36) and also of specific claims against Defendant Blumenthal (Amended Complaint at pgs. 12 – 19), more supporting information is observed of matters of the estimated \$60 million paid by the State to three private law firms (including one firm which is a former employer of Defendant Blumenthal) for professional services in representing the State in the multi-state litigation against several tobacco companies (Amended Complaint at Para. 49). The Plaintiffs' letter to Defendant Blumenthal of November 21, 2010 and which is an enclosure to Exhibit 2 (at A-22) gives good credible detail about Defendant Blumenthal's chain of official errors, both with respect to that unauthorized contractual arrangement with the three private law firms as well as of his official conduct of evading his own public responsibility with respect to the Plaintiffs' proper and timely requests for information. Additional discussion of these matters is found below regarding Exhibit 3.

EXHIBIT 3:

Exhibit 3 is a letter sent on November 23, 2010 by presumed Associate Attorney General Joseph Rubin on behalf of Defendant Blumenthal in response to the Plaintiffs' letter of November 21, 2010 (beginning at A-22). Several points of detail deserve comments.

The letter includes an important paragraph which explains that “[a]s you know, the Freedom of Information Act requires the production of existing non-exempt documents. It does not require state officials to answer your questions, nor to provide authorization or releases for others to provide you with documents”. However, the Plaintiff’s letter was not presented solely pursuant to the Freedom of Information Act. A quick review of the Plaintiffs’ letter shows that it contains material that, in addition to matters of the Freedom of Information Act, can be considered as a basic citizen request, expediting litigation and/or informal discovery in the present, and also considered as political campaign debate. The letter is in no way exclusive to the Freedom of Information Act! In addition, simply for the nature of earlier responses by Attorney Rubin and Defendant Blumenthal to prior related correspondence, they in fact previously did answer various questions. Therefore, what Exhibit 3 suggests is that the Plaintiffs have gotten Defendant Blumenthal into an uncomfortable corner in which he has no other proper responses but to admit serious error, that which he thereby elects to avoid and evade.

Additional review is proper. Exhibit 3 is a partial response to prior requests whereby Attorney Rubin provides the Plaintiff with two contracts regarding representation on behalf of the State by the three private law firms in the multi-state tobacco litigation. One of those contracts is between the Attorney General and the law firm of Silver, Golub and Teitell. That law firm is known as a former employer to Defendant Blumenthal. Also, the contract reflects that the law firm was, through some unknown review process, designated to be the lead counsel for the three referenced law firms. The other contract is between the Attorney General and the three law firms as participants in that arrangement. The texts of the two contracts are essentially

identical with the exception of one being for the lead law firm and one for all three participants. Several observations become notable.

In the Plaintiffs' Motion for Reconsideration of Court Ruling Regarding Articulation (#22), the Plaintiffs provided a copy of a formal complaint presented on September 26, 2010 against Defendant Blumenthal to the Freedom of Information Commission. At page 1, paragraphs 2 and 3 of that Complaint, the Plaintiffs point out that on August 19, 2010, they presented to Defendant Blumenthal a formal request for information in which they particularly sought "that documentation which would reflect the amounts paid [to the three contracted law firms] regarding their professional representation of state interests" in the multi-state tobacco litigation and that on August 22, 2010, Attorney Rubin sent a letter "in which he explained that the respective 'tobacco counsel did not seek or receive any fees from the state' as '[t]he state was not a party to that process and has no documents regarding the amount of payment of fees'".

However, Section 3 of the signed contract between Defendant Blumenthal and lead counsel Silver, Golub and Teitell deals with "Compensation and Reimbursement". Sub-section 3.2 follows:

Reimbursement of disbursements will be paid only after the submission of itemized documentation, in a form acceptable to the Attorney General, the Associate Attorney General or their respective designees. The Contractor agrees to maintain contemporaneous time and expense records. Upon the demand of the Attorney General or his designee, the Contractor shall submit statements to the Attorney General setting forth a detailed description of the services performed, the time spent in performance of each service and any disbursements to said date.

This contractual material appears to be diametrically opposed to what was represented to the Plaintiffs by Defendant Blumenthal on August 22, 2010.

Also, the Plaintiffs' letter to Defendant Blumenthal of November 21, 2010 (enclosed with Exhibit 2) reflects that in response to a Plaintiffs' request for documentation which would

evidence “the identify of who or what entity has or had such documentation”, the official response given was that “[t]his office has no such documentation” (at A-22). However, *the above quoted portion of the actual contract fully contradicts that statement!*

The Plaintiffs letter further deals with a proper issue regarding Freedom of Information law concerning an agency provision by law or by contract for access to public information held by others (at p. 2). Reference is made to a statement made by Defendant Blumenthal that “[t]his office is not aware of any law which entitles this Office to receive such documents”. *Considering the above Section 3.2 of the actual contract, such a statement is, at the very least, materially incomplete and misleading!*

In addition, Sub-section 3.4 provides that “[t]he Contractor shall maintain accurate records and accounts of all expenditures under this Agreement as well as satisfactory evidence of payment to assure proper accounting. Such records and accounts shall be kept . . . and made available and furnished upon request of the Attorney General or his designee until six (6) years after completion of the Services under this Agreement or termination of this Agreement”. This provision is read in the context of Sub-section IX(c) of the Master Settlement Agreement (at p.56) which affirms the term of required payments under the Agreement “beginning April 15, 2000 and on April 15 of each year thereafter in perpetuity” Thus, *the various participating law firms should, to this date, have the information which the Plaintiffs seek!*

It is also relevant that Sub-section 7.5 of the Contract between the Attorney General and the lead contracting law firm provides that “[t]he Contractor and all members of the Contractor Group have performed a detailed conflict of interest check prior to performing any Services” With other known information, *one wonders how Defendant Blumenthal and the participating law firms define the terms that they use!*

Further, Sub-section 7.6 establishes that “all information or data, in any form, and all papers,

recordings, documents and instruments generated or collected by the Contractor, any member of the Contractor Group . . . in the scope of his work under this Agreement shall be deemed to be the exclusive property of the State of Connecticut” *This is quote potent summary reference!*

The significance of this newly-obtained information compared against prior representations made by or on behalf of Defendant Blumenthal and under his responsibility are major!

Defendant Blumenthal early evaded public responsibilities regarding the disclosure of public information regarding the arrangements made between him and the three private law firms as he did not want public scrutiny of the full details as to what he had unlawfully and unethically entered into as he knew that such information, in the context of his other “misstatements” about his military service, could be very politically damaging to his campaign, and also detrimental to his ineffective defenses in this lawsuit.

Finally, considering the Plaintiffs’ specific request for such documentation which would evidence the authorization for the agency decision to hire Attorney Robert Snook, the Defendants’ legal counsel in this matter, Attorney Rubin’s stated recent position of not answering questions effectively affirms what the Plaintiffs asserted in their letter of November 21, 2010 (enclosed to Exhibit 2 at p. 3, para. 2). For such a lack of proper statutorily-required authorization, that a matter which is repeated in state government, *there is effectively no legal defense to the Defendants in this matter!*

EXHIBIT 4:

This document is a full printed copy of an e-mail sent by Defendant Bysiewicz to the Plaintiffs at about 1:38 p.m. on Wednesday, November 24, 2010. That message was transmitted about one hour prior to Defendant Bysiewicz’ public announcement of having certified the November 2nd election. In the e-mail message, she states simply that regarding merely the Plaintiffs’ correspondence of November 22, 2010 (Exhibit 2), she “will take it under

advisement as we move forward and finalize the election results of 2010". In other words, *rather than address the substantive legal issues raised by the Plaintiffs', Defendant Bysiewicz again chooses to ignore the law and simply to proceed with arbitrary and unrestrained political will!* Considering the substance of what the Plaintiffs raised in their Petition of November 3, 2010 (at Amended Complaint, its Exhibit 14, p. A-47.), the related issues of the Plaintiffs' Petition of June 24, 2010 (Amended Complaint, its Exhibit 10, p. A-36), and the multiple unaddressed issues of statutory authority and the statutorily required hearing provisions of the Uniform Administrative Procedure Act, *there is observed a further continuation of extreme deliberate indifference by Defendant Bysiewicz, of violations of multiple constitutional provisions and of other legal errors!*

EXHIBIT 5:

This is the Plaintiffs' written e-mail response to Defendant Bysiewicz, a message transmitted on November 28, 2010. In this, *the Plaintiffs correctly assert properly founded legal, jurisdictional and due process issues!* As of the preparation of this pleading, the Plaintiffs have received no response.

FURTHER DISCUSSION:

Plaintiff Book has experienced in Connecticut a long-term pattern of political opportunism and of lack of restraint and lawlessness by those in positions of power. A proper analogy is the current recent ethics matter of New York Congressman Charles Rangle. For Plaintiff Book, this situation has been evidenced of officials state agencies and state courts not recognizing legitimate statutory and legal limitations such as is observed in his pursuit of public information regarding the bidding for the CRRA's Bridgeport Resource Recovery Project (CRRA et al. v. Freedom of Information Commission et al., 19 Conn.App. 489), of limitations of governmental power regarding regulation of his small transportation business, of legitimate

constitutional protections and also privilege for appeal in the misdemeanor matter administered in Stamford Superior Court in 2001, of jurisdictional issues of personal jurisdiction and corporate authority as pertains to a mortgage foreclosure lawsuit, that arising as a direct consequence of the mentioned petty misdemeanor matter, and other similar and related matters (See Amended Complaint.). *Now, Defendant Bysiewicz again follows the pattern of acceding to political will to disregard the laws which have been established by and for the people!*

These Defendants including particularly Defendant Blumenthal and Defendant Bysiewicz have been riding waves of political advantage. For most public officials, there is a scope of legitimate public interest which is coupled with some element of personal, private interest. The general public hopes that the public portion of such interest far outweighs the personal side. What is apparent from this docket is that the personal side of the office function for these Defendants is much greater than would be desired or expected. In addition, as such deviations and dysfunction normally have a life cycle, such waves of advantage eventually play out and end. It is further apparent from this docket that these Defendants, similar to other public figures, errantly presumed that their waves would never end or that they were smart enough to ensure that the waves would continue. However, the patterns and realities of life and the fact of the Hand of God acting to ensure eventual justice have brought the waves to an end.

Neither Defendant Blumenthal, Defendant Bysiewicz nor the general public, reasonably informed of these matters, would have any real confidence in Defendant Blumenthal now officially becoming U.S. Senator for this Constitutional State. *Thus, the Plaintiffs have well established legal, equitable and ethical bases in support of their position with respect to the claims of this lawsuit as well as regarding their pending, unopposed pleadings regarding a Preliminary Injunction!*

For good and lawful causes, the Plaintiffs' pleadings seeking a Preliminary Injunction can and should be promptly granted by this Court!

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

A handwritten signature in black ink that reads "Ethan Book". The signature is written in a cursive style with a horizontal line underneath the name.

Ethan Book

P.O. Box 1385

Fairfield, CT 06825

Tel. (203) 367-8779

newenglimo@aol.com

RICHARD BLUMENTHAL
ATTORNEY GENERAL

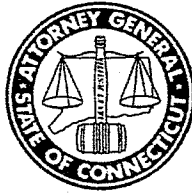


Exhibit 3

55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

(860) 808-5316

November 23, 2010

Ethan Book
P.O. Box 1385
Fairfield, CT 06825

Dear Mr. Book:

I write in reply to your letter dated November 21, 2010 to Attorney General Richard Blumenthal.

I acknowledge receipt of your check for \$8.50 and accordingly enclose copies of the two contracts you requested.

As you know, the Freedom of Information Act requires the production of existing non-exempt public documents. It does not require state officials to answer your questions, nor to provide authorizations or releases for others to provide you with documents.

This office has no further additional public records to provide in response to your most recent letters.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph Rubin", written over a horizontal line.

Joseph Rubin
Associate Attorney General

JR:sd
Enclosures

A-26

Exhibit 4

-----Original Message-----

From: Bysiewicz, Susan <Susan.Bysiewicz@ct.gov>

To: 'newenglimo@aol.com' <newenglimo@aol.com>

Sent: Wed, Nov 24, 2010 1:38 pm

Subject: Your correspondence of November 22nd

Dear Mr. Book:

I have reviewed your correspondence dated November 22, 2010 and will take it under advisement as we move forward and finalize the election results for 2010.

Sincerely,

Susan Bysiewicz
Secretary of the State

A-27

Exhibit 5

—Original Message—

From: newenglimo@aol.com

To: Susan.Bysiewicz@ct.gov

Sent: Sun, Nov 28, 2010 5:30 pm

Subject: Re: Your correspondence of November 22nd

Dear Secretary of State Bysiewicz:

Thank you for your note of early afternoon of November 24th.

While I appreciate that you explain that you will take my correspondence of November 22nd under advisement while the State moves forward and finalizes the election results for 2010, given that my correspondence is a supplement to my formal Petition of November 3rd in which, for good lawful causes, I requested that you refrain from certifying the votes for the portion of the November 2nd election pertaining to the position of U.S. Senator and also given that issues raised in my November 3rd Petition raise legitimate jurisdictional issues, it is not proper for you to have attempted to certify the November 2nd general election without having prior fully answered the Petition. In addition, considering that the Petition and the supplement properly raise issues of voidness for multiple excesses of statutory authority and lack of minimal due process protections for key steps of the election process leading up to and including November 2nd, your attempt to certify the election on the afternoon of November 24th is equally void.

For additional review of these matters, pursuant to the Freedom of Information Act, Conn. General Statutes, Section 1-200 *et seq.*, please promptly provide me a copy of the document by which you attempted to certify on November 24th the election results. I will greatly appreciate your full, prompt cooperation.

Sincerely,

Ethan Book

Tel. (203) 943-0045

www.ethanbookforussenate.org

Constitutional integrity and individual freedom!

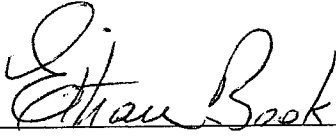
A-28

CERTIFICATION:

I hereby certify that a complete copy of the foregoing Plaintiffs' Motion for Leave to Supplement and Supplement was mailed by 1st class regular mail in accordance with Rule 5(b) of the Federal Rules of Civil Procedure on November 30, 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, notice of this pleading has been electronically presented to the legal representative of the Defendants as well also to other potentially interested persons such as Christopher Healy, Linda McMahon and Peter Schiff, among others.



Ethan Book
