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UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,)	
v.)	
Disciplinary Counsel Patricia B.)	
Swartz, et.al)	
Defendants.)	

PLAINTIFF MEGHAN KELLY'S 180th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. Yesterday or possibly even last week I called the law librarian and asked if I could print out documents. She said that she could no longer print out documents from me sent to her email as she had done previously. Unlike Upper and Middle DE, she indicated patrons do not have access to print out privately saved documents from their email or otherwise in Lower DE. She indicated she was looking into resolving that issue by means other than by merely printing out things the law library has access to or using the copy machine as she does for other patrons.

2. I asked if I figure out a way to print out my documents could I print my appellate brief due March 12, 2024. She said yes. I indicated I would need 11 copies and the Supreme Court's page limits was 40 for the main brief. I would not need the appendix since I printed out what I will use. I asked if that was okay. Peggy said sure so long as I bring my own paper. She also indicated I would most likely need to bring an original copy and use the copy machine since she did not think I would successfully print by using the law library's computers.

3. Early this morning I left a message indicating I was grateful for the law librarian's help and I expected to come in today. I called the Chancery court and spoke with Will to get

permission to park behind the court. I indicated I intended to go to the law library with additional detail. Will indicated it was okay.

4. When I arrived at the law library, it was strange the bailiff escorted me to the door and left the door open for a second time. I usually use my card key to access it. This is the second time I was escorted to the door and the door was left opened. The previous time was the day I called US Supreme Court Clerk Donald Baker after my PA Supplemental brief necessary for my petition was neither accepted or returned or rejected with notice sent to me in accordance to the Court's rules and case law.

5. When I came into the law library I indicated to Peggy I had different ideas on how to gain access to my documents should I need help to print them out as Peggy agreed to do previously so long as I bring in my own paper. She said sure. I confirmed with the law librarian that she was available when the brief was due March 11-12 so I could print it out. She confirmed.

6. I spent hours testing different ways unsuccessfully. I experienced difficulty gaining access to CMF on the library's computers, my personal laptop with correctly autogenerated passwords and username and the library's computer.

7. I have evidence I attach hereto of the message "Invalid username and password" despite using autogenerated correct information and the correct one on the law library's computer. When I called PACER in the late afternoon from home, PACER indicated it receive failed attempts on their side should I access PACER. They could not see the failed attempts which occurred including the attempt I documented attached to an email.

8. While at the law library I called the DE District Court. They did not see any problems with my CMF. I also called PACER from the law library. The representative

indicated he was taking calls for a different issue relating to saving research to client identification not the unique issue I was experiencing. I asked him to please document my concern.

9. All of the sudden I regained access on all 3 devices.

10. I showed the law librarian I could print documents contained in PDF on PACER with her permission by using my own paper to print out one page of a document.

11. Upon successfully printing to her surprise since she did not think I could find a way, Peggy immediately changed her mind and said no I could not print. Yesterday or possibly last week Peggy said sure it was okay to print if I brought my own paper. I said I would need 11 briefs. I told her I have not written the briefs, but I printed out the appendixes so I will not need to do so, per the attached pictures of boxes in my car of the Motion for permission to file in forma pauperis and the appendices for the Brief and Motion IFP.

12. I previously left two reams of paper and Peggy on a different occasions months ago indicated it was fine to print so long as it was not excessive. I always get permission from Peggy and rarely print or even go to the law library because Defendants placement of my license on inactive/disabled prevents me from working as an attorney at my former law firm but for my religious beliefs contained in my petitions to defend the same. I am impoverished without a bank account or income which is burdening my parents. I sought to eliminate or reduce an obstacle to my access to the courts in case I am unable to print effectively.

13. Poverty creates a substantial burden. In addition my printer is having problems. I have a backup which may be in need of warranty help. But the one I hoped to use makes everything look dark per the attached exhibit.

14. If you notice I printed out certificate of service pages with a line to fill in the affidavit and the date in my last affidavit, and separately printed out declaration pages in light of printing problems. Throughout this case printers have been inaccessible and at warranty. So, I protected myself by printing out cert of service and declaration pages I may sign separately and I have saved as PDFs the affidavits.

15. I immediately called the DE Supreme Court to get help after Peggy changed her mind. I spoke with JoAnne she transferred me to Lisa. I left a long message. I also emailed Lisa and copied the law librarian. The law librarian then kicked me out in retaliation for asking for help. The 1st Amendment right to petition does protect the right to access to the courts to complain to the government about the government, even about arbitrary treatment by the DE Supreme Court's agent the law librarian without fear of punishment.

16. I showed proof to opposing counsel that I spoke with Peggy yesterday though it may have been the end of last week where we discussed printing at length. I am under great duress and do not have the means to research with ease since I cannot afford to pay for lexis or Westlaw. I cannot even afford to drive to the law library when I want to or need to at times because gas is unaffordable given I have no income. Please see the attachments I incorporate herein.

17. Truth be told I wanted to show the US Supreme Court there were so many splits in the jurisdiction and I wanted to report Jimmy Chong for discipline to show how the court retains authority by resolving cases and controversies before it as opposed to partial professional bureaucrats partial towards themselves instead of the impartial rule of law.

18. I wanted to show the disciplinary proceedings unconstitutionally remove the people's check upon both public and private individuals and entities which is the petitioned

coupled with due process. So, it removes a constitutional freedom by eliminating it for business and partiality to self as opposed to the impartial rule of law that self-regulation eliminates.

19. Courts retain constitutional authority by ruling on cases before it, but the right to petition is removed by the accused professionals in partial boards and the common people the public who are not able to participate to preserve their interest of professionals of their choice from arbitrary removal by the whims of the state such as the esteemed Richard Abbott. The public forum represents itself. The state's legal fiction of the public good is not the people. It is deceptive in that the public forum is the government not the private people. The government must not sacrifice the Constitutionally protected interests of the people's lives, liberty or property based on partiality to itself or its foreign or private parties I see as agents through contracts, grants in violation of the 4th and 14th Amendment Equal Protections component, and due process applicable to the courts and other judicial forums delegated with judicial power.

20. I woke up this morning thinking how awesome it was that Chief Colm F Connelly cared about patent straw people from being exploited to defraud the public in patent claims when he reported Jimmy Chong for discipline. I had little hope the Board would correct him or prevent attorney misconduct. So I wanted to do more research to show the courts are all over the place with splits everywhere with what Constitutional rights judges and lawyers have.

21. I started writing an email before leaving my home to go to the law library.

22. Peggy kicked me out when after I called the DE Supreme Court today and left a message with Lisa Dolph. I also emailed Lisa since Lisa helped me gain access to the law library before to research and tools I needed in order to exercise my right to petition fairly without obstruction by the state in terms of unfair detrimental reliance. This prior time is documented in this court's records. At that time when I was on the phone, the law librarian had

not kicked me out of the law library. After I got off the phone and emailed Lisa Dolph she said I no longer had rights I had previously were accustomed to that others had. The 1st Amendment right to petition does protect the right to access to the courts to complain to the government without fear of punishment by the state including its agent the law librarian. I indicated I did not want to discuss it further because I wanted to do research. I disagreed with her, and did not seek to speak about the disagreement since she was the opponent in my dispute to be resolved before DE Supreme Court's clerk. Or at least I thought since Lisa Dolph helped me regain access to the law library I was previously denied beforehand. I was not going to disobey the law librarian and did not intend to print anything else that day. Nevertheless, I was kicked out of the law library which prevented me from researching as I intended.

23. In haste I texted concerns attached hereto with typos since my fingers are like sausages. In addition my CMF was also not working so I emailed PACER and opposing counsel of concerns. I am deeply sorry for the typos. Yet I act in haste to assert rights to prevent their vitiation.

24. Instead of taking my time and gathering research to back my concerns I sent an email requesting discipline of Jimmy Chong to the PA ODC and the DE Disciplinary forum the administration of admissions Mercedes Ulmstead this evening.

25. I would rather do what is right imperfectly than nothing. I was really impressed that Chief Judge Connelly did what was right as opposed to ignoring it to bring in profit. I thought that was awesome, just like neighbors thought Honorable Maryellen Noreika was remarkable for holding the powerful to the rule of law instead of allowing them to be above the law by association. I am getting teary eyes since she gave people hope the courts looked after them instead of looking at them as products of productivity slave human capital to be exploited

or thrown away by the state. That is special. That is justice by teaching no one is above the law nor below the law.

21. So, I wanted to research before I made a complaint, and to work on my appeal. Instead I am compelled to preserve the record and act hastily. Even imperfect people like me are protected by the law.

22. I wrote the US Supreme Court as follows:

REPORT OF DISCIPLINE THOUGH I CONSTITUTIONALLY CHALLENGE A NUMBER OF RULES AND THE PROCEEDINGS THEMSELVES TO US Supreme court and Pennsylvania for a gazillion dollar issue that stifles innovation and exploits mom and pop straw man

From: Meg Kelly (meghankellyesq@yahoo.com)

To: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; mumstead@supremecourt.gov

Cc: margaret.naylor@delaware.gov; meghankellyesq@yahoo.com; david.weiss@usdoj.gov; supremectbriefs@usdoj.gov; zi-xiang.shen@delaware.gov

Date: Tuesday, March 5, 2024 at 07:08 PM EST

Good morning Harriet, Anthony and Mercedes,

I write to report discipline concerning an attorney who is a member of the Pennsylvania Disciplinary Board, Jimmy Chong. I constitutionally challenge a number of state and federal disciplinary rules and the proceedings themselves. I further have challenges as to whether and to what extent Constitutional protections apply to lawyers and judges. There are splits between the forums as to what rights if any other than by deceit by statement of rules lawyers and judges have. The courts are all over the place.

I would prefer the resolution of attorney/discipline correction be resolved before Art III judges and state judges in a case and controversy rather than by professional bureaucrats' partial towards business whose focus is on material gain as opposed to protecting the lives and liberties the Constitution avers to protect. Disciplinary proceedings remove the people's freedom, the right to petition which the public may participate in or intervene in before Board proceedings with limited jurisdiction unrelated to discipline. They are deprived of the ability to fight for their counsel of choice. The accused professional's due process freedom to petition fairly is removed by the nature of secret state boards partial towards professional goals as opposed to the impartial application of the Constitution to the rule of law which protects freedoms from being sacrificed for business.

Without getting into my Constitutional challenges I report discipline.

DE Chief Judge Colm F Connelly discovered Jimmy Chong appeared to represent people without their direct consent through agents. These agents exploited straw men to make money off of by filing patent violations for things the disputed owner of the patent did not even appear to utilize other than to make money in law suits similar to the vast apparent problems in Texas. See the attached documentary relating to Texas [The Patent Scam \(1080p\) FULL DOCUMENTARY - Education, Finance, Business \(youtube.com\)](#)



Also note Chief Justice Roberts appeared to address part of the problem not all of it with regards to rules instead of in an actual case and controversy which eliminate the people's most powerful check upon both private and public individuals and entities the 1st Amendment right to petition coupled with due process under the 5th and 14th for a fair and impartial opportunity to be heard in an actual case or controversy. US Amend I, V, XIV. [U.S. Chief Justice Roberts pledges to review patent venue rules](#)



Jimmy Chong was my bar representative as I took the bar. He was paid in part by the money I paid for the bar class. During the time I stayed at Widener Jimmy Chong invited me to work out with him at the JCC in Upper DE. He showed me his penis which I did not want to see near the picnic tables behind the JCC. I left obviously in shock and disgust as that was assault. I am a Christian. I believe men go to hell when they lust after women not their wives should they not

repent. I believe sex is marriage before God. I told my hall mate DaLesia Boyd when I returned indicating that was unacceptable.

Attached, please evidence Chief Justice Colm F Connelly found warranting discipline. Also please find evidence he acts as judiciary as a member of the PA Board of discipline.

I was in shock. The State retaliated against me for exercising my right to petition by the government and its private and public partners, the state's agents of Widener's bar representative Micah Yarbrough, Widener's bar Professor & Director of Bar Programs retaliated against me for contacting the state since the roof of the dorm I resided in leaked on my bar material destroying them. I requested copies of new material. He said if I did not sign an agreement not to sue and to take replaced bar material in full satisfaction of the harm caused by the leak in the Widener dorm room I paid or stay in during the bar he would accuse me of misconduct. He followed through on his threat. My admission was delayed. I documented these concerns in affidavits and may include them in footnotes. Sadly, there are years of retaliation by the state or its agent based on my petitioning the courts which culminated in a law suit on appeal before the US Supreme Court next week that I do not desire to discuss. Nevertheless, I report this discipline to both USSC and the PA ODC above in part to show you the correct forum to resolve disputes is the public forum of the courts without vitiation of the people's rights or the accused rights.

I believe the US Supreme Court's backing or disputing of whatever judges may say is the law is more fair to prevent attorneys like Jimmy Chong from defrauding the public through patents or straw men. Disciplining attorneys gives other attorneys notice to prevent mistakes and misconduct they may not be aware of that are resolved in secret proceedings.

Do I want either of these people to be destroyed? Absolutely not, but I do not want them to remain above the law by the judiciary or the board's partiality to themselves or their own as opposed to open courts who improve the administration of justice checked by the people's participation in public forums by the petition.

The 1st Amendment right to petition does protect the right to access to the courts to complain to the government without fear of punishment.

The problem relating to Jimmy Chong relates to million if not billions of dollars in unjust gains across the US and possibly patents made to oppress and stagnate innovation by punishing alleged competition for products that people never intended to create to merely make money in bulk patent infringement cases. I would prefer such disputes be resolved in open court to prevent other attorneys from doing the same with requisite due process notice. But if I cannot persuade the courts to eliminate disciplinary proceedings by deferring to whatever judges say is the law checked by the right to petition, even on appeal, I request discipline by the US Supreme Court and the PA ODC. I have affidavits relating to these concerns, but they are in a case which I do not want to provide due to potential conflicts.

I write in haste and under great duress in light of recent events. Attached, please find articles relating to Jimmy Chong, Chief Justice Connelly's astute opinion and his referral of Jimmy Chong for discipline.

I was impressed that Chief Connelly cared about doing what was right instead of making money and productivity. I would prefer judges not bureaucrats judge. I oppose judges and congress from delegating their authority to private partial bureaucrats which infringe upon the people's Constitutional rights in the secretive forums.

The courts are the only court that safeguard individual liberty without compromise for the mob's collective desire through the other two representative branches. The courts safeguard freedoms, when they delegate powers away or permit the legislature or executive branches to do so freedoms are eliminated by those who buy and sell them disparately and partially.

I petition to safeguard the courts and to protect not to destroy them. On an aside I was denied access to the law library today, March 5, 2024. I do not want to destroy the law librarian copied here either when I complain to her or the DE Supreme Court about infringements to my access to the courts unfairly.

Thank you for your kind consideration. Please excuse any typos. I am a poor typist.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro DE 19939

23. I want to stress sameness and compelled conformity eliminates individual liberty by compelled compliance through the representative mob if left unrestrained by the courts or love written on the hearts of man to overcome conditional compelled conformity by unconditional love.

24. I think I need to focus on the importance of the right to petition which is the only means to empower the judiciary to safeguard life, liberty and property from the other two branches or even their own in my brief due next week. I hope my appeal is considered by the US Supreme Court.

25. Per the attached document. My back up printer blackens my documents and I am scared the US Supreme Court may not accept it should I be compelled to use it.

26. I left a message with my case manger indicating my printer blackened documents and I had previously gained permission from the law librarian to print out 11 copies of the brief which was reneged today. So, I requested she and the court accept my brief even if it is blackened like the attached document.

27. I started to panic because I only saw her on my history not Lisa Dolph. I hoped I did not leave a message for the wrong Lisa. So, I called her today and left message in case a second message was left with her in error.

28. As I waited in the parking lot at first and then in Walmart for Lisa Dolph to please help me regain access to the law library today so I could research I was able to get through to her. Lisa indicated she could not help me today and would contact the administrator to resolve the issue. I would have waited all day for the opportunity to research. So, I was grateful for Lisa telling me not to. Lisa Dolph also indicated she indeed received the message not the USSC case manager.

29. I am discouraged, but not giving up on petitioning to defend my life, liberty and property interests and deprivations thereto but for my religious belief in Jesus the Christ as God not the wicked vanity of men who seek comforts, convenience and material gain at the cost of enslaving or sacrificing others for the fleeting whims of their own or the alleged majority or public which means government's selfish interest which sacrifices the people as opposed to serving them.

30. Attached please also find the letter from Lisa Nesbitt allowing 60 days to petition and the mere submitted request to Honorable Chief Judge John Roberts without the Jan 23 2024 application received by mail on Monday March 4, 2024.

Thank you for your time and consideration.

Dated 3/5/2024

Respectfully submitted,
Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

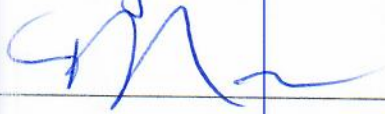
Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated:

March 5, 2024

Meghan Kelly

(printed)

A handwritten signature in blue ink, appearing to be 'MK' with a flourish, written over a horizontal line.

(signed)







REPORT OF DISCIPLINE THOUGH I CONSTITUTIONALLY CHALLENGE A NUMBER OF RULES AND THE PROCEEDINGS THEMSELVES TO US Supreme court and Pennsylvania for a gazillion dollar issue that stifles innovation and exploits mom and pop straw man

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To: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; mumstead@supremecourt.gov

Cc: margaret.naylor@delaware.gov; meghankellyesq@yahoo.com; david.weiss@usdoj.gov; supremectbriefs@usdoj.gov; zi-xiang.shen@delaware.gov

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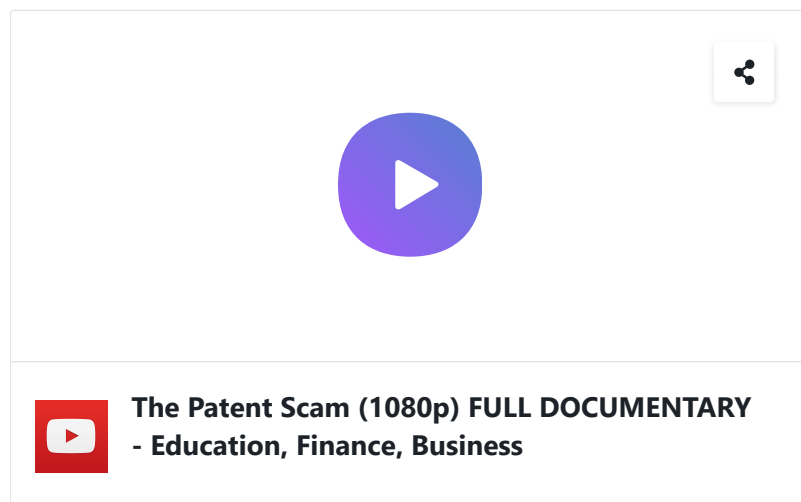
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In a year-end report on the federal judiciary, U.S. Chief Justice John Roberts said he would direct the Judicial...

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Meghan Kelly
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Dagsboro DE 19939



Jimmy Chong.pdf
166.6kB



4 Judge Connolly Refers IP Edge "Fraud" Saga to DOJ, USPTO, and State Disciplinary Bodies - News _ RPX
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Judge Connolly Questions Counsel's Grasp of Informed Consent, Agency Law, and Even Basic English

January 21, 2024

Delaware Chief Judge Colm F. Connolly ended 2023 in dramatic fashion, detailing his findings that patent monetization firm IP Edge LLC (<https://insight.rpxcorp.com/entity/1034412-ip-edge-llc>), a related consulting firm, and the individuals behind them had together engaged in a sweeping “fraud” through their unusually structured patent assertion model. That order teed up various “consequences” for those involved, among them a set of disciplinary referrals for the attorneys representing the IP Edge-linked plaintiffs under scrutiny based on a variety of professional rule violations. Now, Judge Connolly has grilled the attorneys for two more of the plaintiffs in IP Edge’s web about whether they engaged in some of the same ethical violations—including one of the same litigators tagged in the court’s prior decision, Jimmy Chong (of Chong Firm PA), as well as his cocounsel David Bennett (of Direction IP Law). In a January 17 hearing, an increasingly irritated and incredulous Judge Connolly questioned their grasp of the legal and ethical issues at play, concluding that Chong had earned a second disciplinary referral, and ordering a conspicuously forgetful Bennett to produce documents in order to lay out some basic facts.

Under the primary IP Edge monetization model under scrutiny by Judge Connolly, individuals with little to no prior experience with patent monetization would be selected to become “passive investors” in LLCs to which patent assets would be assigned and which would then file suit against defendants in federal courts around the country. As later revealed by Judge Connolly, the subsequent litigation would be run through a “consulting” arm of IP Edge, MAVEXAR LLC (<https://insight.rpxcorp.com/entity/1319932-mavexar-llc>), that is controlled by the firm’s three principals (attorneys Gautham (“Gau”) Bodepudi, Sanjay Pant, and Lillian Woung). Taken together, those LLC plaintiffs made IP Edge the most prolific NPE plaintiff, by an order of magnitude, for multiple years leading into and through 2022.

Judge Connolly became aware of this strategy as a result of the failure of several IP Edge plaintiffs—including Lamplight Licensing LLC (<https://insight.rpxcorp.com/entity/11768759-lamplight-licensing-llc>), Mellaconic IP LLC (<https://insight.rpxcorp.com/entity/9603026-mellaconic-ip-llc>), and Nimitz Technologies LLC (<https://insight.rpxcorp.com/entity/11508870-nimitz-technologies-llc>)—to comply with a pair of April 2022 standing orders requiring certain litigants to make certain detailed corporate and third-party litigation funding disclosures. He then ordered their individual owners, and some of their attorneys, to attend a pair of evidentiary hearings in early November 2022. Those hearings left Judge Connolly with systemic concerns regarding IP Edge’s assertion model: that by assigning patents to associated plaintiff LLCs without disclosing their connections to IP Edge and MAVEXAR, those two entities had perpetrated a fraud on the USPTO and/or the district court. The hearings also raised questions about the “accuracy of statements” made in the plaintiffs’ filed disclosures, in

result, Judge Connolly handed down a series of extraordinarily sweeping orders (<https://insight.rpxcorp.com/news/72588-judge-connolly-s-new-standing-orders-are-serious-business>) requiring production to the court of a range of documents related to the plaintiffs' legal representation, corporate ownership and control, assets, and potential liabilities. The ensuing "Series of Extraordinary Events (<https://insight.rpxcorp.com/entity/1034412-ip-edge-llc>)" further snowballed to include multiple unsuccessful *mandamus* challenges contesting those production orders on various bases, as well as document production by those plaintiffs that turned out to be incomplete in certain respects.

On November 27, 2023, Judge Connolly issued an order (https://insight.rpxcorp.com/litigation_documents/15465765) that detailed the results of his investigation across 105 blistering pages—finding that IP Edge had been the “de facto” owner of the patents asserted by its litigating affiliates and held that the entity and its principals should face “consequences” for their improper attempt to “use separate LLCs to insulate themselves” from liability. He called upon the Department of Justice (DOJ) and the USPTO to potentially investigate these misrepresentations. As indicated above, Judge Connolly also teed up potential punishment for some of the individuals involved: He referred certain attorneys employed by IP Edge (which is not a law firm) to a Texas disciplinary body for the unauthorized practice of law and referred the LLCs' local and lead counsel to state disciplinary bodies for improperly treating IP Edge as their true client.

Among the plaintiffs' counsel hit with such a referral was Jimmy Chong, flagged over his conduct as Delaware counsel for Lamplight and Mellaconic IP. Judge Connolly flagged a variety of issues with his representation of both entities—including the fact that Chong obtained signed engagement letters from the clients (indirectly, via MAVEXAR), filed litigation on their behalf, and settled some of their cases without having ever communicated with their sole owners and managing members (Mellaconic's Hao Bui, otherwise a food truck owner; and Lamplight's Sally Pugal, otherwise a manager at a medical office).

Judge Connolly found that Chong (and, to varying degrees, the other plaintiff attorneys named in the order) had committed multiple violations of the rules governing the professional conduct of attorneys through that lack of communications. In particular, the court found that Chong had failed to secure the informed consent of his two clients, especially with regard to decisions related to filing, settling, and/or dismissing their cases. Judge Connolly also held that Chong and the other plaintiffs' counsel had improperly delegated their fiduciary duties to MAVEXAR, finding that any supposed consent provided in their engagement letters was illusory, and that the issue was “especially concerning” given the “obvious disparity in the sophistication” of the plaintiffs (*i.e.*, their owners)—as a result of which, the MAVEXAR consulting agreements “and counsel's actions in these cases deprived the LLC plaintiffs of the benefit of independent counsel”. This was further evident, per Judge Connolly, through the lopsided financial relationships between the plaintiffs and MAVEXAR, which appears to be entitled to 90% or more of each plaintiff's settlement proceeds. Judge Connolly wasted no time in sending referral letters to the relevant disciplinary agencies for the attorneys named in the order—sending one (https://insight.rpxcorp.com/litigation_documents/15472367) to the Delaware Office of Disciplinary Counsel (ODC) with respect to the conduct of both Chong and George Pazuniak of O'Kelly & O'Rourke, LLC (counsel for Nimitz).

A subsequent set of orders (<https://insight.rpxcorp.com/news/78586-judge-connolly-calls->

counsel for other IP edge-tied plaintiffs in for-questioning) in certain cases filed by Swirlate IP LLC (<https://insight.rpxcorp.com/entity/8669361-swirlate-ip-llc>) and Waverly Licensing LLC (<https://insight.rpxcorp.com/entity/12117977-waverly-licensing-llc>), both also represented by Chong, indicated that his problems were far from over. On December 28, Judge Connolly ordered Chong and Bennett (Chong's cocounsel in the Swirlate litigation) to appear in person on January 17, warning that both attorneys must be "prepared to address the Court's concern" that the "same improprieties" prompting the referrals "may have occurred in connection with the litigation" filed by those two additional plaintiffs.

Judge Connolly held that hearing as scheduled for both Swirlate and Waverly, with both attorneys appearing as ordered. A full transcript is available here (<https://www.rpxcorp.com/wp-content/uploads/sites/3/2024/01/Swirlate-IP-and-Waverly-Licensing-Chong-and-Bennett-Hearing-1-17-2024.pdf>).

Beginning with Chong, Judge Connolly's questioning over his representation of Waverly got testy rather quickly. Right out of the gate, when Judge Connolly asked whether he had communicated directly with the plaintiff's owner, Son Nyugen, prior to filing suit, Chong attempted to frame his answer around having communicated *with Waverly*, characterizing the signing of a retainer agreement obtained via MAVEXAR (here described as Waverly's "agent") as constituting such communications. After Judge Connolly repeatedly asked him to address his communications with Nguyen, only to have Chong keep responding that he had done so with Waverly, Judge Connolly grew impatient—with Chong finally responding that no, he had not communicated with Nguyen before signing his engagement and filing suit:

10 directly with Mr. Nguyen, the sole owner and manager of
11 Waverly, before you filed these lawsuits in Waverly's
12 name?

13 **MR. CHONG:** I did not have -- there was an
14 in-between --

15 **THE COURT:** It's a really easy question. It's
16 a yes-or-no question, and, frankly --

17 **MR. CHONG:** But --

18 **THE COURT:** I'm very surprised that you can't
19 answer that question.

20 **MR. CHONG:** I understand it's a yes-or-no
21 question; however, Mr. Nguyen is not my client; Waverly is
22 my client.

23 **THE COURT:** I didn't ask you who your client
24 was. I asked you, and it's the last time I'm going to ask
25 you: Did you have direct communications with Mr. Nguyen

1 before you filed these lawsuits in Waverly's name?

2 **MR. CHONG:** I did not have direct communication
3 with Mr. Nguyen.

4 **THE COURT:** All right. How did you obtain
5 Waverly's consent, informed consent, to file these
6 lawsuits in its name?

7 **MR. CHONG:** Through Waverly's agent.

8 **THE COURT:** How did you obtain Waverly's
9 consent to communicate with its putative agent?

10 How did you obtain that informed consent
11 directly from the client to negotiate and to obtain
12 directions from its agent?

13 **MR. CHONG:** From its agent, I had
14 communications.

This was apparently enough for Judge Connolly to conclude that Chong's conduct had included similar ethical violations as in the Lamplight and Mellaconic cases, sufficient to warrant another referral to the Delaware ODC (the applicable disciplinary body).

I've already referred you to the Delaware Bar Disciplinary Counsel. I'm going to do so here because our rules require that you obtain the informed consent from the client in order for you to engage and rely on these negotiations -- I should say directions from a third party.

Chong then objected to the discussion of this new referral in open court, arguing that under Rule 13 of the "Delaware Disciplinary Rule" (apparently, referring to the Delaware Lawyers' Rules of Disciplinary Procedure), there needs to be "confidentiality through these hearings". Judge Connolly asked how that could possibly impact the hearing then in progress and pointed out that he had not yet referred Chong to the ODC, just that he was "going to do so".

Rather, Judge Connolly stated that his purpose in discussing the matter here was just to confirm whether Chong had communicated directly with Waverly (via Nguyen) before filing suit, with any additional commentary from Chong welcome but unnecessary:

The sole purpose right now is for me to ascertain whether or not you had direct communications with Waverly before you filed the lawsuit. And the answer you are telling me is no. And I'm telling you that . . . Therefore, I am going to refer you to disciplinary counsel. And I don't actually need to have you answer any other questions, but you are welcome to, if you want to. But that suffices, in as far as your appearance here in the Waverly cases. That's all I needed to ascertain.

When Chong attempted once more to relitigate the "direct communications" issue, Judge Connolly appeared to lose his patience further—questioning both his command of the English language and his knowledge of the ethical rules he had already been found to violate:

16	MR. CHONG: But I did have direct
17	communication. I had conversations to Waverly through
18	their agent.
19	THE COURT: I think you need to learn English,
20	then. "Direct" and "through" are --
21	MR. CHONG: I'm sorry?
22	THE COURT: You need to learn to speak English,
23	because "direct" and "through" can't be used in a sentence
24	the way you have just used them.
25	You're not having direct communications with a
1	principal if it's through their agent.
2	And, you know, look, I don't -- you are welcome
3	to state your case. You have that opportunity, but what
4	I'm saying is, based on that representation alone, I don't
5	need any more information, and I do believe it's
6	appropriate to refer your conduct in this case -- in these
7	cases -- to disciplinary counsel. Because it's a
8	fundamental proposition of ethical conduct of lawyers that
9	they get the direct approval of a client to file a
10	lawsuit. And they can, at times, rely on directions from
11	a third party, but only after obtaining the, quote,
12	"informed consent" of the client, and you are telling me
13	you didn't do that here.

Following yet another back-and-forth in which Chong tripped down on the same argument, to which Judge Connolly again pointed out that communications through an agent cannot be direct by definition, he reiterated his decision to refer the matter to ODC—remarking that Chong could clearly use a refresher on the relevant principles:

THE COURT: Okay. So then, in the Mavexar cases, I am going to refer Mr. Chong to disciplinary counsel. And, really, he needs, it sounds like, to be just educated about the fundamentals of agency principals, what a principal is versus an agent, what it means to obtain informed consent, and he needs to apprise himself better of the Rules of Professional Conduct in our jurisdiction and that apply in this Court.

Judge Connolly then turned to Swirlate, similarly asking Chong whether he had any direct communications with the plaintiff's owner and sole employee, Dina Gamez. Here, though Chong explained that as local counsel, he relied on lead counsel Bennett to communicate with the client, and that he obtained his engagement agreement through Bennett.

Bennett then found himself in the hot seat, at which point he professed a lack of knowledge in response to various table-setting questions from Judge Connolly. In particular, Bennett claimed not to be familiar with the Nimitz, Backertop, and Mellaconic cases, though he later admitted to having read the November 2023 Nimitz order (which extensively discusses those lawsuits) that Judge Connolly cited in the order compelling Bennett's testimony. Judge Connolly next attempted to jog his memory with respect to emails in which Bennett and the counsel in those cases discussed how to respond to his various orders in late 2022 (evidentiary and otherwise). In each instance, Bennett contended that due to the passage of time, he only recalled "generally, but not specifically", the events in those cases.

Judge Connolly then returned to his main line of inquiry, explaining that he wanted to ascertain whether Bennett, too, had failed to obtain the informed consent of his client, Swirlate (and, by extension, Gamez), to file and settle lawsuits on its behalf—as had formed the basis of his disciplinary referrals for Chong and the other counsel named in the November 2023 order. While Bennett similarly argued that he had received Gamez's permission to file suit through an engagement agreement signed by her, he again claimed not to recall where the email through which he obtained that agreement came from. Rather, Bennett merely remarked that the relevant email chain would have included MAVEXAR as it was acting as her agent. Judge Connolly then asked whether Bennett had "relied exclusively on communications with Mavexar to take actions in these cases on behalf of Swirlate"; while Bennett responded in the negative, he also conceded that he had received Gamez's supposedly informed consent "through [MAVEXAR]". Nor, for that matter, could Bennett recall whether he had "communicated with Ms. Gamez in the first instance to obtain her informed consent", as phrased by Judge Connolly, saying only that he would have to look back at his engagement agreement. (That said, as noted further below, Bennett would later suddenly remember more about those conversations.)

Judge Connolly responded by stating that he would issue another production order to fill in the gaps in Bennett's apparently spotty memory as to whether he had complied with his ethical duties:

4 THE COURT: All right. So what I'm going to
5 do, then, since you don't recall, I'm going to have you
6 have to produce that documentation so I can ascertain
7 whether, in fact, you comported with the rules of ethics
8 to obtain the informed consent of a client before filing
9 these lawsuits. All right?

10 MR. BENNETT: So, I'm sorry. What is Your
11 Honor requesting?

12 THE COURT: Well, I will draft an order that
13 will get at it. But, basically, what I need to assure
14 myself of is that -- because I'm not assured, based on the
15 answers you've given me, that you, in fact, obtained
16 informed consent of Swirlate to file these lawsuits.

Bennett then appeared to express surprise and asked what rules he had broken—to which Judge Connolly reminded him that local rules require all attorneys appearing in the District of Delaware to comply with the Model Rules of Professional Conduct, which it would “appear [he violated . . . because [he] did not obtained the informed consent” of his client. Nor, said Judge Connolly, could he see how Bennett could not have violated those model rules if he “relied exclusively on the directions of Mavexar or IP Edge or a third party to file the lawsuit or to dismiss the lawsuit on its behalf”.

Bennett, unlike Chong, at least appeared to have prepared a substantive counterargument, arguing that certain Third Circuit cases supported his position that it was proper for MAVEXAR to communicate certain information as Swirlate’s agent. However, Judge Connolly was unmoved, reminding Bennett that the cited decisions presumed that the attorney had properly secured the client’s consent for such an arrangement in the first place: “[I]n order to get a client’s informed consent to take directions from a third party, you have to get the informed consent from the client”. Bennett also expressed confusion as to why Gamez, as its owner and managing partner, would not be considered another agent, asserting that a legal entity like Swirlate “could only communicate through their agents”. Judge Connolly, of course, disagreed: “No, actually, that’s not true. Swirlate has a natural person associated with it as all entities do. It’s got a sole owner and managing partner according to the disclosure that Swirlate filed with this Court, and that’s Dina Gamez”. After Bennett actually asked the court to remind him “who [he would] have to speak to in the client’s position” to obtain informed consent, Judge Connolly explained that it would be Gamez, as the only “natural person associated with the client”, who would be able to give such consent.

Bennett also attempted to secure a guarantee that all produced material would be kept confidential, prompting another incredulous response from Judge Connolly: “I can’t give you that guarantee, no. I can’t do that. I’ve never given—I don’t know of a Court that would ever do that”. In any event, Judge Connolly reminded Bennett that he could “short circuit” the whole production process if the attorney would look back through his files and just send a letter to confirm, as the court suspected, that he “never had communications directly with Dina Gamez to obtain the informed consent of Swirlate to file these lawsuits in its name, and instead . . . relied exclusively on communications with a third party, *i.e.*, Mavexar or IP Edge”—given that the court would already, at that point, be “prepared to just refer [him] to the bar authorities in Illinois and let them do their job”.

Yet Bennett apparently preferred to try and relitigate his original point: that obtaining consent from MAVEXAR, as Swirlate's agent, is the same as having received such consent from Swirlate itself. This prompted Judge Connolly to once again circle back to explain a key legal principle (and again, with an apparent tone of disbelief):

You can't obtain informed consent of a principal to follow the directions of an agent through the agent. I mean, it just guts the whole definition of what informed consent of the principal means. It makes the rule and the requirement of informed consent to be absolutely meaningless. The whole point on the rule is to make sure that the client is giving the informed consent.

Judge Connolly then confirmed that he would move ahead with a production order, particularly in light of the fact that Bennett—in attempting to show that Swirlate's consent had been effective—revealed, perhaps accidentally, that he had received verbal confirmation from Gamez that MAVEXAR “was working for her”. Remaining questions as to the timing of Bennett's statements, as to whether he had had such communications before or after he filed the lawsuits, left enough ambiguity that the court found that it could not yet simply refer the matter to the Illinois disciplinary body as Bennett had requested. Indeed, Judge Connolly indicated that his own review of the materials to be produced was for Bennett's own protection:

All right. So let's find that out because I don't want to refer you to the disciplinary authority if it turned out you got the informed consent. And because it also affects your good standing or whether you have good standing in this Court, it's not something I can just, you know, punt.

Judge Connolly issued the promised production order (https://insight.rpxcorp.com/litigation_documents/15540536) on January 23, holding that Swirlate must produce to the court “no later than February 22, 2024 copies of the following documents and communications that are in the possession, custody, and control of Swirlate IP LLC, Dina Gamez, David R. Bennett, Direction IP Law, Jimmy Chong, and the Chong Law Firm”:

- 1) Any and all retention letters and/or agreements between Swirlate IP LLC and Direction IP Law or the Chong Law Firm.
- 2) Any and all communications and correspondence, including emails and text messages, that Dina Gamez had with David R. Bennett, Direction IP Law, Jimmy Chong, the Chong Law Firm, Mavexar LLC, IP Edge LLC, Linh Deitz, Papool Chaudhari, and/or any representative of Mavexar LLC and/or IP Edge LLC regarding:
 - a) The formation of Swirlate IP LLC;
 - b) Assets, including patents, owned by Swirlate IP LLC;
 - c) The potential acquisition of assets, including patents, by Swirlate IP LLC;
 - d) The nature, scope, and likelihood of any liability, including but not limited to attorney fees, expenses, and litigation costs, Swirlate IP LLC could incur as a result of its acquisition of and/or assertion in litigation of any patent;
 - e) U.S. Patent Nos. 7,154,961 and 7,567,622;

by The retention of Direction IP Law and the Chong Law Firm to represent Swirlate IP LLC in these cases;

g) The settlement or potential settlement of these cases;

h) The dismissal of these cases; and

i) The cancelled December 6, 2022 hearing.

3) Any and all communications and correspondence, including emails and text messages, that David R. Bennett, Jimmy Chong, or any employee or representative of Direction IP Law or The Chong Law Firm had with Mavexar LLC, IP Edge LLC, Linh Dietz, Papool Chaudhari, and/or any representative of Mavexar LLC and/or IP Edge LLC regarding:

a) The formation of Swirlate IP LLC;

b) Assets, including patents, owned by Swirlate IP LLC;

c) The potential acquisition of assets, including patents, by Swirlate IP LLC;

d) The nature, scope, and likelihood of any liability, including but not limited to attorney fees, expenses, and litigation costs, Swirlate IP LLC could incur as a result of its acquisition of and/or assertion in litigation of any patent;

e) U.S. Patent Nos. 7,154,961 and 7,567,622;

f) The retention of Direction IP Law and the Chong Law Firm to represent Swirlate IP LLC in these cases;

g) The settlement or potential settlement of these cases;

h) The cancelled December 6, 2022 hearing

The order is similar in scope to those issued against other IP Edge plaintiffs involved in this saga—apart from the reference to the December 6, 2022 evidentiary hearing, which Chong, Bennett, and Gamez had been ordered to attend in person. Judge Connolly canceled that hearing after he stayed the Swirlate cases in light of the Federal Circuit's own stay in the Nimitz litigation. While the Federal Circuit lifted the latter stay on December 8, 2022, Judge Connolly does not appear to have ever lifted the Swirlate stay, and he did not reschedule the evidentiary hearing (at least, with respect to securing testimony from Gamez).

For a blow-by-blow of the November 2022 evidentiary hearing that kicked this whole saga into high gear, see "Recent Delaware Evidentiary Hearings Characterized as 'Perverse Prying' by a 'Lone-Wolf Prosecutor' Were Wide-Ranging (<https://insight.rpxcorp.com/news/72588-recent-delaware-evidentiary-hearings-characterized-as-perverse-prying-by-a-lone-wolf-prosecutor-were-wide-ranging>)" (November 2022). A deep dive on the recent order in which Judge Connolly laid out the results of his investigation can also be found here: "Judge Connolly Refers IP Edge 'Fraud' Saga to DOJ, USPTO, and State Disciplinary Bodies (<https://insight.rpxcorp.com/news/78087-judge-connolly-refers-ip-edge-fraud-saga-to-doj-uspto-and-state-disciplinary-bodies>)" (December 2023).

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Details

Key Parties

IP Edge LLC (/entity/1034412-ip-edge-llc)
Swirlate IP LLC (/entity/8669361-swirlate-ip-llc)
Waverly Licensing LLC (/entity/12117977-waverly-licensing-llc)

Analyze (/analytics/district_court?party_plain_or_def%5B%5D=8669361%2A%2ASwirlate+IP+LLC+%2849%29)
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Campaigns ⓘ

Swirlate IP LLC (7,154,961) (/litigation_campaign/79577-swirlate-ip-llc-7-154-961)
Waverly Licensing LLC (9,608,472) (/litigation_campaign/88696-waverly-licensing-llc-9-608-472)

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Education Committee

The Education Committee Chair is Gretchen A. Mundorff. Board member John C. Rafferty, Jr. serves as a member of this committee.

The role of the committee is to propose and carry out education and training opportunities for the profession, Hearing Committee members, and Board members.

Under the leadership of Committee Chair Mundorff, the committee planned and held an in-person training event for newly-appointed Hearing Committee members in Hershey, Pennsylvania. Participants attended the 6-hour training event, which included presentations by Board members; Hearing Committee members; Board staff; the Chief Disciplinary Counsel and Deputy Chief Disciplinary Counsel; and, Respondent's Counsel, Ellen Brotman. The program was designed to educate these new members about the disciplinary system and their responsibilities as Hearing Committee members.

In addition to their participation in Hearing Committee training, Board members had the opportunity to participate at conferences related to disciplinary matters. Board members continued their efforts to participate in numerous CLE presentations throughout the year.

Board members, staff, and Hearing Committee members attended the 19th Annual Meeting of the National Council of Lawyer Disciplinary Boards (NCLDB) virtually, in February 2022. Attendees included: David S. Senoff, Board member; Jesse G. Hereda, Executive Director and member of the NCLDB Board of Directors; Marcee D. Sloan, Board Prothonotary and Secretary of the NCLDB Board of Directors; Laura K. Mohney, Counsel to the Board; Kimberly M. Henderson, Special Counsel; and Hearing Committee members Jimmy Chong, Vincent S. Cimini, Lindsay S. Fouse, Nelson B. Gaugler, Catherine Harrington, Amy M. Kirkham, Joseph C. Romano, Dawn Tancredi, and Heidi Villari.

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Judge Connolly Refers IP Edge “Fraud” Saga to DOJ, USPTO, and State Disciplinary Bodies

December 3, 2023

Since late last year, Delaware Chief Judge Colm F. Connolly has expressed increasing concerns over the activities of multiple litigating plaintiffs linked to IP Edge LLC (<https://insight.rpxcorp.com/entity/1034412-ip-edge-llc>) and a related consulting firm, MAVEXAR LLC (<https://insight.rpxcorp.com/entity/1319932-mavexar-llc>): namely, that by failing to disclose those relationships as required in his courtroom, those entities had possibly committed fraud. However, he has stopped short of detailing the possible ramifications of those actions—until now. On November 27, in a blistering, 105-page order (https://insight.rpxcorp.com/litigation_documents/15465765), Judge Connolly found that IP Edge had been the “de facto” owner of the patents asserted by its litigating affiliates and held that the entity and its principals should face “consequences” for their improper attempt to “use separate LLCs to insulate themselves” from liability: He has now called upon the Department of Justice (DOJ) and the USPTO to potentially investigate these misrepresentations. Judge Connolly has also teed up potential punishment for some of the individuals involved: He has referred certain attorneys employed by IP Edge (which is not a law firm) to a Texas disciplinary body for the unauthorized practice of law and has referred the LLCs’ local and lead counsel to state disciplinary bodies for improperly treating IP Edge as their true client.

IP Edge’s indirect dispute with Judge Connolly arose as a result of two standing orders that he imposed in his courtroom in April 2022, respectively requiring the comprehensive disclosure of information on a party’s corporate control and the presence of certain third-party litigation funding relationships (and where present, comprehensive disclosure of the nature of the that relationship). As **RPX** has extensively reported, after Judge Connolly learned that several IP Edge plaintiffs—including Lamplight Licensing LLC (<https://insight.rpxcorp.com/entity/11768759-lamplight-licensing-llc>), Mellaconic IP LLC (<https://insight.rpxcorp.com/entity/9603026-mellaconic-ip-llc>), and Nimitz Technologies LLC (<https://insight.rpxcorp.com/entity/11508870-nimitz-technologies-llc>)—had initially failed to make sufficient disclosures under those new rules, he ordered their individual owners, and some of their attorneys, to attend a pair of evidentiary hearings in early November 2022.

Those two hearings, referenced in greater detail below, laid bare IP Edge’s historical monetization model: It has frequently hired individuals with no prior connection to patent monetization as the owners/managers of its litigating LLCs in exchange for the promise of passive income from any litigation proceeds. That practice, per Judge Connolly, suggested that by assigning patents to those LLCs without disclosing connections to IP Edge and MAVEXAR, which is controlled by IP Edge’s principals (Texas attorneys Gautham (“Gau”) Bodepudi, Sanjay Pant, and Lillian Woung), those two entities had perpetrated a fraud on the USPTO and/or the district court. Those hearings also left the court with expressed “concern[s]” over the “accuracy of statements” made in the plaintiffs’ filed disclosures, in addition to concerns over “whether the real parties of interest are before the Court”—leading Judge Connolly to hand down a series of extraordinarily sweeping orders

(<https://insight.rpxcorp.com/news/15465765>) Judge Connolly's new standing orders are serious business) requiring production to the court of a range of documents related to the plaintiffs' legal representation, corporate ownership and control, assets, and potential liabilities.

Plaintiff challenges to the propriety of those production orders as well as to Judge Connolly's underlying standing orders themselves failed, including a series of district court motions rejected by Judge Connolly and a set of *mandamus* petitions rejected by the Federal Circuit. Yet while each of those entities ultimately produced the requested materials, issues remained. Judge Connolly later remarked after a review of the produced material that some of it was incomplete, for example by including emails referring to attachments not themselves produced, or in some instances by omitting documents from one LLC that were produced for the other.

Yet the substantive issues revealed by Judge Connolly's review of the produced materials and the November 2022 testimony, as recounted in his November 27, 2023 order (https://insight.rpxcorp.com/litigation_documents/15465765), were far more significant—and led the court to make three key findings:

(1) [C]ounsel of record for the LLC plaintiffs violated numerous rules of professional conduct by actions they took and failed to take; (2) lawyers at IP Edge engaged in the unauthorized practice of law in Texas; and (3) real parties in interest in the patents in these cases, including a foreign government, were not disclosed to the PTO, defendants, or the Court.

Nimitz: Emails Suggest Blurred Lines Between Plaintiff, IP Edge, and MAVEXAR—and a Foreign Government's Retained Interest in Litigation Proceeds

Judge Connolly then proceeded to detail the basis for these findings, starting with Nimitz—for which he noted that the entity has been represented in these cases solely by George Pazuniak of O'Kelly & O'Rourke, LLC; that its address corresponds to a FedEx dropbox; and that its sole owner, Mark Hall (who is otherwise a fulltime account manager and salesman for “energy analytic software” company **Enverus**), had testified that its asserted patent (7,848,328 (<https://insight.rpxcorp.com/patent/US7848328B2>)) was the entity's only asset. Here, Judge Connolly highlighted Hall's testimony at the November 4, 2022 hearing, observing that he “was unable . . . to describe anything about the patent or how Nimitz came into possession of it”.

Q. Do you know what the name of th[e] [#328] patent is?

A. I do not.

* * * *

Q. What technology is covered by the [#]328 patent?

A. I haven't reviewed it enough to know.

* * * *

Q. How did you pay for the [#328] patent?

A. There was an agreement between Mavexar and myself where I would assume liability.

Q. What does that mean?

A. No money exchanged hands from my end.

Q. You have to—on that financial guy, so you have to explain it to me. So you own the patent, but no money—you didn't exchange any money for it?

A. No.

Q. So is that what you're saying?

A. Yes.

Q. So how do you come to own something if you never paid for it with money?

A. I wouldn't be able to explain it very well. That would be a better question for Mavexar.

Q. Well, you're the owner?

A. Correct.

Q. How do you know you're the owner if you didn't pay anything for the patent?

A. Because I have the paperwork that says I'm the owner.

(Emphasis added by the court.)

The origins of that patent—and, in particular, a financial interest held by its prior owner—would prove significant to Judge Connolly's conclusions here, Hall's lack of knowledge on these points notwithstanding. Specifically, as noted by Judge Connolly, the '328 patent originated with **Nokia** but was assigned in 2013 to France Brevets SAS (<https://insight.rpxcorp.com/ent/430160-france-brevets-sas>), a public-private monetization firm characterized by the court as "a so-called 'sovereign state fund' owned by the French government". The patent was then assigned to Burley Licensing LLC (<https://insight.rpxcorp.com/entity/10537555-burley-licensing-llc>), another IP Edge-linked entity, in March 2021, with the accompanying USPTO assignment cover sheet listing its submitter as Hau Bui (the owner of a food truck as well as a "fried chicken joint", and also the sole owner of Mellaconic). That same assignment sheet also listed, for the submitter's email address, that of IP Edge office manager Linh Deitz, who had been Bui's "primary communication with Mavexar" according to his November 4, 2022 testimony.

When a patent assignment is recorded with the USPTO, the submitter is required to attach documentary evidence that the assignment actually occurred. That attachment is often not the full assignment agreement between the transferor and the recipient of rights. Often there may be terms in that full assignment agreement that the parties to the transfer would like to keep confidential (as recordation is a public event). Thus, an assignment of rights is routinely attached to a full assignment agreement (typically, as "Exhibit A" to it) so that it is separable—*i.e.*, so that it can be separated from the full assignment agreement with ease and then submitted to the USPTO. However, as will become clear below, any discrepancies between the proof of assignment submitted to the USPTO and the entire set of terms in the full assignment agreement between the parties can be treacherous.

Even more was revealed in the full assignment agreement that Nimitz produced to the court: France Brevets was in fact entitled to a 35% cut of the gross revenue that resulted from "monetizing and enforcement" of the transferred patents, apparently contradicting language elsewhere in the agreement providing that the assignment to Burley encompassed "all income, royalties, damages and payments now or hereafter due or payable with respect" to the '328 patent (and the others assigned). Moreover, the full assignment agreement required Burley to transfer the patents back to France Brevets if it had failed to file suit over the patents

lacked the ability to transfer the patents without France Brevets's consent—seemingly, contradicting language in the proof of assignment representing that the transfer included “*all right, title, and interest that exist today and may exist in the future in and to*” the covered patents (emphasis by the court).

Other produced materials, per Judge Connolly, further suggest that the lines between Nimitz, IP Edge, and MAVEXAR were at least blurred, and possibly even fictional. On August 16, 2021, before Nimitz was even formed, Texas attorney Duy Tran—then an IP Edge director—emailed Pazuniak a set of claim charts detailing infringement by the defendants later sued by Nimitz, copying IP Edge's Deitz and Brandon LaPray, an attorney then employed by IP Edge (and now deceased). In response to a question the following day about whether France Brevets was still the owner of the '328 patent, LaPray responded as follows: “Hi George - It is not. **We** bought the patents from France Brevets. Below is the Plaintiff info. **We** will get the assignment recorded” (emphasis by the court), disclosing the entity name “Nimitz Technologies LLC”, listing an address, and naming Hall as its managing member. Yet at that point, Nimitz had yet to be formed, and that formation did not finally occur until hours *after* that email was sent.

This back-and-forth was troublesome, suggested Judge Connolly, because while “[t]he fact that Mr. Hall is Nimitz's managing member does not preclude there from being other members of the LLC, and it could be reasonably inferred from Mr. LaPray's use of ‘we’ in his email to Mr. Pazuniak that IP Edge (or an affiliate like Mavexar) had an ownership interest in Nimitz”, Pazuniak had testified at the November 4 hearing that Nimitz was solely owned by Hall—and that Deitz had been merely representing Nimitz as its agent. Per Judge Connolly, this squarely contradicts the facts laid out in the aforementioned emails:

As the email exchanges make clear, Mr. Pazuniak could not have “understood” when he was first contacted by Ms. Deitz (or anyone else from IP Edge or Mavexar) that Ms. Deitz (or anyone else) was an agent for or “was representing” Nimitz because Mr. Pazuniak did not learn of Nimitz's existence until after he had already begun his review (at IP Edge's request) of the claim charts for four potential litigation “targets” and after Mr. Pazuniak himself had asked IP Edge who “the proposed Plaintiff” would be in the #328 patent infringement actions contemplated by IP Edge.

Moreover, Judge Connolly flagged additional material as suggesting that Hall's involvement in the assignment of the '328 patent from Burley to Nimitz had been little more than a retroactive rubber-stamp: That assignment was filed with the USPTO on August 20, 2021 and was purportedly signed electronically by Bui (for Burley) and Hall (for Nimitz), but a document produced by Nimitz showed that Deitz did not ask Hall to sign the agreement *until August 24*, four days later.

The contents of that assignment from Burley to Nimitz made it clear that Nimitz had inherited Burley's issue with respect to France Brevets, Judge Connolly also found. Since Nimitz had agreed to assume all of Burley's obligations as part of its consideration for the assignment, Nimitz was thus obligated to provide France Brevets the same 35% of the gross revenue from its assertion of the '328 patent, and was bound by the same reversionary interest. Again, the court had already both explained that this was problematic, as the proof of assignment otherwise represented that the transfer to Burley (and, thus, to Nimitz) included the right to all income related to the '328 patent and all rights and title to the patent as well. (Judge Connolly also found that the French government dissolved France Brevets in October 2022, after Nimitz had “settled 11 cases in this court”, but noted that nothing in the produced materials indicates that France Brevets “ever relinquished or transferred its interest in the settlement proceeds” from the '328 patent.)

In addition, Judge Connolly found that the full assignment agreement contradicted another agreement produced to the court: a “Consulting Services” agreement between Nimitz and MAVEXAR, executed the day after the assignment, with IP Edge principal Pant (one of the firm’s two managing partners, per the court) signing for the latter. In exchange for MAVEXAR’s help with monetizing any patents owned by Nimitz, Nimitz agreed to provide a certain percentage of all “Net Proceeds”, defined as “Gross Recovery” (itself the gross amount of all monetization proceeds) minus “Costs and Expenses”, to MAVEXAR. While neither that agreement, nor any other produced documents, specified the percentage to be received by MAVEXAR, Hall had testified that he believed Nimitz received just 10% of the proceeds. Thus, Judge Connolly posited, while the full assignment agreement provided that IP Edge (via Burley) had conveyed the right to all income from the ‘328 patent to Nimitz, “it appears that at the time the Burley/Nimitz Patent Assignment was filed with the PTO Mavexar was contractually entitled to 90% of the profits generated from licensing and litigating the #328 patent”.

Nor, for that matter, did Hall—again, the disclosed sole owner of Nimitz—appear to play any role in selecting the LLC’s litigation counsel. While the produced documents do not confirm the precise circumstances by which this selection was finalized, Judge Connolly explained, the common thread was once more Deitz, who sent Hall an engagement letter with Pazuniak’s firm that somehow made its way back to Pazuniak in executed form. That letter set a variety of terms regarding the firm’s representation of Nimitz, including the firm’s right to recover between 25-40% of the litigation proceeds depending on timing. Yet while Pazuniak proceeded to file litigation on behalf of Nimitz, and file 13 motions to dismiss on behalf of the plaintiff, at no point was Hall advised of these actions (nor was his consent sought), per the materials reviewed by the court. Those materials further indicate that Pazuniak and Hall had *no contact whatsoever* until he was invited to a series of meetings to discuss Judge Connolly’s ordering of the evidentiary hearings.

The communications about those meetings also apparently revealed the involvement of two other key figures in this story: Bodepudi, IP Edge’s other managing partner; and attorney Papool Chaudhari. Judge Connolly remarked that Chaudhari’s “role at IP Edge and Mavexar is not entirely clear”: While he used an IP Edge email and email signature in relevant communications, the court observed that he never identified a title. In testimony at the November 4, 2022 evidentiary hearing, Jimmy Chong of Chong Law Firm PA, Delaware counsel for Lamplight and Mellaconic IP, identified Chaudhari as the person he would “typically” speak with at MAVEXAR.

Regardless of the nature of Chaudhari’s role at IP Edge or MAVEXAR, Judge Connolly found that the “document productions make clear that he, more than any other individual, directed LLC plaintiffs’ counsel of record in these cases about how to respond to my orders and he oversaw the prepping of Messrs. Bui and Hall for their testimony at the November 4, 2022 hearing”. Those materials also explicitly confirm that “Chaudhari very much wanted Mavexar to be hidden from the Court”, Judge Connolly found, citing an email sent to one of Mellaconic’s lawyers in the wake of the first of his production orders: “Again we reiterate that we do not want to disclose Mavexar by name, but rather just disclose that recourse funding exists” (emphasis in original). (This email was marked “Common interest Attorney-Client Privilege”, but Judge Connolly rejected this attempt to assert privilege—noting that the email copied Bodepudi and Pant, an IP Edge assistant, and the counsel for three IP Edge-linked LLCs, but that it did not disclose a communication to or from a client, as “[c]ounsel have consistently maintained in these actions that IP Edge and Mavexar are *not* their clients”—so the materials so marked are thus not privileged.)

Interests

Judge Connolly then turned to Mellaconic, remarking that the relevant circumstances were similar to those of Nimitz: Its litigation counsel, including Chong and co-counsel, filed numerous cases on its behalf, while its sole owner and member Bui (who “makes his daily living as the proprietor of a food truck and restaurant”) knew nothing about the substance or provenance of Mellaconic’s only assets (its asserted patent, 9,986,435 (<https://insight.rpxcorp.com/patent/US9986435B2>), and other patent assets), trusting MAVEXAR to direct him in whether to sign off on their activity. Bui agreed to do so, again, in exchange for a percentage of Mellaconic’s litigation proceeds, here 5%.

The court highlighted Bui’s confusion, at the November 4 evidentiary hearing, over the extent of the obligations he had assumed in exchange for this “passive income”: When the court questioned Bui over what liability he had taken on, Bui indicated that he did not understand the term “liability” in the first place: “It was clear from the substance of Mr. Bui’s testimony and his facial expressions and body language that he was not familiar with the word ‘liability’”, despite the fact that the agreement assigning the ‘435 patent to Mellaconic, and the entity’s consulting agreement with MAVEXAR, both “expose him to potential financial liability” as characterized by the court.

That assignment agreement, which conveyed the ‘435 patent from Empire Technology Development LLC (<https://insight.rpxcorp.com/entity/939223-empire-technology-development-llc>) to Mellaconic, had problems similar to the ones relevant to the Nimitz cases. Like the Nimitz assignment agreement, a shorter proof of assignment for this conveyance was filed with the USPTO, indicating that the transfer included the right to all income from the patent, while the full assignment agreement produced to the court again revealed that the prior assignee, Empire, had retained an interest, here 50%, in the litigation proceeds, contradicting the proof of assignment. Additionally, the court observed that Mellaconic also had a consulting agreement with MAVEXAR that was “identical” to the one between MAVEXAR and Nimitz. Since Bui had testified that he received 5% of Mellaconic’s proceeds, the court thus observed that MAVEXAR was “contractually entitled to 95% of the profits generated from licensing or litigating those assets”.

While the order does not mention a similar “chicken or the egg” problem as with Nimitz (*i.e.*, regarding actions being taken by IP Edge and MAVEXAR on the entity’s behalf before it was even formed), another parallel was that for an extended period of time, Bui had no contact with his counsel: local counsel Chong, and Ohio attorneys Howard Wernow and Andrew Curfman of law firm Sand, Sebolt & Wernow, LP that served as lead counsel. Although Mellaconic produced no materials related to its engagement with Chong’s firm apart from its engagement letter, its production related to Sand, Sebolt revealed further issues. In addition to establishing that the firm would be entitled to a contingency fee of 15%-45% of Mellaconic’s litigation proceeds, that firm’s agreement gave the firm the broad authority to discuss the case with any third parties, including consultants, engaged by the plaintiff (at least including IP Edge and MAVEXAR). The engagement agreement also makes just a passing mention of conflicts of interest and none whatsoever about the risks associated with patent litigation (such as liability for attorney fees under Section 285)—all the while absolving the firm of any liability incurred by third parties.

None of those attorneys appeared to have had any contact with Mellaconic until after its cases had been filed and settled, when Judge Connolly’s investigations were in full swing. Chong’s first direct contact with Bui appears to have been an email around that time asking Bui to confirm that he wanted Chong to communicate directly with MAVEXAR. As for the attorneys

from Sand, Sebolt, their first communication with Bui was a meeting that, again, included Bodepudi and Pant. The court also batted away a series of claims of privilege for a string of relevant communications, including for the above email with Chong (rejected because it only discussed the general terms of their engagement) and emails with Sand, Sebolt (rejecting as improper a claim for “Common Interest Attorney-Client Privilege”, for reasons similar to the Nimitz cases).

Judge Connolly further states that he came away from his questioning of Bui with skepticism that Bui actually reviewed any of the substance of the proposed lawsuits put before him, concluding “that his ‘review of litigations’ filed on behalf of his LLCs consisted of signing off on attorney engagement letters”. This interpretation, the court explains, is borne out in produced documents, which detail communications regarding proposed settlements between IP Edge’s LaPray and Mellaconic’s counsel, but none on that topic that were sent to Bui.

Lamplight: Key Questions Remain Unanswered; Retainer Agreement Names Mystery Party; Informed Consent Issues

Judge Connolly next proceeded to lay out the issues with respect to Lamplight—once again, noting that the plaintiff is an LLC with a disclosed sole owner, Sally Pugal, who is not an IP industry professional (working as a manager for a medical office); and that its sole asset is its asserted patent (9,716,393 (<https://insight.rpxcorp.com/patent/US9716393B2>)) and another patent application. As was the case with Nimitz, Lamplight acquired those assets through another IP Edge-linked intermediary: The assets passed from **Thomson Licensing** to IP Edge’s Magnolia Licensing LLC (<https://insight.rpxcorp.com/entity/9243935-magnolia-licensing-llc>) in July 2020 as part of a larger transaction, and from Magnolia to Lamplight in November 2021.

While the proof of assignment filed with the USPTO for the latter transaction refers to a prior agreement between Thomson and Magnolia, one stating that Magnolia or “prior owners may have granted licenses, covenants not to sue, releases and other encumbrances with respect to the” transferred assets, Lamplight failed to produce any relevant documents. As a result, Judge Connolly stated, “I do not know the terms of the contingency payment Lamplight owed to Thomson Licensing at the time it filed the Patent Assignment with the PTO or the particulars of the ‘other encumbrances’ Lamplight ‘underst[ood] and acknowledge[d] that [Magnolia] or prior owners may have granted’”. Nonetheless, Judge Connolly underscored that the fact that the unproduced full assignment agreement contemplates a “preexisting contingency payment obligation” stands, once again, in direct contrast to the proof of assignment, which otherwise purports to transfer all income, etc. related to the assigned patent assets.

Additionally, while Pugal also signed a consulting agreement on behalf of Lamplight with MAVEXAR, the court again had less information to go on than the other entities, as she did not appear at either of the November 2022 evidentiary hearings due to a medical issue (as detailed further below). Accordingly, Judge Connolly stated, “I do not know the percentage of licensing revenues Mavexar retains under its agreement with Lamplight”.

However, Judge Connolly’s questioning of Chong revealed that in some key respects, his attorney-client relationship with Lamplight had some deep flaws. For one, the court observed that “it is unclear that that relationship existed at the time Mr. Chong filed” the LLC’s first three cases, as his firm’s retention letter with Lamplight was not executed until at least one month later. Moreover, Chong negotiated that letter not with Pugal, but with MAVEXAR—prompting Judge Connolly to ask Chong how (*i.e.*, on the basis of which ethical rules) he could have possibly entered into an attorney-client relationship based solely on communications with a third party and how one would possibly perform a conflicts check under the circumstances. (Chong’s answers, perhaps not surprisingly, were brief and equivocal.)

substantively “noteworthy”: that the agreement’s purpose explicitly related to litigation and licensing over the ‘393 patent, and that Lamplight had represented that it owned free and clear title to the patent, including the right to all litigation proceeds—again, in apparent conflict with the USPTO full assignment agreement. Additionally, it established that Chong needed Lamplight’s consent and approval to file litigation and its written approval to settle cases, and that Chong would earn a 15% contingency fee, minus expenses.

Another mystery stemmed from the agreement’s language addressing which entity would trigger those expenses—an otherwise unidentified “NWM”: “NWM will obtain written pre-approval from [Lamplight] for any Litigation Expense expected to exceed \$500. NWM will exercise its reasonable judgment and best efforts to limit the Litigation Expenses to only those expenses that it considers appropriate and necessary under the circumstances”.

When Judge Connolly questioned Chong about that sentence, Chong responded that he remembered negotiations over it and that the language had been a “sticking point for [him]”. Yet while Chong asserted that NWM was not MAVEXAR, he appeared not to recall who or what NWM was—and, per the court, produced records include no other mention of that entity. (Perhaps of some relevance, as RPX has previously noted, is that a frequent plaintiff-side patent law firm, often representing NPEs in both transactions and in litigation, is Ni, Wang and Massand PLLC.)

Another issue concerned language establishing that Chong’s firm would represent only Lamplight with respect to licensing negotiations and litigation, and that any disputes would be subject to arbitration. This language was accompanied by a provision in which Lamplight (and, by extension, sole owner Pugal) affirmed that it had been advised to retain independent counsel for the purpose of the engagement agreement due to a conflict of interest for Chong’s firm, in which Lamplight acknowledged that it had been given the option for the firm to represent it at its normal hourly fee rather than under this agreement, and acknowledged the waiver of rights that typically accompanies an arbitration clause. Yet since the record shows that Chong was the only attorney from the firm who worked on Lamplight matters, and that he had never communicated with Pugal prior to the relevant March 2022 date, the court found that the firm had in fact *not advised Pugal* on the need to retain independent counsel, any conflicts of interest, the option of retaining the firm at an hourly rate, or the waiver of rights resulting from arbitration.

When Chong finally did communicate with Pugal, it was once again in response to Judge Connolly’s impending evidentiary hearing. Here, the court noted that when Deitz calendared a meeting to discuss that hearing, she sent the invite to Pugal, copying IP Edge’s Chaudhari and Bodepudi; and then sent the same invite separately to Chong and his legal assistant, copying Chaudhari and Bodepudi but not Pugal. This piecemeal communication was no accident, the court found: “Sending separate emails appears to have been IP Edge’s general practice. It is readily apparent from the emails and texts produced in response to the November 10 Memorandum Order that IP Edge strove to maintain a separation between the nominal owners of the plaintiff LLCs and the lawyers who filed cases on behalf of those LLCs”.

However, an increasingly frantic series of communications between Deitz and Pugal, the former’s tone alternating between friendly and ominous, suggest that Pugal was becoming increasingly terrified of testifying before Judge Connolly. For instance, in a text message conversation from early October 2022, Pugal tried to pull out—to which Deitz responded that Pugal could become personally liable for sanctions if she failed to appear:

Deitz: Can you talk? I want to talk to you before your call with our team. . . . I know this is inconvenient for you but this is very important.

Deitz: *Sally this not only affects you but also our company.* There are fees that can be charged to you from the court. We are try[ing] to make it work with your schedule but you have to work with us. This is not something to take lightly. This is an order from a federal judge. Sally please call me back.

(Emphasis by the court.) While Pugal appeared to be reassured by a subsequent phone call (for which the record does not identify the participants), and promised to pick a date for her testimony, she went silent for a week—prompting more texts from Deitz that relayed pressure from Chaudhari and her counsel, followed by an email directly from Chong (which, as noted above, appeared to be his first communication with her).

Pugal apparently agreed to be added to the November 4, 2022 hearing in a subsequent conversation with Chong, but she began ducking the requested weekly meetings with the IP Edge team and her counsel—citing work commitments, a series of medical appointments related to certain unspecified health issues, and the increasing strain on her mental health triggered by the prospect of testifying. At multiple points, Pugal told her team she could not participate, including one text to Deitz on October 19, 2022: “I hate to do this but let me just [be] honest with you[.] I don’t think I am comfortable of doing this trial[.] I have nightmares almost every night thinking about it and so stressed[.] . . . Already so stressed at work and all of this [sic] Doctors appointments my [Primary Care Physician] order X-rays MRI and CT[.] Sorry Linh[.] I cannot do it”.

Deitz’s response expressed some sympathy for Pugal’s predicament, but Deitz’s concern for IP Edge appeared to outweigh those concerns: The following day, she asked Pugal for an update, and relayed another warning from Chaudhari about sanctions: “This judge isn’t going to rest until Sally appears in his courtroom in Delaware. [A]nd if she doesn’t appear on 11/4, a date she requested, there’s probably going to be sanctions”. Driving the point further home, Deitz reminded Pugal that “[s]anction means fees that you will be charged to pay (I mentioned that to you last night)” —suggesting that the referenced conversation was at least one of the first times that sanctions were fully explained to Pugal.

Deitz also took the opportunity to badmouth Judge Connolly in delivering a further warning, apparently unaware that her written conversation could (and did) end up being produced for his review: “Unfortunately the judge is a prick and there is not telling how much fees there could be. *We[’ve] paid fees before and I promise you it’s a lot. Don’t want to scare you but you need to be fully aware*” (emphasis by the court). Pugal again attempted to withdraw in response, stating that however much those fees would be, she would not have the money to pay—reminding Deitz that she “do[es]n’t even make money on any of the compan[ies] including this”. (This reminder could be a reference to the fact that Pugal has been associated with several other apparent IP Edge NPEs, based on RPX’s review of Texas public records: at least Crave Licensing LLC (<https://insight.rpxcorp.com/entity/8488159-crave-licensing-llc>), Deshodax LLC (<https://insight.rpxcorp.com/entity/1199414-deshodax-llc>), Inspire Licensing LLC (<https://insight.rpxcorp.com/entity/9653064-inspire-licensing-llc>), Optical Licensing LLC (<https://insight.rpxcorp.com/entity/8488160-optical-licensing-llc>), Mentone Solutions LLC (<https://insight.rpxcorp.com/entity/1595397-mentone-solutions-llc>), and Parkside IP LLC (<https://insight.rpxcorp.com/entity/2915830-parkside-ip-llc>).) Yet Deitz responded with an even more ominous warning: “*Sally[] I’m sorry but you can’t do that. You put not only fees that you will have to pay but you put my company at risk. You are putting me in a really tight spot*” (emphasis by the court).

After one more refusal to participate, Pugal went silent again—prompting an apparent shift by her attorneys, toward using her apparent health issues as an excuse not to testify. For instance, Chaudhari sent her a conspicuously cheerful email days after she ignored another meeting request:

Good morning Sally! How are you? We missed you on the Lamplight call this week. Is everything ok? Linh mentioned you are having some health issues. So sorry to hear that! We need to talk with you about that and how that might affect you not going. You might be able to be excused for the Nov 4 hearing next week, but we need to talk with you about to figure that all out.

Can you please text or call Linh and she can set up a time for you to talk with us?

Thank you! Have a nice day!! :)

Papool

Chong chimed in as well, albeit with somewhat more urgency: “I’m so sorry that you are not well. Is there anything that I can do for you? We should really talk sooner than later”.

At this point, Chong informed Judge Connolly for the first time that Pugal might not be able to attend the hearing due to a health issue, despite the fact that he had “still [received] no word from Ms. Pugal”. Deitz then began to pressure her to sign a declaration regarding her health issues, with Chaudhari—in a considerably saltier, November 2 email copying Chong and his paralegal, LaPray, Deitz, and Bodepudi, but not Pugal—stating that obtaining a doctor’s note was unlikely given Pugal’s radio silence:

Jimmy,

As you know, Sally finally got back to Linh with the text that was sent to you. I understand you want a doctor’s note, but given that we just finally heard back from Sally after being ghosted for quite some time and the hearing being on Friday, it isn’t likely or feasible that we’ll have one by the hearing. Hence, we are preparing a declaration that Linh will take to her tonight for her to sign. We will also have Linh ask Sally to get a doctor’s note asap that states that her doctor will not permit her to fly.

Given the circumstances and timing for Friday, that’s the best we can do.

Papool

That declaration—apparently not drafted by Chong, Judge Connolly found based on produced materials—was sent to Pugal, signed by her, and filed with the court that same day.

Later that month, and weeks after the hearing, Chong sent a pair of emails to Pugal asking her to confirm for the record that he had her consent to communicate with MAVEXAR directly. Pugal responded in the affirmative, though not until weeks had gone by—during which time “Chong had filed and settled six lawsuits in Lamplight’s name”.

Ethical Violations by Plaintiffs’ Counsel: Shortcuts and Conflicts of Interest, Oh My

Having thus extensively detailed the unusual circumstances surrounding these plaintiffs’ legal representation, Judge Connolly then proceeded to spell out just how many ethical rules he believes these attorneys have broken. Most broadly, he explained that regardless of where they practice, attorneys always owe their clients a fiduciary duty: one that “includes undivided loyalty, candor, and provision [to the client] of material information” (citation omitted). As he notes the Third Circuit has held, this is “not a matter to be taken lightly”—as bar membership

depends on the ethical requirement that attorneys give their clients full and meaningful disclosure of conflicts of interest so that the client may decide if the representation is in his or her best interest and of the terms of proposed settlement agreements, as it is the client's, not the attorney's, decision whether to settle a case". A court may "countenance no shortcuts", per the Third Circuit: such disclosures must be "meaningful" for clients to give truly informed consent.

Judge Connolly found that the attorneys here under scrutiny—Pazuniak, Chong, Wernow, and Curfman—fell well short of that standard as codified in the American Bar Association's Model Rules of Professional Conduct, which binds attorneys practicing before the District of Delaware. Among the Model Rules he found to be violated here are Rule 1.2(a), requiring a lawyer to "abide by a client's decision whether to settle a matter"; and Rule 1.4, which establishes a duty to "promptly inform" the client of matters that require the client's "informed consent", including settlements—as counsel here had "fail[ed] to have any communication with their clients before filing, settling, and dismissing the clients' cases". Here, Pazuniak had filed and moved to dismiss 11 cases on Nimitz's behalf without consulting Hall, the sole natural person associated with it. Chong had done the same for the two others: as sole counsel on record for Lamplight's six cases, which he filed and settled without consulting owner Pugal; as co-counsel with Wernow in 12 Mellaconic cases filed and settled without consulting with owner Bui; and as co-counsel with Curfman for six more Mellaconic cases similarly filed and settled without such consent.

In addition, he found that those attorneys had also violated Model Rules 1.7, which in part prevents attorneys from representing clients where they have a concurrent conflict of interest involving a third party; and 1.8(f), which bars someone other than the client from compensating an attorney except where the "client gives informed consent", and where "there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship". Rule 1.7 is implicated here, the court explained, because the attorneys' failure to communicate with their clients prevented them from ascertaining whether actual or potential conflicts existed. Such actual or potential conflicts were possibly established with by the MAVEXAR consulting agreements: "Because of those potential conflicts, counsel's blind adherence to Mavexar's directions to file and settle cases in the clients' names created a significant risk that counsel's actions materially limited their representations of their client".

This risk was illustrated by the lopsided financial relationship between MAVEXAR and Nimitz, Judge Connolly explained. MAVEXAR got 90% of the profits with virtually nothing to lose (just the possibility that Nimitz would fail to reimburse it for fees and costs in excess of recoveries), while Nimitz's 10% cut ("a tiny fraction of the litigation gains") was far outweighed by the potential for liability on both its own behalf and that of Hall (including attorney fees and sanctions) in the event of an adverse decision, plus the aforementioned obligation to further reimburse MAVEXAR. "In light of these vastly different profit and risk profiles, it cannot be said that Mavexar's and Nimitz's interests were the same when it came to deciding to file or to settle the lawsuits Mr. Pazuniak brought in this Court in Nimitz's name", the court found.

The situation was much the same for Lamplight and Mellaconic, given that both had identical consulting agreements with MAVEXAR—with the exception that Mellaconic's cut is even smaller, at just 5%. This "even more lopsided" arrangement "makes it even more likely that Mellaconic's interests conflict with Mavexar's interests with respect to the filing and settling of cases". As detailed above, though, Lamplight's cut is unknown due to that plaintiff's incomplete production on the subject. That said, Judge Connolly noted that Pugal's text messages with Deitz suggest that her cut of the proceeds is similarly small.

As a general matter, attorneys may not delegate their fiduciary duties to others. Judge Connolly held—especially the duty of loyalty. Yet that was exactly what had happened here: the court found that counsel here had “either ignored or delegated to Mavexar (*i.e.*, IP Edge) their fiduciary duties”, even though MAVEXAR’s consulting agreements explicitly establish that the firm is “not a fiduciary of” the clients at issue. Judge Connolly rejected counsels’ apparent “view that a client can delegate to a third party all litigation decisions, including the decision to settle a case, and that an attorney can conduct all communications with a client through that third party”, citing for example Pazuniak’s argument (in his Federal Circuit brief) that “section 134(2) of the Restatement 3d of the Law Governing Lawyers” allows him to “authorize Mavexar to act as its consulting agent to act on [Nimitz’s] behalf as if it was the client”. Not so under these circumstances, countered Judge Connolly—as that provision requires that a client consent to a third party providing direction to the attorney. That clearly did not happen here, given that Pazuniak did not communicate with the client *at all* during the time in which he both filed and settled seven of Nimitz’s cases.

The court reached the same position for Mellaconic: While Wernow and Curfman argued that its owner Bui had consented by signing their engagement agreement, the fact that this agreement was a mere form letter, while they had also failed to communicate with the client, meant that this was the sort of “illusory” consent rejected by the Third Circuit.

Moreover, Judge Connolly found the attorneys’ relationship with IP Edge and MAVEXAR, and their failure to satisfy their fiduciary duties, particularly troubling due to “the obvious disparity in the sophistication of the LLC plaintiffs as opposed to Mavexar and IP Edge”. This point was made especially clear by Bui’s testimony at the November 4, 2022 hearing (*i.e.*, his confusion as to the meaning of “liability”) and the text messages between Deitz and Hall, as well as the “the lopsided terms of the consulting servicing agreements”, the court found. Those agreements and the attorneys’ actions, Judge Connolly held, “deprived the LLC plaintiffs of the benefit of independent counsel”.

Because the attorneys “here failed to satisfy their ‘ethical obligations of giving [their] clients full and meaningful disclosure of conflicts of interest so that the client[s] [could] decide if the representation [wa]s in his or her best interest and of the terms of proposed settlement agreements” (citation omitted), Judge Connolly decided as a result to refer them “to their respective offices of disciplinary counsel”.

MAVEXAR: Consulting Firm’s Attorneys Engaged in Unauthorized Practice of Law

Judge Connolly then turned to MAVEXAR and the outsized role that it had played in the plaintiffs’ litigation. While the supposed consulting firm’s agreement with the plaintiffs described its “services” as “non-legal”, and specifically states that it is “not a law firm”, Judge Connolly found that the materials produced by the parties “make clear that numerous Mavexar and IP Edge actors engaged in the practice of law on behalf of Nimitz, Mellaconic, and Lamplight”. In particular, he explained that those materials show that “Chaudhari, Bodepudi, and Tran each acted as a lawyer for one or more of the three LLC plaintiffs”:

The lawyer tasks they performed varied by individual and LLC and included providing patent infringement claim charts, drafting and editing legal filings, conducting legal research, summarizing and analyzing legal research, crafting legal arguments, preparing a declaration for Ms. Pugal, and prepping Mr. Bui and Mr. Hall for their testimony at the November 4, 2022 hearing.

(Internal citations omitted.) Under Texas state law, Judge Connolly found, such tasks clearly constitute the practice of law—and observed that individuals may be criminally prosecuted for the unauthorized practice of law, having already found that MAVEXAR and IP Edge are Texas

entities. Moreover, he held that under Texas state law, a corporation's in-house attorneys cannot perform legal work for clients with interests different from their employer's—and reiterated his earlier finding that MAVEXAR and IP Edge indeed had different interests from those of the plaintiffs.

Since, as a result, “it appears that . . . Chaudhari, Bodepudi, and Tran engaged in the unauthorized practice of law”, Judge Connolly ruled that he “will refer them to the Texas Supreme Court’s Unauthorized Practice of Law Committee”.

IP Edge’s Problematic USPTO Assignment Filings: Referral to DOJ and USPTO

Lastly, Judge Connolly turned his attention to the USPTO proofs of assignment filed by IP Edge through various entities—filings that, in this and previous orders, he had characterized as potentially part of a “fraud upon the court” designed to obscure those entities’ connections to IP Edge, and that he had also described as “fictitious patent assignments”. Here he found that federal law requires that such assignments recorded with the USPTO be accurate, further noting that to submit an assignment agreement, one must (by clicking an onscreen button) attest to the accuracy of the information—through which the user also acknowledges that “providing false or spurious information” in recorded assignments and agreements is a “misrepresentation to the federal government” that “is prohibited and subject to criminal and civil penalties”, as codified in USPTO regulations. In relevant part, one of those regulations provides that such penalties fall under 18 USC § 1001, which “makes it a crime to knowingly submit to a federal agency a ‘materially false, fictitious, or fraudulent statement or representation’”.

While he stopped short of asserting that such violations had occurred, Judge Connolly held that it was appropriate to refer the matter to both the DOJ and USPTO—both to further inquire whether the Patent Office’s rules or Section 1001 were violated, and in case the DOJ decides to “investigate whether the strategy employed by IP Edge to hide from the defendants in these cases and the Court real parties in interest, including France Brevets, violated any federal laws”.

IP Edge at the Center of the Web: Use of Shell LLCs “Has Consequences”

Judge Connolly then concluded by stating his findings on the IP Edge enterprise more directly and unequivocally than he has at any other point to date: “The reality in these cases is that the de facto owner of the asserted patents—that is, the party that truly controls and profits from their assertion—is IP Edge”. IP Edge’s attorney LaPray, he indicated, confirmed as much by using the first-person plural in an email about Nimitz—stating that “we”, meaning IP Edge, “bought the patents”. “IP Edge, however, has gone to great lengths to hide the ‘we’ from the world”, Judge Connolly underscored.

Rather than having the asserted patents assigned to itself or to its own LLCs, IP Edge arranged for the patents to be assigned to LLCs it formed under the names of relatively unsophisticated individuals recruited by Linh Deitz. The LLCs were empty vessels with no assets until IP Edge arranged for the assignment of the patents to those LLCs.

“The housing of assets in a separate LLC has consequences”, Judge Connolly continued, as LLCs can neither appear in court nor file patent infringement cases without counsel—which IP Edge and MAVEXAR had effectively done by improperly performing the function of those LLCs’ legal counsel:

And because IP Edge and Mavexar do not identify with the LLC plaintiffs, and because IP Edge and Mavexar are not law firms, Texas law prohibits them from acting as the LLC plaintiffs' lawyers. Messrs. Chaudhari, Pant, Bodepudi, and Tran chose to use separate LLCs to insulate themselves, IP Edge, and/or Mavexar from the potential liabilities of patent litigation. They must accept the consequences that flow from that strategy.

Such consequences must also be faced by the counsel that acted on behalf of IP Edge and MAVEXAR, he added, since those two entities were really their "de facto clients". Rather than giving their nominal LLC clients their undivided loyalty and "providing [them] with sufficient information and unconflicted advice . . . to make informed decisions about whether to bring and settle any proposed lawsuits", they treated those LLCs as "mere inventory": "Their loyalty was not to their clients, but rather to IP Edge".

Judge Connolly has wasted no time in the wake of this order, sending letters for the above referrals within two days of its issuance (see here (https://insight.rpxcorp.com/litigation_documents/15469373) for the letter to the DOJ; and here (https://insight.rpxcorp.com/litigation_documents/15472367), here (https://insight.rpxcorp.com/litigation_documents/15469374), and here (https://insight.rpxcorp.com/litigation_documents/15472366), respectively, for those sent to the applicable disciplinary bodies in Delaware, Ohio, and Texas). He addressed the USPTO referral letter (https://insight.rpxcorp.com/litigation_documents/15470880) to Director Kathi Vidal herself, a potentially notable step given that the proper sanctions for misconduct before the Patent Office, and in particular before the Patent Trial and Appeal Board (PTAB), has been a topic of interest (<https://insight.rpxcorp.com/news/73878-vidal-reinstates-sanctioned-ptab-petitioners-in-vlsi-iprs-hits-one-with-fees-and-costs>) for Vidal this past year.

For more on other aspects of this extraordinary saga—including the contentious battle over the attempts of another IP Edge LLC's owner, a Texas paralegal, to avoid testifying before Judge Connolly—see "Owner of IP Edge-Linked Plaintiff Seeks Federal Circuit Relief from Contempt Order (<https://insight.rpxcorp.com/news/77668-owner-of-ip-edge-linked-plaintiff-seeks-federal-circuit-relief-from-contempt-order>) (October 2023).

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November 16, 2022

Details

Key Parties

IP Edge LLC (</entity/1034412-ip-edge-llc>)

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with District Court Analytics (/analytics/district_court?lit_party_parent_ent_id_lms=11768759%2A%2AMAVEXAR+LLC+%282823%29) party_plain_or_def%5B%5D=11768759%2A%2AMAVEXAR+LLC+%282823%29) Edge+LLC+%284540%29)

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Nimitz Technologies LLC (7,848,328) (/litigation_campaign/87675-nimitz-technologies-llc-7-848-328)

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[DSBA] On behalf of the ADR Section - Request for nominations for the Kimmel-Thynge Award 2024

From: Administrator@dsba.org (administrator@dsba.org)

To: dsba@delawlist.org

Date: Tuesday, February 27, 2024 at 02:49 PM EST



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REQUEST FOR NOMINATIONS FOR THE 2024 KIMMEL/THYNGE ADR AWARD

The ADR Section created this award in honor of Morton Richard Kimmel and Chief Magistrate Judge Thynge's contributions to the development of alternative dispute resolution in Delaware. Specifically, Mr. Kimmel is credited as one of the initial proponents of the adoption of mandatory arbitration in the Superior Court of the State of Delaware. Similarly, Chief Magistrate Judge Thynge is known for her development and management of the alternative dispute resolution program within the U.S. District Court for the District of Delaware, and having acted as mediator in thousands of matters over her tenure as a Magistrate Judge. Award recipients will be persons who embody Mr. Kimmel and Chief Magistrate Judge Thynge's enthusiasm for alternative dispute resolution, and whose contributions to the development of alternative dispute resolution are worthy of recognition.

IMPORTANT: The ADR Section, in its discretion, may give the award to multiple recipients.

We ask that you please submit any nominations by March 31, 2024.

PAST RECIPIENTS INCLUDE THE FOLLOWING:

2022 – Judge Kevin Gross and Judge Joshua W. Martin, III

2021— Mr. David A. White

2020—Ms. Yvonne T. Saville

2019—Mr. Morton Richard Kimmel (posthumously)

2019—Chief Magistrate Judge Mary Pat Thynge

Please send your nominations to either:

Jimmy Chong, ADR Secretary, at chong@chonglawfirm.com
Bernard G. Conaway, ADR Chair, at bgc@conaway-legal.com





Mark S. Vavala, Esq.

He/Him/His

Executive Director

Delaware State Bar Association

704 North King Street, Suite 110

Wilmington, DE 19801

Main: (302) 658-5279

Fax: (302) 658-5212

DSBA IS MOVING! Effective February 28, 2024, DSBA's new address will be 704 N. King Street, Suite 110, Wilmington, 19801

Sent via the Delaware State Bar Association's DSBA mailing list

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<https://www.dsba.org>



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UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
COLM F. CONNOLLY
U.S. DISTRICT JUDGE



U.S. COURTHOUSE
844 N. KING STREET Unit 31
WILMINGTON, DELAWARE 19801-3568
302-573-6310

December 1, 2023

David A. White, Esquire
Office of Disciplinary Counsel
The Supreme Court of Delaware
405 N. King St., Ste. 420
Wilmington, DE 19801

Re: Messrs. George Pazuniak and Jimmy Chong

Dear Mr. White:

For the reasons outlined in the enclosed Memorandum Opinion I issued on November 27, 2023, I believe that disciplinary sanctions may be warranted against two Delaware lawyers: George Pazuniak (Bar Number 478) and Jimmy Chong (Bar Number 4839). The information brought to my attention in the cases discussed in the Memorandum Opinion gives me reason to believe that Messrs. Pazuniak and Chong violated numerous provisions of the Model Rules of Professional Conduct.

Would you please let me know what, if any, action is taken by the Office of Disciplinary Counsel with respect to these matters? Thank you.

Sincerely,

Colm F. Connolly
Chief Judge

Encl.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIMITZ TECHNOLOGIES LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 21-1247-CFC
)	
CNET MEDIA, INC.,)	
)	
Defendant.)	

NIMITZ TECHNOLOGIES LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 21-1362-CFC
)	
BUZZFEED, INC.,)	
)	
Defendant.)	

NIMITZ TECHNOLOGIES LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 21-1855-CFC
)	
IMAGINE LEARNING, INC.,)	
)	
Defendant.)	

NIMITZ TECHNOLOGIES LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 22-413-CFC
)	
BLOOMBERG L.P.,)	
)	
Defendant.)	

MELLACONIC IP, LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 22-244-CFC
)	
TIMECLOCK PLUS, LLC,)	
)	
Defendant.)	

MELLACONIC IP, LLC,)	
)	
Plaintiff,)	
)	
v.	)	Civ. No. 22-541-CFC
)	
DEPUTY, INC.,)	
)	
Defendant.)	

LAMPLIGHT LICENSING LLC,)
)
 Plaintiff,)
)
 v.) Civ. No. 22-418-CFC
)
 ABB, INC.,)
)
 Defendant.)

LAMPLIGHT LICENSING LLC,)
)
 Plaintiff,)
)
 v.) Civ. No. 22-1017-CFC
)
 INGRAM MICRO, INC.,)
)
 Defendant.)

MEMORANDUM OPINION

November 27, 2023



COLM F. CONNOLLY
CHIEF JUDGE

I have decided to refer the attorneys of record for the plaintiffs in these cases to the disciplinary counsel of their respective bars. I have also determined it necessary to refer to the Texas Supreme Court's Unauthorized Practice of Law Committee certain attorneys associated with the patent monetization firm IP Edge LLC (IP Edge) and its affiliate Mavexar LLC (Mavexar) for the roles they played in connection with these cases. I have determined as well that a referral of these matters to the United States Department of Justice and the United States Patent & Trademark Office (PTO) for further inquiry is warranted. I explain in this Memorandum Opinion why I made these decisions.

I.

For reasons detailed in *Nimitz Technologies LLC v. CNET Media, Inc.*, 2022 WL 17338396 (D. Del. Nov. 30, 2022), by early September 2022, I had developed concerns that the LLC plaintiffs in these patent infringement cases—Nimitz Technologies LLC (Nimitz), Mellaconic IP LLC (Mellaconic), and Lamplight Licensing LLC (Lamplight)—may have had undisclosed financial relationships with IP Edge and may not have complied with my April 18, 2022 standing order regarding third-party litigation funding. (I adopt and incorporate here *Nimitz*.) To

address those concerns and similar concerns I had about certain LLC plaintiffs in other patent infringement cases, I issued on September 12 and 13, 2022 in 12 cases, including these cases, orders convening a series of evidentiary hearings to determine whether the LLC plaintiffs had complied with the third-party litigation funding standing order. *Id.* at *11. I also directed the owners of the LLC plaintiffs to attend the hearings in person. *Id.*

On November 4, 2022, I held the first of the scheduled evidentiary hearings—a consolidated proceeding for these eight cases. As I explained in *Nimitz*, the evidence adduced at that hearing raised serious concerns that the parties may have made inaccurate statements in filings with the Court; that counsel for the plaintiffs may have failed to comply with the Rules of Professional Conduct; that real parties in interest, such as IP Edge and Mavexar, may have been hidden from the Court and the defendants; and that those real parties in interest may have perpetrated a fraud on the court by fraudulently conveying the patents asserted in this Court to a shell LLC and filing fictitious patent assignments with the PTO, all designed to shield the real parties in interest from the potential liability they would otherwise face by asserting in litigation the patents in question. *Id.* at *26.

Believing that I needed more information to decide whether further action was warranted to address these four concerns, I issued in each of these cases on

November 10, 2022 a memorandum order requiring the plaintiffs to produce certain records (the November 10 Memorandum Order). *Nimitz Techs. LLC v. CNET Media, Inc.*, Civ. No. 21-1247, D.I. 27; *Nimitz Techs. LLC v. BuzzFeed, Inc.*, Civ. No. 21-1362, D.I. 21; *Nimitz Techs. LLC v. Imagine Learning, Inc.*, Civ. No. 21-1855, D.I. 22; *Nimitz Techs. LLC v. Bloomberg L.P.*, Civ. No. 22-0413, D.I. 18; *Mellaconic IP LLC v. TimeClock Plus, LLC*, Civ. No. 22-0244, D.I. 22; *Mellaconic IP LLC v. Deputy, Inc.*, Civ. No. 22-0541, D.I. 15; *Lamplight Licensing LLC v. ABB Inc.*, Civ. No. 22-0418, D.I. 24; *Lamplight Licensing LLC v. Ingram Micro, Inc.*, Civ. No. 22-1017, D.I. 17.

The November 10 Memorandum Order required each LLC plaintiff to produce documents and communications that the LLC plaintiff's owner and the law firms of its counsel of record had with Mavexar, IP Edge, and certain individuals associated with Mavexar and IP Edge relating to: the formation of the LLC plaintiff; the LLC plaintiff's assets; the LLC plaintiff's retention of its counsel of record; the patents asserted by the LLC plaintiff in these cases; the LLC plaintiff's potential scope of liability resulting from the acquisition of the patents it asserted in these actions; the settlement, potential settlement, and dismissal of these cases; and the November 4 evidentiary hearing. The November 10 Memorandum Order also required each LLC plaintiff to produce (1) monthly statements for any

bank accounts held by the LLC plaintiff for the period beginning one month before it filed its complaints in this Court through the November 10 evidentiary hearing; (2) documents relating to the use, purchase, or lease of the suite address for the LLC plaintiff identified in the complaints it filed in the actions; and (3) a sworn declaration of the LLC plaintiff's owner that identified any and all assets owned by the LLC plaintiff as of the date it filed its complaints in these actions.

On November 16, 2022, Nimitz filed with the United States Court of Appeals for the Federal Circuit a petition for a writ of mandamus to reverse the November 10 Memorandum Order. *In re Nimitz Techs. LLC*, No. 23-103, D.I. 2 at 3 (Fed. Cir. Nov. 16, 2022). On November 17, the Federal Circuit stayed the November 10 Memorandum Order in the Nimitz cases "pending further action of" that court. No. 23-103, D.I. 5 at 2 (Fed. Cir. Nov. 17, 2022). I granted Mellaconic's and Lamplight's requests for stays of their cases pending final disposition of Nimitz's mandamus petition. Civ. No. 22-0244, D.I. 23; Civ. No. 22-0418, D.I. 25.

On December 8, 2022, the Federal Circuit denied Nimitz's petition and lifted the stay in the Nimitz actions. *In re Nimitz Techs. LLC*, 2022 WL 17494845, at *3 (Fed. Cir. Dec. 8, 2022). In doing so, the Court held that the four concerns I had identified as the basis for the November 10 Memorandum Order

[a]ll . . . relate[] to potential legal issues in the case, subject to the “principle of party presentation,” *United States v. Sineneng-Smith*, 140 S. Ct. 1575, 1579 (2020) (discussing the principle and its limits), or to aspects of proper practice before the court, over which district courts have a range of authority preserved by the Federal Rules of Civil Procedure, *see* Fed. R. Civ. P. 83(b); *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991). The district court did not seek information simply in order to serve an interest in public awareness, independent of the adjudicatory and court-functioning interests reflected in the stated concerns.

Id. at *2.

Nimitz thereafter filed a combined petition for panel rehearing and rehearing en banc in the Federal Circuit. No. 23-103, D.I. 55 (Fed. Cir. Dec. 28, 2022). On January 31, 2023, the Federal Circuit denied that petition. No. 23-103, D.I. 58 at 2 (Fed. Cir. Jan. 31, 2023). On February 3, Nimitz filed a motion asking the Federal Circuit “to stay issuing the mandate . . . pending the filing of a petition for mandamus and/or writ of certiorari in the United States Supreme Court.” No. 23-103, D.I. 61 at 1 (Fed. Cir. Feb. 3, 2023). On February 7, the Federal Circuit issued a written order denying Nimitz’s motion to stay the issuance of the mandate. No. 23-103, D.I. 62 at 2 (Fed. Cir. Feb. 7, 2023).

On February 17, 2023, Mellaconic filed a motion to set aside the November 10 Memorandum Order. Civ. No. 22-0244, D.I. 26. On March 2, 2023, Lamplight filed a motion to set aside the November 10 Memorandum Order. No.

22-0418, D.I. 31. I denied Mellaconic's and Lamplight's motions respectively on May 3, 2023 and May 22, 2023.

Nimitz, Mellaconic, and Lamplight produced documents in response to the November 10 Memorandum Order respectively on April 6, May 9, and May 31, 2023. It is apparent from the productions themselves that they are not complete. For example, there are in the productions numerous emails that had attachments at the time the emails were sent but the attachments were not included in the productions. There are documents in one production that should also have been produced in another production but were not. But in any event, based on my review of the documents that were produced and the evidence adduced at the hearings I held on November 4, 2022 and November 10, 2022, it appears that (1) counsel of record for the LLC plaintiffs violated numerous rules of professional conduct by actions they took and failed to take; (2) lawyers at IP Edge engaged in the unauthorized practice of law in Texas; and (3) real parties in interest in the patents in these cases, including a foreign government, were not disclosed to the PTO, defendants, or the Court.

II.

I begin with the four Nimitz cases. Nimitz is a Texas LLC with no employees. Its sole owner and member is Mark Hall. George Pazuniak, a

Delaware lawyer, filed four of the above-captioned cases and seven other patent infringement cases in this Court in Nimitz's name between August 30, 2021 and March 30, 2022.¹ Mr. Pazuniak is the only lawyer of record for Nimitz in these cases. Nimitz asserted in all 11 cases a single patent: U.S. Patent No. 7,848,328 (the #328 patent). In each of the complaints filed in the 11 cases, Nimitz claimed to "hav[e] its office address at 3333 Preston Road STE 300, #1047, Frisco, TX 75034." That address is in fact a Federal Express drop box.

According to a declaration submitted by Mr. Hall in response to the November 10 Memorandum Order, the #328 patent was "the only asset owned by Nimitz" when it filed these suits. App. A at 2. Mr. Hall was unable at the November 4, 2022 hearing to describe anything about the patent or how Nimitz came into possession of it:

¹ *Nimitz Techs. LLC v. CNET Media, Inc.*, Civ. No. 21-1247, D.I. 1 (Aug. 30, 2021); *Nimitz Techs. LLC v. BuzzFeed, Inc.*, Civ. No. 21-1362, D.I. 1 (Sep. 27, 2021); *Nimitz Techs. LLC v. Imagine Learning, Inc.*, Civ. No. 21-1855, D.I. 1 (Dec. 31, 2021); *Nimitz Techs. LLC v. Bloomberg, L.P.*, Civ. No. 21-0413, D.I. 1 (Mar. 30, 2022); *Nimitz Techs. LLC v. Bleacher Rep., Inc.*, Civ. No. 21-1246, D.I. 1 (Aug. 30, 2021); *Nimitz Techs. LLC v. Pinterest, Inc.*, Civ. No. 21-1248, D.I. 1 (Aug. 30, 2021); *Nimitz Techs. LLC v. Reddit, Inc.*, Civ. No. 21-1249, D.I. 1 (Aug. 30, 2021); *Nimitz Techs. LLC v. Conde Nast Ent. LLC*, Civ. No. 21-1360, D.I. 1 (Sep. 27, 2021); *Nimitz Techs. LLC v. Skillshare, Inc.*, Civ. No. 21-1363, D.I. 1 (Sep. 27, 2021); *Nimitz Techs. LLC v. Twitter, Inc.*, Civ. No. 21-1364, D.I. 1 (Sep. 27, 2021); and *Nimitz Techs. LLC v. Tastemade, Inc.*, Civ. No. 21-1856, D.I. 1 (Dec. 31, 2021).

Q. Do you know what the name of th[e] [#328] patent is?

A. I do not.

* * * *

Q. What technology is covered by the [#]328 patent?

A. I haven't reviewed it enough to know.

* * * *

Q. How did you pay for the [#328] patent?

A. There was an agreement between Mavexar and myself where I would assume liability.

Q. What does that mean?

A. No money exchanged hands from my end.

Q. You have to—I'm not a financial guy, so you have to explain it to me.

So you own the patent, but no money—you didn't exchange any money for it?

A. No.

Q. So is that what you're saying?

A. Yes.

Q. *So how do you come to own something if you never paid for it with money?*

A. *I wouldn't be able to explain it very well. That would be a better question for Mavexar.*

Q. Well, you're the owner?

A. Correct.

Q. *How do you know you're the owner if you didn't pay anything for the patent?*

A. *Because I have the paperwork that says I'm the owner.*

Civ. No. 21-1247, D.I. 26 at 66:5–6; 67:23–24; 69:16–70:11 (emphasis added).

The #328 patent is titled “Broadcast Content Encapsulation.” According to Mr. Pazuniak, the “goal” of the #328 patent is to provide “a method to stream multiple versions of a specific content [such as movies and live events] so as to efficiently make the content available to users operating on diverse platforms and in diverse environments.” Civ. No. 21-1247, D.I. 14 at 8.

The application for the #328 patent and any and all patents issued from that application were assigned to Nokia Corporation in 2008. That assignment was recorded with the PTO in 2008; and thus, when the PTO issued the #328 patent in 2010, it identified Nokia as the assignee on the face of the patent. Civ. No. 21-1247, D.I. 1-1.

In February 2013, Nokia assigned the #328 patent, seven other U.S. patents, and certain patent applications and foreign patents to France Brevets, a so-called

“sovereign state fund” owned by the French government.² France Brevets recorded the Nokia/France Brevets assignment of the #328 patent application with the PTO in July 2013.

On August 12, 2021, Burley Licensing LLC (Burley) electronically filed with the PTO an assignment of the #328 and ten other U.S. patents. *See App. C.* The Patent Assignment Cover Sheet for that filing identifies Hau Bui as the submitter, but the email address provided for the submitter is Linh Deitz’s IP Edge email address. *Id.* at 1. Ms. Deitz’s title with IP Edge is Office Manager. Mr. Bui testified at the November 4, 2020 hearing that Mavexar formed Burley and that “Linh D[e]itz was [his] primary communication with Mavexar.” Civ. No. 21-1247, D.I. 26 at 93:21; 100:19–23. Putting aside the question of who actually filed the assignment with the PTO, that person attached as “Exhibit A” to the Patent Assignment Cover Sheet a PDF of a five-page document titled “Patent

² According to the French Ministry of Higher Education and Research, France Brevets is a French investment fund specializing in intellectual property that was formed in 2009 with €100 million in seed money from the French government. *See France Brevets: Un intermédiaire actif entre les titulaires de brevets et les utilisateurs potentiels* [France Brevets: an active intermediary between patent holders and potential users], MINISTRE DE L’ENSEIGNEMENT SUPÉRIEUR ET DE LA RECHERCHE [MINISTRY OF HIGHER EDUCATION AND RESEARCH OF THE FRENCH REPUBLIC] (Nov. 18, 2015), <https://www.enseignementsup-recherche.gouv.fr/fr/france-brevets-un-intermediaire-actif-entre-les-titulaires-de-brevets-et-les-utilisateurs-potentiels-46321> [<https://perma.cc/C5CA-BPS4>].

Assignment.” The Patent Assignment is dated March 11, 2021, and according to its terms, France Brevets assigned to Burley on that day “for good and valuable consideration . . . *all right, title, and interest that exist today and may exist in the future in and to*” the #328 patent and the other ten U.S. patents listed in the Patent Assignment Cover Sheet as well as several patent applications and foreign patents. App. C at 3 (emphasis added). The Patent Assignment, which has electronic signatures for Hau Bui on behalf of Burley and Didier Patry on behalf of France Brevets, goes on to state that the “right, title, and interest” in the covered patents and patent applications France Brevets assigned to Burley “includ[es] *all income, royalties, damages and payments now or hereafter due or payable with respect thereto*” and “the right to bring any claim, sue, counterclaim, *and recover for the past, present and future infringement of*” those patents and patent applications. App. C at 7 (emphasis added).

The identical France Brevets/Burley Patent Assignment filed by Burley with the PTO is included in Nimitz’s production, but in the Nimitz production it is attached as “Exhibit A” to a 15-page “Patent Assignment Agreement” between France Brevets and Burley. *See* App. D. Like the France Brevets/Burley Patent Assignment, the France Brevets/Burley Patent Assignment Agreement is dated March 11, 2021; and it too has electronic signatures for Hau Bui and Didier Patry.

App. D at 15. Under the terms of the France Brevets/Burley Patent Assignment Agreement, France Brevets and Burley “agree[d] to execute” and to “fully incorporate” into the agreement as “Exhibit A” the France Brevets/Burley Patent Assignment that was filed with PTO. App. D at 2. But paragraph 4 of the France Brevets/Burley Patent Assignment Agreement, titled “Consideration,” expressly states that Burley “shall pay [France Brevets] thirty-five percent (35%) of all Gross Revenue actually received by [Burley] as a result of monetizing and enforcement of” the patents and patent applications covered by the Patent Assignment. App. D at 3. The Patent Assignment Agreement defines “Gross Revenue” as “any fees, payments, revenues, royalties, settlements paid by any licensees or assignees, damages awarded by any court and/or administrative body and/or any other consideration actually received, by [Burley] or [Burley’s] Affiliates arising from or in any way related to” the patents and applications listed in the France Brevets/Burley Patent Assignment. App. D at 2. Thus, arguably under the express terms of the Patent Assignment Agreement, Burley was not assigned or entitled to “all income, royalties, damages and payments now or hereafter due or payable with respect” to the #328 patent or the patents and patent applications listed in the France Brevets/Burley Patent Assignment filed with the PTO. App. D at 2.

Paragraph 5 of the France Brevets/Burley Patent Assignment Agreement, titled “Assignment,” provides in relevant part:

[Burley] undertakes to transfer back the ownership of the [patents and patent applications listed in the Patent Assignment] to [France Brevets] in the event of non-compliance by [Burley] with, at least, one (1) of the objectives listed hereafter:

- bring an action for infringement against a third party within twelve (12) months from the Effective Date [March 11, 2021]; and
- generate a total minimum Gross Revenue of US \$100,000.00 within twenty four (24) months from the Effective Date (collectively the “Compliance Period”)

During Compliance Period, [Burley] shall not assign or transfer, without [France Brevet’s] consent, the [patents and patent applications listed in the Patent Assignment].

App. D at 5. Paragraph 5’s “transfer-back” “undertak[ing]” provision and its prohibition on assigning and transferring the #328 patent during the Compliance Period (i.e., until March 21, 2023) without the consent of France Brevets are arguably at odds with the statement in the Patent Assignment filed with the PTO that France Brevets assigned to Burley “*all right, title, and interest that exist today*

and may exist in the future in and to” the patents and patent applications listed in the Patent Assignment.³

On August 16, 2021—four days after Linh Deitz’s IP Edge email account was used to file the France Brevets/Burley Patent Assignment—Duy Tran, a Texas lawyer and, at that time, a director of IP Edge,⁴ sent an email to Mr. Pazuniak with

³ Section 3.56 of the Code of Federal Regulations for Patents, Trademarks, and Copyrights provides:

Assignments which are made conditional on the performance of certain acts or events, such as the payment of money or other condition subsequent, if recorded in the [PTO], are regarded as absolute assignments for [PTO] purposes until canceled with the written consent of all parties or by the decree of a court of competent jurisdiction. The [PTO] does not determine whether such conditions have been fulfilled.

37 C.F.R. § 3.56. “The recording of a document is not a determination by the [PTO] of the validity of the document or the effect that document has on the title to an application or patent.” MPEP § 317.03. *See also* 37 C.F.R. § 3.54. As the regulation itself and the guidance of the Manual of Patent Examining Procedure make clear, § 3.56 “serves as notification as to how a conditional assignment will be treated by the [PTO].” *Id.* The regulation in no way authorizes persons to represent to the PTO that an assignment has no conditions when in fact the assignment has conditions.

⁴ According to Mr. Tran’s LinkedIn page, during his tenure as a director at IP Edge, he “[a]ssisted in the development and implementation of a platform allowing for efficient and accurate management of a docket of over 400 open matters at any given time,” “[a]ssisted in the negotiation of over 2000 licensing agreements creating more than \$30M of revenue for clients,” and coordinated “a team of over 20 outside attorneys.” Duy Tran, LINKEDIN, <https://www.linkedin.com/in/duy-tran-204aa34b> [<https://perma.cc/J67T-5KFZ>] (last visited November 14, 2023).

the subject line “Claim Charts for France Brevet HLS Uploaded.” In the text of the email, Mr. Tran explained that he had “uploaded claim charts for 4 targets to [Mr. Pazuniak’s] Dropbox” and asked Mr. Pazuniak to “please review” the charts. App. E at 1. Mr. Tran copied Ms. Deitz and Brandon LaPray, also employed by IP Edge at the time, on the email. The claim charts Mr. Tran provided to Mr. Pazuniak map claim 1 of the #328 patent against the websites of BuzzFeed; Twitter; GameSpot.com, a wholly-owned subsidiary of CNET; and BonAppetit.com, a wholly-owned subsidiary of Conde Nast Entertainment. (Mr. Pazuniak eventually filed suits in Nimitz’s name for infringement of the #328 patent against BuzzFeed (Civ. No. 21-1362), Twitter (Civ. No. 21-1364), CNET (Civ. No. 21-1247), and Conde Nast Entertainment (Civ. No. 21-1360).)

The next day, August 17, 2021, in a “reply to all” email, Mr. Pazuniak responded to Mr. Tran’s email as follows:

The current Assignee for the ’328 Patent is listed on the PTO website as:

FRANCE BREVETS
47 RUE DE LA VICTOIRE
PARIS 75009
FRANCE

Is this still the current owner and the proposed Plaintiff in the actions?

App. E at 2. Mr. LaPray responded about two hours later:

Hi George – It is not. *We* bought the patents from France Brevets. Below is the Plaintiff info. *We* will get the assignment recorded.

Nimitz Technologies LLC
3333 Preston Road STE 300, #1047, Frisco, TX 75034
Managing Member – Mark Hall

App. E at 2 (emphasis added).

Nimitz (i.e., Nimitz Technologies LLC) did not exist at the time Mr. LaPray sent this email. But within hours of the email, Linh Deitz obtained a mailing address for Nimitz from Staples, and a certificate of formation for Nimitz was filed with the Texas Secretary of State. *See* Apps. F and G. The certificate identified Mark Hall as Nimitz’s managing member. The Secretary of State approved the certificate and Nimitz came into existence on August 18, 2021. *See* App. G at 1.

Nimitz did not produce any responses by Mr. Pazuniak to Mr. LaPray’s August 17, 2021 email. The fact that Mr. Hall is Nimitz’s managing member does not preclude there from being other members of the LLC, and it could be reasonably inferred from Mr. LaPray’s use of “we” in his email to Mr. Pazuniak that IP Edge (or an affiliate like Mavexar) had an ownership interest in Nimitz. Mr. Pazuniak, however, represented at the November 4, 2022 hearing that he understood from the outset of his representation of Nimitz that Nimitz was solely owned by Mr. Hall.

That said, Mr. Pazuniak's explanation at the hearing about how he came to represent Nimitz stands in contrast to the emails he exchanged with Messrs. Tran and LaPray on August 16 and 17, 2021:

MR. PAZUNIAK: And maybe I would just say some things upfront and save us a lot of trouble.

THE COURT: That would be great.

MR. PAZUNIAK: Similar to Mr. Chong, yes, *I was contacted by what I understood to be an agent for Nimitz Technologies.*

THE COURT: A nonlawyer agent, right?

MR. PAZUNIAK: It's not a lawyer. It's a lady by the name of Linh D[ei]tz, L-I-N-H D-I-T-Z.

THE COURT: Wait. I'm sorry. L-I?

MR. PAZUNIAK: L-I-N-H.

THE COURT: Okay.

MR. PAZUNIAK: And the second name, D-I-T-Z. Hopefully, I got it right.

But the—she was representing Nimitz Technologies. And she had provided the basic information. Thereafter, I did my own investigation, in the sense of double-checking the patent, double-checking the Nimitz Technology. For example, I did go to the Texas Secretary of State's Website to gain the information about Nimitz Technology, and that's what I put down into the complaint.

Similar, I went to the Delaware Secretary of State's office to obtain information on the defendants, and making sure that the correct entities were named, correct spellings and correct addresses.

The complaint was entirely drafted by me.

Prior to that, we, of course, had the retainer agreement. That retainer agreement, again, I drafted. And it was forwarded to Linh D[ei]tz, to forward to Mark Hall as the principle of Nimitz Technologies.

I knew that he was the principle because of the—I had double-checked the Secretary of State's office before I prepared the retainer letter.

THE COURT: Okay.

MR. PAZUNIAK: And—

THE COURT: So you knew he was the principle based on the Secretary of State's disclosure—

MR. PAZUNIAK: And—

THE COURT: —he was the principle of Nimitz?

MR. PAZUNIAK: He is—Mr. Hall is the—I think that—I want to make sure I have the phrase right. He's the managing member of the entity. *And it was confirmed by Ms. D[ei]tz that he was the sole, 100 percent, owner of the entity.*

Civ. No. 21-1247, D.I. 26 at 41:21–43:15 (emphasis added). As the email exchanges make clear, Mr. Pazuniak could not have “understood” when he was first contacted by Ms. Deitz (or anyone else from IP Edge or Mavexar) that Ms. Deitz (or anyone else) was an agent for or “was representing” Nimitz because Mr.

Pazuniak did not learn of Nimitz's existence until after he had already begun his review (at IP Edge's request) of the claim charts for four potential litigation "targets" and after Mr. Pazuinak himself had asked IP Edge who "the proposed Plaintiff" would be in the #328 patent infringement actions contemplated by IP Edge.

On August 26, 2021, Mr. LaPray followed up on his August 17, 2021 email with this "reply to all" message in the email chain:

Hi George.

Attached is the assignment. I believe Linh is recording this today but I will let her confirm.

How are the complaints coming along? Are you still good to file this month?

Thanks,

Brandon

App. H at 1. Mr. LaPray attached to his email a two-page document titled "Ex. A-Burley-France – Nimitz Technologies (Fully Executed).pdf." That same day, someone using Linh Deitz's IP Edge email account electronically filed a PDF of that Patent Assignment with the PTO in Nimitz's name. App. H; App. I. The Patent Assignment Cover Sheet for that filing identifies Mark Hall, Nimitz's managing member, as the submitter. App. I at 1.

The Patent Assignment is dated August 20, 2021. It is electronically signed by Mr. Hall for Nimitz and by Hau Bui for Burley. (At the November 4, 2022 hearing Mr. Hall testified that he did not know Mr. Bui. Mr. Bui testified that the name Mark Hall “did not ring a bell.” Civ. No. 21-1247, D.I. 26 at 72:8–11; 99:10–15.) Although Mr. Hall’s electronic signature is dated August 20, 2021 on the assignment, documents produced by Nimitz in response to the November 10 Memorandum Order show that he did not sign it until August 24, 2021—after Linh Deitz emailed him the Patent Assignment and asked him to sign it and return it to her.

According to the terms of the Patent Assignment, Burley assigned to Nimitz on August 20, 2021 “for good and valuable consideration . . . *all right, title, and interest that exist today and may exist in the future in and to*” the #328 patent. App. I at 2 (emphasis added). The Patent Assignment also expressly states that the “right, title, and interest” in the #328 patent “*includ[es] all income, royalties, damages and payments now or hereafter due or payable with respect thereto*” and “the right to bring any claim, sue, counterclaim, *and recover for the past, present and future infringement* of” the #328 patent. App. I at 2 (emphasis added).

These statements stand in contrast to a Patent Assignment Agreement submitted as an exhibit at the November 4, 2022 hearing and in the production

Nimitz made in response to the November 10 Memorandum Order. App. J. That Patent Assignment Agreement is between Burley and Nimitz and, like the Burley/Nimitz Patent Assignment filed with the PTO, it is dated August 20, 2021 and appears to be electronically signed by Hau Bui and Mark Hall. App. J at 4–5. As in the case of the France Brevets/Burley Patent Assignment Agreement, the parties to the Burley/Nimitz Patent Assignment Agreement “agree[d] to execute” and to “fully incorporate” into that agreement another form of assignment (in this case, the Burley/Nimitz Patent Assignment that was filed with PTO on August 26, 2021). App. J at 1. In paragraph 4 of the Burley/Nimitz Patent Assignment Agreement—titled “Consideration”—Nimitz assumed all the obligations Burley had assumed in the France Brevets/Burley Patent Assignment Agreement with respect to the #328 patent:

[Nimitz] hereby assumes all of the obligations of the Patent Assignment Agreement made and entered into on March 11, 2021, by and between France Brevets and Burley Licensing LLC (“Prior Agreement”), including Paragraph 4 of the Prior Agreement. [Nimitz] also understands and acknowledges that [Burley] or prior owners may have granted licenses, covenants not to sue, releases, and other encumbrances with respect to the Patents and Related Patents (“Patent Encumbrances”). [Nimitz] expressly agrees to be bound by and take the [#328 patent] subject to all such Patent Encumbrances.

App. J at 2. Thus, under the terms of the Burley/Nimitz Patent Assignment Agreement—and in contrast with the terms of Patent Assignment filed under Nimitz’s name with the PTO on August 26, 2021—France Brevets appears to have a reversionary ownership interest in the #328 patent and the right to 35% of the income generated from the monetization and enforcement of the #328 patent and to preclude Nimitz from assigning or transferring the #328 patent through March 21, 2023.

The terms of the Burley/Nimitz Patent Assignment filed with the PTO on August 26, 2021 also stand in contrast to the form “Consulting Services” agreement between Nimitz and Mavexar dated August 21, 2021 that was included in the Nimitz document production. App. K. The agreement appears to be electronically signed by Sanjay Pant on behalf of Mavexar and Mr. Hall on behalf of Nimitz. App. K at 6. Mr. Pant is a lawyer and one of IP Edge’s two Managing Partners. *See Team*, IP EDGE, <https://www.ip-edge.com/team/> [<https://perma.cc/2D8J-J2YW>] (last visited November 20, 2023). Under the terms of the agreement, Mavexar promised to “provide non-legal services,” including among other things “assisting [Nimitz] in monetizing” any patents owned by Nimitz. App. K at 1. In exchange for those services, Nimitz agreed to pay Mavexar a percentage of the “Net Proceeds,” which the agreement defines as

“Gross Recovery minus Costs and Expenses.” App. K at 2. The agreement defines “Gross Recovery” as “the gross amount of any monies and other forms of consideration received through monetization of” Nimitz’s patents and further provides that “Gross Recovery shall include, without limitation, any and all settlement fees, licensing fees, fees from a sale, or other payment from other transactions, as well as, any other proceeds (including assets) related to” any patents owned by Nimitz. App. K at 2.

Neither the Consulting Services agreement nor any document produced by Nimitz identifies the percentage of the Net Proceeds Nimitz agreed to pay Mavexar. The Consulting Services agreement says only that the percentage is “[a]s agreed by Client and Consulting Company.” App. K at 2. Mr. Hall testified at the November 4, 2022 hearing, however, that he “believe[d]” that Nimitz received ten percent of the recoveries obtained from asserting Nimitz’s patents. Civ. No. 21-1247, D.I. 26 at 74:9–11. Thus, although the Burley/Nimitz Patent Assignment filed with the PTO states that Nimitz’s “right, title, and interest” in the #328 patent “includ[es] all income, royalties, damages and payments now or hereafter due or payable with respect thereto,” it appears that at the time the Burley/Nimitz Patent Assignment was filed with the PTO Mavexar was

contractually entitled to 90% of the profits generated from licensing and litigating the #328 patent.

About an hour after Mr. LaPray sent his August 26, 2021 email to Mr. Pazuniak and told him that Linh Deitz would be recording the Burley/Nimitz Patent Assignment with the PTO, Ms. Deitz emailed Mr. Hall an engagement letter from Mr. Pazuniak's law firm for Mr. Hall to sign. App. L. An email sent to Ms. Deitz's email address 30 minutes later from DocuSign System confirmed that Mr. Hall electronically signed the engagement letter. App. M. These two emails are the only communications produced by Nimitz that concern the engagement letter, even though the November 10 Memorandum Order required Nimitz, Mr. Pazuniak, and Mr. Pazuniak's firm to produce "[a]ny and all communications and correspondence, including emails and text messages, that [Mr. Hall, Mr. Pazuniak, or any employee of Mr. Pazuniak's law firm] had with Mavexar, IP Edge, Linh D[e]itz, Papool Chaudhari, and/or any representative of Mavexar and/or IP Edge regarding: . . . the retention of [Mr. Pazuniak's firm] to represent Nimitz in these cases." No. 21-1247, D.I. 27 at 3–4. The production includes a copy of the engagement letter signed by Mr. Hall, but it cannot be determined if, when, how, or from whom Mr. Pazuniak obtained that executed version. App. N. Nor can it

be determined from the production when, how, or from whom, Ms. Deitz obtained the unsigned engagement letter she sent to Mr. Hall on August 26, 2021.

The engagement letter purports to “set forth the terms and conditions on which [Mr. Pazuniak’s firm] (‘Counsel’) shall undertake to represent [Nimitz] (‘Client’) in litigations in the District of Delaware.” App. N at 1. Under the heading “Conflicts, Instructions,” the letter identifies “Bon Appeti[t], Pinterest, Skillshare; and Warner Media[], and any affiliate of the foregoing” as the “Adverse Parties” for the engagement. App. N at 1. The letter states that Mr. Pazuniak’s firm “will receive a contingency fee” of between 25 and 40 percent of “the Net Amount recovered from any Adverse Party,” depending on the timing of the recovery. App. N at 2. And under the heading “Client Acknowledgement,” the letter provides:

Client acknowledges that Client has been encouraged by Counsel to consult independent counsel concerning the negotiation of this fee agreement and its terms. Client has consulted with independent counsel, and has made sufficient investigation and inquiry to determine that this agreement is fair and reasonable to Client; and that this agreement was the product of arm’s length negotiation with Counsel. Client acknowledges that Client has either consulted such independent counsel or, having had an adequate opportunity to seek such advice, has declined to follow Counsel’s advice to do so.

App. N at 4. In point of fact, as of August 26, 2021, neither Mr. Pazuniak nor any lawyer from his firm had ever met, spoken, emailed, or otherwise communicated with Mr. Hall.

As noted above, Mr. Pazuniak ultimately filed on behalf of Nimitz 11 cases in this Court, one case in the Northern District of Texas, and nine cases in the Western District of Texas.⁵ Mr. Hall testified, and Mr. Pazuniak did not dispute, that Mr. Pazuniak had no communications with Mr. Hall before he filed the complaints in these actions and that Mr. Hall had no prior knowledge of the complaints before they were filed. Civ. No. 21-1247, D.I. 26 at 76:13–77:3.

⁵ *Nimitz Techs. LLC v. Reuters News & Media Inc.*, Civ. No. 3:22-1929 (N.D. Tex., filed Aug. 31, 2022); *Nimitz Techs. LLC v. ESPN Productions, Inc.*, Civ. No. 6:21-1384 (W.D. Tex., filed Dec. 30, 2021); *Nimitz Techs. LLC v. Nexstar Media, Inc.*, Civ. No. 6:21-1385 (W.D. Tex., filed Dec. 30, 2021); *Nimitz Techs. LLC v. ViaSat, Inc.*, Civ. No. 6:21-1386 (W.D. Tex., filed Dec. 30, 2021); *Nimitz Techs. LLC v. Oncor Electric Delivery Co. LLC*, Civ. No. 6:22-429 (W.D. Tex., filed Apr. 28, 2022); *Nimitz Techs. LLC v. CDM Smith, Inc.*, Civ. No. 6:22-547 (W.D. Tex., filed May 29, 2022); *Nimitz Techs. LLC v. NPG of Texas, L.P.* Civ. No. 6:22-707 (W.D. Tex., filed June 30, 2022); *Nimitz Techs. LLC v. Shop LC Global Inc. d/b/a Shop LC*, Civ. No. 6:22-708 (W.D. Tex., filed June 30, 2022); *Nimitz Techs. LLC v. C.H. Robinson Worldwide, Inc.*, Civ. No. 6:22-1236 (W.D. Tex., filed Nov. 30, 2022); *Nimitz Techs. LLC v. Clayton Homes, Inc.*, Civ. No. 6:22-1239 (W.D. Tex., filed Nov. 30, 2022).

Mr. Pazuniak filed motions to voluntarily dismiss 13 of the cases between December 14, 2021 and October 6, 2022.⁶ Mr. Hall testified, and Mr. Pazuniak did not dispute, that Mr. Hall was never informed of, let alone asked by Mr. Pazuniak if he consented to, the terms of the settlements in those cases before Mr. Pazuniak moved to dismiss the cases. Civ. No. 21-1247, D.I. 26 at 76:23–77:3.

It appears from Nimitz’s document production that the first time Mr. Pazuniak and Mr. Hall were parties to the same email occurred on October 3, 2022—more than a month after I issued the Memorandum Order scheduling the November 4, 2022 hearing. The October 3 email was sent by Linh Deitz to Mr. Hall. It was occasioned by IP Edge’s decision to convene weekly hearing

⁶ Civ. No. 21-1247, D.I. 42 (Oct. 26, 2023); Civ. No. 21-1362, D.I. 36 (Oct. 26, 2023); Civ. No. 21-1855, D.I. 37 (Apr. 20, 2023); Civ. No. 21-0413, D.I. 33 (Oct. 26, 2023); *Nimitz Techs. LLC v. Bleacher Rep., Inc.*, Civ. No. 21-1246, D.I. 10 (Dec. 14, 2021); *Nimitz Techs. LLC v. Pinterest, Inc.*, Civ. No. 21-1248, D.I. 10 (Dec. 20, 2021); *Nimitz Techs. LLC v. Reddit, Inc.*, Civ. No. 21-1249, D.I. 11 (Dec. 22, 2021); *Nimitz Techs. LLC v. Conde Nast Ent. LLC*, Civ. No. 21-1360, D.I. 10 (Feb. 4, 2022); *Nimitz Techs. LLC v. Skillshare, Inc.*, Civ. No. 21-1363, D.I. 15 (Apr. 27, 2022); *Nimitz Techs. LLC v. Twitter, Inc.*, Civ. No. 21-1364, D.I. 8 (Dec. 14, 2021); *Nimitz Techs. LLC v. Tastemade, Inc.*, Civ. No. 21-1856, D.I. 8 (Apr. 27, 2022); *Nimitz Techs. LLC v. ESPN Productions, Inc.*, Civ. No. 6:21-1384, D.I. 11 (June 29, 2022); *Nimitz Techs. LLC v. Nexstar Media, Inc.*, Civ. No. 6:21-1385, D.I. 10 (June 2, 2022); *Nimitz Techs. LLC v. ViaSat, Inc.*, Civ. No. 6:21-1386, D.I. 11 (May 24, 2022); *Nimitz Techs. LLC v. CDM Smith Inc.*, Civ. No. 6:22-0547, D.I. 7 (Aug. 1, 2022); *Nimitz Techs. LLC v. NPG of Texas, L.P.*, Civ. No. 6:22-0707, D.I. 8 (Oct. 6, 2022); *Nimitz Techs. LLC v. Oncor Electric Delivery Co. LLC*, Civ. No. 6:22-0429, D.I. 11 (Oct. 13, 2022).

preparation calls for each of the plaintiff LLC owners I had ordered to appear in court. *See* App. O. Ms. Deitz cc'd Mr. Pazuniak and two of her colleagues at IP Edge: Gautham [a/k/a Gau] Bodepudi and Papool Chaudhari. The email reads in relevant part:

Hello Mark,

Your calls to discuss the Connolly hearings will be on Tuesday [October 11] at 12pm CST with our team (Gau and Papool) and lead counsel – George Pazuniak. Please see the link for the materials you can review prior to the video calls. I have sent a calendar invite with a link to join the calls.

* * * *

Sincerely,

Linh D[ei]tz
Office Manager
IP Edge LLC

App. O.

Mr. Bodepudi is IP Edge's other Managing Partner and, like Mr. Pant, he too is a lawyer. *See Team*, IP EDGE, <https://www.ip-edge.com/team/> [<https://perma.cc/2D8J-J2YW>] (last visited November 20, 2023). Mr. Chaudhari's role at IP Edge and Mavexar is not entirely clear. He uses an IP Edge email account and he puts "IP Edge" below his name in his email signature, but he does not include a job title in the signature. When I asked Mr. Chong at the November

4, 2022 hearing, “who[m] do you speak with at Mavexar?” he said, “[T]ypically, it’s going to be Papool Chaudhari.” Mr. Chong explained: “I work with [Mr. Chaudhari] through Mavexar. He may have a law firm. He may—but I deal with him through Mavexar.” Civ No. 22-0418, D.I. 23 at 7:16–18; 8:12–21. According to Mr. Chaudhari’s LinkedIn page, he is a Texas lawyer who serves as the general counsel of an unnamed “technology licensing company.” Papool Chaudhari, LINKEDIN, <https://www.linkedin.com/in/papool-chaudhari-846b417> [<https://perma.cc/M5KN-B4HA>] (last visited November 16, 2023). Whatever formal position Mr. Chaudhari may hold or have held with IP Edge and/or Mavexar, the document productions make clear that he, more than any other individual, directed LLC plaintiffs’ counsel of record in these cases about how to respond to my orders and he oversaw the prepping of Messrs. Bui and Hall for their testimony at the November 4, 2022 hearing. The documents also make clear, that Mr. Chaudhari very much wanted Mavexar to be hidden from the Court. For example, within hours of my issuing on September 12, 2022 the first orders convening the November 2022 evidentiary hearings, Mr. Chaudhari wrote this email to Howard Wernow, one of Mellaconic’s lawyers:

Howard

See attached ([Mavexar consulting agreement] for Mellaconic). Again we reiterate that we do not want to

disclose Mavexar by name, but rather just disclose that recourse funding exists.

Also, my understanding is that hearing notices on third party funding went out for Creekview, Lamplight, and Backertop, and we have those Mavexar agreements too. I can send those to respective counsel on those cases as well. They are the same as this agreement.

Thanks,

Papool

Papool Chaudhari
IP Edge
papool@ip-edge.com

App. P at 1 (underline in the original).⁷

⁷ Mr. Chaudhari cc'd on his email Messrs. Pant and Bodepudi, an administrative assistant at IP Edge named Danae Maher, and three lawyers who represented plaintiff LLCs that were subject to the orders I issued on September 12 and 13, 2022. The email is marked "Common interest Attorney-Client Privilege," but the email does not disclose a communication to or from a client and therefore it is not an attorney-client communication, let alone a privileged attorney-client communication. Counsel have consistently maintained in these actions that IP Edge and Mavexar are *not* their clients.

In addition, because, as discussed below, *see infra* Section V, there is prima facie evidence to suggest that IP Edge and Mavexar actors engaged in the unauthorized practice of law (a crime in Texas), any communications IP Edge and Mavexar actors had in connection with these matters fall within the crime/fraud exception to the attorney-client privilege and attorney work product doctrines. *In re Grand Jury Investigation*, 445 F.3d 266, 274 (3d Cir. 2006); *see also Clark v. United States*, 289 U.S. 1, 15 ("To drive the [attorney-client] privilege away, there must be 'something to give colour to the charge'; there must be 'prima facie evidence that it has some foundation in fact.'") (citations omitted).

When Mr. Hall did not get on the October 11, 2022 call, Mr. Chaudhari emailed him, cc'ing Messrs. Pazuniak and Bodepudi and Ms. Deitz: "Mark, Are you able to join the weekly call now? We are on." App. Q at 2. The production does not contain a response to this email from Mr. Hall. Shortly after the call concluded, Ms. Deitz emailed Mr. Pazuniak:

Hello George:

I'm sorry Mark was not able to attend the call today, he had to go into the office and was not able to participate in the call. He is however available this Friday at noon CST. Can you talk then for the call?

Sincerely,

Linh Deitz
Office Manager
IP Edge LLC

App. Q at 1. The production does not contain any response to this email, and it cannot be determined from any document in the production whether a call was held that Friday.

The following Tuesday, October 18, 2022, in an email sent to Mr. Hall at 12:06 p.m. central time, cc'ing Messrs. Pazuniak and Bodepudi and Ms. Deitz, Mr. Chaudhari asked: "Mark, [a]re you able to join the weekly video call now? We are on. Here is the link if you need it." App. R. The production does not contain any

responses to this email. Nor does it contain any documents that indicate whether Mr. Hall joined the October 18 video call.

The production contains another email dated October 18, 2022 that was sent by Mr. Pazuniak to Mr. Hall. It appears from the production that this email is the first direct communication Mr. Pazuniak had with Mr. Hall. The email reads:

Mark,

This email is only to you.

Please understand that, as a legal and professional matter, my only client is Nimitz Technologies, and, thus, you. I do not represent Mavexar or any other entity, and I would be in breach of professional responsibilities if I placed any interest ahead of yours. Your communications with me are completely privileged, which means that I cannot legally or ethically disclose our communications to anyone.

If you have any questions between now and when we chat on Nov. 3, please feel free to email me or call me.

George

App. S.⁸

⁸ Although the email is marked “attorney client privileged,” it is not a privileged communication, as it does not contain legal advice and merely communicates one of the general terms of Mr. Pazuniak’s representation of Nimitz. *Idenix Pharms., Inc. v. Gilead Scis., Inc.*, 195 F. Supp. 3d 639, 643 (D. Del. 2016); *see also* *Avgoustis v. Shinseki*, 639 F.3d 1340, 1344 (Fed. Cir. 2011) (“Courts have consistently held that the general subject matters of clients’ representations are not privileged.”) (internal citations omitted).

III.

I turn next to the two Mellaconic cases. Like Nimitz, Mellaconic has no employees. And like Nimitz, Mellaconic has one owner who is also its only member. That person, Hau Bui, makes his daily living as the proprietor of a food truck and restaurant. Civ. No. 1:22-cv-0244, D.I. 20 at 86:1–2. He is also the owner of Burley. Mr. Bui testified at the November 4, 2022 hearing that Mavexar formed Mellaconic and Burley. Civ. No. 1:22-cv-0244, D.I. 20 at 90:9–11.

Documents produced by Mellaconic in response to the November 10 Memorandum Order confirm that Linh Deitz filed a certificate of formation for Mellaconic with the Texas Secretary of State on August 4, 2020 that was approved on August 5, 2020. App. T.

Mellaconic filed two of the above-captioned cases and 17 related cases in this Court between September 30, 2020 and April 27, 2022.⁹ Jimmy Chong, a

⁹ *Mellaconic IP LLC v. RideCell, Inc.*, Civ. No. 20-1323, , D.I. 1 (filed Sep. 30, 2020); *Mellaconic IP LLC v. Frontpoint Sec. Solutions, LLC*, Civ. No. 21-0447, D.I. 1 (filed Mar. 26, 2021); *Mellaconic IP LLC v. Wyze Labs, Inc.*, Civ. No. 21-0448, D.I. 1 (filed Mar. 26, 2021); *Mellaconic IP LLC v. Central Sec. Group-Nationwide, Inc.*, Civ. No. 21-0573, D.I. 1 (filed Apr. 26, 2021); *Mellaconic IP LLC v. Monitronics Int'l, Inc.*, Civ. No. 21-0574, D.I. 1 (filed Apr. 26, 2021); *Mellaconic IP LLC v. Canary Connect, Inc.*, Civ. No. 21-0944, D.I. 1 (filed June 29, 2021); *Mellaconic IP LLC v. Fantasia Trading LLC*, Civ. No. 21-0945, D.I. 1 (filed June 29, 2021); *Mellaconic IP LLC v. Trane Techs. Co. LLC*, Civ. No. 21-1080, D.I. 1 (filed July 28, 2021); *Mellaconic IP LLC v. Linxup, LLC*, Civ. No. 21-

Delaware lawyer with the Chong Law Firm, P.A., is Mellaconic's counsel of record in all 19 cases. In 18 of the cases, either Howard Wernow or Andrew Curfman entered an appearance as co-counsel. Messrs. Wernow and Curfman are Ohio lawyers with the law firm Sand, Sebolt & Wernow, LPA.

All told, Mellaconic has filed 44 patent infringement cases in nine federal judicial districts to date. In all these cases, Mellaconic asserted a single patent, U.S. Patent No. 9,986,435 (the #435 patent), titled "Autonomous, Non-interactive, Content-based Services for Cellular Phone." In each complaint, Mellaconic claimed that it had "its principal place of business at 6009 West Parker Road – Suite 149-1027, Plano, TX 75093." That address is in fact an iPostal drop box.

In a declaration submitted in response to the November 10 Memorandum Order, Mr. Bui stated that Mellaconic had seven assets at the time it filed these

1081, D.I. 1 (filed July 28, 2021); *Mellaconic IP LLC v. Ezlo Innovation Ltd.*, Civ. No. 21-1373, D.I. 1 (filed Sep. 28, 2021); *Mellaconic IP LLC v. Verkada, Inc.*, Civ. No. 21-1374, D.I. 1 (filed Sep. 28, 2021); *Mellaconic IP LLC v. Incognia US Inc.*, Civ. No. 21-1844, D.I. 1 (filed Dec. 29, 2021); *Mellaconic IP LLC v. Carrier Global Corp.*, Civ. No. 21-1853, D.I. 1 (filed Dec. 30, 2021); *Mellaconic IP LLC v. Connecteam, Inc.*, Civ. No. 22-242, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. PrismHR, Inc.*, Civ. No. 22-243, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. TimeClock Plus, LLC*, Civ. No. 22-244, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. Avast Software, Inc.*, Civ. No. 22-540, D.I. 1 (filed Apr. 27, 2022); *Mellaconic IP LLC v. Deputy, Inc.*, Civ. No. 22-541, D.I. 1 (filed Apr. 27, 2022); *Mellaconic IP LLC v. Justworks, Inc.*, Civ. No. 22-542, D.I. 1 (filed Apr. 27, 2022).

suits: the #435 patent, five other patents, and a patent application. App. U. Like Mr. Hall, Mr. Bui testified at the November 4, 2022 hearing. And as with Mr. Hall, Mr. Bui knew nothing about the subject matter or value of Mellaconic's assets and was hard put to explain how Mellaconic came into possession of them:

Q. What does Mellaconic do?

A. Yeah. Mellaconic owns patents, the rights to patents.

Q. All right. How many patents?

A. I believe six.

Q. And what types of patents?

A. I haven't really looked over them.

Q. Okay. How much did you pay for the patents?

A. I didn't pay for the patents.

Q. So how do you come to own patents if you don't pay for them?

A. I was—came up—someone pushed me with the opportunity, selling the patents.

Q. Who was that? Mellaconic?

A. Mellaconic—no, Mavexar. Sorry.

Q. Mavexar. Well, how did you come in touch with Mavexar?

A. Linh.

Q. Is this Linh D[ei]tz?

A. Linh D[ei]tz.

Q. How do you know her?

A. She's a friend.

Q. When did she first approach you about this idea of assuming ownership of patents?

A. I believe in 2020, right when the pandemic hit.

Q. And what did she tell you?

A. She just came up to me and just told me if I would like an opportunity to deal with patents and make passive income.

* * * *

Q. So it's make a passive income. What does that mean?

A. Like, income. Coming in without, you know—I don't know how to describe it. Just like, kind of like—

Q. How about this? You don't have to do anything; is that fair?

A. Yeah, you don't have to do much, yeah.

Q. Well, what do you have to do?

A. As far as?

Q. As far as getting ownership of the patents. I assume the patents are worth something, in your mind? Do you think the patents are worth anything?

A. Yes.

Q. All right. Do you have any sense of how much they're worth?

A. I'm not an expert in patents. I wouldn't know.

Q. Well, did Ms. D[ei]tz or anyone else, when you took ownership of the patents, give you any sense of what they thought the patents were worth?

A. No.

Q. Did you have to give up anything in order to assume ownership of the patents?

A. No, sir.

Q. Did you have to take on any responsibilities to assume ownership of the patents?

A. As far as, just like, viewing the litigations and everything that come through.

Q. Oh, so you do review the litigations?

A. Yeah.

Q. Tell me about what you do in that regard?

A. So Mavexar will send me the litigations of what's going on or the, you know, attorney engagements. And then I, essentially, if I sign—I approve of them or disapprove of them.

Q. How do you know whether to approve or disapprove of an attorney?

A. I mean, I chose Mavexar and they're—they're—what is it?—they're good. Like, you know, they haven't done me wrong.

Q. Well, so do you get a share, then, of lawsuits or settlements that are brought using these six patents? Is that how you make money, passive income, as you call it?

A. Yeah.

* * * *

Q. What's your share?

A. With?

Q. Of the litigation or settlements. What's your share? Do you get a percentage share?

A. Percentage.

Q. And what is it?

MR. WERNOW: Objection, Your Honor. Just confidential business information.

THE COURT: Go ahead.

A. 5 percent.

* * * *

Q. . . . What did you have to give up in value for you to be able to assume ownership of these patents?

A. I didn't give nothing.

Q. You didn't give them anything. So they were a gift?

A. No. It's—

Q. So what's the—then help me. I'm just trying to understand this concept. If it's not a gift, you're not paying anything, why is someone giving you these patents?

A. You would have to ask Mavexar that.

Q. Did you take on any liability as a result of assuming ownership of the patents?

A. What do you mean by "liability"?

Q. Well, so you don't know?

A. What's that?

Q. You don't know what "liability" means?

A. I mean, I have a general idea, but . . .¹⁰

¹⁰ The court reporter used these ellipses in the transcript to reflect the fact Mr. Bui trailed off and was silent for a notable, indeed awkward, period. *See* LILLIAN I. MORSON, MORSON'S ENGLISH GUIDE FOR COURT REPORTERS 154 (2d ed. 1997) ("Rule 273. If a remark is intended to trail off without a conclusion, use three spaced periods, as recommended by most manuals as a specific use of the ellipsis points. Often the speaker uses body language to complete the idea: a shrug of the shoulders, extended upturned palms."). It was clear from the substance of Mr. Bui's testimony and his facial expressions and body language that he was not

Q. Was there any risk that you assumed when you assumed ownership of the patents?

A. Oh, there's always a risk in everything.

Q. So what's the risk?

A. I mean, if things fall through, then I would have to come out of pocket.

Q. And what kind of things would you have to come out of pocket, is your understanding?

A. So if, like, litigation goes wrong, Mavexar has the right to come after me for the costs of what was loaned.

* * * *

Q. Who pays for the lawyer fees to go out and sue people using the patents owned by Mellaconic?

A. Mavexar.

Q. And what is—do they loan you the money for that?

A. Yes. It's a recourse.

familiar with the word “liability,” a term that, as discussed below, *see infra* pp. 42–43, is used in the Patent Assignment Agreement that transferred the #435 patent to Mellaconic and the Consulting Service Agreement Mellaconic had with Mavexar. *See* App. W at 3; App. X at 4. Mr. Bui's electronic signatures (if he in fact made them) on these contracts expose him to potential financial liability. I make note of this example and have quoted extensively from Mr. Bui's testimony because the disparity in legal sophistication between Mr. Bui and the IP Edge and Mavexar actors who dealt with him underscore that counsel's failures to comply with the Model Rules of Professional Conduct while representing Mr. Bui and his LLC in the Mellaconic cases are not merely technical or academic. *See infra* Section VI.

Q. What do you mean by “recourse”?

A. Like a loan.

Q. Well, how did you come up with the terms “recourse”? I’m just—what does that mean?

A. All I know is it’s like a loan.

Civ. No. 22-0244, D.I. 20 at 86:18–89:19; 91:8–14; 94:10–95:12; 96:8–17.

The seven assets identified in Mr. Bui’s declaration are listed in a two-page document titled “Patent Assignment” that was electronically filed with the PTO on August 19, 2020 by someone using Linh Deitz’s IP Edge email account. App. V at 1. The Patent Assignment is electronically signed by Mr. Bui on behalf of Mellaconic and by Thomas Kang on behalf of Empire Technology Development LLC (Empire). App. V at 4. According to the terms of the Patent Assignment, on August 10, 2020 (five days after Mellaconic was created), Empire assigned to Mellaconic “for good and valuable consideration . . . *all* right, title, *and interest* that exist today and may exist in the future in and to” the seven listed assets. App. V at 3. The Patent Assignment also expressly states that the “right, title, *and interest*” in the seven assets “includ[es] *all income, royalties, damages and payments now or hereafter due or payable with respect thereto*” and “the right to

bring any claim, sue, counterclaim, and recover for the past, present and future infringement of” the seven assets. App. V at 4 (emphasis added).

This last statement in the Patent Assignment stands in contrast with the terms of an 11-page Patent Assignment Agreement produced by Mellaconic in response to the November 10 Memorandum Order. App. W. That Patent Assignment Agreement is also between Mellaconic and Empire and, like the two-page Empire/Mellaconic Patent Assignment filed with the PTO, it is dated August 10, 2020 and appears to be electronically signed by Hau Bui and Thomas Kang. App. W at 11. The Patent Assignment Agreement, however, expressly provides that “[a]s consideration [for the assignment of the assets], [Mellaconic] shall pay [Empire] fifty percent (50%) of the Net Proceeds received by [Mellaconic] as a result of enforcement of” the seven assets. App. W at 2.

As in the case of the Burley/Nimitz Patent Assignment Agreement, in the Empire/Mellaconic Patent Assignment Agreement, Empire and Mellaconic “agree[d] to execute the form of . . . Patent Assignment[] attached as Exhibit A hereto, the terms of such Patent Assignment being fully incorporated herein.” App. W at 1. The “Exhibit A hereto” is the same two-page Patent Assignment filed by Mellaconic with the PTO on August 19, 2020.

The terms of that Patent Assignment also stand in contrast with the terms of the form “Consulting Services” agreement Mellaconic and Mavexar entered on August 11, 2020. App. X.¹¹ That agreement is identical to the agreement Mavexar had with Nimitz. As noted above, Mr. Bui testified at the November 4, 2022 hearing that pursuant to that agreement Mellaconic received only five percent of the revenue stream obtained from licensing and litigating Mellaconic’s patents. Civ. No. 22-0244, D.I. 20 at 91:5–16. Thus, at the time Mellaconic filed with the PTO an assignment that stated that Mellaconic’s “right, title, *and interest*” in the seven assets listed in the assignment “includ[ed] *all* income, royalties, damages and payments now or hereafter due or payable with respect thereto,” Mavexar was contractually entitled to 95% of the profits generated from licensing or litigating those assets.

Eight days after the Patent Assignment was filed with the PTO, on August 27, 2020, the first three of the 44 patent cases ultimately brought in Mellaconic’s

¹¹ App. X is marked “Common Interest Attorney-Client Privilege,” but Mr. Wernow introduced the agreement into evidence at the November 4, 2022 hearing and therefore waived any privilege the agreement might otherwise have enjoyed.

name were filed in Texas.¹² The following week, three Mellaconic cases were filed in the Southern District of New York.¹³

On September 30, 2020, Mr. Chong filed *Mellaconic IP LLC v. RideCell, Inc.*, Civ. No. 20-1323, in this Court. Mellaconic's production contains only one engagement letter for the Chong Law Firm. App. Y. The three-page letter is addressed to "Hau Bui, Managing Member, Mellaconic IP LLC," App. Y at 1, but it is dated July 14, 2020—roughly three weeks before Mellaconic was formed. Although there is a place for Mr. Chong's signature on the letter, he did not sign it. What looks to be an electronic signature for Hau Bui appears below the words "[u]nderstood and agreed" at the bottom of the letter's third page. That signature is dated September 28, 2020. App. Y at 3. Mellaconic produced no emails relating to the Chong Law Firm engagement letter, even though the November 10 Memorandum Order required Mellaconic, Mr. Bui, Mr. Chong and Mr. Chong's firm to produce "[a]ny and all communications and correspondence, including emails and text messages, that [Mr. Bui, Mr. Chong, or any employee of Mr.

¹² *Mellaconic IP LLC v. Uber Techs., Inc.*, Civ. No. 6:20-cv-785, (W.D. Tex., filed Aug. 27, 2020); *Mellaconic IP LLC v. Lyft, Inc.*, Civ. No. 6:20-cv-786, (W.D. Tex., filed Aug. 27, 2020); *Mellaconic IP LLC v. Via Transport. Inc.*, Civ. No. 3:20-cv-2543, (N.D. Tex., filed Aug. 27, 2020).

¹³ *Mellaconic IP LLC v. Curb Mobility, LLC*, Civ. No. 1:20-cv-7089, (S.D.N.Y., filed Aug. 31, 2020); *Mellaconic IP LLC v. GT Gettaxi Ltd.*, Civ. No. 1:20-cv-7091, (S.D.N.Y., filed Aug. 31, 2020).

Chong’s law firm] had with Mavexar, IP Edge, Linh D[ei]tz, Papool Chaudhari, and/or any representative of Mavexar and/or IP Edge regarding: . . . the retention of [Mr. Chong’s firm] to represent Mellaconic in these cases.” Civ. No. 22-0244, D.I. 22 at 2–5. Accordingly, and since Mr. Bui’s signature on the letter appears to be an electronic signature, it cannot be determined if, when, how, or from whom Mr. Bui received the Chong Firm retainer agreement.

On March 3, 2021, Brandon LaPray of IP Edge sent an email addressed to info@ip-edge.com and apparently blind copied to certain law firms. App. Z. Like many of the emails in the Mellaconic document production, this email is heavily redacted.¹⁴ The email’s subject line is “New Opps—[REDACTED BY COUNSEL] and Mellaconic.” In the body of the email, Mr. LaPray wrote: “We are looking for lead counsel to handle the below opportunities. If you are interested or would like to discuss, please let us know.” The unredacted text below this statement reveals a “Mellaconic” Dropbox link and a reference to the #435 patent. App. Z at 1. In a March 7, 2021 email response to Mr. LaPray, Mr. Wernow wrote: “We would be interested in handling both matters.” App. Z at 1.

¹⁴ Mellaconic heavily redacted the documents it produced in response to my November 10, 2022 Memorandum Order on relevance grounds. Relevance, however, is not a proper ground for redaction. *Delaware Display Grp. LLC v. Lenovo Grp. Ltd., Lenovo Holding Co.*, No. CV 13-2108-RGA, 2016 WL 720977, at *6 (D. Del. Feb. 23, 2016).

On March 11, 2021, an executive assistant at Sand, Sebolt emailed Ms. Deitz, asking her to “please provide the entity information for Mellaconic (U.S. Patent: 9,986,435) so that I can send over an engagement letter.” App. AA at 4–5. Ms. Deitz responded with the address of Mellaconic’s P.O. Box and Mr. Bui’s name; and that afternoon, the executive assistant emailed an engagement letter to Ms. Deitz. App. AA at 2–4. On March 12, 2021, Ms. Deitz returned a copy of the engagement letter to Sand, Sebolt with an acknowledgement that appears to be electronically signed by Hau Bui. App. AA at 1.

The letter, dated March 11, 2021 and signed by Mr. Wernow, purports to “set forth guidelines regarding [Sand, Sebolt’s and Mr. Bui’s] respective responsibilities” in connection with Sand, Sebolt’s “represent[ion] [of] [Mr. Bui’s] intellectual property interests and litigation regarding U.S. Patent No. 9,986,435[.]” App. BB at 1, 4. Under the terms of the letter, Mellaconic agreed to pay Sand, Sebolt on a contingency fee basis. The fee varies from 15% to 45% of the net proceeds of the “consideration received by [Mellaconic] resulting from lawsuits filed by [Sand, Sebolt].” App. BB at 1. The letter provides in relevant part:

Third Parties. Our services may require us to act as your agent to third parties. You hereby give us explicit permission to discuss all matters of your case with any third parties, which [sic] you have entered into any type of consulting agreement (i.e., “one of your consultants”). While we use our best judgment in retaining other third

parties, such as expert witnesses, you agree not to hold us liable for any liabilities or costs arising from any actions by such third parties or one of your consultants. Additionally, you give us explicit authority to disburse distributions of received proceeds to be sent to a third party or one of your consultants in the ordinary course of our relationship.

Instructions. We need you, or one of your consultants, to provide us with full, frank and detailed information. Without it, we are unable to perform our job. Generally, we will not proceed to act on your behalf until we receive instructions from you or one of your consultants.

* * * *

Communication. We will send all communications to the address you provide us or to one of your consultants. Communication may be via regular mail, facsimile and/or e-mail. If we cannot reach you because you did not inform us of changes, our duty to act in the matter ceases.

App. BB at 2. The only discussion related to conflicts of interest in the letter is the statement that Sand, Sebolt “may terminate the engagement if . . . a conflict of interest exists.” There is no discussion in the letter about the risks associated with bringing a patent lawsuit. Thus, for example, there is no mention in the letter of the fact that under 18 U.S.C. § 285, the court may award in exceptional cases attorney fees to the prevailing party in a patent infringement case.

Mellaconic produced no emails or texts to which Mr. Bui was a party that referenced or attached the Sand, Sebolt engagement letter. Accordingly, and since

the signature for Mr. Bui on the letter appears to be electronic, it cannot be determined from the document production if, when, how, or from whom Mr. Bui was provided the engagement letter or what, if anything, he was told with respect to the letter.

Beginning on March 26, 2021 and extending through April 27, 2022, Mr. Chong, with Sand, Sebolt acting as co-counsel, filed 18 patent infringement cases on Mellaconic's behalf in this Court. All but the two above-captioned Mellaconic cases were settled before I issued my order on September 12, 2022 convening the November 4, 2010 hearing.¹⁵

¹⁵ See *Mellaconic IP LLC v. Linxup, LLC*, Civ. No. 21-1081, D.I. 10 (Sep. 16, 2021); *Mellaconic IP LLC v. Ezlo Innovation Ltd.*, Civ. No. 21-1373, D.I. 9 (Nov. 10, 2021); *Mellaconic IP LLC v. Verkada, Inc.*, Civ. No. 21-1374, D.I. 9 (Nov. 3, 2021); *Mellaconic IP LLC v. Incognia US Inc.*, Civ. No. 21-1844, D.I. 10 (Mar 29, 2022); *Mellaconic IP LLC v. Carrier Glob. Corp.*, Civ. No. 21-1853, D.I. 12 (Apr. 1, 2022); *Mellaconic IP LLC v. Connecteam, Inc.*, Civ. No. 22-242, D.I. 12 (June 24, 2022); *Mellaconic IP LLC v. PrismHR, Inc.*, Civ. No. 22-243, D.I. 9 (Apr. 15, 2022); *Mellaconic IP LLC v. Avast Software, Inc.*, Civ. No. 22-540, D.I. 10 (May 25, 2022); *Mellaconic IP LLC v. Justworks, Inc.*, Civ. No. 22-542, D.I. 12 (July 27, 2022); *Mellaconic IP LLC v. Frontpoint Sec. Solutions, LLC*, Civ No. 21-0447, D.I. 10 (June 1, 2021); *Mellaconic IP LLC v. Wyze Labs, Inc.*, Civ No. 21-0448, D.I. 9 (June 9, 2021); *Mellaconic IP LLC v. Central Security Group – Nationwide, Inc.*, Civ. No. 21-0573, D.I. 10 (June 9, 2021); *Mellaconic IP LLC v. Monitronics, Int'l, Inc.*, Civ. No. 21-0574, D.I. 9 (June 9, 2021); *Mellaconic IP LLC v. Canary Connect, Inc.*, Civ. No. 21-0944, D.I. 8 (Sep. 9, 2021); *Mellaconic IP LLC v. Fantasia Trading LLC*, Civ. No. 21-0945, D.I. 16 (Oct. 5, 2021); *Mellaconic IP LLC v. Trane Techs. Co. LLC*, Civ. No. 21-1080, D.I. 11 (Nov. 10, 2021).

Although Mr. Chong was counsel of record for Mellaconic in *RideCell*, No. 20-1323, and although he filed the motion to voluntarily dismiss that case in March 2021, it appears that he never communicated with Mr. Bui until the November 4, 2022 hearing. Indeed, it appears from Mr. Bui's testimony at the hearing, that Mr. Bui was not aware at that time that Mr. Chong's firm was Mellaconic's counsel. When I asked Mr. Bui at the November 4, 2022 hearing "what attorneys have represented Mellaconic?" He answered: "Sand, Sebolt, as far as I know." I then asked: "Anybody else?" to which he replied: "I would have to go back and look." Civ. No. 22-0244, D.I. 20 at 92:12–16. When Mr. Bui made this statement, Mr. Chong was in his sight line, about 20 feet away at counsel's table.

Based on the Mellaconic document production, it appears that the first direct communication between Mr. Chong and Mr. Bui occurred on November 30, 2022, about three weeks after the hearing. In an email to Mr. Bui on that date, Mr. Chong wrote:

As you know I represent your business in its patent infringement cases. I have been communicating with it through Mavexar based on you retaining it to represent you. I wanted to reach out to you independently and confirm that you want me to communicate with the Mavexar team directly.

App. CC.¹⁶ Ten days later, Mr. Bui replied: “Yes, you can continue to communicate to Mavexar team directly.” App. CC.

Although Sand, Sebolt was lead counsel for Mellaconic in 16 cases that were settled before September 12, it appears that neither Mr. Wernow nor Mr. Curfman (nor any other lawyer from Sand, Sebolt) had ever spoken with or otherwise communicated directly with Mr. Bui before those settlements were reached. Based on Mr. Bui’s testimony at the November 4, 2022 hearing and the Mellaconic document production, it appears that Mr. Bui’s first communication with a lawyer from Sand, Sebolt occurred on October 10, 2022 during a prep call for the November 4, 2022 hearing that included Messrs. Chaudhari and Bodepudi from IP Edge. App. DD.¹⁷ It also appears that Sand, Sebolt did not have Mr. Bui’s email address until November 3, 2022, when Mr. Chaudhari provided it to Mr. Curfman at Mr. Curfman’s request. App. EE at 2–3.¹⁸ A Sand, Sebolt executive assistant

¹⁶ The emails in App. CC are marked privileged, but because they merely communicate the general terms of Mr. Chong’s representation of Mellaconic, they are not privileged. *Idenix Pharms.*, 195 F. Supp. 3d 639 at 643; *see also Avgoustis*, 639 F.3d at 1344.

¹⁷ The emails in App. DD are marked “Common Interest Attorney-Client Privilege,” but they do not disclose a communication to or from a client. They are therefore not attorney-client communications, let alone privileged attorney-client communications.

¹⁸ The emails in App. EE are marked “Common Interest Attorney-Client Privilege.” The subject matter of the emails is travel arrangements for the

then used the email address later that day to send Mr. Wernow's contact information and travel itinerary for the November 4 hearing to Mr. Bui. App. EE at 1. Hours later, Mr. Bui texted Mr. Wernow to let him know he was "headed to the airport." App. FF. This text appears to be the first direct communication Mr. Bui had with a Sand, Sebolt lawyer that did not involve someone from IP Edge.

Using leading and loaded questions at the November 4 hearing, Mr. Wernow tried to adduce evidence that Mavexar had sent Mr. Bui and Mr. Bui had reviewed and approved the complaints that Sand, Sebolt filed under Mellaconic's name:

Q. And what's your recollection of the complaints that our office, or Mr. Curfman, has sent to you through Mavexar, you review those—

THE COURT: Object to leading. Ask him what he does.

BY MR. WERNOW:

Q. What do you do from Mavexar when someone sends you a complaint?

A. What was that?

November 4, 2022 hearing, not legal advice. But in any event, the emails' authors and recipients include IP Edge and Mavexar actors who appear to have engaged in the unauthorized practice of law in Texas; and therefore, even if the emails were otherwise privileged communications, they would fall within the crime/fraud exception to the attorney-client privilege. *In re Grand Jury Investigation*, 445 F.3d at 274.

Q. What do you do for Mellaconic IP, LLC, when you receive a complaint?

A. I review it and I either confirm it or deny it.

Q. And you can deny it, correct?

A. I can deny it.

Civ. No. 22-0244, D.I. 20 at 106:12–25. I wondered at the time I observed this colloquy whether Mr. Bui understood what a complaint was, and I questioned at the time in my own mind whether Mr. Bui had in fact been provided and asked to review the complaints filed under Mellaconic’s name in these cases. As noted above, when I asked Mr. Bui if he took on any responsibilities by assuming ownership of patents, he responded “As far as, just like, viewing the litigations an everything that come[s] through.” I was confused by this answer, so I asked in follow-up: “Oh, so you do review the litigations?” to which Mr. Bui replied, “Yeah.” I then asked: “Tell me about what you do in that regard?” And Mr. Bui replied:

So Mavexar will send me the litigations of what’s going on or the, you know, attorney engagements. And then I, essentially, if I sign—I approve of them or disapprove of them.

Civ. No. 22-0244, D.I. 20 at 89:1–9. My take from Mr. Bui’s testimony was that his “review of litigations” filed on behalf of his LLCs consisted of signing off on attorney engagement letters.

Mellaconic’s document production seems to confirm my suspicion that Mr. Bui was not provided with complaints before Sand, Sebolt filed them. The November 10 Memorandum Order required Mellaconic to produce any and all communications Mr. Bui had with Sand, Sebolt and Mavexar relating to the #435 patent (which is the only patent asserted by Mellaconic in the complaints it filed in these cases). Mellaconic, however, produced no communications with Mr. Bui that attached or discussed complaints.

It also appears from the document production that Mr. Bui was neither apprised of settlement offers made by TimeClock Plus LLC (TimeClock) nor given advance notice of the settlement that led Mr. Chong to move to dismiss the TimeClock case. A May 19, 2022 email from Mr. Curfman to Mr. LaPray confirms that TimeClock and Mr. Curfman each had made at least two settlement offers as of that date:

Hi Brandon,

Just spoke to [TimeClock’s] counsel on this one. They raised their offer to \$20k. Here’s the history: We opened at 85, they countered at 15, we matched and lowered to 70k and hinted in the 40-45 range. They just came back

at 20k and said there is probably a bit more room but OC doubts that they will be able to get into the 40k+ range. I told him “officially we are still at 70 and I’m 99.9% if we can get to a number starting with a ‘4’ that we are done. If we can get to a number starting with a ‘3’, I feel like we can probably get that done but I am not as confident. Below that, I don’t know how my client will respond.

* * * *

Respectfully,

Andrew S. Curfman

App. GG.¹⁹ Mr. LaPray responded less than an hour after he received Mr. Curfman’s email: “We’re ok with your suggestion.” App. GG. On July 13, 2022, Messrs. Curfman and Chong filed a Motion to Stay and Notice of Settlement in the Timelock case, stating that “[a]ll matters in controversy between [the parties] have been settled in principle.” Civ. No. 22-0244, D.I. 12. The next day, Mr. Curfman sent this email to Mr. LaPray:

I just wanted to update you on this case. We have an AIP [agreement in principle] at \$26,250 based on splitting the difference between their \$22,500 offer and our most

¹⁹ This email is marked “confidential attorney work product,” but for the reasons stated above, *supra* note 8, the crime/fraud exception applies. In any event, I have redacted from the email all text that could arguably be read as revealing the mental impressions of Mr. Curfman. *See In re Cendant Corp. Sec. Litig.*, 343 F.3d 658, 661–62 (3d Cir. 2003) (holding the attorney work-product doctrine “shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client’s case”) (citing *United States v. Nobles*, 422 U.S. 225, 238 & n.11 (1975)).

recent \$30k offer. You had previously given authority at \$20k so we were able to get them up over that here.

App. HH.²⁰ Mellaconic produced, however, no communications from, to, or copying Mr. Bui that make mention of any settlement offer from TimeClock. Nor are there any documents from, to, or copying Mr. Bui that show that he consented to settling the case for \$20,000 before Mr. Curfman reached an agreement in principle with TimeClock.

IV.

I turn next to the two Lamplight cases. Lamplight has no employees, and its sole owner and member is Sally Pugal. It is apparent from the Lamplight document production that Linh Deitz obtained an address for Lamplight and filed Lamplight's certificate of formation with the Texas Secretary of State. App. II,²¹ App. JJ. The Secretary of State approved the certificate and created Lamplight effective November 17, 2021. App. JJ at 1.

²⁰ The email is marked "attorney client privilege" but there has been no assertion of an attorney client relationship between Sand, Sebolt and IP Edge/Mavexar.

²¹ App. II is an email marked "Attorney-Client Privilege and/or Common Interest Attorney-Client Privilege." The email, however, does not disclose a communication to or from a client and therefore it is not an attorney-client communication, let alone a privileged attorney-client communication.

Mr. Chong filed six patent infringement cases in Lamplight's name in this district, including the two at issue here, between November 30, 2021 and July 31, 2022.²² Mr. Chong is Lamplight's sole counsel of record in these cases.

Lamplight asserted in all six cases a single patent: U.S. Patent No. 9,716,393 (the #393 patent).²³ The patent is titled "Battery Backup Remaining Time Arrangement." According to the complaints, the patent "provide[s] an apparatus and associated systems and methods for reducing current consumption from a battery." Civ. No. 21-cv-1689, D.I. 1 at 3. Lamplight claimed in each complaint that "its principal place of business [is] located at 3571 Far West Blvd #3144, Austin, TX 78731." That address is in fact an iPostal drop box. App. II.

According to a declaration signed by Ms. Pugal, Lamplight's assets at the time it filed these suits consisted of the #393 patent and U.S. patent application number 61/777445. App. KK at 2. These assets are the only items listed in a Patent Assignment filed with the PTO in Lamplight's name on November 30, 2021

²² *Lamplight Licensing LLC v. ABB Inc.*, Civ. No. 22-cv-418; *Lamplight Licensing, LLC v. Cyberpower Sys., Inc.*, Civ. No. 21-cv-1689; *Lamplight Licensing, LLC v. Ingram Micro, Inc.*, Civ. No. 22-cv-1017; *Lamplight Licensing, LLC v. Legrand AV, Inc.*, Civ. No. 21-cv-1691; *Lamplight Licensing LLC v. Panduit Corp.*, Civ. No. 22-cv-417; *Lamplight Licensing, LLC v. Vertiv Holdings Co.*, Civ. No. 21-cv-1690.

²³ Civ. No. 22-cv-418, D.I. 3; Civ. No. 21-cv-1689, D.I. 3; Civ. No. 22-cv-1017, D.I. 3; Civ. No. 21-cv-1691, D.I. 3; Civ. No. 22-cv-417, D.I. 3; Civ. No. 21-cv-1690, D.I. 3.

by someone using the email address sallypugal55@gmail.com. App. LL. The two-page assignment is between Magnolia Licensing LLC (Magnolia) and Lamplight and has an effective date of November 19, 2021. It bears the label “Exhibit A” in the top left corner of both pages and appears to be electronically signed by Lori LaPray on behalf of Magnolia and Sally Pugal on behalf of Lamplight. App. LL at 2–3.

Under the terms of the Patent Assignment, “[f]or good and valuable consideration,” Magnolia “assign[ed], transfer[red], and convey[ed] unto Lamplight . . . *all right, title, and interest that exist today and may exist in the future*” in the #393 Patent and U.S. patent application number 61/777445. App. LL at 1. The assignment goes on to state that “all of the rights, . . . title and interest” in the patent and patent application “includ[e] *all* income, royalties, damages and payments now or hereafter due or payable with respect thereto.” App. LL at 1 (emphasis added).

Here again a Patent Assignment Agreement produced in response to the November 10 Memorandum Order stands in contrast with the Assignment filed with the PTO. That seven-page agreement, like the Magnolia/Lamplight Patent Assignment filed with the PTO, appears to be electronically signed by Sally Pugal on behalf of Lamplight and Lori LaPray on behalf of Magnolia and has an

effective date of November 19, 2021. App. MM at 4–5. As in the case of the Burley/Nimitz and Empire/Mellaconic Patent Assignment Agreements, in this Patent Assignment Agreement, Magnolia and Lamplight “agree[d] to execute the form of . . . Patent Assignment[] attached as Exhibit A hereto, the terms of such Patent Assignment being fully incorporated herein.” App. MM at 1. And as with Nimitz and Mellaconic, the “Exhibit A hereto” is the Patent Assignment filed by Lamplight with the PTO. App. MM at 7–8. Finally, paragraph 4 of the Magnolia/Lamplight Patent Assignment Agreement, titled “Consideration,” provides:

[Lamplight] agrees to comply with and be bound by the terms and conditions of the Patent Assignment Agreement between Thomson Licensing SAS (“TLS”) and Magnolia Licensing LLC, with an effective date of July 2, 2020 (“Prior Agreement”), including that the Contingency Payments referenced in the Prior Agreement will continue to be due to TLS. [Lamplight] also understands and acknowledges that [Magnolia] or prior owners may have granted licenses, covenants not to sue, releases and other encumbrances with respect to the [#393 patent and U.S. patent application number 61/777445] (“Patent Encumbrances”). [Lamplight] expressly agrees to be bound by and take the [the #393 patent and U.S. patent application number 61/777445] subject to all such Patent Encumbrances.

App. MM at 3.

Lamplight did not produce a copy of the Prior Agreement between Thomson Licensing and Magnolia or any email or written communication about that agreement, even though the November 10 Memorandum Order required it to produce “any and all communications and correspondence, including emails and text messages, that Sally Pugal had with Mavexar, Linh D[ei]tz, Papool Chaudhari, Brandon LaPray, and/or any representative of Mavexar regarding . . . assets, including patents, owned by Lamplight.” Accordingly, I do not know the terms of the contingency payment Lamplight owed to Thomson Licensing at the time it filed the Patent Assignment with the PTO or the particulars of the “other encumbrances” Lamplight “underst[ood] and acknowledge[d] that [Magnolia] or prior owners may have granted.” But even if there were no “other encumbrances” on the #393 patent and U.S. patent application number 61/777445 as of November 30, 2021, Lamplight’s assumption of a preexisting contingency payment obligation stands in contrast to the representation in the Magnolia/Lamplight Patent Assignment filed on that date with the PTO that Lamplight was entitled to “all income, royalties, damages and payments now or hereafter due or payable” from the monetization of the #393 patent and U.S. patent application number 61/777445 patent.

The day after Ms. Pugal executed the Magnolia/Lamplight Patent Assignment Agreement, she entered into a consulting contract with Mavexar. App. NN. The terms of that agreement are identical to the terms of Nimitz's and Mellaconic's agreements with Mavexar; and thus, for the reasons discussed above, Lamplight's agreement with Mavexar also appears at odds with the representation Lamplight made to the PTO that it possessed "all right, title, *and interest*" in "all income, royalties, damages and payments now or hereafter due or payable" from the monetization of the #393 patent and U.S. patent application number 61/777445 patent. *Compare* App. LL at 2 *with* App. NN at 2. Because, as discussed more fully below, Ms. Pugal did not appear for questioning at the November 4, 2022 evidentiary hearing, I do not know the percentage of licensing revenues Mavexar retains under its agreement with Lamplight.

On November 30, 2021 Mr. Chong filed the first three patent infringement cases in Lamplight's name in this Court. Civ. No. 21-cv-1689; Civ. No. 21-cv-1690; Civ. No. 21-cv-1691. Mr. Chong insists that his client in these cases is Lamplight. Assuming for argument's sake that at some point he had an attorney-client relationship with Lamplight, it is unclear that that relationship existed at the time Mr. Chong filed these three cases. I tried at the November 4, 2022 hearing to gain clarity about the genesis of Mr. Chong's relationship with Lamplight:

THE COURT: All right. How did you come to be the lawyer representing Lamplight? How did you first hear about Lamplight? Who talked to you from Lamplight because—for instance, when did you first speak with Ms. Pugal?

* * * *

MR. CHONG: I did not speak with her before I filed these cases. Mavexar had reached out to me on her behalf. And we had communicated through Mavexar, and had our fee agreement, and so forth, signed as Mavexar was acting as a representative of Ms. Pugal.

THE COURT: So you are representing an entity that's exclusively owned by somebody, and you signed a retention letter with whom? With Lamplight?

MR. CHONG: Yes.

THE COURT: And you had never met the owner of Lamplight when you signed the retention letter, is what you're telling me?

MR. CHONG: That is correct.

THE COURT: And, in fact, it sounds like you never had any discussions with the owner of Lamplight when you signed the retention letter with Lamplight.

MR. CHONG: I did not speak with her directly. I spoke with the representatives.

THE COURT: Her representative who's not an employee of Lamplight. This is a consulting firm, a separate entity; is that right?

MR. CHONG: That is correct.

THE COURT: Okay. It's Mavexar.

MR. CHONG: That is correct.

THE COURT: All right. Do you know what the rules of ethics are about having a relationship with a client that is initiated by a third party?

I'm trying to think of any other context, so help me out. I'm just trying to think what rules would be applicable. I'm not judging. I'm asking questions here.

But I'm trying to understand how you end up in an attorney-client relationship with an LLC that is exclusively owned by an individual that you have never met and you've had no conversations with an employee of the LLC, and yet you end up in an attorney-client relationship with the LLC.

Do you know what rules would be implicated by that?

MR. CHONG: So Your Honor, I have to stop and think.

THE COURT: How did you run conflicts? I mean, I'm just trying to think how you would run conflicts when you're dealing with a third party that's negotiating with you to set up an attorney-client relationship with somebody else, another entity.

I'm trying to figure out how you run conflicts. Did you run conflicts?

MR. CHONG: Yes, Your Honor.

THE COURT: And it's all based on representations from a third party, not from the client, correct?

MR. CHONG: That is correct, Your Honor.

THE COURT: All right. So when did you enter the relationship with Lamplight? Ballpark.

MR. CHONG: I would have to find my fee agreement.

Civ No. 22-0418, D.I. 23 at 9:16–12:11.

Mr. Chong was unable to find his fee agreement during the hearing. The November 10 Memorandum Order required Lamplight and Mr. Chong’s firm to produce “[a]ny and all retention letters and/or agreements between Lamplight and The Chong Law Firm, P.A.” and “[a]ny and all communications and correspondence, including emails and text messages, that [Sally Pugal, Mr. Chong, or any employee of Mr. Chong’s law firm] had with Mavexar, IP Edge, Linh D[e]tz, Papool Chaudhari, and/or any representative of Mavexar and/or IP Edge regarding: . . . the retention of [Mr. Chong’s firm] to represent Lamplight in these cases.” No. 22-0418, D.I. 24 at 3–4. The sole retainer agreement between Lamplight and Mr. Chong’s firm in Lamplight’s document production says that it was “made this 28th day of March, 2022”—that is, about four months after Mr. Chong filed the first three Lamplight cases in this Court and one month after he filed a motion to voluntarily dismiss one of those cases. *See* App. OO at 8; Civ. No. 21-cv-1690, D.I. 9. (Lamplight produced two copies of this agreement. The copies are identical save that one copy is signed by both Mr. Chong and Ms. Pugal, while the other copy is signed by only Ms. Pugal. *See* App. OO; App. PP.)

An email from Mr. Chong's paralegal to Linh Deitz, however, suggests that more than a month after March 28, 2022 Mr. Chong still did not have a written retainer agreement with Lamplight. The email in question was sent on May 10, 2022, and it reads in relevant part:

Hey Linh –

Just wanted to check on Engagement Letters for the following:

- Backertop Licensing LLC (Local)
- Ridgeview IP LLC (Lead)
- Waverly Licensing LLC (Lead)
- Lamplight Licensing LLC (Lead)
- Creekview IP LLC (Lead)
- Topdown Licensing LLC (Lead)

App. QQ. Lamplight did not produce any responses to this email. And even though Mr. Chong insisted at the November 4, 2022 hearing that he negotiated the terms of the March 28, 2022 retainer agreement with Mavexar and “went through a lot of redlining” during those negotiations, Civ No. 22-0418, D.I. 23 at 26:6–7, other than the May 10, 2022 email from Mr. Chong's legal assistant to Ms. Deitz, there are no emails or other written communications in Lamplight's production that discuss Lamplight's retention of the Chong Firm or refer to the March 28, 2022 retention agreement or any draft of a retention agreement.

Putting aside for the moment the question of when Mr. Chong's retainer agreement with Lamplight was executed, the substance of the agreement is

noteworthy in several respects. First, the agreement defines the “Scope of the Agreement” as “concern[ing] litigation and licensing activities with respect to” the #393 patent. App. OO at 1. Second, and in apparent conflict with the Magnolia/Lamplight Patent Assignment Agreement discussed above, in section 2 of the retainer agreement Lamplight

represent[ed] and warrant[ed] that it own[ed] full, clear and unencumbered title and the exclusive right to enforce all rights with respect to the [#393 patent], including, without limitation, the exclusive right to bring actions against others for infringement of the [#393 patent], to license and sublicense the [#393 patent] and to collect all royalties (past or future), license fees, profits or other revenue or valuable consideration to be paid or exchanged by anyone else for the right to use the [#393 patent]. . . .

App. OO at 1. Third, consistent with the Model Rules of Professional Conduct, *see infra* Section V, the agreement explicitly states that Mr. Chong’s firm “may file a Lawsuit pursuing claims for infringement of the [#393 patent]” only “after consultation with and approval of [Lamplight],” App. OO at 2; that Mr. Chong’s firm “agrees not to enter into any Licensing Agreement or Lawsuit settlement with an Infringer without the written consent of [Lamplight],” that Lamplight “shall have the sole and exclusive right to approve, accept and enter into any Licensing Agreement or Lawsuit settlement,” and that Mr. Chong’s firm “agrees to make

reasonable efforts to keep [Lamplight] informed as to the status of all Lawsuits.”

App. OO at 2.

Fourth, the agreement provides that Mr. Chong’s firm will be paid “on a contingent fee basis” that entitles the firm to 15% of “any sums [obtained] by way of licensing, settlement, trial or otherwise with respect to” the #393 patent minus “Litigation Expenses.” App. OO at 2–3. With respect to Litigation Expenses, section 10 of the agreement states:

Litigation Expenses exceeding \$500 (e.g., deposition and hearing transcripts and expert witness and consultant fees) will ordinarily be billed directly to [Lamplight] by the vendor providing those services. NWM will obtain written pre-approval from [Lamplight] for any Litigation Expense expected to exceed \$500. NWM will exercise its reasonable judgment and best efforts to limit the Litigation Expenses to only those expenses that it considers appropriate and necessary under the circumstances.

App. OO at 4. At the November 4 evidentiary hearing, Mr. Chong said he “remember[ed] negotiating th[e] specific sentence” that “NWM will obtain written pre-approval from [Lamplight] for any Litigation Expense expected to exceed \$500,” and that it was “a sticking point for [him].” Civ No. 22-0418, D.I. 23 at 22:14–23:6. He was, however, unable to identify what or who NWM was:

THE COURT: So who’s NWM? Who’s deciding this?
Who is deciding, in other words, how you’re going to, or

whether, really, you're going to have certain litigation expenses paid for?

MR. CHONG: You know what, I have to go back and look at my notes. Because that's something where [Mavexar and I] would determine together. We would have that discussion. I mean, I just know there's a lot of back and forth with this—

THE COURT: Well, let me ask you this: Is there any chance that NWM is Mavexar or some other third-party entity?

MR. CHONG: No. I would not have let them ma[k]e that decision. That was—I know I was going back and forth with them. And it was discussed—

THE COURT: And “them.” Now, we're not talking Lamplight. The “them” here is Mavexar; is that right?

MR. CHONG: That is correct. They're speaking on behalf of Lamplight.

Civ No. 22-0418, D.I. 23 at 25:5–23. The acronym “NWM” does not appear anywhere in the documents produced by Lamplight other than in the March 28, 2022 retainer agreement. Accordingly, section 10 of the retainer agreement remains a mystery.

Fifth, the retainer agreement states that Mr. Chong's firm “is being engaged by, and will represent only [Lamplight], and no other entity or person in connection with Licensing Negotiations and Lawsuit, unless agreed to by [the] [f]irm in writing.” App. OO at 6. Sixth, the agreement provides that the Chong

Firm and Lamplight agree to submit any disputes arising from the firm's legal representation of Lamplight to binding arbitration. App. OO at 6.

Finally, under the heading "Required Special Disclosures," the retainer agreement states:

(a) [LAMPLIGHT] ACKNOWLEDGES THAT IT WAS ADVISED TO RETAIN INDEPENDENT LEGAL COUNSEL TO REPRESENT [LAMPLIGHT] IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THIS AGREEMENT, AND WITH RESPECT TO THE ARBITRATION CLAUSE ABOVE. [LAMPLIGHT] FURTHER ACKNOWLEDGES THAT IT WAS ADVISED THAT [THE CHONG] FIRM HAS A CONFLICT OF INTEREST THAT PREVENTS IT FROM REPRESENTING CLIENT IN ANY WAY WITH RESPECT TO THE NEGOTIATION AND EXECUTION OF THIS AGREEMENT AND THAT [THE CHONG] FIRM HAS NOT DONE SO.

(b) [Lamplight] acknowledges that prior to signing this Agreement, [Lamplight] was given the option of retaining Firm to handle the Licensing Negotiations and/or Lawsuit on the basis of a normal hourly rate (plus costs and expenses incurred) but elected instead to retain [the Chong] Firm pursuant to the terms and conditions of this Agreement.

(c) [Lamplight] acknowledges that it has been advised that submission to binding arbitration typically results in the waiver of significant rights, including the waiver of the right to file a lawsuit in a different venue, waiver of the right to a jury trial, the possible waiver of broad discovery, and the loss of the right to appeal.

App. OO at 7 (capitalization in the original). It is undisputed that Mr. Chong was the only lawyer from his firm who worked on Lamplight matters and that as of March 28, 2022 he had never communicated with Ms. Pugal directly. It is thus undisputed that prior to March 28, 2022 no lawyer from Mr. Chong's firm ever (1) advised Ms. Pugal to retain independent legal counsel in connection with the negotiation of the retainer agreement or the arbitration provision in the retainer agreement, (2) advised her of any conflict of interest Mr. Chong's firm had, (3) offered her the option of retaining the Chong Firm on an hourly basis, or (4) advised her that by submitting to binding arbitration she was waiving significant rights.

It appears that Mr. Chong never communicated directly with Ms. Pugal until sometime in October 2022—about a month after I ordered Mr. Chong and Ms. Pugal to appear in person on November 10, 2022 for an evidentiary hearing. Civ. No. 22-cv-418, D.I. 13. As best I can tell from Lamplight's document production, Ms. Pugal first learned that she had been ordered to appear in court from Linh Deitz on Thursday, September 29, 2022. On that date, Ms. Deitz texted Ms. Pugal: "Hey Sally, can you talk? . . . It's about one of your companies and it's pretty important. Call me when you can please." Ms. Pugal replied: "I will call right now. CP [the initials of the surgeon Ms. Pugal worked for] is out now."

App. RR. No follow-up texts for that day were produced by Lamplight, but a few hours after Ms. Pugal's reply text, Ms. Deitz sent an email to Mr. Chong, cc'ing Messrs. Chaudhari and Bodepudi, asking: "Are you available on Wednesdays anytime between 10 am – noon CST to have a 60[-]minute call with our team and Sally to discuss the Connolly hearing? Unfortunately, that is the only day and times [Ms. Pugal] has available to talk every week." App. SS at 2.²⁴

Just after midnight the following Monday, October 3, 2022, Mr. Chong emailed Ms. Deitz that he could make a call on October 5 at noon. App. SS at 1. Hours later, Ms. Deitz emailed Ms. Pugal, cc'ing Messrs. Chaudhari and Bodepudi (but not Mr. Chong), with a calendar invite for a call at that time "to discuss the Connolly hearings . . . with our team and your lead counsel Jimmy Chong." App. TT. About two hours later, in a separate email to Mr. Chong and his legal assistant, cc'ing Messrs. Chaudhari and Bodepudi (but not Ms. Pugal), Ms. Deitz sent the same calendar invite. App. TT. (Sending separate emails appears to have been IP Edge's general practice. It is readily apparent from the emails and texts

²⁴ The emails in App. SS are marked "Attorney-Client Privilege and/or Common Interest Attorney-Client Privilege." Because Messrs. Chaudhari and Bodepudi are parties to the emails and because there is *prima facie* evidence that Messrs. Chaudhari and Bodepudi were engaged in the unauthorized practice of law in Texas, the emails fall within the crime/fraud exception to the attorney-client privilege. *In re Grand Jury Investigation*, 445 F.3d at 274.

produced in response to the November 10 Memorandum Order that IP Edge strove to maintain a separation between the nominal owners of the plaintiff LLCs and the lawyers who filed cases on behalf of those LLCs.)

It is clear from the text messages and emails produced by Lamplight that Ms. Pugal did not want to travel to Delaware for a court hearing and did not want to participate in the weekly Wednesday calls Ms. Deitz had scheduled. In a series of text messages with Ms. Deitz between September 30 and October 3, 2022, Ms. Pugal said first that she could not travel to Delaware the week of November 10 because her boss had three surgeries scheduled for that week and then that “I don’t think I can make it for the rest of the year.” Ms. Deitz offered to “see if they can reschedule to another day,” and suggested as a possibility November 4, the date of the Nimitz and Mellaconic hearing. App. UU.

Three hours before the scheduled weekly call on October 5, Ms. Deitz and Ms. Pugal exchanged the following texts:

Deitz: Can you talk? I want to talk to you before your call with our team. . . . I know this is inconvenient for you but this is very important.

Pugal: Hi Linh. I don’t think I will do it. I will have to cancel. I’m so sorry.

Deitz: *Sally this not only affects you but also our company.* There are fees that can be charged to you from the court. We are try[ing] to make it work with your

schedule but you have to work with us. This is not something to take lightly. This is an order from a federal judge. Sally please call me back.

Pugal: Sorry Linh. I am on the phone with facility. I will call in a few.

Deitz: Ok.

App. VV at 1–5.

The text thread next picks up immediately after Ms. Pugal participated in the October 5 call:

Deitz: Do you feel better after the call?

Pugal: We just finish[ed.] It went well[.] Very informative and very nice people. About the date I will let you know in the morning[.] Is that ok? I feel much better now. Thank you.

Deitz: I'm glad it went well. You please let me know by tomorrow morning.

App. VV at 5–7. It cannot be determined from the documents who besides Ms. Pugal participated in the call.

The next day, October 6, Ms. Deitz texted Ms. Pugal: “Did you decide which day you can go—11/4 or 11/10. Papool and counsel are asking.” Ms. Pugal told Ms. Deitz she could go to a hearing on November 4. App. VV at 8–11.

Five days later—on October 11, 2022—Ms. Deitz renewed her texting with

Ms. Pugal:

Hey Sally[.] Jimmy (your counsel) is going to try to call or email you. I told him to reach you best by email and to include me and Papool. I told him you rarely answer your phone at work. I think it's in regards to trying to push your date to 11/4. I think [h]e is trying to get more of an understanding of your work to try and get it pushed up.

App. WW. About an hour later, Mr. Chong emailed Ms. Pugal, copying Ms.

Deitz, Mr. LaPray, Mr. Chaudhari, Ms. Maher, and the general IP Edge email address:

Hi Sally:

I hope you are well. I am preparing a letter to the Court to let it know you cannot make 11/10 but can make 11/4. I want to ask some questions, are you available for a 5-10 min call? . . .

Jimmy Chong, Esq.

App. XX at 3. This appears to be the first email communication, and perhaps the first direct communication of any kind, that Mr. Chong had with Ms. Pugal. As of this date, Mr. Chong had filed six cases in Lamplight's name and moved to dismiss four of those cases.

Ms. Pugal emailed Mr. Chong back and the two spoke by phone later that day. At 6:44 p.m., Mr. Chong sent the following email with an attachment to Ms.

Pugal, cc'ing Mr. Chaudhari, Ms. Deitz, Mr. LaPray, and Danae Maher:

Sally:

Thanks for speaking with me, please confirm I have represented the facts correctly. I have cc'd your representatives on this email as well. If anyone has any concerns with the attached please let me know. Otherwise please confirm and we will get this on file by 10/12.

Thanks.

Very truly yours,

Jimmy Chong

App. XX at 1. Lamplight did not produce any responses to the email, but the day after the email was sent (October 12), Mr. Chong filed a letter with the Court, requesting that I include the Lamplight cases at the November 4 Nimitz/Mellaconic hearing to accommodate the work schedule of Ms. Pugal. Civ. No. 22-0418, D.I. 17; Civ. No. 22-1017, D.I. 13. (I granted the request on October 17, 2022.)

Ms. Deitz's texts to Ms. Pugal on October 12 make clear that Ms. Pugal did not participate in the weekly noon call scheduled for that day:

Deitz: Hey Sweetie—you missed your call today. Can you talk to them later today? Can you talk at 1 pm today?

Pugal: Sorry I have extremely busy since this morning on the phone[.] I was ready to join the call but I had another important call for [Ms. Pugal's boss]. I don't

think I can join at one[.] I ha[ve] to leave at 1230 for a very important Doctor's appointments. Need to reschedule[.] Sorry.

Deitz: Ok no worries[.] I will let the team know. You will be in the email reply. I will ask that we resume next week for your weekly call.

Pugal: Thank you Linh.

App. YY.

The morning of the following Wednesday, October 19, Ms. Pugal initiated this text exchange with Ms. Deitz:

Pugal: Good Morning Linh! I am so sorry but I won't be able to make on the meeting today again[.] Our surgery cancelled last minute and [Ms. Pugal's boss] is here[.] I'm leaving early too for doctors appointment[.] I hate to do this but let me just [be] honest with you[.] I don't think I am comfortable of doing this trial[.] I have nightmares almost every night thinking about it and so stressed[.]

Already so stressed at work and all of this Doctors appointments my [Primary Care Physician] order X-rays MRI and CT[.] Sorry Linh[.] I cannot do it.

Deitz: Sally I appreciate you being honest with me but we already have all the travel arrangements made and I too am going with you.

Can you talk to me or Papool right now?

You mention you are having to go to the doctor for yourself, are you ok?

What time are you leaving today to go to your doctor's appointment?

Pugal: Not really Linh[.] I can't at this time[.] [Ms. Pugal's boss] is here[.] I also received a call from sister in California last night[.] My brother not doing well in Las Vegas and can't even go.

Deitz: Oh no[.] Sorry to hear about your brother. Please call me when you leave the office.

Pugal: Thank you.

Ms. Deitz resumed the text thread the next morning (October 20):

Deitz: Hey Sally have you talked to your doctor yet? It does not look like we can get out of the 11/4 date. Papool said— "This judge isn't going to rest until Sally appears in his courtroom in Delaware. [A]nd if she doesn't appear on 11/4, a date she requested, there's probably going to be sanctions."

Sanction means fees that you will be charged to pay (I mentioned that to you last night). Unfortunately the judge is a prick and there is not telling how much fees there could be. We[']ve paid fees before and I promise you it's a lot. Don't want to scare you but you need to be fully aware.

Pugal: I have been so busy this morning[.] I will call during my lunch[.] I understand there is a fee[.] *Whatever the fee is going to be I don't have that kind of money[.]*

Linh[.] you know that I don't even make money on any of the company[ies] including this[.] I will ask my doctor and see[.] If she can write me a letter that I can't travel[.] Because of my medical problem[.]

Deitz: *I know you don't have that kind of money, that is why I'm trying to explain the severity of not going.* With the letter from doctor, it will not change you having to come. I will be on a call at [noon] and they are going to

discuss it more to me. We will more likely need to schedule a call with you and someone from my team to help ease your concerns. . . .

Pugal: Please do the best you can for me[.] I already made up my mind[.] sorry I can't do it.

Deitz: *Sally[.] I'm sorry but you can't do that. You put not only fees that you will have to pay but you put my company at risk. You are putting me in a really tight spot.*

App. ZZ (emphasis added).

From October 21 to October 25, 2022, Ms. Deitz repeatedly texted Ms. Pugal, asking her to call Ms. Deitz or meet with her in person. Ms. Pugal replied “Sorry Linh I can’t” to one of the requests and ignored the others. On October 24, 2022, Mr. Chong emailed Ms. Pugal (his third email to her), informing her that he had left her a voice mail and asking if she had time to speak with him. App. AAA.

Ms. Pugal again missed the weekly Wednesday call on October 26, prompting the following email to her from Mr. Chaudhari, cc’ing Ms. Deitz, Mr. Bodepudi, and Mr. Chong:

Good morning Sally! How are you? We missed you on the Lamplight call this week. Is everything ok? Linh mentioned you are having some health issues. So sorry to hear that! We need to talk with you about that and how that might affect you not going. You might be able to be excused for the Nov 4 hearing next week, but we need to talk with you about to figure that all out.

Can you please text or call Linh and she can set up a time for you to talk with us?

Thank you! Have a nice day!! :)

Papool

App. BBB at 2. In a reply-to-all response to Mr. Chaudhari's email, Mr. Chong stated: "I'm so sorry that you are not well. Is there anything that I can do for you? We should really talk sooner than later." App. BBB at 1.

On October 31, 2022, with still no word from Ms. Pugal, Mr. Chong informed me in a letter that he "was first advised by Ms. Pugal's representative" on October 21 that she had a health-related issue that might prevent her from attending the November 4 hearing, that he had "attempted to contact Ms. Pugal multiple times by email and telephone without success," and that he was not certain Ms. Pugal would attend the November 4 hearing. Civ. No. 22-0418, D.I. 20.

On November 2, 2022, Ms. Deitz again texted Ms. Pugal, and this time raised the possibility of getting the hearing "dismissed":

Hey Sally[.] I heard you were sick. I hope you feel better soon. Is it possible to talk with Gau and Papool? They think if they draft a declaration for you to sign stating you are having medical issues, they can try to get the hearing dismissed. But we need to get this done ASAP. We're supposed to fly out tomorrow.

App. CCC at 1. Ms. Pugal replied a few hours later:

Hi Linh! I know you probably hates me so much not being so-co-operative with y'all and I am so sorry[.] There's a lot going on right now that I am so stressed. I have been sick since last week.

App. CCC at 2. Ms. Pugal then described her serious health issues for Ms. Deitz and concluded: "Anyway, I will be glad to talk to them hopefully they can get it dismissed[.] Again, my apology[,] Linh." App. CCC.

Mr. Chaudhari then emailed Mr. Chong, cc'ing Mr. LaPray, Ms. Deitz, Maher, Mr. Bodepudi, and Mr. Chong's paralegal (but not Ms. Pugal) as follows:

Jimmy,

As you know, Sally finally got back to Linh with the text that was sent to you. I understand you want a doctor's note, but given that we just finally heard back from Sally after being ghosted for quite some time and the hearing being on Friday, it isn't likely or feasible that we'll have one by the hearing. Hence, we are preparing a declaration that Linh will take to her tonight for her to sign. We will also have Linh ask Sally to get a doctor's note asap that states that her doctor will not permit her to fly.

Given the circumstances and timing for Friday, that's the best we can do.

Papool

App. DDD.²⁵

Later that evening, Ms. Deitz emailed Ms. Pugal a draft declaration and then brought a copy of it to Ms. Pugal's house for her to sign. The declaration discusses certain "health reasons" that rendered Ms. Pugal "unable to fly to Delaware" for the November 4, 2022 hearing. It appears from the document production that Mr. Chong played no role in drafting or discussing with Ms. Pugal the declaration. Ms. Deitz emailed Mr. Chong a copy of the declaration the morning of November 3, and he filed it with the Court that day. App. EEE.²⁶

On November 30, 2022—one year to the day after Mr. Chong filed the first of six lawsuits he filed on behalf of Lamplight—Mr. Chong wrote in an email to Ms. Pugal:

As you know I represent your business in its patent infringement cases. I have been communicating with it through Mavexar based on you retaining it to represent you. I wanted to reach out to you independently and

²⁵ The email is marked "Confidential Attorney-Client Privilege and/or Common Interest Attorney-Client Privilege." The email, however, does not disclose a communication to or from a client and therefore it is not an attorney-client communication, let alone a privileged attorney-client communication.

²⁶ App. EEE is marked "Confidential Attorney-Client Privilege and/or Confidential Common Interest Attorney-Client Privilege." It consists of an electronic scan confirmation and a declaration of Ms. Pugal that was filed with the Court the day before the November 4, 2022 hearing. The emails do not disclose a communication to or from a client and therefore are not attorney-client communications, let alone privileged attorney-client communications.

confirm that you want me to communicate with the Mavexar team directly.

App. FFF at 1.²⁷ Having received no response from Ms. Pugal, Mr. Chong followed up with another email on December 12, 2022:

I am just following up on my last email. I need to have in my file that you confirm that I should directly contact Mavexar when handling your cases or if I should contact you directly. I obviously can contact the both of you. It is up to you and I am happy to do either. Please let me know.

App. FFF at 3. A few hours later, Ms. Pugal responded that Mr. Chong “may contact Mavexar directly.” App. FFF at 2. By the time he received this response, Mr. Chong had filed and settled six lawsuits in Lamplight’s name.²⁸

V.

“It is well-settled law, regardless of jurisdiction, that attorneys owe their clients a fiduciary duty.” *Huber v. Taylor*, 469 F.3d 67, 81 (3d Cir. 2006) (citations omitted). “The duty includes undivided loyalty, candor, and provision

²⁷ The emails in App. FFF are marked privileged, but because they merely communicate the general terms of Mr. Chong’s representation of Lamplight, they are not privileged. *Idenix Pharms.*, 195 F. Supp. 3d 639 at 643; *see also Avgoustis*, 639 F.3d at 1344.

²⁸ *See* notices of voluntary dismissal filed at Civ. No. 1:22-cv-418, D.I. 21 (Nov. 2, 2022); Civ. No. 1:21-cv-1689, D.I. 14 (Jun 3, 2022); Civ. No. 1:22-cv-1017, D.I. 10 (Sep. 13, 2022); Civ. No. 1:21-cv-1691, D.I. 13 (May 13, 2022); Civ. No. 1:22-cv-417, D.I. 7 (Apr. 14, 2022); Civ. No. 1:21-cv-1690, D.I. 9 (Mar. 2, 2022).

[to the client] of material information.” *Id.* (citing *Willis v. Maverick*, 760 S.W.2d 642, 645 (Tex. 1988)). The Third Court’s discussion about these duties in *Huber* is applicable here:

The fiduciary duty that an attorney owes clients is not a matter to be taken lightly. . . . As then Judge Cardozo observed in *In the Matter of Rouss*, “[m]embership in the bar is a privilege burdened with conditions.” 221 N.Y. 81, 84, 116 N.E. 782 (1917) (Cardozo, J.). Among those conditions are the ethical obligations of giving clients full and meaningful disclosure of conflicts of interest so that the client may decide if the representation is in his or her best interest and of the terms of proposed settlement agreements, as it is the client’s, not the attorney’s, decision whether to settle a case. TEX. DISCIPLINARY R. PROF’L CONDUCT 1.03 (duty to keep client informed); 1.04(f) (fee division); 1.08(f) (disclosure of aggregate settlements). Even when clients are viewed as mere “inventory”, they are still owed the renowned “punctilio of an honor the most sensitive.” *Meinhard v. Salmon*, 249 N.Y. 458, 464, 164 N.E. 545 (N.Y. 1928) (Cardozo, J.). As the Texas Disciplinary Rules of Professional Conduct state[,] the “obligation of lawyers is to maintain the highest standards of ethical conduct.” TEX. DISCIPLINARY R. PROF’L CONDUCT, Preamble.

This is the cost of doing business as an attorney at law, and we will not countenance shortcuts. Disclosures to clients must be meaningful, by which we mean something beyond form disclosures, as clients must understand a conflict to give their informed consent to an intelligible waiver.

Id. at 82.

Many if not all the lawyer's fiduciary duties are codified in the American Bar Association's Model Rules of Professional Conduct. *See* MODEL RULES OF PRO. CONDUCT (AM. BAR. ASS'N, 1983) (hereinafter Model Rules). As lawyers practicing before this Court, Messrs. Pazuniak, Chong, Wernow, and Curfman are bound by the Model Rules. D. Del. LR 83.6(d).

Rule 1.2, titled "Scope of Representation & Allocation of Authority Between Client & Lawyer," provides in relevant part:

[A] lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter.

Model Rule 1.2. This Rule codifies what has long been recognized as a fundamental guiding principle of the attorney-client relationship: The

"decision[] . . . whether to settle a civil matter, must . . . be made by the client."

Model Rule 1.2 cmt. 1. Indeed, the Supreme Court has recognized since at least 1901 "that the decision to settle a case rests with the client alone." *United States v. Int'l Bhd. of Teamsters, Chauffeurs, Warehousemen & Helpers of Am., AFL-CIO*, 986 F.2d 15, 19 (2d Cir. 1993) (citing *United States v. Beebe*, 180 U.S. 343, 350–53 (1901)).

Rule 1.4, titled “Communications,” provides in relevant part:

(a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules;

(2) reasonably consult with the client about the means by which the client’s objectives are to be accomplished; [and]

(3) keep the client reasonably informed about the status of the matter

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Model Rule 1.4. Under Rule 1.4, “a lawyer who receives from opposing counsel an offer of settlement in a civil controversy . . . must promptly inform the client of its substance unless the client has previously indicated that the proposal will be acceptable or unacceptable or has authorized the lawyer to accept or to reject the offer.” In addition, Rule 1.4 obligates a lawyer to “explain [to the client] the general strategy and prospects of success” in any litigation matter. Model Rule 1.4 cmt. 5.

Rule 1.7 codifies the lawyer’s duty of loyalty. It provides in relevant part that “a lawyer shall not represent a client if the representation involves a concurrent conflict of interest” unless the “client gives informed consent [to the

representation], confirmed in writing.” Model Rule 1.7. Implicit in Rule 1.7 is an obligation to “determine whether a conflict of interest exists.” Model Rule 1.7 cmt. 2. And in making that determination, the lawyer must keep in mind that “[e]ven where there is no direct adverseness, a conflict of interest exists if there is a significant risk that [the] lawyer’s ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer’s other responsibilities or interests.” Model Rule 1.7 cmt. 8.

Under Rule 1.7, “[c]oncurrent conflicts of interest can arise from the lawyer’s responsibilities to another client, a former client *or a third person* or from the lawyer’s own interests.” Model Rule 1.7 cmt. 1 (emphasis added). If a third person is advancing or paying the lawyer’s fees, Rule 1.8(f) applies. It provides that

[a] lawyer shall not accept compensation for representing a client from one other than the client unless:

- (1) the client gives informed consent; [and]
- (2) there is no interference with the lawyer’s independence of professional judgment or with the client-lawyer relationship

Model Rule 1.8(f).

It appears that counsel violated both Rule 1.2(a) and Rule 1.4 by failing to have any communication with their clients before filing, settling, and dismissing

the clients' cases. Mr. Pazuniak was sole counsel of record in the 11 cases filed in this Court on behalf of Nimitz. He filed those cases and then moved to dismiss seven of them without ever having communicated with Mr. Hall, the sole natural person associated with Nimitz. It is undisputed that Mr. Hall had no prior knowledge of the lawsuits and that he was neither informed of nor consented to the settlements that resulted in the motions to dismiss the seven cases filed by Mr. Pazuniak.

Mr. Chong was sole counsel of record in the six cases he filed in this Court on behalf of Lamplight. He filed and moved to dismiss all six cases without ever having communicated with Ms. Pugal, the sole natural person associated with Lamplight. Mr. Chong was Mellaconic's counsel of record in its case against RideCell. Civ. No. 20-1323, D.I. 1 (Sep. 30, 2020). He filed and moved to dismiss that case without ever having communicated with Mr. Bui, the sole natural person associated with Mellaconic. Civ. No. 20-1323, D.I. 12 (Mar. 24, 2021). Mr. Chong was co-counsel with Mr. Curfman in 12 cases filed in this Court on Mellaconic's behalf.²⁹ They filed and then moved to dismiss those cases without

²⁹ *Mellaconic IP LLC v. Frontpoint Sec. Sols., LLC*, Civ. No. 21-0447, D.I. 1 (filed Mar. 26, 2021); *Mellaconic IP LLC v. Wyze Labs, Inc.*, Civ. No. 21-0448, D.I. 1 (filed Mar. 26, 2021); *Mellaconic IP LLC v. Central Sec. Group-Nationwide, Inc.*, Civ. No. 21-0573, D.I. 1 (filed Apr. 26, 2021); *Mellaconic IP LLC v. Monitronics*

ever having communicated with Mr. Bui. Finally, Mr. Chong was co-counsel with Mr. Wernow in six cases filed in this Court on Mellaconic's behalf.³⁰ They filed and moved to dismiss those cases without ever having communicated with Mr. Bui.

It also appears that counsel violated Rule 1.7 and, to the extent their fees were paid or advanced by Mavexar or IP Edge, Rule 1.8(f).³¹ As an initial matter, by failing to communicate with their clients, counsel violated their obligation to ascertain at the outset of their representations whether a conflict or potential conflict existed. Beyond that, the terms of Mavexar's consulting services

Int'l, Inc., Civ. No. 21-0574, D.I. 1 (filed Apr. 26, 2021); *Mellaconic IP LLC v. Canary Connect, Inc.*, Civ. No. 21-0944, D.I. 1 (filed June 29, 2021); *Mellaconic IP LLC v. Fantasia Trading LLC*, Civ. No. 21-0945, D.I. 1 (filed June 29, 2021).

³⁰ *Mellaconic IP LLC v. Trane Techs. Co. LLC*, Civ. No. 21-1080, D.I. 1 (filed July 28, 2021); *Mellaconic IP LLC v. Linxup, LLC*, Civ. No. 21-1081, D.I. 1 (filed July 28, 2021); *Mellaconic IP LLC v. Ezlo Innovation Ltd.*, Civ. No. 21-1373, D.I. 1 (filed Sep. 28, 2021); *Mellaconic IP LLC v. Verkada, Inc.*, Civ. No. 21-1374, D.I. 1 (filed Sep. 28, 2021); *Mellaconic IP LLC v. Incognia US Inc.*, Civ. No. 21-1844, D.I. 1 (filed Dec. 29, 2021); *Mellaconic IP LLC v. Carrier Global Corp.*, Civ. No. 21-1853, D.I. 1 (filed Dec. 30, 2021); *Mellaconic IP LLC v. Connecteam, Inc.*, Civ. No. 22-242, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. PrismHR, Inc.*, Civ. No. 22-243, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. TimeClock Plus, LLC*, Civ. No. 22-244, D.I. 1 (filed Feb. 25, 2022); *Mellaconic IP LLC v. Avast Software, Inc.*, Civ. No. 22-540, D.I. 1 (filed Apr. 27, 2022); *Mellaconic IP LLC v. Deputy, Inc.*, Civ. No. 22-541, D.I. 1 (filed Apr. 27, 2022); *Mellaconic IP LLC v. Justworks, Inc.*, Civ. No. 22-542, D.I. 1 (filed Apr. 27, 2022).

³¹ As noted above, Mr. Bui testified at the November 4, 2022 evidentiary hearing that Mavexar paid Mellaconic's attorney fees in the form of a loan. Civ. No. 22-0244, D.I. 20 at 96:8–14.

agreements with counsel's clients created at least potential conflicts of interest between Mavexar and the clients. Because of those potential conflicts, counsel's blind adherence to Mavexar's directions to file and settle cases in the clients' names created a significant risk that counsel's actions materially limited their representations of their clients.

The financial relationship between Mavexar and Nimitz, for example, makes clear that their interests were not perfectly aligned in the seven cases Mr. Pazuniak filed and settled without ever having spoken or otherwise communicated with Mr. Hall. According to Mr. Hall, Mavexar gets 90% of the profits obtained from asserting the #328 patent in litigation and Nimitz gets the remaining 10%. Nimitz, however, effectively takes on 100% of the risk associated with any litigation. Indeed, although Mr. Hall said he "wouldn't be able to explain it well" when I asked him at the November 4, 2022 hearing how Nimitz paid for the #328 patent, his answer to the question was spot on: "There was an agreement between Mavexar and myself where I would assume liability." Civ. No. 21-1247, D.I. 26 at 69:17-18.

That liability has at least three forms. First, under 35 U.S.C. § 285, Nimitz can be required to pay the attorney fees of any defendant that prevails in an infringement case brought in Nimitz's name. Second, Nimitz can be required to

pay any sanctions imposed by a court pursuant to Federal Rule of Civil Procedure 11 or the court's inherent powers. Third, Nimitz is required under the Mavexar consulting services agreement to reimburse Mavexar for the "Costs and Expenses" (which are defined in the agreement to include attorney fees as well as costs and expenses) advanced by Mavexar to litigate the #328 patent:

For all Costs and Expenses relating to the monetization of the [#328 patent], Consulting Company shall advance such Costs and Expenses as one or more loans to Client. Such loans are reimbursable from Gross Recovery. In the event any such loan is not paid back in full from Gross Recovery, Client shall be responsible for full payment of all such loans. If Client fails to make such payment within 30 days following the termination of the final litigation filed pursuant to this Agreement, Consulting Company shall have all available recourse pursuant to law to obtain recovery for such loans.

App. K at 3. *See also* App. X at 3; App. NN at 3.

The only risk Mavexar assumes when an attorney files at Mavexar's direction an infringement case in Nimitz's name is the potential that Nimitz will not comply with its contractual obligation to reimburse Mavexar for the fees and costs Mavexar advances to that attorney that exceed any gross recovery. In other words, Mavexar has virtually nothing to lose and everything to gain (i.e., 90% of everything) from asserting the #328 patent in infringement suits around the country. Nimitz, by contrast, receives a tiny fraction of the litigation gains but it

and potentially Mr. Hall personally³² have lots to lose if the litigation results in an adverse decision, sanctions, or fees and costs that exceed the gross recovery. In light of these vastly different profit and risk profiles, it cannot be said that Mavexar's and Nimitz's interests were the same when it came to deciding to file or to settle the lawsuits Mr. Pazuniak brought in this Court in Nimitz's name.

As with Nimitz, Mellaconic's and Lamplight's interests in filing and settling patent infringement suits are not coextensive with Mavexar's interests.

Mellaconic's and Lamplight's consulting agreements with Mavexar are identical to Nimitz's agreement with Mavexar; and therefore, like Nimitz, Mellaconic and Lamplight assume all the risk when Mavexar has attorneys assert their respective patents in infringement litigation. Mellaconic's financial arrangement with Mavexar differs slightly from Nimitz's. As noted above, Mr. Bui testified that the LLCs Mavexar formed in his name are obligated to pay Mavexar 95% of the profits gained from licensing and litigating the LLCs' patents. That Mellaconic's arrangement with Mavexar is even more lopsided than Nimitz's arrangement

³² See, e.g., *D.O.C.C. Inc. v. Spintech Inc.*, 1994 WL 872025, at *20 (S.D.N.Y. Aug. 15, 1994) (holding corporate officer personally liable for attorney fees under § 285 where officer's active participation in tortious conduct resulted in a finding that infringement suit was filed and maintained in bad faith, the corporation had no paid employees, and the corporation's only address was the officer's residential apartment).

makes it even more likely that Mellaconic's interests conflict with Mavexar's interests with respect to the filing and settling of cases.

The profit split between Mavexar and Ms. Pugal's LLCs is unknown. As with the Mellaconic and Nimitz productions, there is no document in Lamplight's production that identifies the percentage of the Net Proceeds Lamplight is required to pay Mavexar. The limited record evidence suggests that Lamplight's percentage share of any licensing or litigation profits is minimal at best. When Ms. Pugal texted Ms. Deitz that "you know that I don't even make money on any of the compan[ies] including [Lamplight]," Ms. Deitz did not deny the assertion. On the contrary, she acknowledged in her response that "I know you don't have that kind of money [to pay a sanction][;] that is why I'm trying to explain the severity of [you're] not going [to court]." App. ZZ at 12–14.

As a general matter, "a lawyer cannot delegate his fiduciary duties to another in an effort to avoid its strictures or to avoid responsibility for the manner in which they are undertaken" *Fund of Funds, Ltd. v. Arthur Andersen & Co.*, 567 F.2d 225, 234 (2d Cir. 1977). "[I]n the case of duty of loyalty, its non-delegability is so patent as to be axiomatic." *Huber*, 469 F.3d at 81 n.18. In these cases, counsel either ignored or delegated to Mavexar (i.e., IP Edge) their fiduciary

duties. Mavexar, for its part, expressly disclaimed in its consulting services agreements with those clients that it owed the clients any fiduciary duties:

The Consulting Company shall provide non-legal services

Client understands that Consulting Company is not a law firm, accounting firm, tax advisory, or the like. Client will seek appropriate third[-]party accounting, tax, legal or similar advisory services. . . .

The parties understand that Consulting Company is not a fiduciary of Client, and will act as an independent contractor.

App. K at 1; App. X at 1; App. NN at 1.

Counsel insist that they do not represent IP Edge or Mavexar and that their only client in each action they filed was the plaintiff LLC in that action. Mr. Pazuniak was most emphatic about this point in his October 18, 2022 email to Mr. Hall. He wrote there: “[A]s a legal and professional matter, my only client is Nimitz Technologies, and, thus, you. I do not represent Mavexar or any other entity, and I would be in breach of professional responsibilities if I placed any interest ahead of yours.” App. S at 2. Unfortunately, this recognition of the fiduciary responsibilities Mr. Pazuniak owed to Nimitz came six months after he had already settled and moved to dismiss seven suits he had filed in Nimitz’s name. And since Mr. Pazuniak had never communicated with Mr. Hall before he

filed, settled, and moved to dismiss Nimitz's cases at Mavexar's direction, how could he have been sure that his actions did not put Mavexar's interests ahead of Nimitz's?

Counsel seem to hold the view that a client can delegate to a third party all litigation decisions, including the decision to settle a case, and that an attorney can conduct all communications with a client through that third party. In the reply brief he filed with the Federal Circuit in support of Nimitz's petition for mandamus, for example, Mr. Pazuniak wrote "[i]n excess of caution" that under section 134(2) of the Restatement 3d of the Law Governing Lawyers, "[Nimitz] had the right to authorize Mavexar to act as its consulting agent to act on [Nimitz's] behalf as if it was the client." Section 134(2), however, provides in relevant part that

[a] lawyer's professional conduct on behalf of a client may be directed by someone other than the client if:
 (a) the direction does not interfere with the lawyer's independence of professional judgment; (b) the direction is reasonable in scope and character, such as by reflecting obligations borne by the person directing the lawyer; *and*
 (c) *the client consents to the direction*

D.I. 26 at 17 n.1. RESTATEMENT (THIRD) OF THE L. GOVERNING LAWYERS § 134(2) (AM. L. INST. 2000) (emphasis added). Here, it is undisputed that Mr. Pazuniak filed and settled seven Nimitz cases without ever having communicated with Mr.

Hall, let alone having obtained Mr. Hall's informed consent to have Mavexar direct Mr. Pazuniak's professional conduct.

The "Third Parties," "Instructions," and "Communication" sections of Sand, Sebolt's engagement letter with Mellaconic quoted above, *supra* pp. 46–47, similarly suggest that Messrs. Wernow and Curfman take the position that they obtained Mr. Bui's consent to having Mavexar direct their conduct with respect to all matters in Mellaconic's cases when they received from Ms. Deitz an electronic signature for Mr. Bui dated March 11, 2021 under an "Acknowledgement" on the engagement letter's last page. App. BB. But even assuming that a client could delegate to a third party the authority to approve the lawyer's filing and settling of the client's lawsuit and assuming further that Mr. Bui received and read the letter and signed the acknowledgement himself, his signature could not constitute informed consent to having Mavexar make all decisions relating to litigation brought in Mellaconic's name. Under the Model Rules, a client's informed consent to a proposed course of conduct can only be obtained "after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." Model Rule 1.0(e). Here, neither Mr. Wernow nor Mr. Curfman had ever spoken with Mr. Bui as of March 11, 2021, and nothing in the engagement letter apprised Mr.

Bui about potential conflicts of interests between Mellaconic and Mavexar or about the risks Mellaconic would face by asserting its patent in infringement litigation. The letter is exactly the type of form disclosure condemned by the Third Circuit in *Huber*. Mr. Bui's "acknowledgement" of the engagement letter's terms is, in a word, illusory.

Counsel's relationship with IP Edge and Mavexar and their failure to fulfill their fiduciary duties is especially concerning because of the obvious disparity in the sophistication of the LLC plaintiffs as opposed to Mavexar and IP Edge. That disparity was readily apparent from Mr. Bui's testimony at the November 4, 2022 hearing. It can also be seen in the text message exchanges between Ms. Pugal and Ms. Deitz. And it is evident from the lopsided terms of the consulting servicing agreements.

The terms of that agreement and counsel's actions in these cases deprived the LLC plaintiffs of the benefit of independent counsel. We can only guess whether the LLC plaintiffs would have agreed to file and settle these cases had they had counsel who cared only about the LLC plaintiffs and their interests. Perhaps, with the benefit of independent counsel, Mr. Bui would have agreed to file these suits but only if Mellaconic received more than a five percent share of the litigation proceeds. And if Mellaconic truly owned the #435 patent, perhaps, with

the benefit of independent counsel's advice, Mr. Bui could have sold the patent.³³

These and related questions will remain unanswered because counsel here failed to satisfy their "ethical obligations of giving [their] clients full and meaningful disclosure of conflicts of interest so that the client[s] [could] decide if the representation [wa]s in his or her best interest and of the terms of proposed settlement agreements." *Huber*, 469 F.3d at 82. I will therefore refer counsel to their respective offices of disciplinary counsel.

VI.

Mavexar's consulting agreement with the LLC plaintiffs in these cases describes the "services" Mavexar provides as "non-legal" and expressly states that Mavexar is "not a law firm." The documents produced in response to the November 10 Memorandum Order, however, make clear that numerous Mavexar and IP Edge actors engaged in the practice of law on behalf of Nimitz, Mellaconic, and Lamplight. The documents show specifically that Messrs. Chaudhari,

³³ Under the Consulting Services agreement, Mellaconic "agree[d] to maintain clear and exclusive title to the [#435 patent]." App. X at 1. But even though the Termination section of the agreement has a paragraph that expressly addresses the consequences that would follow "[i]n the event Client sells or transfers a portion or all of the right, title, and interest in the [#435 patent] *for non-monetary consideration*," App. X at 4 (emphasis added), the agreement says nothing about the consequences that would follow if Mellaconic sold the #435 patent for monetary consideration.

Bodepudi, and Tran each acted as a lawyer for one or more of the three LLC plaintiffs. The lawyer tasks they performed varied by individual and LLC and included providing patent infringement claim charts,³⁴ drafting and editing legal filings,³⁵ conducting legal research,³⁶ summarizing and analyzing legal research,³⁷ crafting legal arguments,³⁸ preparing a declaration for Ms. Pugal,³⁹ and prepping Mr. Bui and Mr. Hall for their testimony at the November 4, 2022 hearing.⁴⁰

Mavexar and IP Edge are Texas entities. In Texas, an individual can be criminally prosecuted for the unauthorized practice of law. See Tex. Penal Code Ann. § 38.123. Texas law defines the “practice of law” in relevant part as

the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as a service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge

Tex. Gov’t Code Ann. § 81.101(a).

³⁴ App. GGG at 1–3.

³⁵ App. GGG at 4–11.

³⁶ App. GGG at 12–13.

³⁷ App. GGG at 12–13.

³⁸ App. GGG at 12–13.

³⁹ App. GGG at 14–15.

⁴⁰ App. GGG at 16–21.

Messrs. Chaudhari, Bodepudi, and Tran appear to be lawyers and residents of Texas. In Texas, in “general[], a corporation can employ attorneys in-house to represent its own interests but cannot engage in the practice of law by providing legal representation to others with different interests.” *Unauthorized Prac. of L. Comm. v. Am. Home Assur. Co.*, 261 S.W.3d 24, 26 (Tex. 2008). In these cases, for the reasons discussed above, Nimitz, Mellaconic, and Lamplight had different interests than Mavexar (and IP Edge) did.

As it appears that Messrs. Chaudhari, Bodepudi, and Tran engaged in the unauthorized practice of law, I will refer them to the Texas Supreme Court’s Unauthorized Practice of Law Committee.

VII.

Section 261 of the Patent Act requires the PTO to “maintain a register of interests in patents and applications for patents and [to] record any document related thereto upon request.” 35 U.S.C. § 261. Although the recording of patent assignments with the PTO is not mandatory, federal law requires that any assignments submitted for recording with the PTO be true and accurate. Indeed, in order to file an assignment for recording in the PTO’s Electronic Patent Assignment System (EPAS), the filer (referred to in the EPAS as the “submitter”) must first affirmatively consent (by clicking a button on the screen) to an

acknowledgement that “providing false or spurious information such as false or improper assignment documents or security agreements[] is a misrepresentation to the federal government” that “is prohibited and subject to criminal and civil penalties, including all penalties applicable to willful unauthorized access” of the EPAS. App. B.

The acknowledgement cites, and thus points the EPAS user to, two specific regulations promulgated by the PTO (37 C.F.R. §§ 1.4, 11.18) and to 18 U.S.C. § 1001. Section 1.4 provides in relevant part that “[t]he presentation to the [PTO] (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 11.18(b).” 37 C.F.R. § 1.4. Section 11.18(b)(1) provides in relevant part:

By presenting to the [PTO] . . . (whether by signing, filing, submitting, or later advocating) any paper, the party presenting such paper, whether a practitioner or non-practitioner, is certifying that—

(1) All statements made therein of the party’s own knowledge are true, all statements made therein on information and belief are believed to be true, and all statements made therein are made with the knowledge that whoever, in any matter within the jurisdiction of the [PTO], knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or knowingly and willfully makes any false, fictitious, or fraudulent statements or representations, or knowingly and willfully makes or uses any false writing or document knowing the same to contain any false,

fictitious, or fraudulent statement or entry, shall be subject to the penalties set forth under 18 U.S.C. [§] 1001 and any other applicable criminal statute

37 U.S.C. § 11.8(b)(1). Section 1001 makes it a crime to knowingly submit to a federal agency a “materially false, fictitious, or fraudulent statement or representation.” 18 U.S.C. § 1001(a).

I express no opinion about whether IP Edge’s filing with the PTO of the assignments for the patents asserted in these cases violated the PTO’s rules or § 1001. But I believe it appropriate to bring these matters to the attention of the PTO and the Department of Justice to allow them to conduct further inquiry into whether the PTO’s rules or § 1001 were violated. The Department may also deem it appropriate to investigate whether the strategy employed by IP Edge to hide from the defendants in these cases and the Court real parties in interest, including France Brevets, violated any federal laws.⁴¹

⁴¹ The French government dissolved France Brevets in October 2022—after Nimitz had settled 11 cases in this Court. *See En capitalisant sur le retour d’expérience de plus de dix années de France Brevets, le gouvernement réorganise le pilotage et les actions de sa politique de soutien à la propriété industrielle au service de l’innovation* [By capitalizing on the feedback from more than ten years of France Brevets, the government is reorganizing the management and actions of its policy of support for industrial property in the service of innovation], SECRÉTARIAT GÉNÉRAL POUR L’INVESTISSEMENT [GENERAL SECRETARIAT FOR INVESTMENT OF THE FRENCH REPUBLIC] (Oct. 21, 2022), <https://www.gouvernement.fr/en-capitalisant-sur-le-retour-d-experience-de-plus-de-dix-annees-de-france-brevets-le->

VIII.

The reality in these cases is that the de facto owner of the asserted patents—that is, the party that truly controls and profits from their assertion—is IP Edge. Brandon LaPray said the truth when he told Mr. Pazuniak in his August 17, 2021 email that “we”—i.e., IP Edge—“bought the patents.” IP Edge, however, has gone to great lengths to hide the “we” from the world. Rather than having the asserted patents assigned to itself or to its own LLCs, IP Edge arranged for the patents to be assigned to LLCs it formed under the names of relatively unsophisticated individuals recruited by Linh Deitz. The LLCs were empty vessels with no assets until IP Edge arranged for the assignment of the patents to those LLCs.

The housing of assets in a separate LLC has consequences. LLCs cannot act in a court without legal counsel. For the LLC plaintiffs to file infringement cases, they had to have counsel. And because IP Edge and Mavexar do not wholly own the LLC plaintiffs and because IP Edge and Mavexar are not law firms, Texas law prohibits them from acting as the LLC plaintiffs’ lawyers. Messrs. Chaudhari, Pant, Bodepudi, and Tran chose to use separate LLCs to insulate themselves, IP

gouvernement [<https://perma.cc/WYV8-8JT4>]. Nothing in Nimitz’s production shows that France Brevets ever relinquished or transferred its interest in the settlement proceeds from Nimitz’s assertion of the #328 patent.

Edge, and/or Mavexar from the potential liabilities of patent litigation. They must accept the consequences that flow from that strategy.

Counsel of record for the LLC plaintiffs in these cases must also accept the consequences for the roles they played in implementing that strategy. The reality is that counsel's de facto clients were IP Edge and Mavexar. Counsel insist otherwise; indeed, they are adamant that their clients are the LLC plaintiffs. That being the case, counsel were obligated to give to the LLC plaintiffs their undivided loyalty and to provide the LLC plaintiffs with sufficient information and unconflicted advice for the LLC plaintiffs to make informed decisions about whether to bring and settle any proposed lawsuits. Instead of fulfilling those obligations, counsel treated the LLC plaintiffs as "mere inventory." *Huber*, 469 F.3d at 82. Their loyalty was not to their clients, but rather to IP Edge.

complaint delaware 21-1490

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: meghankellyesq@yahoo.com; david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov;
margaret.naylor@delaware.gov; supremectbriefs@usdoj.gov

Date: Tuesday, March 5, 2024 at 12:33 PM EST

Hi Lisa,

I spoke with Peggy on the phone yesterday and asked if I could print out documents to submit to the US Supreme Court if I brought my own paper. I indicated I would bring my own paper and would print out 11 copies of the Brief not yet drafted, and not the appendix. The Brief's pages are limited to 40 pages. In addition I am required to file a table of contents and index too.

Peggy indicated she did not think I could find a way to access my papers but if I did I could do so.

Now I am at the law library. I have invested hours in figuring out a way to do so, and she has since changed her mind causing harm based on my detrimental reliance of the state's assertion through her.

I was working on printing out the documents instead of drafting it.

Her intent was to deprive me of full and fair access to the courts with partiality to the DE Supreme Court as opposed to the impartial rule of law applicable to the state via the 1st and 14th Amendment.

This is not okay. Could you please help me Lisa Dolph by granting me permission. I am shaking I am so upset. This is two hours out of my way about an hour here and back when you consider parking.

Thank you,
Meg

Confirmation Meg called Peggy for permission first 21-1490

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: meghankellyesq@yahoo.com; david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov;
margaret.naylor@delaware.gov; lisa.dolph@delaware.gov

Date: Tuesday, March 5, 2024 at 12:45 PM EST

Please see the attached to confirm I called the law librarian first and gained permission first.

If you could pull the conversations from March 4, 2024 it may be used to confirm I was granted permission that is now denied to my detriment.

Even more concerning, I was not able to gain access to CMF by cell phone or internet this morning despite entering the correct password on my device, computer or phone.

All of the sudden i was able to gain access. It started to work. It indicated I had the wrong password but it was correct. Alex at the Delaware District Court and Pacer both aware of the problem and the sudden access.

The Delaware Supreme Court may not deny my 1st and 14th amendment Equal access due to partiality to the government as opposed to the impartial rule of law.

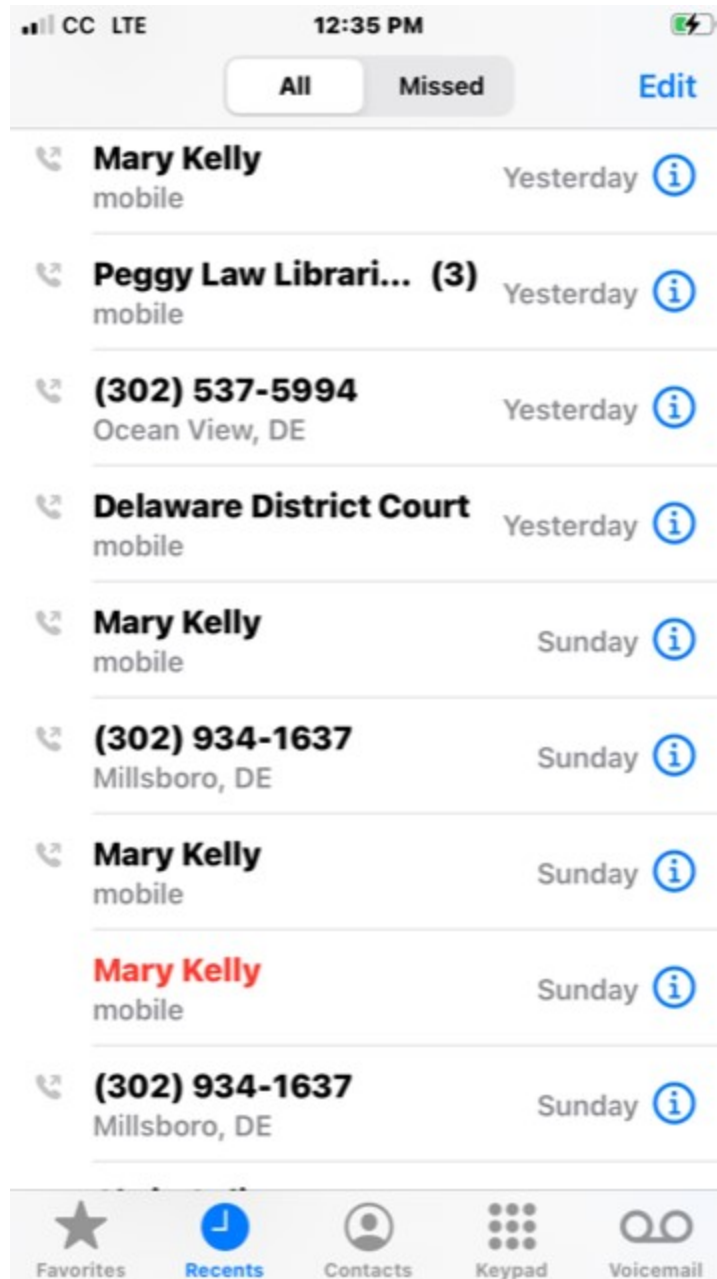
Thank you,
Meg

Sent from my iPhone



IMG_3926.PNG

397.6kB



Re: Confirmation Meg called Peggy for permission first 21-1490

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov; lisa.dolph@delaware.gov; meghankellyesq@yahoo.com; margaret.naylor@delaware.gov

Date: Tuesday, March 5, 2024 at 01:01 PM EST

Since I indicated I disagreed with the law library and did not want to talk. I wanted to research. Peggy kicked me out of the law library.

This is not okay. Please note I did not want to print any briefs today. I merely sought to figure out a way to print. Then I wanted to research. I was denied the opportunity to research.

Meg

Sent from my iPhone

> On Mar 5, 2024, at 12:45 PM, Meg Kelly <meghankellyesq@yahoo.com> wrote:

>

> Please see the attached to confirm I called the law librarian first and gained permission to print my brief. She indicated I could do so if I could find a way to access them. I said there is a 40 limit and I would need 11 copies. She said if I could figure out a way to do so I have permission.

> If you could pull the conversations from March 4, 2024 it may be used to confirm I was granted permission that is now denied to my-detriment.

> The Delaware Supreme Court through tjeir agent may not deny me 1st and 14th amendment Equal access due to partiality to the government as opposed to the impartial rule of law.

The change in stance, by rebuffing in permission was done with knowing intent to obstruct access to the courts given knowledge of poverty and means creating a substantial burden I sought to alleviate.

This is more egregious given I had to drive two hours and expending hours in the law library to find a solution to print. Law library patrons cannot print from their email or from accessing documents otherwise. I discovered I could print from CMF. Though there was problems accessing my account by call or otherwise during the morning.

>

> Thank you,

> Meg

> <IMG_3926.PNG>

>

>

> Sent from my iPhone

Re: Confirmation Meg called Peggy for permission first 21-1490

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov; meghankellyesq@yahoo.com;
margaret.naylor@delaware.gov

Date: Tuesday, March 5, 2024 at 01:26 PM EST

Peggy kicked me out of the law library in retaliation for calling JoAnne and Lisa at the Delaware Supreme Court. I spoke with JoAnne and left a message with Lisa while sitting at the law library. I did it while I was there to address a grievance.

I left a lengthy voice mail that caused the law librarian to kick me out based on the state's retaliation for petitioning the court for help. The law librarian is an agent of the state.

I wanted to research. I do not have the means to drive at other times. I am sitting in my car awaiting Lisa Dolph's help.

Thank you,

Meg

Sent from my iPhone

> On Mar 5, 2024, at 1:01 PM, Meg Kelly <meghankellyesq@yahoo.com> wrote:

>

> Since I indicated I disagreed with the law library and did not want to talk. I wanted to research. Peggy kicked me out of the law library.

> This is not okay. Please note I did not want to print any briefs today. I merely sought to figure out a way to print. Then I wanted to research. I was denied the opportunity to research.

> Meg

>

> Sent from my iPhone

>

>> On Mar 5, 2024, at 12:45 PM, Meg Kelly <meghankellyesq@yahoo.com> wrote:

>>

>> Please see the attached to confirm I called the law librarian first and gained permission to print my brief. She indicated I could do so if I could find a way to access them. I said there is a 40 limit and I would need 11 copies. She said if I could figure out a way to do so I have permission.

>

>> If you could pull the conversations from March 4, 2024 it may be used to confirm I was granted permission that is now denied to my-detriment.

>

>> The Delaware Supreme Court through their agent may not deny me 1st and 14th amendment Equal access due to partiality to the government as opposed to the impartial rule of law.

>

> The change in stance, by rebuffing in permission was done with knowing intent to obstruct access to the courts given knowledge of poverty and means creating a substantial burden I sought to alleviate.

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>

>>

>> Thank you,

>> Meg

>> <IMG_3926.PNG>

>>

>>

>> Sent from my iPhone

PACER access Code Invalid username and password from my private devices phone and laptop(with automatically saved passwords) and public law librarian computers inaccessible this morning/accessible by all 3 later in the PM

From: Meg Kelly (meghankellyesq@yahoo.com)
To: pacermail@psc.uscourts.gov; pacer@psc.uscourts.gov
Cc: meghankellyesq@yahoo.com
Date: Tuesday, March 5, 2024 at 04:20 PM EST

Good afternoon,

I was unable to access CMF earlier today. Zoni confirmed my user name was correct "MeghaKellymegha" Zoni indicated if I had any failed attempts accessing my account using this user name she would see it. She looked at my history and indicated she could not see any failed attempts throughout my history.

She could not see the failed attempts today, March 5, 2024. I made several attempts using the correct password and user name on 3 devices my cell phone using cell phone data not the internet, my lab top and the law library's computer. I revealed the password before printing a picture of it on paper, I attach hereto with the password covered up. Zoni indicated none of the pacer representatives had access to my password. So I covered up my password.

Zoni said she would see any failed attempts, but she did not see the failed log in attempts today.

The call times were unusually high today. I called multiple times to get through and am concerned others were also experiencing the same problem. Thank you for taking note of this unusual problem and for letting me know if you found a reason or a cause of it.

Thank you,
Meg
MeghaKellymegha username



Multiple failed log in attempts using the correct password.pdf
201.7kB

i PACER Maintenance, 03/10/2024

Our systems will undergo maintenance on Sunday, March 10, 2024, from 5:00 a.m. to 4:00 p.m. ET. Access to certain portions of this site may be temporarily unavailable.

An official website of the United States government. Here's how you know. ✓

Log in to PACER Systems ➔

Your browser must be set to accept cookies to log in to this site. If your browser is set to accept cookies and you are experiencing problems with the login, delete the stored cookie file in your PC. Close and reopen your browser before trying again.

Delaware District Court Login

* Required Information

Invalid username or password

Username *

MeghaKellymegha

Password *

Client Code

Need an account?

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(800) 676-6856
pacer@psc.uscourts.gov

More serious CMF issue/other attorneys oddly experiencing problems/Fw: PACER access Code Invalid username and password from my private devices phone and laptop(with automatically saved passwords) and public law librarian computers inaccessible this morning/accessible by all 3 later in the PM

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: margaret.naylor@delaware.gov; david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov; supremectbriefs@usdoj.gov; meghankellyesq@yahoo.com

Date: Tuesday, March 5, 2024 at 04:47 PM EST

Hi Lisa,

Thank you for confirming I left a message with you as I sat in the law library, not with the Lissa at the USSC. I was beginning to worry.

Since I was able to regain access from the bailiff during a previous time I was denied while at the law library I hoped I could regain access today in order to research.

Thank you for confirming you were not able to help me have access to the law library today and that you would talk to the administrator to resolve the problem. I have more cases arising based on cases started before this Court beyond the one case where an appeal is due March 12.

I am home now.

Another issue of importance to the courts that arose today, March 5, 2024. that relates to safeguarding the courts and the petitioners including attorneys who defend the rights and liberties of the people coming before the courts that is very serious.

I was not able to gain access to CMF despite using the correct user name and passcode. The error message was "Invalid username or password." I revealed the password to confirm it was correct, saving a control print PDF on my devise I obviously am not going to share, but I also printed 1 page on my own paper with prior permission to test it out by Peggy before permission was reneged showing I have the correct password and username.

I sent it to PACER attaching the same and request they confirm the password and username is correct. They confirmed it was correct. More concerning is Zoni the PACER represetative ibdicated PACER did not have documentation of my failed attempts at my cell phone, my laptop or the law library's computer. She indiated they always get failed attempts but did not get any from me today or apparently ever. Since my password and username are autoloaded on my cell phone and personal computer this was suspicious. All three devices worked after the failed attempts.

This is a larger problem than merely me if other lawyers cannot access to the courts which vitiates justice by an obstacle so great as to deprive others to the courts too creating injustice guaranteed.

I was on hold for an extraordinary longer time than usual at the law library. I am on hold now with PACER, with more than 50 other callers, meaning the problem may not be limited to me. After more than 30 minutes I got a message asking me to leave a message. I am calling again instead of leaving a message. Now the wait time is 64 minutes. I am 54th in line.

The reason why it took hours to test out this manner to print at the patron's access as opposed to other ideas is I was unable to log onto CMF.

The back doors opened by 9/11's Patriot's Act allows for non-government entities access to our devices to allow for the digital currency by the private entity the Federal Reserve, others and hackers. This has decreased safety under the guise of safety for all. I have averred my belief there is plans to overthrow the government after 2050 by NGOs

who take over the governments' authority to govern and guide by ruling without the individuals check upon both government and private individuals and entities the 1st Amendment right to petition coupled with the 5th and 14th Amendment rights to Due Process, including a fair meaningful opportunity to be heard prior to an arbitrary government backing as government agents performing a government function for the alleged welfare of the people, with immunity by the recently litigated case relating to section 203 in a hearing last week before the US Supreme Court appears to grant the forums who control the channels to access resources, facebook digital wallets for example..

When I petition the courts for help it is never to destroy the people who infringe upon my equal access to interests, or liberty, it is to uphold the rule of law as applied against me and by creating precedent applied to others.

Do I want Peggy to get into trouble for kicking me out of the law library in retaliation for calling Lisa Dolph at the DE Supreme Court expressing my grievance while sitting in her law library and respectively disagreeing with her while complying with her requests. NO. I merely invoke my 1st and 14th Amendment rights to petition coupled with due process to correct infringements upon my rights. I am upset I am deprived of the ability to research today because she required I go since I disagreed and did not want to discuss it further because she was my opponent in the petition for help before the DE Supreme Courts apparent representative Lisa Dolph.

This is to confirm I do not want Peggy to get into trouble and I merely desire to protect my access to resources and liberties, including the liberty interest to fair access to the courts given poverty creates a substantial burden on my ability to research without disparate treatment based on viewpoint in speech in petitions. The 1st Amendment right to petition does protect the right to access to the courts to complain to the government about the government without fear of punishment.

My grandpop's brother was one of the head people in the FBI. He is dead now. But I see how the new budget debate appears top reduce funding to the FBI which protects us as opposed to the CIA which uses people and their information as property not as a free people to exploit for material gain in contravention of my religious beliefs.
Matthew 6:24

My dad's cousin Mike Kelly worked at the same place that former US AG William Barr worked at Warner Bro, which is weird. I was scolded by a relative to take off his picture from facebook since he does not like his likeless on facebook. It is as if people in power know more than the common man as to the dangers of facebook.

Facebook now Meta is part of the scheme to automate currency through wallets to allow NGO gov backed channels to control those channels to control a no longer free and independent government or people that allows for the overthrow.

I am especially alarmed that 203 allows editorial content on facebook. Meaning the equal access to speak or associate with opponents who make us smarter by debate on internet forums entirely controlled by private entities where people are captive audiences to compelled information and advertisements by whoever controls the algorithms. Will the people be compelled to use Meta or the Metaverse to buy and sell in the future without restraint by the gov by the immunity it appears to grant entities who will be used to eliminate the governments' purpose by governing and guiding by ruling an eliminating the people's most important check the petition? I hope not, but lobbyists are indicating their desire to eliminate people judges, people, lawyers and the rule of law. The Venus Project specifically talks about eliminating the rule of law per the attached link.

[How can the use of Laws be eliminated?](#)



How can the use of Laws be eliminated?

Today we try to control human behavior by enacting laws or signing treaties without changing the physical condit...

**How can the use of Laws be eliminated?**

Today we try to control human behavior by enacting laws or signing treaties without changing the physical condit...

I do not want Peggy to get into trouble. I care about her and she and other law librarians aid in granting access to the rule of law necessary to petition effectively for all especially pro se and in forma pauperis claimants. However, I should not be denied access to the law library based on viewpoint in my petitions. This is not the first time I was denied access to the Sussex County law library. That is not okay.

I care about Peggy even if I should disagree with her. Yesterday she agreed to print documents on March 11-12 if I could find a means to do so only to renege to my detriment after I expended time and resources to assure I could do so today.

Further I was denied access to research today and do not have the means to drive to the law library whenever I desire. The price of gas is unaffordable in light of the DE Supreme court order placing me on inactive/disabled preventing me from working at my former law firm based on my religious beliefs contained in my private petitions.

I do not believe the same as others. I believe the natural man is without eternal life doomed to destruction in hell based on living based on his desires or the desires of others, for convenience, avoidance of costs, profit, position, power or material gain as opposed to laying down desires to do what is right by not sacrificing the lives and liberties of others for material gain, especially the minorities who inconvenience the masses.

I believe people go to hell when their desire for money to care for their own blinds their eyes from caring without repentance. This sin is what I believe is the mark of the beast. The love for material gain to care for their own drives out humanity's love for one another and for God leading to people to harm others here to gain the world to lose their souls in hell.

Equal Protections prevents human sacrifice of life and liberty of the minority for the material gain of the mob of the many. That limit on the government makes us freer and prevents all of humanity from making mammon their God unrestrained by the just rule of law, love or God to prevent human sacrifice of other people's life and liberty the Constitution charges all including the government to protect not oppress, exploit or sacrifice to serve the economy or material gain.

I write in haste to assert my rights without waiver.

Thank you,
Meg

----- Forwarded Message -----

From: Meg Kelly <meghankellyesq@yahoo.com>

To: PACERMAIL/SAT/AO/USCOURTS <pacermail@psc.uscourts.gov>; PACERMAIL/SAT/AO/USCOURTS <pacermail@psc.uscourts.gov>

Cc: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Tuesday, March 5, 2024 at 04:20:17 PM EST

Subject: PACER access Code Invalid username and password from my private devices phone and laptop(with automatically saved passwords) and public law librarian computers inaccessible this morning/accessible by all 3 later in the PM

Good afternoon,

I was unable to access CMF earlier today. Zoni confirmed my user name was correct "MeghaKellymegha" Zoni indicated if I had any failed attempts accessing my account using this user name she would see it. She looked at my history and indicated she could not see any failed attempts throughout my history.

She could not see the failed attempts today, March 5, 2024. I made several attempts using the correct password and user name on 3 devices my cell phone using cell phone data not the internet, my lab top and the law library's computer. I revealed the password before printing a picture of it on paper, I attach hereto with the password covered up. Zoni indicated none of the pacer representatives had access to my password. So I covered up my password.

Zoni said she would see any failed attempts, but she did not see the failed log in attempts today.

The call times were unusually high today. I called multiple times to get through and am concerned others were also experiencing the same problem. Thank you for taking note of this unusual problem and for letting me know if you found a reason or a cause of it.

Thank you,

Meg

MeghaKellymegha username



Multiple failed log in attempts using the correct password.pdf
201.7kB

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 1, 2024

Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939

RE: Kelly v. USDC ED PA
No: 23A596

Dear Ms. Kelly:

The application (23A596) to file petition for a writ of certiorari in excess of page limits was denied on February 20, 2024.

Therefore, you must correct and resubmit your petition as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk
By:



Lisa Nesbitt
(202) 479-3038

Enclosures

MEGHAN KELLY, ESQ.

34012 Shawnee Drive
Dagsboro, DE 19939

meghankellyesq@yahoo.com

(302) 493-6693

Clerk of the United States Supreme Court
1 First Street, NE
Washington, DC 20543

RE: *Meghan Kelly, Applicant v. United States District Court Eastern District of Pennsylvania*
Application No. 23A596/ Please resubmit the application to Chief Justice Roberts for
consideration

January 3, 2024

Dear Honorable Clerk of Court:

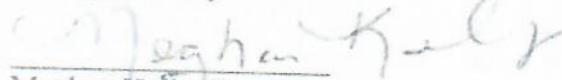
Please resubmit the application for additional pages to file a writ of certiorari, along with
the related documents to Chief Justice Roberts which was denied by Justice Alito on 1/3/24 in
Meghan Kelly, Applicant v. United States District Court Eastern District of Pennsylvania
Application No. 23A596.

Thank you.

January 3, 2024

Respectfully Submitted,

/s/Meghan Kelly



Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939,
(302) 278-2975
meghankellyesq@yahoo.com,
Not acting as a lawyer
US Supreme Court Number 283696

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated:

1/3/2024

(printed)

Meghan Kelly

(signed)

Meghan Kelly

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490
	)	(CFC)
Plaintiff,)	
v.)	
Disciplinary Counsel Patricia B.)	
Swartz, et al)	
Defendants.)	

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 1804th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on March 5, 2024 I had a true
and correct copy of the above referenced document, served to Defendants, through their
counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated

March 5, 2024

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I
declare, affirm that the foregoing statement is true and correct.

Dated:

March 5, 2024

Meghan Kelly (printed)

[Signature] (signed)

(20) IFP



OFFICE OF THE
CHAIRWOMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 4, 2024

The Honorable Bill Hagerty
Ranking Member
Subcommittee on Financial Services and General Government
Committee on Appropriations
United States Senate
125 Hart Senate Office Building
Washington, DC 20510

Dear Ranking Member Hagerty:

I am writing to provide you with a further update on the status of the Affordable Connectivity Program (ACP) at the Federal Communications Commission. Today more than 23 million households across rural, urban, and suburban America count on this program for high-speed internet access. As I noted in my January 8, 2024 and February 1, 2024 letters to you, absent congressional action, the exhaustion of existing ACP funding will require the agency to end the program.

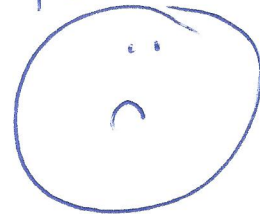
At present, due to the lack of additional funding from Congress, the Commission is taking action to wind down the ACP. To this end, I want you to know that today the Commission formally announced that April 2024 is the last month that the ACP benefit will be provided in full.¹⁵ This means participating households have only two months left to receive the full ACP benefit, and can expect to see the impact of the program's end on their bills in May.

As I relayed to you in my last letter, the ACP stopped accepting new enrollments on February 8, 2024. This enrollment freeze was necessary to begin the process of winding down the program, but already its effects are being felt by households that wish to enroll and are unable to do so. Many of these households have contacted the Commission to express their disappointment and frustration that they can no longer sign up for the program. Others have contacted the agency to express concern about the impending end of the program, noting its impact on older adults, families with school children, and military families at risk of losing their internet service without the ACP benefit. They worry that without ACP support they will lose access to employment, education, health care, and more.

It has become clear that the connectivity the ACP provides is vital. In December of last year, the Commission surveyed ACP households to better understand how the program is

¹⁵ Partial reimbursement will be available in May. Providers can choose whether to claim and pass on a partial benefit for May service.

Meg's
internet may
be vitiated
as unaffordable
in impending
future



working and how ending it may hinder our efforts to close the digital divide. The results demonstrated that prior to participating in the program, 68 percent of ACP households had inconsistent connectivity or zero connectivity. The same survey data showed that more than 75 percent of ACP households expect their service will be disrupted if the ACP ends because they will need to change their plans or stop internet service entirely. A summary of other key findings from this survey is attached.¹⁶

I believe we have come too far with the ACP to turn back and lose the gains we have made connecting so many households across the country. Accordingly, the Commission continues to stand ready to assist Congress with any efforts to fully fund the ACP into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Rosenworcel", followed by a horizontal line.

Jessica Rosenworcel

¹⁶ The full survey results are available on the FCC's website at <https://www.fcc.gov/acp-survey>.

On March 27, 2024 a supervisor agreed to mail me this notice since I did not receive it.

meaning other people
may have not received this
notice too. (☹️) This
may cause mass hardship since I in 7 use

Mediacom

Xtream • Business • OnMedia

January 23, 2024

RE: Customer Notice of the Potential End of the Affordable Connectivity Program (ACP)

Dear Valued Customer:

We have important information regarding the Affordable Connectivity Program (ACP) which we need to share with you. On January 11, 2024, the Federal Communications Commission (FCC) announced that it expects the ACP will run completely out of funding by the end of April 2024.

this and such
access to the internet
through this program

What does this mean for me?

Unless Congress provides additional funding or other circumstances change, the ACP will be terminated, and April 2024 will be the final month you receive your \$30 ACP benefit from Mediacom. Beginning in May 2024, your bill will no longer include the ACP benefit, and **you will be responsible for the full amount included in the bill.** If you continue to receive broadband service from Mediacom, it will be at the rates and under the general terms and conditions relevant to your service without the \$30 ACP discount.

What if I no longer wish to receive service?

You may change or terminate your service with Mediacom at any time. If you no longer wish to receive broadband service from Mediacom or would like to change your service after the end of the ACP, please contact us at the number listed below.

What happens next?

In the coming weeks, we will be sending you more information on what actions you may need to take and what impact this will have on your Mediacom service and bill.

If you have any questions or concerns regarding your Mediacom service, rates, or billing, please do not hesitate to reach out to us. You can contact us directly at 855-330-6918 between 7 AM and 7 PM CT, 7 days a week, and an agent will help to answer any questions you may have.

Sincerely,
Christopher Lord
Sr. Director, Government Partnership Opportunities
Mediacom Communications

Mediacom
310 Commerce Dr. • Red Oak, IA 51566

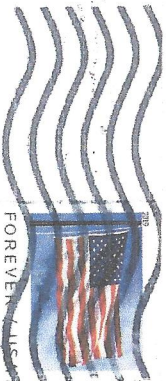
Megan Kelly

34012 SHAWNEE DE

DASBDEO, DE 19939-4125

DES MOINES IA 500
30 MAR 2024 PM 2 L

Received April 5, 2024



9338-412512

9338-412512

21 SEP
UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,)	
v.)	
Disciplinary Counsel Patricia B.)	
Swartz, et.al)	
Defendants.)	

PLAINTIFF MEGHAN KELLY'S 189th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. I am not feeling so well. My heart has been hurting unusually since my unsuccessful attempt on March 9, 2024 to deliver the petition for writ of certiorari in this case to the US Supreme Court.

2. I alert this court that I require time to sustain my life and health due to bad care I had as a teenager.

3. My heart does not usually hurt but it really hasn't stopped since I was distraught about the USSC potentially obstructing my access to the courts, which appeared to be correct as shown by Robert Meek's rejection letter until Lisa Nesbitt rectified the denial.

4. I am in tears.

5. I am grateful the Court appears willing to grant Richard Abbott a petition for writ of cert. On March 18, 2024 the Court asked for David White's response per the attached docket sheet.

6. The USSC does not usually grant petitions unless there is a response from the government. When they ask for a response that means they consider it.

7. The issues he presents are important to the integrity of the judiciary and the bar to discern whether judges and attorneys are protected by the Constitution in upholding the rights of

private citizens and their own private rights. When they, attorney advocates pro se or on behalf of others, are deemed below the law based on threats, fear of retaliation or actual retaliation for the exercise of Constitutional liberties per se or as agents the public is harmed by cowardly, weak, compromised advocates partial towards maintaining positions instead of the impartial rule of law's protection of the citizens they serve.

8. I believe the government's compelled partiality towards the government as opposed to the impartial rule of law violates Equal Protections of the 5th and 14th Amendments by threatened punishment as applied by the State Court towards the accused professionals too. Abbott and I both seek to uphold the Constitutional rule of law that restrains the government from committing lawlessness through its agents by sacrificing the lives and liberties they and the Constitution purport to serve for selfish government officials' gain aka to maintain public positions, bartered for relationships, power or profit. The government officials do not understand the Constitutional rule of law sustains their seats and the government from dissolution. Government officials hurt themselves and the people when they eliminate the law as applied to the government by punishing the enforcers of the law the private advocates and judges by threats. The law maintains their positions and these United States.

9. Government agents and judges who grant immunity to government officials and agents are misguided and are in need of guidance not destruction. They seek to place government above the law under the DECEPTION that the nonlegal checks suffice by mob reign of lawless lusts by the vote through alleged majority representation rule through the vote eliminating individual liberties if left unrestrained by courts, and horse and pony shows in partial forums like congress suffice as law. These two models rule by unrestrained majority lusts, not

the impartial application of the impartial Constitution to the rule of law to protect all individual's private rights not merely the mob's perceived collective whims.

10. I agree with Justice BLACKMUN, with whom Justice BRENNAN and Justice MARSHALL join, dissenting in *Nixon v. Fitzgerald*, 457 U.S. 731, 797–98, 102 S. Ct. 2690, 2726, 73 L. Ed. 2d 349 (1982) wherein they averred: “I join Justice WHITE's dissent. For me, the Court leaves unanswered his unanswerable argument that no man, not even the President of the United States, is absolutely and fully above the law. *See United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 260, 27 L.Ed. 171 (1882),¹ and *798 *Marbury v. Madison*, 1 Cranch 137, 163, 2 L.Ed. 60 (1803).² Until today, I had thought this principle was the foundation of our national jurisprudence. It now appears that it is not.”

11. In Trump's Brief March 19, 2024, his counsel distorted *Marbury* to serve self while the two brilliant dissenting Justices of *Nixon* cut through his shield and sword by citing *Marbury* to rebut potential tyrants at *Marbury v. Madison*, 5 U.S. 137, 163, 2 L. Ed. 60 (1803), “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. **In Great Britain the king himself is sued in the respectful form of a petition, and he never fails to comply with the judgment of his court.**”

12. Not only is the President not a king but he would be rendered above the king should absolute immunity for official conduct remain unrestrained by the rule of law to the Constitution's limits by the people's check coupled with due process in order not to violate the Equal Protections component of the 5th Amendment by restraining one branch but not another disparately. At least hold Presidents including Biden bound by the law for official acts done ignorantly or intentionally which amount to aiding in treason, felonies or breaches of the peace.

I am especially concerned about the 2030 30 plan for Biden. I want the courts to have the power to enjoin him from creating a foundation for an overthrow ignorantly or not. I want the courts to say what the rule of law is instead of seeking to get out of work by immunity case law not founded by the Constitution but on government whims to reduce perceived caseloads.

13. Evan Caminker, *Democracy, Distrust, and Presidential Immunities*, 36 Const.

Comment. 255, 269–70 (2021), states:

“In *Fitzgerald*, the Court identified two precedent-based possibilities: first, “[w]hen judicial action is needed to serve broad *270 public interests--as when the Court acts, not in derogation of the separation of powers, but to maintain their proper balance”; and second, “to vindicate the public interest in an ongoing criminal prosecution.”⁷³ Only the first interest was implicated by civil claims. But rather than further explain what “broad public interests” might justify some measure of executive burdens in civil cases, the Court left this category amorphous and instead merely pointed to “[t]he existence of alternative remedies and deterrents establishing] that absolute immunity will not place the President ‘above the law’”⁷⁴-- listing impeachment, press and congressional oversight, and the President's own reputational concerns.”

14. This is only fickle fads or mob reign through representation of congress or through the vote of the majority. None of the above arguments protects the individual and her individual liberty. The public means the government. So, criminal prosecutions do not help private people or private Constitutional liberties. The US Supreme Court may take a step back to consider eliminating government immunity.

15. I propose the Court treat Presidents with abuse of discretion, the same standard as lower courts to allow litigants the opportunity to use their legal check without violating Equal Protections by stating governments you have legal checks through prosecution for crimes, the people in civil non-government matters do not.

16. The impartial application of the Constitution upon the rule of law by the people through the judiciary restrains the other two branches to the constitution. The government is left unrestrained when the Courts eliminates the people's legal check and merely allows the

government the shield and sword of law through impeachment or criminal prosecutions, making the people below the law. That is not freedom but the elimination of freedom for lawless control by mobster like threats by use of money or might to force governments agents' will be done, substantially burdening free will. It is naughty lawlessness. The Government is not above the law nor should it be below it. Instead it should be bound by it the same as citizens who also have the legal Constitutional check of petition coupled with opportunity to be heard fairly on petition before the government through its private or public or foreign agents deprive them of life, liberty or property. US Amend I, V, XIII, XIV.

17. The rule of law not money or might is what sustains these United States. When the rule of law is degraded by the government government-officials threaten national security because the Constitution as rule of law sustains this nation.

18. The people's legal check upon the government the 1st Amendment right to petition coupled with the 5th and 14th Amendment rights to be heard on petitions maintains the rule of law which limits the government from sacrificing private people and private rights for public meaning government gain.

19. Whenever anyone says public good, public welfare it means government good or government welfare NOT the good of the people, the private people the government serves

20. I skimmed through Trump's brief in No. 23-939, Trump v US submitted March 19, 2024, others submitted the same day, as well as law review articles on Presidential immunity. I disagree with the court's past case law and legal theories.

21. **Presidential immunity is not upholding the separation of powers between the three branches. Instead it eliminates checks making the President empowered to be an imbalanced tyrant if left unrestrained by the court through the people's individual legal**

check upon all three branches the 1st Amendment right to petition coupled with the fair opportunity to be heard on petitions in accordance to the 5th Amendment applicable to the Federal court and 14th Amendment applicable to the state.

22. I am especially frustrated by citations to the Founders like Alexander Hamilton who was so lawless with sinful pride that he refused to use his brain to resolve differences or the mighty minds of people judges by conducting a duel with Aaron Burr. I do not believe he will escape hell which is sad because he gave into temptation to lawless lusts like a mobster. Plus Hamilton set up a bank based on the continued violations of the Bible the same as Babylon, the Templars, and the the Bank of England slave model. I believe the model of the federal reserve is based on a type of lawlessness that kills humanity in the second death at the resurrection of the dead for judgement the last day by charging interest and selling something made out of thin air to enslave under the lie of money is freedom. Money is created out of slavery debt plus interest on something banks do not have but create out of slavery debt. See, Ezekiel 18:13 (“he lends money on interest and takes increase; will he live? He will not live! He has committed all these abominations, he will surely be put to death [in hell the second death to be no more]; his blood will be on his own head.”)

23. The theories and thoughts of imperfect even lawless men like Ben Franklin are not the law. The Constitution as applied by the courts to facts and statutes is. On an aside, I am upset with Ben Franklin for allegedly robbing graves to illegally perform experiments on. I believe people need to be buried for the resurrection per Matthew 25. I believe people sin for cremating others to save money or land or even using their dead bodies in experiments should they not repent from that sin too. Amos 2:1. Jesus’s body was necessary for his resurrection. Luke 24:3; John 20:24-29. I believe ours is too. I have disagreements with the founders who

premised thinking based on enlightenment thinkers who I think were in the dark, dumb and blind in the Biblical sense not wise just conniving. The law is the Constitution which rightly restrains all three branches with the rule of law but is left unrestrained when the people may not place a check on the government by the petition coupled with due process opportunity to be heard, not the theories and speculations of experts or fallible founders we should improve upon.

24. None of the three branches are perfect or are God. They are improved with humility by the people's check, but are lawless and unbound by the law when immune.

25. That said, I am displeased with President Trump's naughty behavior. And yet, I see that New York prevented him from making bond by forbidding him from conducting business including taking out loans for 3 years. So, they have substantially burdened his access to the Court of appeal in violation of US Amend I. Let Trump fall or stand based on the law, not based on partial whims that restrain even a lawless man's access to the courts. We must not demean the law to win at all costs or get the bad guy. Cheating to win makes everyone a loser. It is possible Trump is lying. I would require written proof of his attempts to secure bond, phone records and any other material. Let him lose fairly. I want him to lose, but I do not want him to be destroyed. That would not improve the world or improve him as a man.

26. I was grateful the US Supreme Court allowed the FBI v. Fikre to be remanded below to protect a citizen's right to notice or fair opportunity to be secure in his persons in the exercise of religious beliefs, the right to travel and other rights without being blackballed from flying listed unfairly as a terrorists' threat. I was especially grateful since it seemed like the government got more than 50 percent of the cases wrong per their own omission. They said when law suits happened they removed the no fly in 50 percent of cases voluntarily seemingly by trick to get rid of cases like shady serpents seeking self-gain, wins, not service to citizens. I was

troubled by Justice Alito's dissent concerning alleged national security. The secrecy of information used to bribe or extort a government contractor's will be done is a security risk. Judges even if in chambers should hear of potential abuses of power to preserve the national security and prevent injustice. Judges have capacity to check the government to restrain all three branches from violating the Constitution and the rule of law for government's contractor's or employees' selfish gain even needless more work to gain more money or stability in positions by wrongfully labeling a person a security threat. There are conflicts of interests partial administrative forums which sacrifice freedoms for business greed. The Courts uphold the Constitution. Boards, just like delegated bureaucratic agencies eliminate constitutional protections without fair proceedings and due process.

27. I was displeased with Merrick Garland's participation in a Second Circuit case where an American soldier was punished for refusing to serve on the UN or where UN clothes. The right to associate without compelled forced compliance with entities whose existence conflicts with one's religious beliefs of conscience should not be eliminated by a contract or license to work as a soldier or other professional. That young man did not sell his soul in exchange to becoming a slave a no longer Constitutionally protected citizen. The UN is a participant in a scheme of an overthrow of our country. I averred to that in the Nov 6th Brief the US Supreme Court neither filed nor rejected in conformity with its rules or case law. It is more of a security threat when the government is more loyal to those who will be used to overthrow the government than the Constitution which restrains both private and public people from harming the lives and liberties of the people. That was really scary when Merrick Garland sought the death penalty upon a misguided child in believed danger of hell. I believe Merrick Garland risks his own soul should he not repent from reflecting the image of Satan by making

man's desires as opposed to justice that heals not kills God. We are supposed to improve the world not destroy people who mess up but guide the misguided, help the blind see. Courts are supposed to save souls not sacrifice them for worship of the mark of the beast which is human desires for convenience, comfort, avoidance of costs and material gains at the exchange of the souls and liberties of other people God loves, other people our laws should equally protect in their exercise of individual liberties without government coerced compliance in the stakeholder interests that will kill these USA down then line. We should assume someone violates Equal protections when they disparately punish one to make an example for the many to control not care for a slave not free people.

28. I defend the Constitution. The Constitution protects people and their liberties to disagree, to shed light on other people's transgressions to improve people not destroy them to care for and love humanity not sell their souls to gain or sustain the world or moth and rust, money. I know that revelation 11:18 teaches "God will destroy those [in hell] who destroy the world." Yet, God also teaches he will destroy in hell those who withhold wages from workers in need or who destroy human bodies. See James 4-6, 1 Corinthians 3:17 and Yet, the world is not saved when it is profitable to sustain pain to sustain debt control under the carbon credit debit plan where new entities called beneficial entities and structures will create a far worse Ponzi scheme to be used for an overthrow of governments to eliminate the rule of law and every liberty the laws restrain.

29. David Boyle is a Yale graduate like my grandpop and attorney who has written 20-50 amicus briefs before the US Supreme Court. He is entertaining and helps us to see things in unique colorful ways. He submitted a brief on March 19, 2024 too.

30. I disagree with him too. On page 4 he argues:

“....The normal run of presidential decisions may allow for post Presidency immunity.

Take, say, a President who must negotiate with a foreign country to let American hostages go; and that country later attacks other Americans. A vicious critic says, “The President should’ve just bombed the foreigners into oblivion, instead of negotiating. So the President’s a traitor and must be prosecuted!” But that President’s actions may exemplify a President’s acting within his or her broad discretion, thus, not being prosecutable.

However, as a *reductio ad absurdum*: if the President also gave the foreign land a trainload of nuclear weapons and said, “Hey, please blow up America with these!”, he might well be prosecutable—maybe even while still in office?—, for acting *ultra vires* and treasonably.

On that note: while the Court’s upcoming Opinion can confirm that immunity exists for reasonable official acts, it could also confirm that for utterly non-reasonable acts (e.g., asking foreigners to murder innocent Americans), or acts taken as part of running for office (such as January 6, 2021-related acts, e.g., threatening to hang Mike Pence to get Trump re-elected), not for performing the duties of office, immunity will not exist.”

31. I believe Courts should use the same standard it uses upon courts an abuse of discretion standard. That way the people’s check which empowers the court to place a check on the government may restrain Presidents to the Constitution. The executive arm’s check is insufficient. The Justice Department who has a conflict of interest in that they are appointed by presidents to place a check upon it. It is notable that Congress has been cry babying about justice departments. Yet, the Justice Departments’ attorney Generals are not slaves in violation of the 13th Amendment and must use independent critical thinking to discern whether to prosecute or not.

32. The Brief submitted by 26 congressmen on March 19, 2024 in Trump’s case was outrageously shocking. They alleged a section “II. In View of This History, the Framers Granted

the Impeachment Power to Congress Alone and Insulated the President from the Judiciary.”

That is crazy saying the Courts have no say on what the law is as applied to the President with threats by both candidates. Next Congress may say Courts have no say on congress because our rules allow us to expel our members.. We all see that argument coming which contributes to the demise of the USA by ungluing the rule of law that makes us stick, the Constitution that restrains the three branches. The people’s check of the petition is most important, whereas the vote is less vital s9ince it eliminates individualism and individual liberties by collective conformity if unchecked by the duel power of the people and courts. Art III and US Amend petition and V and 14th Right to fairly to be heard on petition before being deprived of life, liberty or property.

33. I obviously was persecuted based on my religious beliefs selectively targeted based on both presidents establishment of government. Where does that leave me when official conduct certain executive orders violate the Constitution. Don’t the courts have a say as to what the Constitution means.

34. The Courts are set up to fall. There are literally people talking about eliminating people judges now. I put that on docket.

35. The notes and decision for the exceptions to the debate and speech clause state in part:

“Speech and Debate Clause barred a suit brought by a suspended federal district judge seeking to enjoin counsel to the Impeachment Task Force working on behalf of the Judiciary Committee of the United States House of Representatives from using sworn testimony provided by the judge under a grant of immunity; counsel were Congressional aides for purposes of Speech or Debate Clause immunity, and their use of the judge’s immunized testimony in conducting his impeachment and removal proceedings in Congress were legislative acts exempt from judicial review. *Porteous v. Baron*, D.D.C.2010, 729 F.Supp.2d 158 .

36. It is not fair that the government information provided by a Federal Judge under the Contract Clause with an agent of the government in exchange for immunity was not so immune from the government through congress's impeachment proceeding against the judge.

37. You see how the US Supreme Court is being set up to be puppets or to be eliminated since the Constitution does not appear to protect federal judges in Congress either. Think about how the Constitution may protect federal judges with the knowledge there is a plan to eliminate them. I think attorneys must argue means. I say the Courts should restrain Congress's abuse of discretion when it violates the Constitution as opposed to leave it unchecked. I disagree with the terrible power hungry self-protected not protecting citizen arguments of separation of powers as verbiage to say no checks on other branches.

38. I averred consistently of a contemplated orchestrated unnatural plan to overthrow these United States. We need the courts to say what the rule of law is to unravel the plans to sustain the rule of law that preserve these United States, not to eliminate it by bad past case law that immunizes the government for violating the Constitution. Correcting government preserves and does not destroy them or the country.

39. I am switching topics. I have religious objections to healthcare, mental healthcare, examinations and science. I believe other people sin for even deferring to it or trusting in the professional or science as opposed to humbly recognize man may kill or harm mistakenly, ignorantly or intentionally to maintain the pain to maintain the relevant positions, profit or debt controlled power. My God teaches man is born fallen. Man is not born good. Man is born in sin, doomed to hell in need of being born again. As a Christian I see the evil in the world not the good. I seek to shed light on the darkness. We are supposed to expose transgressions not to destroy people but to save them from lawlessness that damns them to hell as

they harm others for profit in this life. Courts who do not restrain lawlessness based on vain desires to care for our own that we ignorantly harm others in business allow people to harm one another, die, to be doomed to hell. That is not good. It is bad.

40. Down here in Sussex, I learned two friends allegedly had ovarian cancer or risk of cancer the past couple of months, DE's treasurer Colleen Davis and Kelly Willey..

41. When I was I a college kid, I learned pesticides, chemicals and herbicides made to sell ingredients previously used to kill people in the holocaust of WWII caused cancer. Yet, despite knowing products and processes cause harm to health and death businesses still use them. The governments still protects the use. That is wrong. Petitioners and courts should safeguard life and liberty above convenience, productivity, the economy, money, or budgets. Human sacrifice to sustain problems to sustain profit streams, power, and debt control is the opposite of freedom by unjust gains and control. .

42. The law should restrain lawless lusts to dissuade the mark of the beast, SIN, the desire for material gain by business at the cost of other people's lives, health or liberties. People are more precious than all the money in the world, and are even more valuable than this fleeting world itself.

43. I believe my God and the Bible teaches most people will go to hell. Very few people go to heaven, bummer. I assert my right to be different, holy, not conformed to the world or the norms which are based on man's desires as opposed to God's desires. I seek to overcome the wicked vanity and lusts of man to love in truth not to make people feel good when they should feel bad at sin, but to be okay not destroyed in this life or for eternity to be burnt up to be no more on judgment day.

44. I do not want people to go to hell, nor do I choose to go to hell by making businessmen master and God in my life as they screw people over for money to get as much as they can for as little as they can. Then, they misbehave and plead we did the standards therefore we are above the law, or we did not know. Court correction may shed light on transgressions to help the dumb and blind see to be saved. Not knowing is guilt when you trust in man or man's creation which misleads. Not knowing is not innocence. Trusting in people or their creation, even technology as guide, master, guide and God is idolatry with pride as opposed to humility which saves and salt criticism that helps us improve. That is why courts helping people know saves lives and eternal lives.

45. I sent the attached email to US Supreme Court case manager to preserve my freedom of religious objections wherein I stated:

“Thank you Lisa Nesbitt Kelly v Swartz/Meg asserts right to live/religious objections to healthcare, science and mental healthcare by idolatry Meg believes leading to hell by making men and men's desires or creation master/guide/God in place of God
From: Meg Kelly (meghankellyesq@yahoo.com)
To: lnesbitt@supremecourt.gov
Cc: meghankellyesq@yahoo.com; zi-xiang.shen@delaware.gov
Date: Wednesday, March 20, 2024 at 07:09 PM EDT
Hi Lisa Nesbitt,

Thank you for sending the boxes back swiftly. I like your brilliant idea to label the pages like the attached to prevent needless review of letters by the clerk.

That was absolutely brilliant. Thank you.

I received 13 boxes per the attached pictures. 6 were dropped off in the morning of March 16 with a note that the postal staff would come by in the afternoon to drop off 7 more. She came by and dropped off 7 more on March 16.

I appeared to be only missing a box labeled 13 of 14, which I think included two copies of the exhibits to the IFP Motion, which I printed out. I have not gone through the Petition and Exhibits to the petitions yet. I am hoping I have one original and ten copies. I really hope I do not have to print additional copies for the court.

Actually the 13 out of 14 box came today 3/20/2024 and included two copies of exhibits to the IFP.

I redid the Informa pauperis motion and labeled the exhibits A IFP, B IFP, C IFP so they will not be confused with the exhibits to the petition. Thank you for letting me know I could draw on the exhibits with a marker even if the ones I filed electronically are naked. I was scared they would be rejected if different. Thank you for confirming it would be acceptable.

I tried to use the PDF writer per the attached. I drafted another Informa pauperis motion to reflect these changes and to condense it together to add additional information.

I appreciate your time and help. Talking to you offers clarity and prevents hours, days and weeks of needless work. That makes people staff irreplaceable by automation.

I copy opposing counsel to keep her apprised.

On an aside, I am not feeling so well. I had harmful surgery as a teenager. I have to drink obscene amounts of water and get additional rest and exercise for about a week every month in order to sustain my health and not die. I have had to assert my religious right to live and not die for the vanity, or convenience of others for more than 20 years. I provided the attached to all courts not limited to DE Courts. I assert my religious exercise of belief to live and not die or harm my health or eternal life before this court too.

I have religious objections to science, healthcare and mental healthcare. I actually believe people sin risking damnation in the fires of hell for even carelessly telling others to trust the science, professional or expert because it makes imperfect men God and guide and their work or product God and guide in place of God. See Romans 1:25. See Matthew 12:36-37 ("I tell you, on the day of judgment people will render an account for every careless word they speak. For by your words you will be justified, and [b]y your words you will be condemned.")

Plus, I have religious objections to government's partiality towards business by deferring to science, professionals and experts by sacrificing freedom in violation of equal protections despite the lengthy case law excusing it under a rational basis standard. I also hold religious beliefs against partiality in the courts towards professionals, science and experts as opposed to the impartial application of the Constitution to the rule of law which prevents private and public entities and people from killing, stealing and destroying human life, liberty or health for convenience or material gain. Human sacrifice is against my religious beliefs.(Also see, Leviticus 19:15 ""You must not pervert justice; you must not show partiality to the poor or favoritism to the rich; you are to judge your neighbor fairly"); (see, Exodus 23:6, "You shall not deny justice to the poor in their lawsuits."); (see, Deuteronomy 16:19, "Do not deny justice or show partiality"); (also see, Deuteronomy 1:17, "Show no partiality in judging; hear both small and great alike. Do not be intimidated by anyone, for judgment belongs to God. And bring to me any case too difficult for you, and I will hear it.").

I believe judges can save souls from hell by restraining people from committing human sacrifice of other people's lives and liberties for material gain.

I do not write to offend but to assert my religious beliefs from vitiation even by this court.

I see a case for conference March 28, 2024 where a lady believes like I do. No. 23-665 Tina Goade v Astrazeneca Pharmaceuticals, LP and Department of Employment and Economic Development or social services.

In her petition counsel avers. "...she also believes [certain healthcare the vaccine] is harmful to her body, which she believes is a 'temple of the Holy Spirit,' App. 74a."

In the Bible at 1 Corinthians 6:19-20 provides: "Don't you realize that your body is the temple of the Holy Spirit, who lives in you and was given to you by God? You do not belong to yourself, 20for God bought you with a high price. So you must honor God with your body."

In the Bible at 1 Corinthians 3:16-17 provides: "Don't you know that you yourselves are God's temple and that God's Spirit dwells in your midst? 17If anyone destroys God's temple, God will destroy that person [in hell the second death]; for God's temple is sacred, and you together are that temple."

I believe our body is a temple of God and that God will destroy people in hell who ignorantly, indifferently or intentionally harm other people's bodies for material gain should they not be made clean by turning away from such evil and by sinning no more.
N

I do not want people to go to hell. So, I oppose exploiting and harming people for profit, research, learning or other material gain. I have religious objections to my data being used or tracked for statistics too.

I believe people go to hell for using people for research even with their consent because it makes people products to exploit for material gain instead of to respect unearned required. I believe people go to hell for blindly doing what they are told to do, trained to do, without regard to how their business harms others. They are blinded by desire for material necessities to care for their own, they do not love others. Matthew 13. I believe courts can help the blind see, to prevent people from oppressing one another to get as much as they can for as little at the cost of harming others.

When we look at others with what Jesus calls the evil eye in Matthew 6:22-23 we have a heart of an idolator looking to extract money, material gain, contributions loving the convenience or material benefit from people driving out our love for them...

With regards to the Wisconsin case on requiring Catholic Charities to pay unemployment. I believe Catholic Charities violates Jesus's teachings by teaching business is charity. See Matthew 6:1-4 to confirm Jesus says they will have no reward from their father, meaning no salvation from death, should they not repent.

Distinguish this when a preacher collects money based on need of the building and the preacher's salary or staff who preach. They do not do business including fundraisers. I do not see asking for yourself based on need as sin. But giving to get is business. Preachers ask for alms out of their own need, not greed, not even the praise of men by taking donations to give to another under the guise of giving from self, which is sin. Teaching business is charity leads to damnation in hell by teaching people to love money driving out their love for one another and God and turning to money as savior. Since Jesus teaches you cannot serve God and money, I believe they serve greed not good leading to damnation in the fires of hell without turning away from evil and being made clean. Matthew 6:24.

Further, I do not think it is sin for needy people to ask for help unearned required. I do believe Jesus teaches people will go to hell for not helping people in secret directly and will go to hell the second death for what they failed to care to think to do.

See, Matthew 25,

"Then He will say to those on His left, 'Depart from Me, you who are cursed, into the eternal fire prepared for the devil and his angels. 42For I was hungry and you gave Me nothing to eat, I was thirsty and you gave Me nothing to drink, 43I was a stranger and you did not take Me in, I was naked and you did not clothe Me, I was sick and in prison and you did not visit Me.' 44And they too will reply, 'Lord, when did we see You hungry or thirsty or a stranger or naked or sick or in prison, and did not minister to You?' 45Then the King will answer, 'Truly I tell you, whatever you did not do for one of the least of these, you did not do for Me.' 46And they will go away into eternal punishment, but the righteous into eternal life."

Also see, Luke 10:25-37:

The Parable of the Good Samaritan

25 On one occasion an expert in the law stood up to test Jesus. "Teacher," he asked, "what must I do to inherit eternal life?"

26 "What is written in the Law?" he replied. "How do you read it?"

27 He answered, "'Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind'[a]; and, 'Love your neighbor as yourself.'[b]"

28 "You have answered correctly," Jesus replied. "Do this and you will live. [meaning not die in the second death in hell]"

29 But he wanted to justify himself, so he asked Jesus, "And who is my neighbor?"

30 In reply Jesus said: "A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. 31 A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. 32 So too, a Levite, when he came to the

place and saw him, passed by on the other side. 33 But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. 34 He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him. 35 The next day he took out two denarii[c] and gave them to the innkeeper. ‘Look after him,’ he said, ‘and when I return, I will reimburse you for any extra expense you may have.’

36 “Which of these three do you think was a neighbor to the man who fell into the hands of robbers?”

37 The expert in the law replied, “The one who had mercy on him.”

Jesus told him, “Go and do likewise.”

This parable of the Good Samaritan complies with true alms verse false alms Jesus discusses in Matthew 6:1-4.

The church is set up to fall by deeming religion business. Religion is not business. Jesus teaches in John 2:16 those who do business as worship are not welcome in his father's house, meaning they will go to hell, bumner.

Teaching religion is business teaches the way to hell by eliminating unconditional love by making everything conditional by compromise or bartered for exchange. There is a scheme to eliminate freedom of religion by making freedom for sale no longer free but business. Some things are not for sale. Constitutional liberties are free. They are not for sale; or they are not freedom.

The elimination of freedom of worship towards compelled stakeholder worship of mammon as master, guide and God, the way to hell, is part of the global agenda.

Unfortunately eliminating the governments to eliminate the rule of law from restraining private and public organizations from enslaving, harming and sacrificing humanity for utter control is part of the plan too.

There is a time of lawlessness under the lie eliminating laws and governments is freedom schemed. Those with power connections and profit will rule unrestrained by love, God or the law because entities and associations or groups act collectively with no capacity to do good by unconditional love. Only people have the capacity to unconditionally love or serve. That makes people judges, people attorneys like my opponent and people judges special and more powerful than all the money in the world.

Our only hope of a hero are the courts, but they keep tanning my butt instead of saving it. I cry as I type this. I do not know when the end will come where many people will go to hell, bumner. Jesus says no one knows that time, but there is a planned lawlessness. If the courts prevent the time of lawlessness by maintaining control as to what the rule of law is tempered with the people's legal check the right to petition with fair opportunity to be heard on petitions, we may have more time to save more souls from hell.

I went to law school because I believe courts can save lives and eternal lives. I believe Judges have this power to do good, even if they believe differently or find my religious beliefs weird. See Amos 5:15, Matthew 23:23.

Thank you Lisa Nesbitt.

Very Truly,”

46. I am changing topics again. I am scared. I do not feel safe because I am not.

47. I reported people talked about shooting me to the police. The Police never made a report. Albeit it was at the gym. I went to all of the police stations in hopes to gain a copy of the report but there was none. I did not understand why no report was made. I showed the police the substance on my car. I thought maybe it was a gymmate, but really I am speculating to excuse the omission. Maybe the officer was outside of jurisdiction when they looked at the new incident of someone throwing something at my car in Millsboro. I do not know why a report was not made. I am speculating. I tried to make a report when people talked about shooting me because I was scared. Greg Layton had two bullets go into his home above his and his wife's head as they sat at their kitchen table based on speech and or perceived beliefs. I am rightly fearful especially since I will likely be threatened again, and the state will likely ignore my petitions for help and leave me to die by labeling me disabled.

48. I filed a lawsuit because I was threatened based on Trump's establishment of government religion. State Courts dismissed a warranted lawsuit as frivolous in error. What was unconstitutional and unacceptable is the courts attacked me through its agents during Kelly v Trump to cause me to forgo the lawsuit. The DE Supreme Court justices incited the attacks as shown by the DE Supreme Court justices letter Oct 20 2020 copying ODC Board official, and based on the evidence shared and only known by DE Supreme Court by De-Lapp concerning my bar due petitions with the exception of Defendant Kathleen's Uncle Mark Vavala. The Clerk of

Court said the entire Court not merely Seitz reviewed the petitions. I did not know that at the time. So I only requested recusal of Seitz. I am really scared.

49. Per the attached emails Mark Vavala Kathleen's Uncle is appointed Director of DE-Lapp. Per the email below Mark indicates if DE-Lapp contacts you, you are in trouble. It is not to help you but to help the state by demeaning you as mentally disabled for not agreeing with them, for independent critical thinking as opposed to dumbed down scientifically controlled through conditioned thinking. Per the other emails attached here Mark indicated it was not him and he was not afraid to testify. So, that leaves the DE Supreme Court members as the only one who incited DE-Lapps attacks against me to demean me not to help me. I already paid the bar dues.

50. I believe people go to hell for trusting in or believing in mental health theories and science should they not unhardened their heads and hearts by repentance. Skinner and many scientists taught the way to hell, and I believe will certainly sadly be burnt up in the fire the last day. Why? They taught people to live based on conditions and desires instead of laying down their desires to unconditionally love by doing what is right, not what they want. Skinner misleads kids and the teachers who model his methodology to control people as work products, same as Pavlov and others. I think souls are misled especially in Middle School where kids are taught to conform. Everyone do these unholy spirits days. Everyone dress up in crazy socks, conform do not exercise free will or individual liberties by collective coerced societal, economic, or physical government backed private and public pressures. I want kids to think for themselves because I do not want them to be misled to harm and hell for the vanity of others. Man is born evil, doomed to hell and in need of salvation by turning away from desires and pursuits of happiness. Those who

seek happiness are controlled not free from death in hell by those who entice their desires for immediate gratification.

50. Mark Vavala DE ODC Kathleen Vavala's uncle is moving to Directyor of DE-Lapp to gain another retirement and to be used in a colluding plan, same as Patricia Swartz at the DE Bar Examiners with regards to me. I am being set up for another attack. I was denied access to the law library. I beg for trials and google things and rely on the kindness of law librarians.

51. I hope Richard Abbott regains his license to help me because addressing the issues I present in this case may prevent the overthrow protect the courts and the rule of law that sustains these United States.

52. I am a Christian. Throughout history we have gotten attacked because e expose sins. Other people do not like to be exposed of committing lawlessness by those who seek to obey Jesus by judging righteously not based on appearance or position, in violation of Equal protections by favoritism to those within the government and disparate mistreatment towards petitioner professionals and citizens, making them slave cattle not sell not protect and serve. A license to practice law affords me a manner to do so secularly without revealing my intent is to save not only victims but misguided souls from the fires of hell.

53. Today, I discovered our state Treasurer's dad Bill Carroll died on March 22, 2024, the day I attended another funeral fro Neil Fleming aother of my childhood friend's dads. Doing what is what is right, not what people want right now is important. If people go to hell because I did not expose transgressions as evil and not good I would regret that for an eternity. So, I write imperfectly and in haste. I believe Bill Carroll and neil Fleming were God men and I pray they have a fuller type of love in heaven at the resurrection of their bones from the grave per Matthew 25 and Ezekiel 37 for judgment the last day for an eternity, but a lot of the world

are in the dark. I am surprised I meet so many people that don't know much about Jesus or Christianity. I pray to God they are not turned away by me. My parents scold me and think I am way too hard on Alexander Hamilton. I believe differently than even my mom and dad who are displeased and say give up give up.

54. I cannot give up on my faith in Jesus even if my family and the world turns against me. Jesus teaches he does not come for unity, or collegial wolflike satanically compelled stakeholder economically and socially coerced controlled collectivism s the new world order agenda requires.

55. In Matthew 10:34-36 Jesus teaches, “34 “Do not think that I have come to bring peace to the earth. I have not come to bring peace, but a sword. 35 For I have come to set a man against his father, and a daughter against her mother, and a daughter-in-law against her mother-in-law. 36 And a person's enemies will be those of his own household.”

56. Jesus teaches in Matthew 19:29, “And everyone who has left houses or brothers or sisters or father or mother or wife or children or fields for my sake will receive a hundred times as much [in heaven not here meaning sharing brother and sisters eternal lives in heaven saved from the second death even if our own families perish in hell which is sad] and will inherit eternal life.” Remember most people go to hell which is sad and not popular but true biblically no matter how false prophets distort scripture to give comfort where no comfort should be had

Thank you for your time, consideration and understanding.

Dated	3/23/2024	Respectfully submitted, <u>Meghan M. Kelly</u> Meghan Kelly, Esquire 34012 Shawnee Drive Dagsboro, DE 19939 meghankellyesq@yahoo.com
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Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated:

March 23, 2023

Meghan Kelly
(printed)

Meghan Kelly
(signed)

  	Search documents in this case: <input type="text"/>	<input type="button" value="Search"/>
No. 23-855		
Title:	Richard Abbott, Petitioner v. Supreme Court of Delaware, et al.	
Docketed:	February 8, 2024	
Lower Ct:	Supreme Court of Delaware	
Case Numbers:	(25, 2023)	
Decision Date:	November 9, 2023	

DATE	PROCEEDINGS AND ORDERS
Jan 15 2024	Petition for a writ of certiorari filed. (Response due March 11, 2024) Petition Certificate of Word Count Proof of Service
Feb 09 2024	Proof of Service of Petition for Writ of Certiorari of Richard Abbott not accepted for filing. (February 09, 2024)
Mar 06 2024	Waiver of right of respondent Delaware Supreme Court, et al. to respond filed. Main Document
Mar 12 2024	DISTRIBUTED for Conference of 3/28/2024.
Mar 18 2024	Response Requested. (Due April 17, 2024)

NAME	ADDRESS	PHONE
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Party name: Richard Abbott

Attorneys for Respondents

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	david.white@delaware.gov	

Party name: Delaware Supreme Court, et al.

Thank you Lisa Nesbitt Kelly v Swartz/Meg asserts right to live/religious objections to healthcare, science and mental healthcare by idolatry Meg believes leading to hell by making men and men's desires or creation master/guide/God in place of God

From: Meg Kelly (meghankellyesq@yahoo.com)
To: lnesbitt@supremecourt.gov
Cc: meghankellyesq@yahoo.com; zi-xiang.shen@delaware.gov
Date: Wednesday, March 20, 2024 at 07:09 PM EDT

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That was absolutely brilliant. Thank you.

I received 13 boxes per the attached pictures. 6 were dropped off in the morning of March 16 with a note that the postal staff would come by in the afternoon to drop off 7 more. She came by and dropped off 7 more on March 16.

I appeared to be only missing a box labeled 13 of 14, which I think included two copies of the exhibits to the IFP Motion, which I printed out. I have not gone through the Petition and Exhibits to the petitions yet. I am hoping I have one original and ten copies. I really hope I do not have to print additional copies for the court.

Actually the 13 out of 14 box came today 3/20/2024 and included two copies of exhibits to the IFP.

I redid the Informa pauperis motion and labeled the exhibits A IFP, B IFP, C IFP so they will not be confused with the exhibits to the petition. Thank you for letting me know I could draw on the exhibits with a marker even if the ones I filed electronically are naked. I was scared they would be rejected if different. Thank you for confirming it would be acceptable.

I tried to use the PDF writer per the attached. I drafted another Informa pauperis motion to reflect these changes and to condense it together to add additional information.

I appreciate your time and help. Talking to you offers clarity and prevents hours, days and weeks of needless work. That makes people staff irreplaceable by automation.

I copy opposing counsel to keep her apprised.

On an aside, I am not feeling so well. I had harmful surgery as a teenager. I have to drink obscene amounts of water and get additional rest and exercise for about a week every month in order to sustain my health and not die. I have had to assert my religious right to live and not die for the vanity, or convenience of others for more than 20 years. I provided the attached to all courts not limited to DE Courts. I assert my religious exercise of belief to live and not die or harm

my health or eternal life before this court too.

I have religious objections to science, healthcare and mental healthcare. I actually believe people sin risking damnation in the fires of hell for even carelessly telling others to trust the science, professional or expert because it makes imperfect men God and guide and their work or product God and guide in place of God. See Romans 1:25. See Matthew 12:36-37 ("I tell you, on the day of judgment people will render an account for every careless word they speak. For by your words you will be justified, and [b]y your words you will be condemned.")

Plus, I have religious objections to government's partiality towards business by deferring to science, professionals and experts by sacrificing freedom in violation of equal protections despite the lengthy case law excusing it under a rational basis standard. I also hold religious beliefs against partiality in the courts towards professionals, science and experts as opposed to the impartial application of the Constitution to the rule of law which prevents private and public entities and people from killing, stealing and destroying human life, liberty or health for convenience or material gain. Human sacrifice is against my religious beliefs. (Also see, Leviticus 19:15 ""You must not pervert justice; you must not show partiality to the poor or favoritism to the rich; you are to judge your neighbor fairly"); (see, Exodus 23:6, "You shall not deny justice to the poor in their lawsuits."); (see, Deuteronomy 16:19, "Do not deny justice or show partiality"); (also see, Deuteronomy 1:17, "Show no partiality in judging; hear both small and great alike. Do not be intimidated by anyone, for judgment belongs to God. And bring to me any case too difficult for you, and I will hear it.").

I believe judges can save souls from hell by restraining people from committing human sacrifice of other people's lives and liberties for material gain.

I do not write to offend but to assert my religious beliefs from vitiation even by this court.

I see a case for conference March 28, 2024 where a lady believes like I do. No. 23-665 Tina Goade v Astrazeneca Pharmaceuticals, LP and Department of Employment and Economic Development or social services.

In her petition counsel avers. "...she also believes [certain healthcare the vaccine] is harmful to her body, which she believes is a 'temple of the Holy Spirit,' App. 74a."

In the Bible at 1 Corinthians 6:19-20 provides: "Don't you realize that your body is the temple of the Holy Spirit, who lives in you and was given to you by God? You do not belong to yourself, 20for God bought you with a high price. So you must honor God with your body."

In the Bible at 1 Corinthians 3:16-17 provides: "Don't you know that you yourselves are God's temple and that God's Spirit dwells in your midst? 17If anyone destroys God's temple, God will destroy that person [in hell the second death]; for God's temple is sacred, and you together are that temple."

I believe our body is a temple of God and that God will destroy people in hell who ignorantly, indifferently or intentionally harm other people's bodies for material gain should they not be made clean by turning away from such evil and by sinning no more. N

I do not want people to go to hell. So, I oppose exploiting and harming people for profit, research, learning or other material gain. I have religious objections to my data being used or tracked for statistics too.

I believe people go to hell for using people for research even with their consent because it makes people products to exploit for material gain instead of to respect unearned required. I believe people go to hell for blindly doing what they are told to do, trained to do, without regard to how their business harms others. They are blinded by desire for material necessities to care for their own, they do not love others. Matthew 13. I believe courts can help the blind see, to prevent people from oppressing one another to get as much as they can for as little at the cost of harming others.

When we look at others with what Jesus calls the evil eye in Matthew 6:22-23 we have a heart of an idolator looking to extract money, material gain, contributions loving the convenience or material benefit from people driving out our love for them...

With regards to the Wisconsin case on requiring Catholic Charities to pay unemployment. I believe Catholic Charities violates Jesus's teachings by teaching business is charity. See Matthew 6:1-4 to confirm Jesus says they will have no reward from their father, meaning no salvation from death, should they not repent.

Distinguish this when a preacher collects money based on need of the building and the preacher's salary or staff who preach. They do not do business including fundraisers. I do not see asking for yourself based on need as sin. But giving to get is business. Preachers ask for alms out of their own need, not greed, not even the praise of men by taking donations to give to another under the guise of giving from self, which is sin. Teaching business is charity leads to damnation in hell by teaching people to love money driving out their love for one another and God and turning to money as savior. Since Jesus teaches you cannot serve God and money, I believe they serve greed not good leading to damnation in the fires of hell without turning away from evil and being made clean. Matthew 6:24.

Further, I do not think it is sin for needy people to ask for help unearned required. I do believe Jesus teaches people will go to hell for not helping people in secret directly and will go to hell the second death for what they failed to care to think to do.

See, Matthew 25,

"Then He will say to those on His left, 'Depart from Me, you who are cursed, into the eternal fire prepared for the devil and his angels. 42For I was hungry and you gave Me nothing to eat, I was thirsty and you gave Me nothing to drink, 43I was a stranger and you did not take Me in, I was naked and you did not clothe Me, I was sick and in prison and you did not visit Me.' 44And they too will reply, 'Lord, when did we see You hungry or thirsty or a stranger or naked or sick or in prison, and did not minister to You?' 45Then the King will answer, 'Truly I tell you, whatever you did not do for one of the least of these, you did not do for Me.' 46And they will go away into eternal punishment, but the righteous into eternal life."

Also see, Luke 10:25-37:

The Parable of the Good Samaritan

25 On one occasion an expert in the law stood up to test Jesus. "Teacher," he asked, "what must I do to inherit eternal life?"

26 "What is written in the Law?" he replied. "How do you read it?"

27 He answered, "'Love the Lord your God with all your heart and with all your soul and with all your strength and with all your mind'[a]; and, 'Love your neighbor as yourself.'[b]"

28 "You have answered correctly," Jesus replied. "Do this and you will live. [meaning not die in the second death in hell]"

29 But he wanted to justify himself, so he asked Jesus, "And who is my neighbor?"

30 In reply Jesus said: "A man was going down from Jerusalem to Jericho, when he was attacked by robbers. They stripped him of his clothes, beat him and went away, leaving him half dead. 31 A priest happened to be going down the same road, and when he saw the man, he passed by on the other side. 32 So too, a Levite, when he came to the place and saw him, passed by on the other side. 33 But a Samaritan, as he traveled, came where the man was; and when he saw him, he took pity on him. 34 He went to him and bandaged his wounds, pouring on oil and wine. Then he put the man on his own donkey, brought him to an inn and took care of him. 35 The next day he took out two denarii[c]

and gave them to the innkeeper. 'Look after him,' he said, 'and when I return, I will reimburse you for any extra expense you may have.'

36 "Which of these three do you think was a neighbor to the man who fell into the hands of robbers?"

37 The expert in the law replied, "The one who had mercy on him."

Jesus told him, "Go and do likewise."

This parable of the Good Samaritan complies with true alms verse false alms Jesus discusses in Matthew 6:1-4.

The church is set up to fall by deeming religion business. Religion is not business. Jesus teaches in John 2:16 those who do business as worship are not welcome in his father's house, meaning they will go to hell, bummer.

Teaching religion is business teaches the way to hell by eliminating unconditional love by making everything conditional by compromise or bartered for

exchange. There is a scheme to eliminate freedom of religion by making freedom for sale no longer free but business. Some things are not for sale. Constitutional liberties are free. They are not for sale; or they are not freedom.

The elimination of freedom of worship towards compelled stakeholder worship of mammon as master, guide and God, the way to hell, is part of the global agenda.

Unfortunately eliminating the governments to eliminate the rule of law from restraining private and public organizations from enslaving, harming and sacrificing humanity for utter control is part of the plan too.

There is a time of lawlessness under the lie eliminating laws and governments is freedom schemed. Those with power connections and profit will rule unrestrained by love, God or the law because entities and associations or groups act collectively with no capacity to do good by unconditional love. Only people have the capacity to unconditionally love or serve. That makes people judges, people attorneys like my opponent and people judges special and more powerful than all the money in the world.

Our only hope of a hero are the courts, but they keep tanning my butt instead of saving it. I cry as I type this. I do not know when the end will come where many people will go to hell, bummer. Jesus says no one knows that time, but there is a planned lawlessness. If the courts prevent the time of lawlessness by maintaining control as to what the rule of law is tempered with the people's legal check the right to petition with fair opportunity to be heard on petitions, we may have more time to save more souls from hell.

I went to law school because I believe courts can save lives and eternal lives. I believe Judges have this power to do good, even if they believe differently or find my religious beliefs weird. See Amos 5:15, Matthew 23:23.

Thank you Lisa Nesbitt.

Very Truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939



Brilliant Idea Lisa Nesbitt thank you.pdf
866.3kB



13 boxes morning missing 13 of 14 okay will print 2.pdf
9.9MB



Meg marked exhibits per your kind suggestion did not know I was allowed.pdf
5.7MB



Exhibit 43 to Appendix F.pdf

732.8kB



last box.pdf

710kB

YORKDISPATCH

NEWS

Satanic Temple to celebrate Back to School night with crafts, science



Meredith Willse

York Dispatch

Published 8:00 a.m. ET Aug. 30, 2022 | Updated 2:31 p.m. ET Aug. 31, 2022

The Satanic Temple plans to celebrate Back to School night at Northern York County High School cafeteria with arts, crafts and science experiments.

According to the nontheistic organization, the event planned from 6 p.m. to 9 p.m. Saturday, Sept. 24, invites students, families and the community for a night of “fun for the entire family.” Admission is \$10 a person online or a donation at the door.

The Satanic Temple of Philadelphia and Eastern PA asks everyone over 18 to provide proof of COVID-19 vaccine and identification.

June Everett, After School Satan Club campaign director, said vaccination proof is not required for all of the temple’s events; it depends on the event and event details. She said they will not ask adults to mask.

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The temple will coordinate with local law enforcement to keep event attendees safe.

“Hard to say for sure, but I’m sure there will be some protesters,” Everett said.

She added that the ability to peacefully protest is critical to a functioning democracy and the First Amendment, which also gives the organization the ability to rent out public school facilities.

The Satanic Temple’s event is in response to the Aug. 20 Back to School Prayer

Night organized by the Dillsburg Community Worship and Prayer, which consists of members from several congregations. The prayer event had two hours of music and worship.

Everett said her organization wanted to offer an event for community members who may not have been comfortable attending the prayer event due to being in a minority religion or no religion at all.

The Northern York County School Board voted Aug. 23 to allow the temple and other groups, such as youth soccer and cheerleading teams, to rent the facilities.

The school district released a statement on Friday stating, "As a public school district, the use of our school facilities must be permitted without discrimination."

The district cannot pick and choose who can rent the facilities, the district confirmed.

"If we allow one organization, we must allow all organizations, provided they satisfy the conditions and application requirements," the district stated.

It added the district does not endorse the activity of any outside organization that rents from them.

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More: Coroner seeks deceased woman's next of kin

The district requires a fee from each group that rents space. The Satanic Temple will pay \$1,050 for the space, \$25 an hour for custodial services and for security fees and \$20 an hour for the auditorium technician.

This rental request follows a request in April to start an After School Satan Club, which the board members voted down. The temple threatened a lawsuit but has not yet filed one. Everett said the Satanic Temple has five years to pursue legal action.

— Reach Meredith Willse at mwillse@yorkdispatch.com or on Twitter at [@MeredithWillse](https://twitter.com/MeredithWillse).

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SUPREME COURT OF DELAWARE

KATHERINE J. NEIKIRK
CHIEF STAFF ATTORNEY

THE RENAISSANCE CENTRE
405 N. KING STREET, SUITE 509
WILMINGTON, DE 19801

October 21, 2020

Meghan Marie Kelly, Esquire
34012 Shawnee Drive
Dagsboro, Delaware 19939

Dear Ms. Kelly,

I write in response to the letter, dated October 7, 2020, that you sent to Chief Justice Seitz regarding a case you filed in the Court of Chancery and your concerns regarding COVID-19. Under the Delaware Judges' Code of Judicial Conduct, the Chief Justice cannot comment on a pending case.

Information about the numerous precautions that the Delaware courts have enacted in response to COVID-19 is available at the Delaware Judiciary Response to Coronavirus Disease website, <https://courts.delaware.gov/aoc/covid-19>. For your convenience, I have enclosed a copy of the latest judicial emergency order as well as the order suspending notarization requirements during the judicial emergency. I hope this information addresses your concerns.

Very truly yours,



Katherine J. Neikirk

Enclosures
cc: Karlis Johnson

Disruption
Board Administrator
Karlis Johnson -

[DSBA] On behalf of President Kate Harmon: Mark Vavala's retirement

From: Administrator@dsba.org (administrator@dsba.org)

To: dsba@delawlist.org

Date: Tuesday, March 19, 2024 at 04:16 PM EDT

Dear Members of the Bar:

I know I speak for the entirety of the DSBA when I say that Mark's thoughtful leadership and attention-grabbing emails will be greatly missed. Among many other things, the DSBA has seen unprecedented gains in membership and CLE attendance under his stewardship. I am pleased to report, however, that Mark won't be going very far at all. Mark will be taking over as the Executive Director of the Delaware Lawyers' Assistance Program on July 1, 2024 upon the retirement of Carol Waldhauser. Mark's experience as a court commissioner in the Superior Court drug court, his work with the Mental Health Court, and his skills as a mediator will make him an excellent director for DE-LAP.

Kate Harmon,
DSBA President



Mark S. Vavala, Esq.

He/Him/His

Executive Director

Delaware State Bar Association
704 North King Street, Suite 110
Wilmington, DE 19801
Main: (302) 658-5279
Fax: (302) 658-5212

DSBA IS MOVING! Effective February 28, 2024, DSBA's new address will be 704 N. King Street, Suite 110, Wilmington, 19801

Sent via the Delaware State Bar Association's DSBA mailing list

DSBA@barlist.delawlist.org

<https://www.dsba.org>

Re: Nick of time response/Glad your kid is okRe: Your kid/meg worried

From: Meg Kelly (meghankellyesq@yahoo.com)

To: MVavala@dsba.org

Date: Thursday, May 27, 2021 at 02:19 PM EDT

Thank you Mark.

Please remain uninvolved, as I might have to seek further action, and state agents may get in trouble. Please remain uninvolved, even with your child.

I am grateful, she has her job.

This is a serious matter.

Very truly,
Meg

On Thursday, May 27, 2021, 01:24:20 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Meg, I won't be involved in whatever transpires. As for my knowing your situation, there have been at least five other members who have approached me since COVID who needed assistance in some form and were in financial difficulties. I didn't refer anyone who contacted me to either ODC or DE-LAP, so I really don't know anything more.

Again, you will remain in my prayers.

Mark

Mark S. Vavala, Esq.,

Executive Director,

Delaware State Bar Association

405 N. King Street, Suite 100

Wilmington, DE 19801

(302) 658-5279 (office)

(302) 658-5212 (fax)



www.dsba.org

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Thursday, May 27, 2021 1:12 PM
To: Mark Vavala <MVavala@dsba.org>
Subject: Re: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Mark

You are the only one in the world, other than the Supreme Court who knew of my waiver. I am disappointed. I sought relief from the Delaware Supreme Court to make both the ODC and DE-Lapp desist. Please refrain from participating further. It is in the Supreme Court's hands now, whether my order will be granted or denied.

Thank you,

Meg

On Thursday, May 27, 2021, 12:10:15 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi Meg. I don't know what you are referring to. I didn't submit your name to any ODC/DE-LAP matter at all. My correspondences with you have always been cordial. I saw the letter you sent as a copy in your last email and that was the first time I saw DE-LAP had contacted you. Carol and I have a good working relationship and I respect all she does to help out attorneys, but she keeps her matters confidential from me. If it is something else I did, please let me know as I take seriously any accusation that I threw someone under the bus. I know how hard you work and how passionate you are about your issues.

That being said, if DE-LAP reaches out, then someone did suggest you needed help and I encourage everyone to go that route rather than having ODC get your case. Carol is confidential and has helped a lot of attorneys...not just those who need help, but those who have been referred unnecessarily and having her in your corner is great. She works tirelessly to make sure that people don't run into trouble.

Again, though, I see that as your personal right to make that choice.

Please take care,

Mark

Mark S. Vavala, Esq.,

Executive Director,

Delaware State Bar Association

405 N. King Street, Suite 100

Wilmington, DE 19801

(302) 658-5279 (office)

(302) 658-5212 (fax)



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From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Thursday, May 27, 2021 8:34 AM

To: Mark Vavala <MVavala@dsba.org>; Meg Kelly <meghankellyesq@yahoo.com>

Subject: Fw: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Mark,

Maybe you threw me under the bus for self interest because I asked for help in the past? I am disappointed.

Please do better by refraining from participating in burdening my first amendment freedoms in my suit, my free exercise of religious beliefs, freedom of conscience from substantial burden by persecution by the forced will of the state through its arms to serve money and material gain, not good by love and respect for humanity, instead exploitation to serve self interest by the mere fact I choose to live God's will

Thank you,

Meg

----- Forwarded Message -----

From: Meg Kelly <meghankellyesq@yahoo.com>

To: Mark Vavala <mvavala@dsba.org>

Sent: Thursday, May 27, 2021, 07:55:17 AM EDT

Subject: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Hi Mark,

Thank you for writing back as I was going to draft something to look after your kid.

I sent a motion for the supreme court to rein in its arms. I actually retained the new ODC guy in a case as an arbitrator. He should know better than to unlawfully interfere.

I am reviewing a slew of executive orders where I see Bush Junior, Obama, Trump, and Biden all misbehaved. In particular Bush Junior talked about deregulating obstacles meaning the free exercise clause in 3 or more of his orders to pay churches to perform government work in a whored, bought or bartered, bribed union of church and state to essentially whore churches to the state, the blasphemous backing by buying the appearance of backing of God. This is an abomination.

I digress, Biden misbehaved in his Feb 14 executive order by talking about preserving the free exercise clause while destroying the same by continuing to purchase churches bough, bartered for, bribed, backing not free but bought, for services to perform government work, causing inefficiencies guaranteed. The churches create the illusion of charity but they serve business greed and supplement with fundraising which as you know I believe damns people to hell as not true charity by teaching deception as truth. Business greed is not true charity per Jesus Matthew 6:1-5, but is the mark of children of the devil, the beast, should they not wash away such inequity and be made clean.

The root of the religious dissention we have seen in our country in recent years is the love of money not the love of any God. Trump merely watered it, allowing it to pierce through the surface with unholy weeds. (biblical reference weeds). I see federal servants speaking of global war, using my God as Mickey mouse mascot for war profit, exploiting the pandemic. That is not okay. The courts are my hope for a hero to correct and prevent harm. They can make Biden behave too. They will be in charge of guiding him to do good, by love of humanity, not evil, by love of funding and money at the cost of sacrificing troops lives. God desires mercy not sacrifice. Christians go after the 1 and leave the 99 behind. I should fear God should I sacrifice the weak, the sick, the elderly, the vulnerable, the misguided to the wolves to serve the pack. Troops are manipulated like the government's bitches, like dogs by praise and profit to be exploited like call girls for war money, not freedom. I must seek to protect them. You may see my words and deeds as an insult offense, but God teaches it is love to reign in folks from the slaughter. Love is not feeling good. It is actually feeling bad, having a conscience at harm to one's brother, our brother is all of humanity, to lose one to eternal sin, is to lose an irreplaceable treasure forever. Courts can guide the misled back to the narrow way and save souls, if I guide the misled courts to do so. The Supreme Court is hard headed and confused. I must seek to correct them. I am pretty sure my case will go to the Supreme Court eventually if not on this appeal, unless Biden surprises me by agreeing to a stipulation.

I asked the court to stand down its arms.

So, glad you spoke up since I already drafted something and held off on sending it since it was late. Please tell your arms to stand down and stop interfering to prevent escalation. Attached, please find a motion the court received where I respectfully requested your arms stop interfering in my case through threats or otherwise, especially Judge Clark. I was so disappointed in him.

Thank you. Have a good day.

With love and gratitude your kid is okay,

Meg

On Wednesday, May 26, 2021, 07:17:58 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi Meg. No worries! My daughter moved to New York after working with ODC only for a short while. She wanted to live in Manhattan. My niece Kathy still works at ODC.

Thank you for your kind words. I really hope that you are well and aren't too stressed over all the things you wrote me about last time. I think the last President did some horrible things and I'm hopeful we all get a break from that behavior. It would be nice if everyone just treated each other with compassion and kindness. We never know what someone is going through.

Please take care of yourself. And stay safe.

Mark

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Wednesday, May 26, 2021 11:54 AM
To: Mark Vavala <MVavala@dsba.org>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Subject: Your kid/meg worried

Hi Mark,

You were kind to me, and respected me as a human, even if you did not agree with me over all these years.

Others have not been so kind. Thank you.

I am concerned that your daughter may have lost her job at the ODC, because you were kind, and treated people like me fairly, without disparate treatment based on poverty, religion or political association.

I am sad I did not write anything to the court to address that.

I am sorry people get into trouble in this world for doing the right thing.

I hope your kid is working at another safe place.

Thank you for being a hero by your love for humanity, not sacrificing people for profit or praise. That makes you different.

Love,

Meg

Re: kelly v patricia

From: Meg Kelly (meghankellyesq@yahoo.com)

To: MVavala@dsba.org

Date: Wednesday, October 27, 2021 at 08:29 PM EDT

Thank you Mark. Sorry I had to name your niece. I am sad about that.

Very truly,
Meg

On Wednesday, October 27, 2021, 08:23:12 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Meg- the decisions you make are rightfully yours to make. You feel strongly about your case and I certainly don't judge you. As for protecting myself, I'm not concerned. As you know, when you are a person of faith and an honest person, you don't have to fear the truth. If I'm called as a witness, I can tell the truth that I didn't insert myself into your case in any way and am confident that I am safe from any concerns regarding your case.

As always, I hope you are well and remaining safe.

Mark.

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From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Wednesday, October 27, 2021 8:04:26 PM

To: Mark Vavala <MVavala@dsba.org>

Subject: kelly v patricia

Hi Mark,

I filed a complaint on Monday against the ODC, and had to name your niece too. Sorry, I did not want to file a lawsuit. The Defendants forced my hand.

I talked about you and Chief Justice, and thought it might be best to see if you would do an affidavit indicating you did not contact the ODC or DE-Lapp to protect you?

Thank you for your thoughts. I reached out to the DE Supreme Court Chief Justice too. I did not want to file a lawsuit.

Have a good night.

With love and sadness,
meg

Re: Meg /addresses unknown not listed on web sites for Board of PR and PIC

From: Mark Vavala (mvavala@dsba.org)

To: meghankellyesq@yahoo.com

Date: Saturday, October 2, 2021 at 07:17 PM EDT

You stay safe as well Meg. Saying prayers for your parents. You are a good daughter to be taking care of them.

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From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Saturday, October 2, 2021 7:10:43 PM

To: Mark Vavala <MVavala@dsba.org>

Subject: Re: Meg /addresses unknown not listed on web sites for Board of PR and PIC

Hi Mark,

Thank you.

You know I am allowed to worship God instead of money as an attorney. Because of my faith, I see justice differently. I thought the ODC would lay off, after I asked them to desist, but I just received a letter. I must act quickly. I am saddened your relative is on the ODC, and I am opposing party. I still have high regards for you.

On an aside, my parents both caught covid, and aren't feeling well. So, I put this on the back burner to try to show them love while they are alive, in case the worst should happen down the line.

My Supreme Court case is still alive. Hope you stay healthy and well. Masks and gloves work. Covid morphs too quickly for pills or vaccines to be effective. Hence, my parents still got sick from maskless students in Florida.

I must act fast, though I am worn. Have a good night.

Very truly,
Meg

On Saturday, October 2, 2021, 06:55:21 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi Meg. I'm pretty sure that is the address for both of those offices. At least, that's the address I would use. I don't know of any other location. I guess you could always send to the Supreme Court too which is on the 5th floor.

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From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Saturday, October 2, 2021 6:51:11 PM

To: Mark Vavala <MVavala@dsba.org>

Cc: Meg Kelly <meghankellyesq@yahoo.com>

Subject: Meg /addresses unknown not listed on web sites for Board of PR and PIC

Hi Mark,

I hope you are well. Could you please give me the address to reach the Board of Professional Responsibility for the Supreme Court of Delaware and the Preliminary Investigatory Committee? I think they may be reached through the ODC's office located at through the ODC at The Renaissance Centre, 405 North King Street, Suite 420, Wilmington, Delaware 19801.

Thank you for your help.

Very truly,
Meg

[The Preliminary Investigatory Committee - Court on the Judiciary - Supreme Court - Delaware Courts - State of Delaware](#)

Re: RE:

From: Meg Kelly (meghankellyesq@yahoo.com)

To: MVavala@dsba.org

Date: Tuesday, November 2, 2021 at 03:30 PM EDT

Thank you Mark.

Of course it is stressful and a wrongful proceeding brought to retaliate against me for my religious, political speech and beliefs. I do not agree with a lot of things others praise because of my religious beliefs.

Thank you for treating me as you treat others, fairly, with kindness and respect.

Very truly,
Meg

On Tuesday, November 2, 2021, 03:21:34 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Never mind, Meg, I found it.

I did not forward your email to anyone. You sent it on 10/27/21 and as you can see from the screen print below, it only says "You replied to this message" which was to YOU and only you. There is no indication it was ever forwarded.

I hope you are satisfied with that.

Again, I hope this isn't too stressful for you.

Mark

kelly v patricia



Meg Kelly <meghankellyesq@yahoo.com>

To Mark Vavala


Reply

Reply All

Forward

...

Wed 10/27/2021 8:04 PM

 You replied to this message on 10/27/2021 8:23 PM.



Complaint to pdf.pdf
518 KB

Hi Mark,

I filed a complaint on Monday against the ODC, and had to name your niece too. Sorry, I did not want to file a lawsuit. The Defendants forced my hand.

I talked about you and Chief Justice, and thought it might be best to see if you would do an affidavit indicating you did not contact the ODC or DE-Lapp to protect you?

Thank you for your thoughts. I reached out to the DE Supreme Court Chief Justice too. I did not want to file a lawsuit.

Have a good night.

With love and sadness,

meg

Mark S. Vavala, Esq.,

Executive Director,

Delaware State Bar Association

405 N. King Street, Suite 100

Wilmington, DE 19801

(302) 658-5279 (office)

(302) 658-5212 (fax)



www.dsba.org

From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Tuesday, November 2, 2021 3:17 PM

To: Mark Vavala <MVavala@dsba.org>

Subject:

Hi Mark,

Can you please confirm that you did not forward my complaint to anyone.

Thank you.

Meg

Re: David Weiss/ Meg v Biden

From: Meg Kelly (meghankellyesq@yahoo.com)

To: MVavala@dsba.org

Date: Wednesday, July 14, 2021 at 08:04 PM EDT

Yeah I wrote how I respected you yet tested you in a motion. I moved the court to recuse the Chief Justice though since he was the only other one aware of my letter regarding suspension of fees. My little Cousin Ike Adams is a partner at Sidley Austin, where his kid is a partner too.

So, I made that a secondary reason. Please remain out of this until the conclusion. I can not talk further of this until it is over to protect you too.

Thank you. Have a good night,

Very truly,
Meg

On Wednesday, July 14, 2021, 07:42:13 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

I'm glad you have exonerated me! I felt bad that you had thought I tried to harm you. While I do think carol does an amazing job, I try to stay out of peoples business unless they have affected me in some way. I truly hope your faith gives you all the strength you need.

God bless,
Mark

Get [Outlook for iOS](#)

From: Meg Kelly <meghankellyesq@yahoo.com>

Sent: Wednesday, July 14, 2021 7:36:01 PM

To: Mark Vavala <MVavala@dsba.org>

Subject: Re: David Weiss/ Meg v Biden

Hi Mark,

Thank you for getting back to me. I still have my old book, and the law library usually has one too.

Maybe I will check with the law librarian.

Have a good night.

Mark, Jesus is the most important thing in my life and is my life. I am sorry I thought it was you who threw me under the bus. I had to remove all doubt. I discovered Arline Simmons, a court staff member, not the Master or the Vice Chancellor's set me up in more than one way.

I am still shaken up even thinking about it. I did what she required to my detriment.

Thank you for staying clear of this case until its conclusion.

Have a good night.

Very truly,
Meg

On Wednesday, July 14, 2021, 05:38:31 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi, Meghan,

Hope you are well.

DSBA has a policy not to provide emails of our members unless the requesting person is a member, which you are not (since 2017). As you know, we give this information through our directory.

But, at the same time, Mr. Weiss is not a member either, since 2014! So I really don't have any further info to provide you. I imagine you can get his info from his office at the U.S. Attorney's Office, though.

Please take care,

Mark

Mark S. Vavala, Esq.,

Executive Director,

Delaware State Bar Association

405 N. King Street, Suite 100

Wilmington, DE 19801

(302) 658-5279 (office)

(302) 658-5212 (fax)



www.dsba.org

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Friday, July 9, 2021 9:27 AM
To: Mark Vavala <MVavala@dsba.org>
Subject: David Weiss/ Meg v Biden

Hi Mark,

May I please have David Weiss's email?

Thank you for your help. Thank you for abstaining from participating in my case too. I am going to seek to go to the US Supreme Court, but wanted to alert the AG of other concerns.

I discovered the 4th industrial revolutions plans marketing by the world economic forum's leader will make us all less free. I need my opponent's help. The book I ordered and copied from the library the Fourth Industrial Revolution is horrific outlining mad science, nit for good but for self gain.

I was not able to file the below documents with the court.

Thank you,

Meg

Our family sincerely appreciates all the recent thoughts, prayers, and nourishment you've provided.

Thank you for the years of cherished friendship and boundless love, we extend our heartfelt thanks for joining us today in honoring the life of Neil, Dad, Popcorn.



Celebrant: Rev. John Klevence
Cantor: Linda Magarelli
Pianist: Ed Shipley

Friday, March 22, 2024
Our Lady of Guadalupe



In loving memory

Cornelius Kaye "Neil" Fleming, Jr.

September 20, 1941 - March 5, 2024

Prelude: God is Love #715

Introductory Rites

Entrance Hymn: Amazing Grace #680

Sung by Danita Robinson

Liturgy of the Word

First Reading: Lamentations 3 22:26

Read by Kevin Fleming, son

Responsorial Psalm:

The Lord is my Shepherd; There is Nothing I shall
Want

Second Reading: Philippians 4:4-9

Read by Elizabeth Williamson, daughter

Gospel: Matthew 5: 1-12

Homily: Rev. John Klevence

Prayer of the Faithful:

Response: Lord, Hear our Prayer

Read by Karen Fleming & Amy Hobbs, daughters

Liturgy of the Eucharist

Preparation of Gifts:

Prayer of St. Francis #702

Presentation of the Gifts:

The grandchildren

Communion Rite

Communion Hymn: Be Not Afraid #673

Reflection: Ave Maria

Words of Remembrance

Lily & Isabel Scott, granddaughters

Brian Fleming, son

Final Commendation

Song of Farewell #553

Recessional: How Great Thou Art #614



Legacy®



[Carroll](#) / [William Carroll](#)

William F. Carroll Jr.



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Services



Obituary



Guest Book

ABOUT

[University of Maryland](#)

FUNERAL HOME

Melson Funeral Services - Ocean View Chapel

38040 Muddy Neck Road

Ocean View, Delaware

UPCOMING SERVICE

Visitation

Mar. 26, 2024

2:00 p.m. - 4:00 p.m.

Ocean View Chapel of Melson Funeral Services

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William Carroll Obituary

Obituary published on Legacy.com by Melson Funeral Services - Ocean View Chapel on Mar. 23, 2024.

William (Bill) Francis Carroll, Jr. of Bethany Beach, passed away on March 22, 2024, following a long illness. Bill was born March 28, 1949 to William F. Carroll, Sr. and Joan Redmond in Manhattan, New York.

Bill attended Saint Anthony's High School in Smithtown, New York where he played soccer and was team captain junior and senior year. He received a bachelor's degree in English Literature from Long Island University (Southampton, NY) where he attended on a soccer scholarship. During his time at LIU, he served three years as team captain. He received an MBA in Finance from University of Maryland, College Park and completed post-graduate work in Construction Management at University of Maryland, Baltimore County.

Bill lived a full life with amazing accomplishments, the proudest of which was his 47-year marriage to the love of his life, Rosemary, and the eight children they shared. He loved his family incredibly and without judgment. He and Rosemary spent countless hours cheering their children on in sports and other endeavors. In Columbia, MD he started the first girls' recreational soccer program in the country. With his daughter Colleen, he helped form Indian River High School's first women's soccer team. He coached men's soccer at Delaware Technical Community College, was a DIIA and USSF certified soccer referee, a coach for Lower Sussex Little League and boy's and girls' soccer at River Soccer Club and was a former president of the Senior Baseball League.

Bill was a stalwart at St. Ann's Catholic Church in Bethany Beach, where he served as a Eucharistic Minister for many years. He, along with Rosemary, started the Pregnancy Center ministry at St. Ann's, collecting baby bottle contributions for 13 years. He and Rosemary also supported the Seaman's Center in Wilmington, which provides Christmas gifts and money to seamen all over the world.

Bill was an innovator and entrepreneur. Along with Rosemary, he founded the Delaware Maritime Education Non-Profit Organization to help young men and women learn about and pursue maritime careers. Together, they owned and operated Studio 8 Photography in Bethany Beach, DE from 1991 to

present day. They also owned and operated Atlantic Color Lab in Rehoboth Beach, DE and Castle Bay Homes, LLC in Bethany Beach.

Community organizations played a key role in Bill's life. He was a member of the Southern Sussex Rotary, the Lions Club, and the Bethany Beach/Fenwick Island, Rehoboth Beach/Dewey Beach, and greater Millsboro Chamber of Commerce. He volunteered at the CHEER center, Meals on Wheels, [Habitat for Humanity](#), and Contractors' for a Cause.

In the political arena, he served in the Maryland House of Delegates as Counsel to the Minority Delegation. He was a US Senate Intern for an independent member from New York. He served as a political campaign consultant to national and state campaigns throughout the United States and was Republican Party Chairman for Howard County, MD. He also was the youngest elected member of the Maryland Republican State Central Committee in 1970. He served as chairman of the Sussex County Republican party from 2012 to 2018, and was selected by the party to attend the Republican National Convention to vote in 2016.

He is preceded in death by his parents, William and Joan (Redmond) Carroll, and his siblings Charles Carroll and Christopher Carroll.

He is survived by his wife, Rosemary B. Carroll (nee Mallon) and his children: Christian (Melanie) Carroll, Colin Carroll, Charles (Liu) Carroll, Colleen (Anthony) Davis, William F. Carroll III, Daniel Carroll, Kelly (Tom) McCandless, and Michael (Abigail) Carroll; 16 grandchildren; and his siblings: Patrick Carroll, Nancy Klem, Leo Carroll, James Carroll, and Laura Rapposelli.

A visitation will be held from 2-4 PM and 6-8 PM on Tuesday, March 26, 2024 at the Ocean View Chapel of Melson Funeral Services, 38040 Muddy Neck Rd., [Ocean View, DE](#) 19970, where a prayer service will be held at 7 PM. A Mass of Christian Burial will be held at 11 AM on Wednesday, March 27, 2024 at Our Lady of Guadalupe Catholic Church, 35318 Church Rd., Frankford, DE 19945. Interment will follow at Gate of Heaven Cemetery in Dagsboro, DE.

In lieu of flowers, the family suggests memorial contributions in Bill's name to the Seamen's Center of Wilmington by visiting www.scwde.org or the Crohn's & Colitis Foundation by visiting www.crohnscolitisfoundation.org

To plant trees in memory, please visit the [Sympathy Store](#).

Memorial Events for William Carroll

MAR Visitation

26

2:00 p.m. - 4:00 p.m.

Ocean View Chapel of Melson Funeral Services

38040 Muddy Neck Rd, Ocean View, DE 19970



Send Flowers

MAR Visitation

26

6:00 p.m. - 8:00 p.m.

Ocean View Chapel

38040 Muddy Neck Road, Ocean View, DE 19970



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MAR **Prayer Service**

26

7:00 p.m.

Ocean View Chapel

38040 Muddy Neck Road, Ocean View, DE 19970



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MAR **Service**

27

11:00 a.m.

Our Lady of Guadalupe Catholic Church

35318 Church Rd, Frankford, DE 19945



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UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE


Meghan Kelly)	Civil Action No.: 1:21-1490
	)	(CFC)
Plaintiff,)	
v.)	
Disciplinary Counsel Patricia B.)	
Swartz, et.al)	
Defendants.)	

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 189th Affidavit

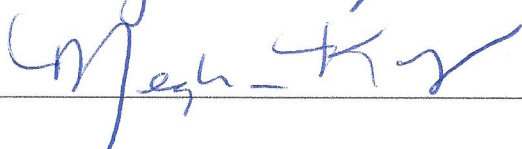
I, Meghan M. Kelly, Esquire, hereby certify on 3/23/23 I had a true
and correct copy of the above referenced document, served to Defendants, through their
counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated 3/23/2023

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I
declare, affirm that the foregoing statement is true and correct.

Dated: 3/23/2023
Meghan Kelly (printed)
 (signed)

22 IFP

CLOSED,Multi-Media Docs,PRO-SE,PRO-SE1

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:21-cv-01490-CFC**

Kelly v. Disciplinary Counsel Patricia B. Swartz et al
Assigned to: Judge Colm F. Connolly
Case in other court: Third Circuit, 21-03198
Third Circuit, 22-02079
Cause: 42:1983 Civil Rights Act

Date Filed: 10/25/2021
Date Terminated: 11/02/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Meghan M. Kelly, Esq.

represented by **Meghan M. Kelly, Esq.**
34012 Shawnee Drive
Dagsboro, DE 19939
302-493-6693
Email: meghankellyesq@yahoo.com
PRO SE

Meghan M. Kelly , Esq.
34012 Shawnee Drive
Dagsboro, DE 19939
302-493-6693
Email: meghankellyesq@yahoo.com
TERMINATED: 08/12/2022
LEAD ATTORNEY

V.

Defendant

Disciplinary Counsel Patricia B. Swartz

Defendant

Disciplinary Counsel Kathleen M. Vavala

Defendant

**Chief Disciplinary Counsel David A.
White**

Defendant

Office of Disciplinary Counsel

Defendant

**Board of Professional Responsibility for
the Supreme Court of Delaware**

Defendant

Handwritten notes in red ink:

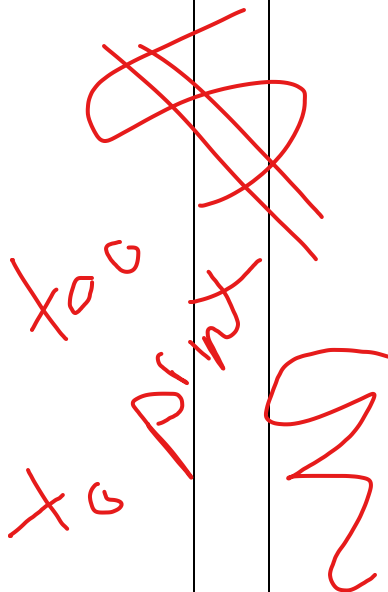
- Too
- Land
- Fit
- Script

			restraining order to be applied immediately, with a waiver of bond, to prevent immediate irreparable injury compelled violations of my religious beliefs, but for my exercise of religious beliefs, # 16 Certificate of Service Certificate of service of Plaintiffs Motion for an urgent emergency preliminary restraining order to be applied immediately, with a waiver of bond, to prevent immediate irreparable injury compelled violations of my religious beliefs, but for my exercise of religious beliefs, Plaintiff's Memorandum of Law in Support of her Motion, and Motion to Expedite)(Kelly, Meghan) (Entered: 02/14/2022)
			<div> <input type="checkbox"/> 0 Main Document 11 pages 6.9 MB </div> <div> <input type="checkbox"/> 1 Exhibit A, Jan 18, 2022 request for an order in an appealable form, inst 4 pages 1.8 MB </div> <div> <input type="checkbox"/> 2 Exhibit B, Jan. 11, 2022 request for a copy of the docket, the record to 2 pages 20.4 KB </div> <div> <input type="checkbox"/> 3 Exhibit C, Jan. 31, 2022, Email to the Board and Patricia Swartz request 2 pages 14.3 KB </div> <div> <input type="checkbox"/> 4 Exhibit D, Jan 31, 2022, email requesting Exhibit names, and forwarded E 4 pages 143.3 KB </div> <div> <input type="checkbox"/> 5 Exhibit E, Jan.31, 2022 email asking for exhibits in attachment form wit 3 pages 61.6 KB </div> <div> <input type="checkbox"/> 6 Exhibit F, Jan. 25, 2022, Respondent's Motion for Dismiss for lack 13 pages 458.6 KB </div> <div> <input type="checkbox"/> 7 Exhibit G, Jan. 31, 2022, RESPONDENTS MEGHAN KELLYS MOTION FOR A PROTECT 11 pages 6.3 MB </div> <div> <input type="checkbox"/> 8 Exhibit H, Email concerning immediately noticed errors in transcript ema 3 pages 49.8 KB </div> <div> <input type="checkbox"/> 9 Exhibit I, Email to Board and Patricia regarding serious errors of cour 3 pages 77.9 KB </div> <div> <input type="checkbox"/> 10 Exhibit J, Email to Board and Patricia regarding court reporting errors 2 pages 17.9 KB </div> <div> <input type="checkbox"/> 11 Exhibit K, my filed corrections of the transcript via Letter and attachm 10 pages 336.1 KB </div> <div> <input type="checkbox"/> 12 Exhibit L, Resubmitted second petition to the Delaware Supreme Court reg 14 pages 7.4 MB </div> <div> <input type="checkbox"/> 13 Exhibit M, Feb. 1, 2022, Third request relating to attorney dues 4 pages 1.3 MB </div> <div> <input type="checkbox"/> 14 Exhibit N, order granting third request relating to lawyer dues 4 pages 1.0 MB </div> <div> <input type="checkbox"/> 15 Text of Proposed Order Proposed order on Plaintiffs Motion for an urgent emergen 2 pages 86.9 KB </div> <div> <input type="checkbox"/> 16 Certificate of Service Certificate of service of Plaintiffs Motion for an urgent 2 pages 937.7 KB </div>
02/14/2022	48	<input type="checkbox"/> 1.7 MB	Emergency MOTION to Expedite <i>by Plaintiff Meghan M. Kelly</i> - filed by Meghan Kelly. (Attachments: # 1 Text of Proposed Order Proposed Order on Motion to Expedite, # 2 Certificate of Service Certificate of Service on Motion to Expedite, PLAINTIFFS MOTION FOR AN URGENT EMERGENCY PRELIMINARY RESTRAINING ORDER TO BE APPLIED IMMEDIATELY,

			WITH A WAIVER OF BOND, TO PREVENT IMMEDIATE AND IRREPARABLE INJURY BY COMPELLED VIOLATIONS OF MY RELIGIOUS BELIEFS, BUT FOR MY EXERCISE OF RELIGIOUS BELIEFS, and Plaintiff's Memorandum of Law in Support of her Motions) (Kelly, Meghan) (Entered: 02/14/2022)
			<div> <input type="checkbox"/> 0 Main Document <div>2 pages 687.4 KB</div> </div> <div> <input type="checkbox"/> 1 Text of Proposed Order Proposed Order on Motion to Expedite <div>2 pages 83.3 KB</div> </div> <div> <input type="checkbox"/> 2 Certificate of Service Certificate of Service on Motion to Expedite, PLAINTIFFS <div>2 pages 937.7 KB</div> </div>
02/14/2022	49	<input type="checkbox"/> 7.5 MB	PRETRIAL MEMORANDUM by Meghan Kelly. (Attachments: # 1 Text of Proposed Order proposed Order on Plaintiff's Motion for an urgent emergency preliminary restraining order to be applied immediately, with a waiver of bond, to prevent immediate irreparable injury compelled violations of my religious beliefs, but for my exercise of religious beliefs Memorandum of Law in Support of Plaintiffs, # 2 Certificate of Service Certificate of Service on Motion to Expedite, Plaintiff's Motion for an urgent emergency preliminary restraining order to be applied immediately, with a waiver of bond, to prevent immediate irreparable injury compelled violations of my religious beliefs, but for my exercise of religious beliefs, and Plaintiff's Memorandum of Law in Support of her Motions)(Kelly, Meghan) (Entered: 02/14/2022)
			<div> <input type="checkbox"/> 0 Main Document <div>10 pages 6.5 MB</div> </div> <div> <input type="checkbox"/> 1 Text of Proposed Order proposed Order on Plaintiff's Motion for an urgent e <div>2 pages 86.9 KB</div> </div> <div> <input type="checkbox"/> 2 Certificate of Service Certificate of Service on Motion to Expedite, Plaintiff&# <div>2 pages 937.7 KB</div> </div>
02/23/2022	50	<input type="checkbox"/> 1.8 MB	Letter to Chief Justice Colm from Meghan Kelly regarding Patricia Swartz taken off case. (Attachments: # 1 Certificate of Service Letter Patricia Swartz in professional capacity only/I think she is retiring)(Kelly, Meghan) (Entered: 02/23/2022)
			<div> <input type="checkbox"/> 0 Main Document <div>2 pages 942.9 KB</div> </div> <div> <input type="checkbox"/> 1 Certificate of Service Letter Patricia Swartz in professional capacity only/I th <div>2 pages 815.1 KB</div> </div>
03/10/2022	51	<input type="checkbox"/> 4.0 MB	Letter to Chief Justice Colm from Meghan Kelly regarding Status update and status on Emergency Preliminary injunction filed March 15, 2022 - re 49 Pretrial Memorandum, 48 Emergency MOTION to Expedite by Plaintiff Meghan M. Kelly. (Attachments: # 1 Exhibit A Board questioning loyalty to the law, country and Constitution because I sued President Trump regarding Constitutional violations, # 2 Exhibit B Order by DE Sup Ct inidcating they deny opportunity to be heard until after it is too late, # 3 Exhibit C Order by DE Sup Ct making a decision on my defenses before allowing me to present a defense, # 4 Exhibit D

			Board's non-appealable email decision dated Jan. 10 on motion dated Dec 18., # 5 Exhibit E Board's non-appealable decision, # 6 Certificate of Service Cert of Service of March 10, 2022 letter with exhibits)(Kelly, Meghan) (Entered: 03/10/2022)
			<div> <input type="checkbox"/> 0 Main Document 7 pages 3.6 MB </div> <div> <input type="checkbox"/> 1 Exhibit A Board questioning loyalty to the law, country and Constitution 2 pages 46.5 KB </div> <div> <input type="checkbox"/> 2 Exhibit B Order by DE Sup Ct inidcating they deny opportunity to be hear 3 pages 46.2 KB </div> <div> <input type="checkbox"/> 3 Exhibit C Order by DE Sup Ct making a decision on my defenses before all 2 pages 31.8 KB </div> <div> <input type="checkbox"/> 4 Exhibit D Board's non-appealable email decision dated Jan. 10 on mo 3 pages 43.9 KB </div> <div> <input type="checkbox"/> 5 Exhibit E Board's non-appealable decision 4 pages 120.5 KB </div> <div> <input type="checkbox"/> 6 Certificate of Service Cert of Service of March 10, 2022 letter with exhibits 2 pages 49.6 KB </div>
03/29/2022	52	<input type="checkbox"/> 2.3 MB	Letter Letter to Chief Justice Colm from Meghan Kelly regarding Waiving Pacer Fees, The Third Circuit granted me a waiver and directed me to contact you, to follow up on my two motions to waive fees, including Pacer fees - re 33 MOTION, 1 MOTION for Leave to Proceed in forma pauperis, 11 MOTION Permission to E-File, Exemption o Pacer Fees, and A waver of the Additional Paper Copy Requirement. (Attachments: # 1 Exhibit Order by the Third Circuit granting Pacer exemption, directing me to contact the Delaware District Court for an exemption of pacer costs with the District Court, # 2 Certificate of Service Certificate of Service of Status update letter on waiving Pacer fees and other costs, but Pacer fees is more pressing)(Kelly, Meghan) (Entered: 03/29/2022)
			<div> <input type="checkbox"/> 0 Main Document 3 pages 1.3 MB </div> <div> <input type="checkbox"/> 1 Exhibit Order by the Third Circuit granting Pacer exemption, directing me to con 2 pages 153.1 KB </div> <div> <input type="checkbox"/> 2 Certificate of Service Certificate of Service of Status update letter on waiving 2 pages 875.8 KB </div>
03/29/2022	53	<input type="checkbox"/> 6.9 MB	Letter to Chief Justice Colm from Meghan Kelly regarding Feb 14, 2022 Motion for TRO, Preliminary Injunction and Emergency Motion, Meg is in immediate danger of loss of additional Constitutional liberties now, please help me - re 49 Pretrial Memorandum, 47 Second MOTION for Preliminary Injunction by <i>Plaintiff Meghan M. Kelly</i> , 48 Emergency MOTION to Expedite by <i>Plaintiff Meghan M. Kelly</i> , 51 Letter. (Attachments: # 1 Exhibit A table of contents of exhibits not docketed electronically, # 2 Exhibit B showing 30 pages of procedural history in the state proceeding, # 3 Exhibit C emails to clerk and opposing counsel Kathleen Vavala in state court, # 4 Certificate of Service Cert of service via email and US mail)(Kelly, Meghan) Modified on 7/5/2023 (nmg). (Entered: 03/30/2022)

			<div> <input type="checkbox"/> 0 Main Document 6 pages 3.2 MB </div> <div> <input type="checkbox"/> 1 Exhibit A table of contents of exhibits not docketed electronically 13 pages 978.4 KB </div> <div> <input type="checkbox"/> 2 Exhibit B showing 30 pages of procedural history in the state proceeding 34 pages 1.7 MB </div> <div> <input type="checkbox"/> 3 Exhibit C emails to clerk and opposing counsel Kathleen Vavala in state 5 pages 134.8 KB </div> <div> <input type="checkbox"/> 4 Certificate of Service Cert of service via email and US mail 2 pages 898.1 KB </div>
04/04/2022	54	<input type="checkbox"/> 47.2 MB	<p>Second MOTION exemption from in person appearances, permission to appear remotely re 33 MOTION, 1 MOTION for Leave to Proceed in forma pauperis, 12 MOTION for Remote Proceedings <i>for reasons not mentioned in the first motion</i> - filed by Meghan Kelly. (Attachments: # 1 Exhibit A Plaintiff's motion for remote proceedings or to appear remotely, dated Oct 21, 2022, relating to prevention of sickness and death in a global pandemic, # 2 Exhibit B evidence I have been thinking of turning in my car tags because of unaffordable expense, # 3 Exhibit C Excerpts of the 4th Ind Rev to show making it too expensive to drive is part of the goal to intentionally crash the economy to replace the fiat dollar to something that tracks and places humanity on a debt system down the line, # 4 Exhibit D Covid 19 The Great Reset excerpts, # 5 Exhibit E photos, # 6 Exhibit F Excerpts from the world economic forum founder's latest book released in 2022, showing the 91 banks who scheme to control governments no longer free to govern independently with lawless reign unrestrained by their desire for profit on debt interest and debt control rewarding killing, stealing and destroying to serve its entities existence, # 7 Text of Proposed Order Proposed Order on Plaintiffs different motion for exemption to appear in person in Court, for remote proceedings, or to appear remotely due to foreseeable costs relating to transportation creating a substantial burden upon my access to the Courts and forced violation of my religious beliefs by threat of indebtedness, dated April 4, 2022, # 8 Certificate of Service Cert of Serv of Plaintiffs different motion for exemption to appear in person in Court, for remote proceedings, or to appear remotely due to foreseeable costs relating to transportation creating a substantial burden upon my access to the Courts and forced violation of my religious beliefs by threat of indebtedness, dated April 4, 2022)(Kelly, Meghan) (Entered: 04/04/2022)</p>
			<div> <input type="checkbox"/> 0 Main Document 14 pages 8.7 MB </div> <div> <input type="checkbox"/> 1 Exhibit A Plaintiff's motion for remote proceedings or to appear re 6 pages 126.7 KB </div> <div> <input type="checkbox"/> 2 Exhibit B evidence I have been thinking of turning in my car tags becaus 2 pages 625.1 KB </div> <div> <input type="checkbox"/> 3 Exhibit C Excerpts of the 4th Ind Rev to show making it too expensive to 23 pages 18.2 MB </div> <div> <input type="checkbox"/> 4 Exhibit D Covid 19 The Great Reset excerpts 6 pages 4.9 MB </div> <div> <input type="checkbox"/> 5 Exhibit E photos 6 pages 7.5 MB </div>

			<input type="checkbox"/> 6 Exhibit F Excerpts from the world economic forum founder's latest b 8 pages 6.2 MB <input type="checkbox"/> 7 Text of Proposed Order Proposed Order on Plaintiffs different motion for exempti 1 page 118.5 KB <input type="checkbox"/> 8 Certificate of Service Cert of Serv of Plaintiffs different motion for exemption 2 pages 913.0 KB
04/13/2022	55	<input type="checkbox"/> 58.5 MB	<p>Letter to Chief Justice Colm F. Connelly from Meghan Kelly regarding Exhibits allegedly will be uploaded - re 53 Letter. (Attachments: # 1 Exhibit A, Court changing its mind indicating physically filed exhibits would not be uploaded, # 2 Exhibit B, procedural history in the state proceeding, # 3 Exhibit C, email on opposing counsel's position should I file a motion to compel the court to include electronic versions of exhibits, # 4 Exhibit D court changed its position, # 5 Exhibit E, rejection at DelTech, # 6 Exhibit F, disparate treatment at Del Tech, # 7 Exhibit G, proof scanned in exhibits and emailed them to the court for ease to upload, # 8 Exhibit H, request for bar card, # 9 Exhibit I, Library card and bar card, # 10 Exhibit J Report From Iron Mountain, on the possibility & Desirability of Peace, allegedly by Leonard C. Lewin, # 11 Exhibit K The Creature From Jekyll Island, # 12 Exhibit L Klaus Schwab,Thierry Malleret - The Great Narrative (The Great Reset Book 2), # 13 Certificate of Service Cert of service by mail)(Kelly, Meghan) (Entered: 04/13/2022)</p>
			<input type="checkbox"/> 0 Main Document 18 pages 10.5 MB <input type="checkbox"/> 1 Exhibit A, Court changing its mind indicating physically filed exhibits 4 pages 1.4 MB <input type="checkbox"/> 2 Exhibit B, procedural history in the state proceeding 34 pages 20.9 MB <input type="checkbox"/> 3 Exhibit C, email on opposing counsel's position should I file a mot 4 pages 1.4 MB <input type="checkbox"/> 4 Exhibit D court changed its position 4 pages 1.9 MB <input type="checkbox"/> 5 Exhibit E, rejection at DelTech 4 pages 1.7 MB <input type="checkbox"/> 6 Exhibit F, disparate treatment at Del Tech 5 pages 2.4 MB <input type="checkbox"/> 7 Exhibit G, proof scanned in exhibits and emailed them to the court for e 18 pages 328.6 KB <input type="checkbox"/> 8 Exhibit H, request for bar card 4 pages 1.2 MB <input type="checkbox"/> 9 Exhibit I, Library card and bar card 3 pages 900.1 KB <input type="checkbox"/> 10 Exhibit J Report From Iron Mountain, on the possibility & Desirability o 91 pages 6.7 MB <input type="checkbox"/> 11 Exhibit K The Creature From Jekyll Island 611 pages 6.9 MB <input type="checkbox"/> 12 Exhibit L Klaus Schwab,Thierry Malleret - The Great Narrative (The Grea 166 pages 1.5 MB <input type="checkbox"/> 13 Certificate of Service Cert of service by mail 2 pages 828.3 KB

04/21/2022	56	<input type="checkbox"/> 18.7 MB	<p>Letter to Chief Justice Colm F. Connelly from Meghan Kelly regarding Religious beliefs of activity leading to hell, injustice. (Attachments: # 1 Exhibit A petition based on biblical political beliefs an impermissible purpose to persecute and punish, # 2 Exhibit B August 23 ODC letter bringing suit based on supreme court and chancery court religious political petitions, # 3 Exhibit C DE-Lapp interfering, and threatening letter based on separate petition lawyer fees, # 4 Exhibit D Meg pointing out lawyer bad behavior uncorrectable because professional Board's look after businesses, the professions, not the customers, # 5 Exhibit E email to the federal judiciary committee how to prevent the planned crash, # 6 Exhibit F Greenpass developed before pandemic, the pandemic manufactured for the need to implement the wicked economy which eliminates freedom for control, order and equality, equality is not freedom free choice not forced choice is, # 7 Exhibit G Clearpass pass ports alluded to in books by founder developed for manufactured use prepandemic, # 8 Exhibit H entity information on Clearpass, # 9 Exhibit I October 19 2020 letter referencing planned economic crash to Chancery Ct, # 10 Exhibit J July 21, 2021 Letter to DE Sup Ct with the two books I gave you regarding the economic crash, noting I gave the same to Police Chief Officer Flood in Dagsboro, # 11 Exhibit K an example Bible verses may be used as authority accepted by US Supreme ct, # 12 Exhibit L apprising Patricia religious beliefs against false charity and the global schemed crash, # 13 Exhibit Cert of Service)(Kelly, Meghan) (Entered: 04/21/2022)</p>																																																				
			<table> <tr> <td><input type="checkbox"/> 0</td> <td>Main Document</td> <td>19 pages</td> <td>10.6 MB</td> </tr> <tr> <td><input type="checkbox"/> 1</td> <td>Exhibit A petition based on biblical political beliefs an impermissible</td> <td>3 pages</td> <td>101.9 KB</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td>Exhibit B August 23 ODC letter bringing suit based on supreme court and</td> <td>2 pages</td> <td>955.5 KB</td> </tr> <tr> <td><input type="checkbox"/> 3</td> <td>Exhibit C DE-Lapp interfering, and threatening letter based on separate</td> <td>3 pages</td> <td>1.2 MB</td> </tr> <tr> <td><input type="checkbox"/> 4</td> <td>Exhibit D Meg pointing out lawyer bad behavior uncorrectable because pro</td> <td>17 pages</td> <td>891.9 KB</td> </tr> <tr> <td><input type="checkbox"/> 5</td> <td>Exhibit E email to the federal judiciary committee how to prevent the pl</td> <td>7 pages</td> <td>439.2 KB</td> </tr> <tr> <td><input type="checkbox"/> 6</td> <td>Exhibit F Greenpass developed before pandemic, the pandemic manufactured</td> <td>29 pages</td> <td>950.3 KB</td> </tr> <tr> <td><input type="checkbox"/> 7</td> <td>Exhibit G Clearpass pass ports alluded to in books by founder developed</td> <td>6 pages</td> <td>186.3 KB</td> </tr> <tr> <td><input type="checkbox"/> 8</td> <td>Exhibit H entity information on Clearpass</td> <td>7 pages</td> <td>229.9 KB</td> </tr> <tr> <td><input type="checkbox"/> 9</td> <td>Exhibit I October 19 2020 letter referencing planned economic crash to C</td> <td>6 pages</td> <td>184.6 KB</td> </tr> <tr> <td><input type="checkbox"/> 10</td> <td>Exhibit J July 21, 2021 Letter to DE Sup Ct with the two books I gave yo</td> <td>11 pages</td> <td>353.3 KB</td> </tr> <tr> <td><input type="checkbox"/> 11</td> <td>Exhibit K an example Bible verses may be used as authority accepted by U</td> <td>20 pages</td> <td>1.6 MB</td> </tr> <tr> <td><input type="checkbox"/> 12</td> <td>Exhibit L apprising Patricia religious beliefs against false charity and</td> <td>3 pages</td> <td>147.9 KB</td> </tr> </table>	<input type="checkbox"/> 0	Main Document	19 pages	10.6 MB	<input type="checkbox"/> 1	Exhibit A petition based on biblical political beliefs an impermissible	3 pages	101.9 KB	<input type="checkbox"/> 2	Exhibit B August 23 ODC letter bringing suit based on supreme court and	2 pages	955.5 KB	<input type="checkbox"/> 3	Exhibit C DE-Lapp interfering, and threatening letter based on separate	3 pages	1.2 MB	<input type="checkbox"/> 4	Exhibit D Meg pointing out lawyer bad behavior uncorrectable because pro	17 pages	891.9 KB	<input type="checkbox"/> 5	Exhibit E email to the federal judiciary committee how to prevent the pl	7 pages	439.2 KB	<input type="checkbox"/> 6	Exhibit F Greenpass developed before pandemic, the pandemic manufactured	29 pages	950.3 KB	<input type="checkbox"/> 7	Exhibit G Clearpass pass ports alluded to in books by founder developed	6 pages	186.3 KB	<input type="checkbox"/> 8	Exhibit H entity information on Clearpass	7 pages	229.9 KB	<input type="checkbox"/> 9	Exhibit I October 19 2020 letter referencing planned economic crash to C	6 pages	184.6 KB	<input type="checkbox"/> 10	Exhibit J July 21, 2021 Letter to DE Sup Ct with the two books I gave yo	11 pages	353.3 KB	<input type="checkbox"/> 11	Exhibit K an example Bible verses may be used as authority accepted by U	20 pages	1.6 MB	<input type="checkbox"/> 12	Exhibit L apprising Patricia religious beliefs against false charity and	3 pages	147.9 KB
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			<input type="checkbox"/> 13 Exhibit Cert of Service	2 pages 807.4 KB
04/21/2022	57	<input type="checkbox"/> 130.8 KB	Letter to Chief Justice Colm F. Connelly from Meghan Kelly regarding Postal Receipt Email receipt - re 56 Letter,,,,,. (Attachments: # 1 Certificate of Service Email with April 21, 2022 letter and attachments sent to opposing counsel, # 2 Certificate of Service Part 2 Email with April 21, 2022 letter and exhibits sent to opposing counsel)(Kelly, Meghan) (Entered: 04/21/2022)	
			<input type="checkbox"/> 0 Main Document <input type="checkbox"/> 1 Certificate of Service Email with April 21, 2022 letter and attachments sent to <input type="checkbox"/> 2 Certificate of Service Part 2 Email with April 21, 2022 letter and exhibits sent	1 31.2 page KB 1 49.2 page KB 1 50.4 page KB
04/26/2022	58	<input type="checkbox"/> 260.0 MB	<p>Letter to Chief Justice Colm F. Connelly from Meghan Kelly regarding Running motion to allow complaint to be amended to reflect the facts, witnesses <u>eliminated by state, concealed the fact they retired during proceeding</u>, did not allow me to gather discovery from them to hide this fact. (Attachments: # 1 Exhibit Table of Contents of Exhibits and electronic data, # 2 Exhibit A doctored up praecipe Oct 5 2020 I did not know she wrote on it, # 3 Exhibit B ltr to DE Supreme Court, July 12, 2021 regarding staff told me to cross off, # 4 Exhibit C Praecipe with address crossed off, # 5 Exhibit D Praecipe with switched address sheets, # 6 Exhibit E Letter to Master Patricia Griffin regarding I am not an attorney advocate in the case, # 7 Exhibit F Letter to Assigned Vice Chancellor,, # 8 Exhibit G Ltr October 30, 2020, regarding removal, immunity remove, # 9 Exhibit H Letters to Courts requesting waiver of notary requirements, President Trump has covid 19, # 10 Exhibit I Letter from the Court notary requirements, # 11 Exhibit J Letter to Master regarding disparate treatment by court based on religion, political association and poverty, # 12 Exhibit K Letter to Master regarding Chancery Court staff misled me to almost miss the appeal deadline., # 13 Exhibit L Email to David Weiss and opposing counsel regarding Dr. Bunting, Judge Smalls potentially relating to my pe, # 14 Exhibit M Email to opponents, with page 39 of the Fourth Industrial Revolution, relating to the elimination of lawy, # 15 Exhibit N My pleading before arbitrator, Defendant David White, # 16 Exhibit O ODC letters and Complaint Justice Kavanaugh, # 17 Certificate of Service To Court and Defendants electronic data too, # 18 Certificate of Service Post Office Receipt, # 19 Certificate of Service Email part 1 to Defendants through opposing counsel, # 20 Certificate of Service Email part 2 to Defendants through opposing counsel, # 21 Certificate of Service Email part 3 to Defendants through opposing counsel)(Kelly, Meghan) (Entered: 04/26/2022)</p>	
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04/26/2022	59	<input type="checkbox"/> 298.3 KB	MEMORANDUM OPINION. Signed by Judge Colm F. Connolly on 04/26/2022. (apk) (Entered: 04/26/2022)
04/26/2022	60	<input type="checkbox"/> 129.5 KB	ORDER, Plaintiff's pending motions (D.I. 33 , 34 , 36 , 37 , 39 , 41 , 42 , 47 , 48 , 54) are DENIED. Signed by Judge Colm F. Connolly on 04/26/2022. (apk) (Entered: 04/26/2022)
04/27/2022			NOTICE of filing the following Non-Paper material(s) in multi media format: Videos and Images referenced in D.I. 58 on a thumb drive. Original Non-paper material(s) to be filed with the Clerk's Office. Notice filed by Meghan M. Kelly.