

YAHOO! MAIL

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Date: Wed, 7 Feb 2007 20:41:18 -0800 (PST)
From: "Dawn Martin" <dvmartinlaw@yahoo.com>
Subject: RE: JOINT EXHIBIT 33
To: "Ford, Kishka-Kamari M." <KMFord@Venable.com>

Kishka:

I agree that it would be inappropriate for you to supply Ms. Jones with exhibits without my knowledge, but I would go further and state that it is inappropriate for her to ask you for them at all. I am wondering why she thinks it is appropriate.

Preparing the transcripts does not require including the exhibits, which both parties have; moreover, since I ordered the transcripts, paid for them months ago, and am the party responsible for ensuring that they are filed in the court of appeals, I am wondering why she would seek out Howard for these exhibits, rather than talk to me, particularly when she has ignored my most basic requests for printouts of transcripts she has completed and docketed, as well as an invoice, an estimate of the cost, the return of excess funds paid, and some estimate of when all of the transcripts would be provided to me.





Has Howard ordered the transcripts also? Does Howard have any of the transcripts, and if so, when did Ms. Jones supply them to Howard?

Sincerely,

Dawn Martin

"Ford, Kishka-Kamari M." <KMFord@Venable.com> wrote:

Ms. Martin,
The court reporter called me and said that she did not have a copy of the trial exhibits and needed a copy of JEX 33 to finish the transcript. I told her that I would not be comfortable sending anything to her without you knowing it. That is why I e-mailed the exhibit to both you and her at the same time. If you have any other questions please feel free to call me.
Thank You

Kishka Kamari M. Ford
Venable LLP
8010 Towers Crescent Drive
Suite 300
Vienna, VA 22182
 (703) 760-1610  (direct dial)
 (703) 821-8949  (fax)

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

From: Dawn Martin [mailto:dvmartinlaw@yahoo.com]
Sent: Wednesday, February 07, 2007 2:20 PM
To: Ford, Kishka-Kamari M.
Subject: Re: JOINT EXHIBIT 33

Ms. Ford:

I do not understand why the court reporter is asking you for exhibits or otherwise communicating with regarding preparation of the transcript that I ordered. Will you please explain to me what

is going on?

Sincerely,

Dawn Martin

"Ford, Kishka-Kamari M." <KMFord@Venable.com> wrote:

Ms. Jones,
 Pursuant to your request, attached is a copy of Joint Exhibit 33.
 Thank You
 <<JOINT EXHIBIT 33.pdf>>
 Kishka-Kamari M. Ford
 Venable LLP
 8010 Towers Crescent Drive
 Suite 300
 Vienna, VA 22182
 ☎ (703) 760-1610 🌐 (direct dial)
 ☎ (703) 821-8949 📠 (fax)

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From: Washcathryn@aol.com
Date: Fri, 9 Feb 2007 13:45:00 EST
Subject: (no subject)
To: DVMARTINLAW@yahoo.com

Ms. Martin, I am not obliged to discuss my arrangements I've made with other parties with you. The status of the transcripts are six days available for your pickup. You have no understanding of the transcript production process. To stop and explain the process only takes away from the time needed to continue production.

I expect to be finished with your transcripts by Friday of next week. I will inform you when they are ready. And you will receive an invoice in accordance with the Rules.

Thank you for your patience.

YAHOO! MAIL

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Date: Thu, 8 Feb 2007 13:18:53 -0800 (PST)
From: "Dawn Martin" <dvmartinlaw@yahoo.com>
Subject: Your request that Howard University supply you with Joint Exhibit 33 in Martin v. Howard University
To: "Cathryn Jones" <washcathryn@aol.com>

Ms. Jones:

In addition to the questions I asked yesterday (below), I add the following.

I would like to know why you contacted Howard University and asked its attorneys to supply you with Joint Exhibit # 33.

Judge Hogan returned all exhibits to the parties. Preparing the transcripts does not require use of those exhibits, to the best of my understanding. In addition, since I ordered the transcripts, paid for them months ago, and am the party responsible for ensuring that they are filed in the court of appeals, I am wondering why you would seek out Howard for these exhibits, rather than talk to me

Has Howard ordered the transcripts also? Does Howard have any of the transcripts, and if so, when did you supply them to Howard? If Howard has paid for the transcripts and received them first, then I should only be charged the cost of printing them out.

Sincerely,

Dawn Martin

Dawn Martin <dvmartinlaw@yahoo.com> wrote:

Date: Wed, 7 Feb 2007 12:24:24 -0800 (PST)
From: Dawn Martin <dvmartinlaw@yahoo.com>
Subject: Pcking up transcripts in Martin v. Howard University
To: Washcathryn@aol.com

Ms. Jones:

Last night, I received your voicemail message left yesterday afternoon. I was preparing to leave for the American Bar Association Mid-Year conference and am at the conference now in Miami; therefore, at this time, I cannot pick up the five days of transcripts that you said were being printed out yesterday.

I am trying to find someone else to pick them up, but do not want to ask them to make several trips. As soon as I have identified this person, I will e-mail you that person's name and authorization to allow that person to pick up the transcripts.

Since the trial was 3 weeks long, obviously, 5 days is only 1/3 of the trial. When will the remaining transcripts be ready?

Of course, since the Court of Appeals ordered you to produce the entire transcript, no later than Jan. 31, 2007, I expected to have them a week before leaving for this conference. Coincidentally, the first time you have made any transcripts available to me was on the even of the ABA conference, which is one of the few times all year that I have been out of town.

Please also provide me with an invoice for the transcripts, subtracting the 20% fee that the Court of Appeals imposed upon you as a penalty for failing to produce the transcript by Nov. 12, 2006, when it was due (60 days after I ordered it). Please also include, with the transcripts when they are picked up, a refund to me of the monies that I have paid you beyond the invoiced amount, as permitted the U.S. Court of Appeals.

I will not comment on the comments that you made in your voicemail message to me. All that is relevant is that you have violated the Federal Rules of Appellate Procedure and a direct court order and ignored every correspondence that I have sent you since September of 2006, asking for an update of the progress of the transcripts, the cost of the transcripts, and to print out the transcripts that were finished -- particularly those that were not just finished, but docketed with the court, but not available to me.

I certainly hope that the transcripts will be provided forthwith and that my appeal can proceed.

Sincerely,

Dawn Martin, Esquire

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