

From: [Carl Hartmann](#)
To: ["Jim Hymes"](#); ["Rauna Stevenson"](#)
Cc: ["Kim Japinga"](#); ["JOEL HOLT"](#)
Subject: Your Rule 11 assertion of this date
Date: Tuesday, December 27, 2022 7:10:00 PM

Jim:

You have now threatened ethics complaints (2), a Rule 11 motion, sanctions, and characterized our filings as being “criminal”.

Although Hamed is under no duty to inform you why your most recent letter--a letter threatening Rule 11 and other sanctions against both counsel and our client--are incorrect, we have decided to provide you with the following in the hope of avoiding a cycle of your pursuing this to everyone’s expense. This is not all that we know or will pursue in terms of her acts in furtherance—but it will give you an idea of why your position is wrong. We do not ask you to agree you are wrong, only to desist from the accusation that we proceed without a sound legal basis, and thus, in bad faith. If you disagree with the legal precepts or precedent set forth, please let me know and we will further respond with additional case law.

First, Manal is accused of presently being a co-conspirator in a conspiracy that is ongoing—one that continues every day she and her family try to take half the value of the land. An ongoing conspiracy constantly tolls the SOL. Second, several of her discovery responses are alleged to be false statements in furtherance of that conspiracy. Those are present acts. Neither litigation in furtherance of a conspiracy nor false discovery responses are exempt from being considered acts in furtherance of a conspiracy. See e.g., *Burns v. C.R. England, Inc.*, No. 3:04-cv-304-GPM, 2007 U.S. Dist. LEXIS 27088, at *6 (S.D. Ill. Apr. 12, 2007):

On January 26, 2006, Plaintiffs filed their Motion for Leave to File a Third Amended Complaint (Doc. 71). This time, Plaintiffs sought "to add additional charging allegations as to the conspiracy counts." (Doc. 71, P 2). On February 23, 2006, the Court granted the motion, finding that the additional claim is related to those made in the Second Amended Complaint (Doc. 72). Plaintiffs then filed their Third Amended Complaint, alleging that Defendants, in furtherance of the conspiracy:

Filed a false sworn answer to an interrogatory asserting Leonard Ray Karnes had "slept 8 hours or greater in Effingham, Illinois" **when they knew such answer was false and fraudulent** as evidenced by the vehicles Qualcomm software program, information they had in their possession when the answer was filed, but withheld from plaintiffs.

(Doc. 73). Both Defendants answered the Third Amended Complaint on March 20, 2006 (Doc. 76, 77). On June 23, 2006, the District Court then set a final pretrial conference for August 14, 2006 (Doc. 86). (Emphasis

added.)

See also *Correia v. Town of Framingham*, No. 12-10828-NMG, 2013 U.S. Dist. LEXIS 116282, at *3-4 (D. Mass. July 24, 2013) (“That conspiracy, the plaintiffs suggest, continued during the litigation of this case. The plaintiffs cite **an interrogatory response**, signed by Carl, denying that Brown had asserted his Fifth Amendment rights when questioned about the incident by internal affairs investigators. Doc. No. 52 at 6-7. Pointing to the testimony of other police department witnesses that Carl was present when Brown did, in fact, assert his right to remain silent (and, further, that Carl personally instructed investigators to communicate directly with Brown's attorney), **the plaintiffs allege Carl's interrogatory response was a lie intended to further the conspiracy to protect Brown.**”)(Emphasis added.)

Third, Manal has undertaken a number of acts in furtherance of the conspiracy—with regard to which we originally took for her being a patsy, but are now, because of her and your recent statements, revealed (in facts unknown to Hamed) to be acts in concert. As was originally pled, we had understood from representations by defendants that Fathi, Jamil and Isam intercepted service and kept her in the dark. You and your client have recently made it clear this is not true, that she was fully participatory. We originally understood from representations by defendants that she was not participatory in use of the sham note and complaint to file the 342 litigation—itsself part of the conspiracy—but rather it was Fathi and Isam alone. You and your client have recently made it clear this was not true, instead stating that she was fully participatory. This is newly adduced information—within the SOL. It is also becoming very clear now that she has also been active in the acts of, and given significant support to the conspiracy here:

- A. With no documentation she has *recently* made a new allegation. She, within the SOL, has for the first time, stated that she received over a million dollars in interest payments. *While admitting she paid no taxes* on those funds,^[1] she has also *recently* refused to supply critical tax returns that are relevant to those payments and the alleged gifts at the center of this case. See *Your* Letter to Atty Hartmann, dated November 7, 2022. (“My client has indicated that she has not paid taxes on any interest payments paid to her by your clients. Therefore, I see no need for you to obtain copies of her tax returns for the years 1990 - 2000.) This has never been asserted prior to the modern conspiracy by Defendants who now use it as an important point in support of the conspiracy.
- B. She has repeatedly—up to today (since agreeing to do so in 2017) failed to provide her passports, which would show travel related to the conspiracy during both the original acts and currently. That is a new act in support of the conspiracy. Not only were these agreed to in 2017^[2], but again in November of this year by you in your letter—but

- they still have not been provided.
- C. In another new act in furtherance of the conspiracy, she currently alleges (and the defendants very much rely on the fact) that she has received that million dollars in interest, but presently refuses to provide the basics that would allow her assets to be investigated:
- i. She has refused her address, which prevents Hamed from investigating ownership status, value and credit basics. Exhibit 1. (“You indicated to me that you required a description of the present address for my client so that you may serve her with process. I will not provide you with that address. If you need to serve her with process, it may be done through me.”)^[3]
 - ii. Although the “gifts” she presently alleges she received from her father are a central factual issue here (also relied on heavily by the other conspirators) she has refused to provide any banking information directly related to the alleged interest she received. (You stated: “Access to the financial records of Island Appliances and my clients will not be granted. **Your clients have denied making any payments of interest. Therefore, they have no reason to look in bank accounts for those funds.**”) (Emphasis added.)^[4]
 - iii. She has, recently, first asserted the following preposterous story to explain when she has no documents or proof of receiving a million dollars in untaxed income—and at the same time stated she has no bank or other accounts of any type :

Certainly, these are just allegations currently, but like any complaint, that is the purview of the Plaintiff at this stage of the proceedings. There is significant factual and documentary support for these allegations of recent (and pre-SOL but exempt) activity in furtherance. Thus, your threatened actions are without merit.

Carl

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^[1] Not only did Hamed not know that she alleged an interest payment of a million

dollars which significantly supports the conspirators, but it came a complete surprise that she would claim this without any documentation—and without paying any taxes.

[2] *Letter* from Atty. Holt to Atty. Hymes, date August 1, 2017. (“In follow up to our Rule 37 conference, I want to memorialize what I understand we agreed on. . . .3. Regarding Manal's passports, you are obtaining copies as promptly as you can, which you will then file under seal with the Court, notifying me when you do.”)

[3] You, in your letter, incorrectly characterized this as solely being about the ability to serve her with process in Palestine. However the record is clear. You initially stated, in the Rule 16 conference, it would be provided—and it was almost entirely discussed as a standard request to any party where financial matters are involved, *to do credit and other financial investigation*. See page 2, of my letter to you dated October 20, 2022.

Item 8: We asked for her present address, and if it was not a place with valid physical addresses, that it be described by route and physical appearance. You asked why I would want that. I responded that (1) **it is a standard discovery inquiry of a party**, and (2) I intend to have or may have process served on her locally. **You said you would provide this.**

[4] It is completely baffling as to why, when you concede that Hamed contests the issue of any such interest payments, hyou would deny access to her bank records for that period.) In the absence of any supporting documents or tax records about a million dollars in cash from either Isam or Manal regarding interest payments—as she alleges only recently—it would seek contemporaneous bank records would be of highest importance. He refusal isa current act in furtherance as well.