

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: **98 Civ. 8272**
ROWE ENTERTAINMENT, et al : **(RPP)**
: :
: **Plaintiffs,** :
: :
: **- against -** :
: :
THE WILLIAM MORRIS AGENCY, et al., :
: :
: **Defendants.** :
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**PLAINTIFF LEONARD ROWE’S RESPONSE
TO THE DECLARATIONS OF
ATTORNEY RICHARD PRIMOFF**

Plaintiff, LEONARD ROWE, proceeding pro se, responds to the recently filed declarations of Attorney Richard Primoff as follows:

ATTORNEY RICHARD PRIMOFF:

1. Plaintiff received a copy of the declaration filed by Attorney Richard Primoff on or about May 14, 2012 wherein he admits in paragraph 2 that he was a member of the law firm of RubinBaum LLP and then was of counsel with Sonnenschein Nath & Rosenthal. He further states that he was, in fact, one of the attorneys that represented the Plaintiffs in the above captioned matter during the pertinent times at issue.

2. In paragraph 3 of Attorney Primoff's declaration to this court, he further admits that he "was involved in conducting fact discovery on behalf of Plaintiffs in 2002, including Plaintiff's efforts to obtain email production from Defendants."

3. Attorney Primoff continues that "**my recollection was that the e-mail production Plaintiffs received from defendants yielded nothing of use in proving Plaintiffs' case against Defendants.**"

4. In fact, Attorney Primoff was the first of the Plaintiff's attorneys that I spoke with who lied and indicated that "nothing had been found to help our case". This is proven to be totally untrue as demonstrated by the contents of Exhibit "A".

5. Apparently, Attorney Primoff does not see the correlation between the usage of racially derogatory terminology by Defendants to the allegations of racial animus and discrimination in a 42 U.S.C. 1981 lawsuit. This is either evidence of Mr. Primoff's incompetence as an attorney or a deliberate attempt to insult this Court's intelligence.

6. Plaintiff respectfully directs this Court's attention to the copy of certain e-mail summary findings that were submitted to this Court in the summary judgment record set forth herein as Exhibit "A", attached hereto and incorporated herein by reference, which clearly contradicts Attorney Primoff assertions by way of example, the derogatory terms "**nigger**", "**niggas**" and other racially offensive terminology such as "**spade**", "**colored**", "**monkey**", "**spook**", and "**uncle tom**".

7. Attorney Primoff's recollection seems further impugned by virtue of the fact that the fax ID heading contained on Exhibit "A" indisputably proves that the documents containing these racially offensive missives were sent directly from the offices of SNR, in New York on October 15, 2002 at 14:45. This time confirms Attorney Primoff's declaration of his presence and involvement in this matter.

8. Consequently, Attorney Primoff's declaration, provides him an opportunity to come to this Court and "face up" to his responsibilities. However, he chose, instead to further implicate himself in the previous conspiracy and fraud perpetrated upon this court, by his mendacious assertions that are

contrary to the true facts of this case. By doing so, he continues his efforts in perpetrating further “fraud upon this court” by his failure to truthfully disclose his participation in this crime and conspiracy.

9. In paragraph 5 of Attorney Primoff’s declaration, he seeks to insinuate and distance himself from the evidence by saying that a second e-mail search was contemplated by the parties, but this too, is a total fabrication because Plaintiffs paid over \$200,000 dollars to produce the e-mail results of the Defendants and a second e-mail search was never discussed by myself or other Plaintiffs with anyone.

10. However, Mr. Primoff, conspired, in conjunction with Attorney Martin Gold, Ray Heslin, Christine LaPera, Carl Robert Aron and others including Defendant’s attorneys who failed to turn over to the Plaintiff or this Court the actual email results and e-mails which Plaintiffs paid a substantial sum to retrieve thus constituting the initial fraud upon this Court.

11. Plaintiff specifically would like to point out to the Court that Exhibit “A” is missing both page 1 and page 17. Exhibit “A” is a direct copy that was

pulled from this Court's files, which suggests that someone other than the Plaintiffs has intentionally removed or deliberately misplaced these pages. These pages demonstrate that a significant portion of the derogatory and offensive terms results including "**nigger**" and "**nigga**", were found in the e-mails of Defendants CAA and the William Morris Agency 349 times and were submitted to this court in our summary judgment reply brief set forth herein as Exhibit "B". This is not coincidental.

12. Plaintiff hopes that Attorney Primoff's recollection is appropriately refreshed so that he can now move forward to apprise this Court and the US Attorney's Office of the true and accurate state of affairs with respect to Plaintiff's assertions in this matter. **The plaintiffs in this case were defrauded for the financial gain of others.**

13. Plaintiff asks that this Court, to additionally refer this entire matter to the U.S. Attorney's Office for the Southern District of New York for criminal prosecution pursuant to the racketeer influences and Corrupt Organizations Act ("RICO"), as codified, 18 U.S.C. 1961 *et seq.* and the Organized Crime Control Act ("OCCA"), ad codified, N.Y. Penal Laws 460.00 *et seq.*

14. Plaintiff further requests that this honorable Court take judicial notice of the Plaintiff's attorneys acts of fraud and illegal tampering with evidence under 18 U.S.C. 1506 and/or any and all other provisions of the criminal code of the United States that addresses the crime of tampering with evidence as demonstrated by the illegal misconduct of both the former Plaintiff's attorneys and those attorneys that represented the Defendants in this matter.

Dated this 21st Day of May 2012.

Respectfully submitted,

Leonard Rowe, Plaintiff
Pro Se
5805 State Bridge Road
Suite 350
Johns Creek, GA 30097

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**PLAINTIFF LEONARD ROWE’S RESPONSE
TO THE DECLARATIONS OF
ATTORNEY CHRISTINE LAPERERA**

Plaintiff, LEONARD ROWE, proceeding pro se, responds to the recently filed declarations of Attorney Christine Lepera as follows:

ATTORNEY CHRISTINE LEPERA:

1. Attorney Lepera asserts in paragraph 3 of her declaration that Plaintiff was trying to insinuate her involvement in the “cover-up” of evidence demonstrating racial discrimination in the Music Industry. She further seeks to downplay Plaintiff’s assertions contained in the instant Motion to Vacate and Set Aside presently pending before this Court.

2. In paragraph 4 she states that these “accusations against my former Sonneschein partners are patently preposterous to me.” However, she cannot refute the evidence contained in Exhibit “A” which conclusively proves that such racially derogatory slurs were, in fact, obtained during e-mail discovery and were received by attorneys at Sonneschein. Furthermore, she cannot dispute that the actual e-mails were hidden from Sonneschein’s own clients, as well as the Court.

3. While she claims that she has no knowledge of any such conduct, she does not offer any explanation to this Court of where the crucial e-mail evidence is now located or why these documents did not find its way to this Court for consideration on the motion for summary judgment.

4. In paragraph 6 of Ms. Lapera's declaration, she asserts that she "was not involved in e-mail discovery and the details of that process." If that is true, then her entire declaration is misplaced and of no relevance to these proceedings because the conspiracy was formed for the sole purpose of keeping this critical evidence from this Court's consideration on the motion for summary judgment.

5. However, the facts of this case suggest a contrary disposition as Ms. LePera was, to the best of my recollection, involved in all facets of the case including the withholding of the crucial evidence directly at issue in this case.

6. And while Ms. LaPera goes to great length to castigate Plaintiff, she also attempts to provoke anger from the court towards me for simply asking our justice system to protect my civil rights and the civil rights of all others similarly situated. In doing so she reveals her true concern when she asks that this Court not report to proper authorities the lies and professional misconduct of Plaintiff's formal attorneys who conspired with Defendant's attorneys and are directly responsible for the perpetration of fraud upon this

Federal Court. This fraud also consists of the unlawful tampering with evidence that was withheld from the Plaintiffs and the court.

7. And in a true twist of fate, an attorney that was supposed to be representing the Plaintiff and putting their client first, is now asking this Court to not grant Plaintiff's motion to reinstate this case, which can only be construed as an implicit admission of her and her co-conspirator law partner's true intentions and guilt. Ms. Lepera is the very same attorney that highly suggested that I bring this law suit and told me in no uncertain terms that my civil rights had been grossly violated by these Defendants.
8. Plaintiff respectfully requests that this Court order attorneys Martin Gold, Ray Heslin, Christine LePera, Carl Robert Aron and Richard Primoff to produce all of the e-mail documentation that was received and deliberately withheld from Plaintiff, to whom it rightfully belongs.
9. It has become increasingly clear that this Federal Court cannot and must not condone the illegal acts of misconduct by these attorneys who have deliberately conspired to perpetrate a fraud upon this Court, in a manner that has rarely been seen in modern times. This fraud consisted of the illegal

tampering with evidence that this Court was required to have before it in order to properly conduct its review on summary judgment.

10. And while Ms. LePera asserts her lack of knowledge relative to the email discovery process, she is fully cognizant that in conspiracies, she is just as liable as all the other co-conspirators if she knew or saw what they were doing and did not report it to proper authorities.

11. Consequently, the spurious assertions that Ms. LePera makes against this Plaintiff ring hollow when the true facts of this deplorable case are laid bare before this Court.

12. Plaintiff, along with this response to the declarations of Attorneys Primoff and LePera, will file a formal motion with this Court to compel the production and delivery of all the email discovery results that are referenced in Exhibit "A", which rightfully belongs to the plaintiffs.

13. This Court, according to law, is compelled to report the illegal misconduct and blatant violations of the law to the US Attorney's Office and all the

appropriate law enforcement agencies and disciplinary committees referenced in the initial 60(b) inter alia motion for relief.

14. This Plaintiff prays that this Court will take a firm stand and protect not only my civil rights but the civil rights of all American citizens. Plaintiff also asks that this Court make all appropriate referrals to all the parties and entities deemed necessary for a complete and thorough investigation of this fraud, conspiracy and corruption upon the Court.

15. Plaintiff asks that this Court, further refer this entire matter to the U.S. Attorney's Office for the Southern District of New York for criminal prosecution pursuant to the Racketeer Influenced and Corrupt Organization Act ("RICO"), as codified, 18 U.S.C. 1961 *et seq.* and the Organized Crime Control Act ("OCCA"), as codified, N.Y. Penal Law 460.00 *et seq.*

16. Plaintiff further requests that this honorable Court take judicial notice of the Plaintiff's attorneys acts of fraud and illegal tampering with evidence under 18 U.S.C. 1506 and/or any and all other provisions of the criminal code of the United States that addresses the crime of evidence tampering as

evidenced by the illegal misconduct of both the former Plaintiff's attorneys
and those attorneys that represented the Defendants in this matter.

Dated this 21st Day of May 2012.

Respectfully submitted,

Leonard Rowe, Plaintiff
Pro Se
5805 State Bridge Road
Suite 350
Johns Creek, GA 30097