

LAW OFFICE OF REED YURCHAK

ATTORNEY AT LAW
40 LAKE BELLEVUE DR. #100
BELLEVUE, WA 98005
TELE: (425) 941-6659 FAX: (425) 654-1205

December 28, 2015

Via E-mail: john@newmanlaw.com

John David Du Wors, Esq.
NEWMAN & DU WORS
2101 4th Avenue Ste. 1500
Seattle, WA 98121

**Re: Du Wors v. Schweickert, Kitsap County Case No. 15-2-02482-7
CR 11 Violations**

Dear Mr. Du Wors:

I am writing to inform you that I have had a chance to review your Kitsap County complaint ("the Complaint") filed on December 15, 2015 against my client, Jennifer Schweickert. Upon review of your complaint, I find that it is frivolous, in violation of Civil Rule (CR) 11, and contains a number of false and misleading statements. Accordingly, I have prepared a motion to dismiss under CR 12(b)(6), a copy of which you will find accompanying this letter that details the complete lack of any basis at law for your causes of action. In addition, I endeavor to also rectify your gross misrepresentation of facts, facts which you have asserted as truth in your complaint.

In the introduction to your Complaint, you state:

"Defendant Jennifer Schweickert is Mr. Phillips' wife. At Mr. Phillips' behest, Ms. Schweickert (sic) brought claims against Mr. Du Wors for, inter alia, fraud. The trial court dismissed Ms. Schweickert's claims on summary judgment with prejudice. In retaliation for that dismissal, Ms. Schweickert submitted a bar complaint against Mr. Du Wors." (Complaint, p. 2, para. 3, ln. 9).

As you well know, my client sued you because you made a number of misrepresentations of fact which you knew to be false in order to induce her to pay you over \$200,000 (two hundred thousand dollars). You employed a sophisticated scheme to induce Ms. Schweickert to invest. Given that you are an attorney, you advised and manipulated Steve Schweickert and Chad Rudkin, then operators of Hunts Point Ventures (HPV), offered her a loan and "profit" sharing of a shell company, never provided her with share certificates, and siphoned her money from the company. The declaration by then CEO Stephen Schweickert supports this position and provides the good faith basis for that lawsuit. In spite of the summary judgment decision, the Receiver for

Hunts Point Ventures (HPV) is currently suing you for similar malfeasance (Case No. 15-2-06869-5 SEA).

However, you know full well that my client's bar complaint had nothing to do with that lawsuit. First, I would note, it was dismissed quite some time ago, January 5, 2015. Second, my client filed her grievance due to your intransigence with regards to her repeated request for files related to the IP she had purchased from HPV. Her request for files was clearly made by her attorneys Mark Kimball and Brandon Wayman of MDK Law to you on September 10, 2015 via e-mail and messenger. The September 10, 2015 request for files included HPV's receiver's Authorization for Release of Legal Files, a fact you completely disregarded in your Washington State Bar Response.¹

However, even prior to this, my client requested the files from you on July 13, 2015, shortly after her purchase of HPV's patents. My client followed up on that letter on September 10, 2015 and when you failed to respond, and finally, her grievance followed two months later, on November 1. Not only do the facts in the grievance have nothing to do with the prior lawsuit against you, the timeline stated in your complaint presents a distorted view of reality that can only serve to further the fabricated narrative of events construed in support of your claims.

Next, you state in your Complaint:

"Upon release from prison, Mr. Phillips demanded that Mr. Du Wors pay Mr. Phillips several hundred thousand dollars. When Mr. Du Wors rejected the demand, Mr. Phillips submitted a bar grievance against Mr. Du Wors, which was rejected. And Mr. Phillips initiated malpractice litigation against Mr. Du Wors. Mr. Phillips' malpractice litigation was resolved for a nominal sum after Mr. Phillips' declared bankruptcy."
(Complaint, p. 3, para. 11, ln. 28 – p. 4, para. 11 cont., ln. 4)

As you know, Mr. Phillips did not demand "several hundred thousand dollars" from you. In Mr. Phillips' January 28, 2013 letter to you regarding Conflict of Interest / Revocation of Authority to Pursue Intellectual Property Claims, he writes under the "Demand" section:

"Repayment of my "loan" (less initial consideration of \$9,200 for shares), \$55,000 + interest"² (since nearly all the assets of HPV have been taken by you, Mr. Du Wors, and since I know the Rudkins have limited assets and appear to be merely your patsies, I look to you, Mr. Du Wors, for repayment."³

It is clear from the demand letter that Mr. Phillips demanded about \$45,800 plus interest. You know this to be a misrepresentation as you responded to Mr. Phillips' letter. You claim you

¹ Exhibit A, Letter from MDK Law to Du Wors Re: Hunts Point Ventures, and its attachment Authorization for Release of Legal Files signed by Mark Calvert, Receiver for HPV

² \$55,000 - \$9,200 = \$45,800; \$45,800 + plus interest 12% from 2011 to 2012, \$5,496 per year or about \$51,296

³ Exhibit B, p. 3, para. 1, ln 1, Demand from Phillips to Du Wors, Re: Conflict of Interest/Revocation of Authority to Pursue Intellectual Property Claims

rejected the demand which caused Mr. Phillips to file the bar complaint. Mr. Phillips' filed his bar complaint on June 29, 2015, hardly when you rejected Mr. Phillips' demand in January of 2013, two and a half years prior. You also state that the bar complaint was also "rejected." As you well know, on July 14, 2015, investigator and Disciplinary Counsel Bruce C. Redman opened file no. 13-01639.⁴ The final sentence of that letter states: "In addition, we request that you retain all records, files and accounts related to the grievance until this matter is concluded." The grievance was not rejected, but remains open awaiting the conclusion of several lawsuits against you. You know this because you were personally addressed by Mr. Redman.

You then alleged in your Complaint that Mr. Phillips sued you for malpractice, which he did on January 31, 2014. The malpractice lawsuit was settled for \$75,000, which you apparently claim to be nominal.

As the timing of each of these events demonstrates, it is clear that the inference you assert is not only far-reaching, but knowingly false. Your Complaint alleges: "Concurrently, Phillips' wife, Defendant Jennifer Schweickert, initiated litigation against Mr. Du Wors at Mr. Phillips' behest." (Complaint, p. 3, para. 12, ln. 12).

In point in fact, you have no facts to support that contention; and moreover, Ms. Schweickert had every right, as the aggrieved party in being induced to make her \$200,000 loan, to look to you, as attorney for HPV, as one of the parties responsible. This is hardly a notion that required Mr. Phillips' provocation; rather, it is supported by the Receiver's amended complaint against you (Case No. 15-2-06869-5 SEA), Mr. Stephen Schweickert's declaration, and Ms. Hoover's preferential treatment regarding the retroactive securing of her \$100,000 loan. My client also sought independent advice from counsel in California, long before her relationship with Mr. Phillips began, with the goal to sue you.

The conclusion you draw from these facts is intentionally misleading in your Complaint:

"In retaliation for the dismissal, Ms. Schweickert submitted a bar grievance against Mr. Du Wors even though Ms. Schweickert has never been Mr. Du Wors' client." (Complaint, p. 3, para. 13, ln. 10).

First, I have already pointed out that the grievance was submitted almost a year after the summary judgment decision was rendered and was submitted in conjunction with repeated requests to you to produce the files related to the IP my client purchased from HPV. There is no nexus between my client's bar complaint and the summary judgment dismissal, other than the one that you have concocted. Second, it is startling that your Complaint includes an assertion that someone may not file a bar complaint unless she was the current or former client of that attorney. There is absolutely no such necessity, a fact I will be eager to address with the court.

Last, you conclude your Complaint with the assertion that:

⁴ Exhibit C, Letter from WSBA, Du Wors Re: ODC File: 13-01639 Grievance by Phillips against lawyer Du Wors

“Ms. Schweickert’s bar grievance was entirely without merit...” (Complaint, p. 3, para. 14, ln. 12).

The facts are clear regarding the good faith factual basis to submit the grievance. My client prepared a detailed response to the bar that demonstrates this, a copy of which I am providing for your review.⁵ It is clear from my client’s and her attorney’s prior communications with Mr. Calvert and his attorneys that she was to contact you for copies of files related to the IP. She repeatedly attempted to do so, and you ignored my client and her attorneys’ requests. This entire chain of events could have been avoided had you simply responded that it was the Receiver who possessed the files; a fact my client was only able to learn *by* filing her grievance with the WSBA, and only after you somehow obtained a declaration from the Receiver contradicting his earlier assertion that it was not him, but you, who had the files (which oddly was prepared by your own attorneys!). This failure in communication alone is a sufficient basis to sustain continued investigation of my client’s grievance against you.

Civil Rule 11 requires that every pleading signed by an attorney constitutes his certificate that he “has read the pleading, motion, or legal memorandum, and that to the best of [his] knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; [and] (3) it is not interposed for any improper purpose....”

Less than one week after the WSBA sent a notice of investigation regarding Ms. Schweickert’s complaint, you served an unfiled Kitsap County complaint and demanded that my client withdraw her complaint before you would discuss anything regarding settlement. My client then prepared a King County complaint outlining in detail why she filed a grievance against you. Nonetheless, you proceeded to file your Kitsap County Complaint having had clear notice that your set of facts were neither well grounded in fact, nor could they serve as a basis to file your action in Kitsap County.

I do not find that your Complaint against my client has any merit, and moreover, can only conclude based upon the foregoing history of events between my client and her significant other and yourself, that it was filed with only one aim in mind – to use the legal process to abuse and harass my client. This opinion is reinforced by the complete lack of facts pleaded in support of your complaint, the complete lack of support at law for either of your causes of action, and your unreasonable and baseless insistence that Ms. Schweickert undergo a deposition with you on December 23, 2015. I therefore demand that you comply with your obligations under CR 11 and either a) immediately dismiss your Complaint, or b) comply with CR 11 and advise the court of your misrepresentations of facts in this matter. Failure to do either will result in my request to the court for CR 11 sanctions.

⁵ Exhibit D, Reply to Du Wors Response to the Washington State Bar dated December 21, 2015 without Exhibits.

John Du Wors
December 28, 2015
Page 5

Sincerely,

LAW OFFICE OF REED YURCHAK

A handwritten signature in black ink, appearing to read 'Reed Yurchak', written over a faint horizontal line.

Reed Yurchak

EXHIBIT “A”



MDK Law
Washington's Business Law Firm™

Mark D. Kimball, J.D., LL.M.
Also Admitted In:
New York
United States Supreme Court
United States Tax Court

Mark G. Niehoff, B.A.B.A.
Corporate Paralegal

James P. Ware, J.D.
United States Tax Court

Brandon P. Wayman, J.D.
Oregon

Joel F. Murray, MSc., J.D.

Nahal Nabavinejad, J.D.

Courtney Bhatt, J.D.
California

Linda S. Fang, J.D.
California

September 10, 2015

John Du Wors
Newman Du Wors
2101 Fourth Avenue
Suite 1500
Seattle, WA 98121

Re: Hunts Point Ventures, Inc.

Dear Mr. Du Wors:

As of the date hereof, we have not received a response to our letter to you dated July 13, 2015.

As I am sure you are aware, RPC 1.16 states that a lawyer must take reasonably practicable steps to return client property, including papers and documents, to the client at the termination of the representation. Attached please find an Authorization for Release of Legal Files executed by Cascade Capital Group, LLC on behalf of Hunts Points Ventures, Inc. We again demand that your firm provide a copy of all files, including but not limited to pleadings, discovery, correspondence, notes, records and reports, investigative reports, and all other information written or otherwise recorded, for Hunts Point Ventures, Inc. contained in the files of or relating to all legal proceedings involving the intellectual property listed on the attached Release. A hard drive can be provided upon request.

Please contact my office if you have any questions or concerns.

Very truly,
MDK Law

Mark D. Kimball
Brandon P. Wayman
Attorneys for Jennifer Schweickert

AUTHORIZATION FOR RELEASE OF LEGAL FILES

To John DuWors and Newman DuWors LLP:

You are hereby authorized to release any and all documents, including but not limited to pleadings, discovery, correspondence, notes, records and reports, investigative reports, and all other information written or otherwise recorded, for Hunts Point Ventures, Inc. contained in the file of or relating to all legal proceedings involving the following intellectual property:

- 1) App. No. 11/683,765 (Pub. No. 20080222155, September 11, 2008)
- 2) App. No. 11/974,918 (Pub. No. 20080133546, June 5, 2008)
- 3) App. No. 11/725,181 (Pub. No. 20080125080, May 29, 2008)
- 4) App. No. 09/975,749 (Pub. No. 20020045961, Notice of appeal filed March 16, 2007 appealing examiner's rejection of claims 28-37)
- 5) App. No. 09/975,736 (Pub. No. 20020046315, Notice of appeal filed June 14, 2007 – appealing examiner's rejection of claims 1-14)
- 6) App. No. 09/975,748 (Pub. No. 20020045960, Notice of appeal filed June 20, 2007 – appealing examiner's rejection of claims 1-20)
- 7) App. No. 11/679,338 (Pub: 20080208739, August 28, 2008)
- 8) Patent No. US 7,574,272 B2
- 9) Patent No. US 7,667,123 B2
- 10) Patent No. US 7,779,064 B2

to MDK Law, 777 108th Ave NE, Suite 2000, Bellevue, WA 98004, or to any representative, attorney or investigator from said firm. I specifically authorize the release to said individuals of information pertaining to confidential attorney-client communications, if such are a part of your records.

Facsimile of this Authorization, and retransmission of any signed facsimile Authorization, will be the same as delivery of an original.

DATED this ____ day of September, 2015.

Hunts Point Venture, Inc.

By:



Cascade Capital Group, LLC, a Washington limited liability company as Receiver of Hunts Point Ventures, Inc.

By: Mark Calvert – Managing Member

EXHIBIT “B”

Mark Phillips
2801 1st Avenue, Suite 102
Seattle, WA 98121

January 28, 2013

John Du Wors
Newman and Du Wors
3rd Avenue, Suite 1600
Seattle, WA 98101

Re: Conflict of Interest /
Revocation of Authority to Pursue Intellectual Property Claims

Dear Mr. Du Wors:

This letter is to advise you that you and your office have a conflict of interest in representing entities and individuals whose interests are adverse to my own. As my former (and *putative*, current, attorney) I am informing you that I will not waive any right to be represented absent a conflict of interest. In addition, please allow this letter to notify you that I am withdrawing my consent (both written and oral) to pursue prosecution of the claims for use of my intellectual property based upon the conflicts of interest and the breach and abrogation of the agreement transferring my intellectual property. All authority to you in this regard is terminated with the service of this letter.

Summary of Facts

You were my attorney in several matters, both criminal and civil. I need not recount the matters in which you were my attorney of record. In addition, you were aware to the agreements for my purchase of 9,200 shares of stock in Hunts Point Ventures, Inc. (hereinafter "HPV") as well as to the agreement in which I transferred my intellectual property rights into an entity to be called Hunts Point Ventures Intellectual Properties, LLC, (hereinafter "HPVIP"). I was to receive 100% of the economic interest from HPVIP. You were well aware that I was to be a shareholder in HPV along with Mr. Schweickert and Mr. Rudkin, and, in fact, I initially acted as a shareholder and manager of the company by approving corporate actions and assisting in corporate governance. You will recall that Mr. Schweickert requested authorization from Mr. Rudkin, Mr. Gordon and myself for a special disbursement of HPV funds to Mr. and Mrs. Rudkin for their personal use.

My role in HPV changed drastically in September of 2010. I was completely isolated from any participation in the management or decisions of HPV. I was never advised of any actions taken by HPV, nor was my authority sought for any corporate actions. I realize I was not as "available" following September 2010, but the US Postal Service still delivers mail, even to federal prisons. More troubling is the fact that I have since discovered that HPVIP was never formed; there is no such entity. I have also since discovered that my ownership in HPV has miraculously disappeared; that Mr. and Mrs. Rudkin are the sole owners of HPV; and they are *your* clients.

In short, I was sold shares in a company that I managed for a short time, but now seem to have no ownership interest in without knowingly or voluntarily transferring my shares. That company, HPV, is now owned and operated by the Rudkins, who had no assets with which to purchase any shares, and have demonstrated no particular skill in corporate management. I entered into this agreement with the understanding that a new corporation, HPVIP, would be formed into which I would transfer the rights to my intellectual property, which is a significant asset. You were retained not only to act as corporate adviser to the corporate entities, but also to prosecute violations of my intellectual property at a generous 40% fee split. In addition, Ms. Jennifer Schweickert was persuaded to loan HPV \$200,000.00 (two hundred thousand dollars) based on a promissory note, based on a promise that she would be given shares in Hunts Point Venture Group, LLC, (I was also promised shares in this entity), and based on a promise that I would continue to hold an ownership interest in HPV and play a significant role in the corporations (she was investing in *me*). As you made clear to Ms. Schweickert, the \$200,000.00 was going to *you* to “pay the balance due on Mark’s defense first.” Yes, as long as *you* got paid, nothing else seemed to matter.

Your Conflicts of Interest

Your conflicts of interest are myriad and patent. Highlighting only the most obvious: you have allowed your new clients, the Rudkins, to assume ownership and control (without any monetary consideration) of HPV at the expense of me, your former client. You transferred and/or cancelled my shares in order to do so. You have approved “loan disbursements” to the Rudkins against the interests of the company and me. I am informed that I have made over \$75,000.00 (seventy-five thousand dollars) of financial contributions, recorded as loans, to HPV for which I was never consulted nor agreed. You helped yourself to over \$350,000.00 (three hundred fifty thousand dollars) of the capital contributed to HPV; nearly the entirety of its cash, and have been less than diligent in prosecuting the intellectual property claims (the settlement amount from the one claim you have resolved seems to have found its way into your bank account as well).

You and your firm have failed to perform all of the promises and obligations outlined above. But more importantly, you and your firm are representing individuals and entities whose interests are adverse to mine, and doing so solely for your personal gain. How else are to you explain your actions? Your past conduct is further elucidating as to your present machinations. You removed yourself as counsel of record in the *Banana* litigation without even a courtesy letter of explanation to me nor delivery of the file. You withdrew on the eve of a hearing for summary judgment to which you had not even filed an opposition and while I was in federal prison (knowing I was without any resources with which to oppose the motion or even to give me time to find other counsel). Finally, you dropped me as a client on the *Banana* matter while your hand was deep in my pocket in the HPV matters and you were taking all cash assets of HPV for yourself. I am speechless. Our conflicts are numerous and significant. I am released, destitute, seeking to rebuild my life and have discovered that my attorney has been actively working to not only keep me destitute, but demonstrating no regard for anything other than his own enrichment. It is kind to call you merely rapacious.

Demand

By sending you this letter, I am seeking to resolve some of the issues between us in the most efficient, expeditious manner. I am demanding the following actions be taken by you and your new clients to partially resolve our conflicts:

1. Repayment of my "loan" (less initial consideration of \$9,200 for shares), \$55,000 + interest (since nearly all the assets of HPV have been taken by you, Mr. Du Wors, and since I know the Rudkins have limited assets and appear to merely be your patsies, I look to you, Mr. Du Wors, for repayment);
2. Immediate transfer of all shares of HPV, Inc to me and/or my designees;
3. Immediate resignation of Mr. and Mrs. Rudkin from any and all positions in HPV;
4. Immediate delivery of all corporate books and records, including financial records;
5. Take no further corporate acts, including but not limited to the expenditure of money or distribution of any cash;
6. Immediate cessation of all legal work related to the prosecution of any claim against any third party of my intellectual property, including but not limited to Research in Motion, etc.
7. Delivery of any and all files for any legal matter handled on my behalf.
8. A full accounting of monies paid to you from any source on my behalf and an itemized invoice for any monies you claim are still owed to you.
9. A full accounting of any settlements made on my behalf in regards prosecution of my claims for intellectual property.

Perhaps the most troubling aspect to me is the fact that you have taken so much of the cash that would have been available to me. You are aware of the number of lawyers who have represented me over the last couple of years (some of them well) and to whom I owe money. By your greed, you make it impossible for me to make any good faith payments to any of the other lawyers.

You immediate attention to these matters is appreciated. Please respond to this letter within the next 5 days.

Very truly yours,



Mark Phillips

CC:
James Smith, SMITH & HENNESSEY
Reed Yurchak, LAW OFFICES OF REED YURCHAK
Howard Choder, ACCOUNTANT
Jennifer Schweickert, HPV, HPVIG Investor and Shareholder

EXHIBIT “C”



WSBA

OFFICE OF DISCIPLINARY COUNSEL

Bruce C. Redman
Disciplinary Counsel

July 14, 2015

Mark E. Phillips
2801 1st Ave, Ste 102
Seattle, WA 98121

John David Du Wors
Newman Du Wors LLP
2101 4th Ave Ste 1500
Seattle, WA 98121-2336

Re: ODC File: 13-01639
Grievance by Mark E. Phillips against lawyer John David Du Wors

Dear Mr. Phillips and Mr. Du Wors:

Enclosed is a copy of information dated June 29, 2015 that we received from Mr. Phillips. Although we previously dismissed Mr. Phillips' grievance, based on this information, we are reopening the above file.

Under Rule 5.3(d)(1) of the Rules for Enforcement of Lawyer Conduct (ELC), disciplinary counsel may defer an investigation "if it appears that the allegations are related to pending civil or criminal litigation," among other things. We believe that the best course of action at this time is to defer the investigation of this matter because of the pending civil litigation in *Phillips v. Du Wors, et al.* and *Hunts Point Ventures, Inc. v. Du Wors, et al.*, King County Superior Court Cause Nos. 14-2-03111-4 SEA and 15-2-06869-5 SEA.

If you deliver or mail to us a written request for review of this decision to defer within **forty-five (45) days** after the mailing of this letter, this matter will be referred to a Review Committee of the Disciplinary Board under ELC 5.3(d) with our recommendation that deferral is appropriate. Please inform us when the litigation is resolved and we will consider investigating the grievance. In addition, we request that you retain all records, files and accounts related to the grievance until this matter is concluded.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Redman", with a long horizontal line extending to the right.

Bruce C. Redman
Disciplinary Counsel

Enclosure for Mr. Du Wors: copy of Mr. Phillips' information dated June 29, 2015

DO NOT SEND US ORIGINALS. We will scan and then destroy the documents you submit.

EXHIBIT “D”

Jennifer Schweickert
c/o Mark Kimball
MDK Law and Associates P.S.
77 108th Avenue NE, #2000
Bellevue, WA 98004

DELIVERED VIA E-MAIL

December 21, 2015

Natalea Skvir
Disciplinary Counsel
nataleas@wsba.org
(206) 239-2123

Felice P. Congalton
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

Re: ODC File: 15-01950
My grievance against lawyer John David Du Wors
Reply to Mr. Du Wors Response

Dear Ms. Natalea Skvir and Ms. Felice P. Congalton:

I have reviewed the materials sent to me on December 8th, 2015 including Mr. Du Wors' response. I have also received a recent declaration from Mr. Calvert, which states among other things, that Mr. Du Wors provided copies of files associated with patent litigation¹ following termination of his representation of HPV and that he consented to Mr. Du Wors' disclosure of the files to me. He reiterated that Mr. Du Wors need not "produce those files a second time, because they [Mr. Du Wors] had already produced a client copy to me [Mr. Calvert] earlier this year."² Finally, Mr. Calvert invites me to request the files from him as I had not requested that to date.³ Amazingly, Mr. Calvert signed the declaration apparently drafted by Lee Smart, Mr. Du Wors' personal counsel.

I believe this declaration forecloses my grievance as I was under a much different understanding. Therefore, **I respectfully request that the WSBA close my grievance against Mr. Du Wors as it relates to the request of client files.** I apologize for any misunderstanding on my part that may have consumed any unnecessary resources. I am copying Mr. Du Wors on this letter and e-mail as a courtesy.

¹ Exhibit A, Declaration of Mark Calvert dated December 12, 2015, p. 1, para. 4

² Ibid, p. 2, para. 8

³ Ibid, p. 2, para. 9.

I would, however, like to share with the WSBA my [reasons and] good faith basis in the belief that I had authorizations to access the Files from Mr. Du Wors.

On July 8th, 2015, my attorney Mr. Brandon Wayman shared with me communication as a result of my interest in IP related legal documents following the acquisition of the HPV patents. Mr. Wayman exchanged e-mails with Ms. Stephanie Lakinski, an attorney representing Mr. Calvert in his capacity as the receiver of HPV. The exchange is provided below⁴:

Ms. Lakinski: *What IP litigation documents are you referring to? All of the court documents should be available to the public. Is there something else?*

Mr. Wayman: *Any discovery related documentation on or any research done by Du Wors' firm to locate any potential Defendants. I can contact Du Wors' firm directly to attempt to obtain the documents, but I wanted to see if the receiver has anything as I assume it will be difficult to get anything from Du Wors.*

Ms. Lakinski: ***I do not believe we have received anything along those lines from Du Wors.***

On July 13, 2015, my attorneys Mr. Mark Kimball and Mr. Wayman wrote to Mr. Du Wors regarding my request for files relating to the intellectual property that I acquired.⁵ Mr. Du Wors, in his response, refers to this "Demand Letter". As far as I am aware, Mr. Du Wors did not respond to this initial letter, not even a courtesy response stating, "I provided everything to the receiver" or a courtesy phone call.

In September, I requested that my attorneys provide a follow-up letter to Mr. Du Wors and if possible seek assistance from Mr. Calvert. Mr. Calvert provided us with an Authorization for Release of Legal Files directed specifically at Mr. Du Wors and his firm.⁶ The release was specific stating:

"You are hereby authorized to release any and all documents, including but not limited to pleadings, discovery, correspondence, notes, records and reports, investigative reports, and all other information written or otherwise recorded, for Hunts Point Ventures, Inc. contained in the file of or relating to all legal proceedings involving the following intellectual property:"

The release listed all the intellectual property that I purchased and directed Mr. Du Wors and his firm to release such information to my attorneys or its representatives.

⁴ Exhibit B, E-mail between Stephanie Lakinski and Brandon Wayman on July 8th, 2015 Re: Schweickert/HPV

⁵ Exhibit C, Letter between MDK Law and Mr. Du Wors Re Hunt Point Ventures, Inc. File Request dated July 13, 2015

⁶ Exhibit D, Authorization for Release of Legal Files to Du Wors and Newman and Du Wors LLP, dated September 2015

On September 10, 2015, MDK Law sent the follow-up letter⁷ to Mr. Du Wors stating: "As of the date hereof, we have not received a response to our letter to you dated July 13, 2015.

As I am sure you are aware, RPC 1.16 states that a lawyer must take reasonably practicable steps to return client property, including papers and documents, to the client at the termination of the representation. **Attached please find an Authorization for Release of Legal Files executed by Cascade Capital Group, LLC on behalf of Hunts Points Ventures, Inc.** We again demand that your firm provide a copy of all files, including but not limited to pleadings, discovery, correspondence, notes, records and reports, investigative reports, and all other information written or otherwise recorded, for Hunts Point Ventures, Inc. contained in the files of or relating to all legal proceedings involving the intellectual property listed on the attached Release. A hard drive can be provided upon request.

Please contact my office if you have any questions or concerns." (emphasis added)

Mr. Brandon Wayman of MDK Law who had the September 10th, 2015 letter delivered via ABC Legal Service, Inc. will provide a declaration to this effect upon request.

Mr. Du Wors did not respond. My husband, Mr. Phillips contacted the receivership's office to investigate whether or not they could request the files, but the receivership was currently suing Mr. Du Wors for professional negligence, breach of fiduciary duty, unjust enrichment, conversion, and breach of contract and the case was not in discovery.⁸

On November 1st, 2015, I felt that I had had enough and needed to file a formal grievance with the Washington State Bar Association. In that grievance, I also raised a concern regarding the disclosure of my personal address to Mr. Du Wors based in large part of his domestic violence history against his wife and teenage daughter.⁹ Mr. Du Wors' recently filed Kitsap lawsuit¹⁰ against me alleges abuse of process and malicious prosecution, claims which are not only without merit, but constitute borderline retaliatory harassment, especially in light of the fact that one week after filing his complaint, he has scheduled my deposition for this Wednesday, December 23, 2015.¹¹

On December 3rd, 2015, I delivered a demand to Mr. Du Wors to file his Kitsap lawsuit against me, which he did on December 15th, 2015. On December 7th, 2015, I personally served

⁷ Exhibit E, Letter from MDK Law to Mr. Du Wors Re: Hunts Point Ventures, Inc. File Request dated September 10th, 2015 and the attached Authorization For Release of Legal Files

⁸ Exhibit F, HPV v. Du Wors, Whitaker, Newman & Newman, Newman & Du Wors Case No. 15-2-06869-5

⁹ Exhibit G, State of Washington v. Du Wors, Felony Complaint Unlawful Imprisonment dated October 12, 2012; Bainbridge v Du Wors, Criminal Complaint 4th Degree Assault dated August 4th, 2014; Du Wors Unlawful Imprisonment Judgment and Sentence dated August 19th, 2014

¹⁰ Exhibit H, Du Wors v Schweickert Kitsap County Case No. 15-2-02482-7

¹¹ Mr. Du Wors, received my Grievance on November 6th then served me less than a week later, December 12th, with his un-filed Kitsap lawsuit.

Mr. Du Wors process of service of an un-filed complaint for declaratory relief regarding the files in which I was seeking. It was only then, after this tortured history of trying to get the files that I am entitled to, that on December 12th, 2015, Mr. Du Wors provided me with the signed Mr. Calvert declaration which I discussed in detail above.

Since filing the Kitsap County lawsuit, Mr. Du Wors has been aggressively litigating the case.¹² On December 9th, 2015, he served interrogatories, and requests for production, seeking to collect e-mails between myself and my husband and my mother. Mr. Du Wors is also seeking for me to produce “any and all communications by or between you and/or Mark Phillips” – or communications that I don’t have. Mr. Du Wors informally threatened to depose me several times (in disregard of what the civil rules allow).¹³ He then noted my deposition for December 23, 2015. He has threatened to acquire 3rd party claims to assert against me.

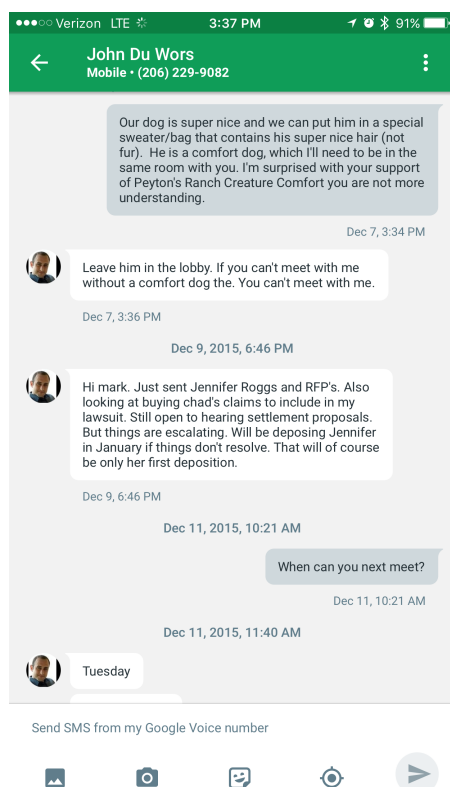


Fig. 1, Text thread between Mr. Du Wors and Mr. Phillips.

And finally, he claims that my bar complaint is in retaliation for my claims against him being dismissed in federal court.

It is true that my lawsuit against Mr. Du Wors was dismissed. I had sued Mr. Du Wors for his role in inducing my investment of \$200,000, the vast majority of which went directly into

¹² Exhibit I, Plaintiff Du Wors' litigation against me including 1) Interrogatories, 2) RFP, 3) Motion for Entry of Default, and a Videotaped Deposition

¹³ See Fig. 1, Text thread from Mr. Du Wors to Mr. Phillips on December 9th, 2015 6:46 PM

Mr. Du Wors pocket, in a sham.¹⁴ The weekend prior to the decision by the federal court to dismiss Mr. Du Wors, he had offered me \$50,000 to settle the case. Mr. Du Wors is a sophisticated liar and he got away with what he did to me, but in the end, nonetheless, I was able to secure a sizable judgment against HPV, the corporation to whom I made the loan and which Mr. Du Wors controlled.¹⁵

Mr. Du Wors also claims that I acted at the behest of my husband, Mr. Phillips. Mr. Phillips also sued Mr. Du Wors in King County Case No. 14-2-03111-4, and the trustee in Mr. Phillips' bankruptcy settled the matter for \$75,000. In the end, this is all smoke and mirrors. I simply sought the intellectual property files plain and simple. All of Mr. Du Wors' misdirection has nothing to do with my good faith belief that I could request the legal files related to the intellectual property I purchased from HPV and the work product of over \$465,000 of legal fees billed by Mr. Du Wors to HPV, see Exhibit F p. 9 para. 53.

Finally, Mr. Du Wors in his December 7th response stated:

1. "3) Although Grievant claims Hunts Point Ventures somehow consented to the disclosure of the Files to Grievant Schweickert, **Grievant counsel's letter demanding those Files (the "Demand Letter") did not contain any such explanation of consent, nor any written document evidencing it;**" p. 2, para. 2 emphasis added.
2. "A. Respondent has never represented Grievant Schweickert, and **she has no right to the litigation Files that are subject of her Grievance.**" p. 2, para A emphasis added.
3. "And **although Grievant Schweickert claims in her Grievance that she obtained a waiver and consent from Hunts Point Ventures that somehow entitles her to Hunts Point Venture's attorney client privilege client Files, Respondent and his law firm have never received any evidence of it.**" p. 4, para. 4 emphasis added.
4. "Unless Hunts Point Ventures has executed some document waiving privilege and entitling Grievant Schweickert to its privileged and confidential Files...In relation to the Patent and the Files, Hunts Point Ventures was Respondent's client, and **Respondent has never received evidence of Hunts Point Ventures' consent to disclosure of Files.**" p. 4, para. 6 emphasis added.
5. "Respondent's former client – **Hunts Point Ventures – has not requested the production of the Files, let alone their transfer to Grievant Schweickert.**" p. 5, para. 3 emphasis added.
6. "...and **there is no evidence Hunts Point Ventures has ever consented to allowing Grievant Schweickert to acquire the Files.**" p. 6, para. 1 emphasis added.

Yet, as I explained above, on September 10th, 2015, Mr. Kimball and Mr. Wayman sent Mr. Du Wors and his firm the letter attached as Exhibit E. It appears Mr. Du Wors is intentionally making false representations to the Washington State Bar Association.

¹⁴ Exhibit J, Schweickert v HPV First Amended Complaint dated July 24th, 2013

¹⁵ Exhibit K, Schweickert v HPV Judgment dated March 12th, 2015

In summary, **I am withdrawing my grievance against attorney Mr. Du Wors due to the declaration from the receiver and my request to him for the files.** It appears that despite the contradicting statements by the receiver under oath and his counsel and his signed Authorization For Release of Legal Files and Mr. Du Wors' response to the Washington State Bar Association, there appears to be great resistance to furnishing \$465,000 worth of legal work. Incredibly, this sequence of events is the basis for Mr. Du Wors' claim that I am retaliating against him, and, in his mind, justifies the filing of a legal complaint against me for abusive use of process.

However, I had a good faith basis to request the files, and Mr. Du Wors, in my understanding, did not have a good faith basis to ignore my request. Notwithstanding the grievance against Mr. Du Wors regarding the files, I did sue him in federal court and every financial contributor in HPV sued Mr. Du Wors, including Mr. Phillips, whose claims were settled for \$75,000 in his bankruptcy estate.

The fact that it must come to this is absurd: the filing of a bar complaint, the deliberate misstatements made by Mr. Du Wors in this regard, the filing of a frivolous legal action against me. All of this could all have been easily avoided by simply having open and honest communication with me and/or simply providing the files as requested, as is his duty as former legal counsel of HPV.

Sincerely,



Jennifer P. Schweickert

Enclosure