



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3443

DATE FILMED 3 27 92 CAMERA NO. 3

CAMERAMAN Tim H

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91 OCT -7 PM 3:13

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In the Matter of:

BILL GRANT,
REPUBLICAN NATIONAL COMMITTEE,
NATIONAL REPUBLICAN,
SENATORIAL COMMITTEE,

Respondents.

-----X

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
91 OCT -8 PM 3:24

COMPLAINT AND REQUEST FOR INVESTIGATION

Petitioner undersigned files this verified complaint and request for investigation and asks that the Commission open an investigation, find the relevant facts, and then impose sanctions on respondent Grant and one of the other respondents.¹

1. Factual Allegations

a. Bill Grant is a putative candidate for the Republican nomination for the U.S. Senate in Florida.

b. Petitioner is an announced candidate for the Republican nomination for the U. S. Senate in Florida and has

¹ Petitioner is uncertain who paid for the "survey" which is the subject of this complaint, but believes that only one of the potential respondents may be liable for campaign misconduct. Therefore, once the violator is established, the second committee respondent may be dismissed, unless the investigation indicates that both committee respondents were implicated in the misconduct.

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registered with the Commission.

c. One of the committee respondents (the Republican National Committee and National Republican Senatorial Committee will be referred to as "official committees") paid for a survey of Florida voters.

d. The survey had a value of over \$5,000.00.

e. The results of the survey were made available to Grant, but not to petitioner.

f. Giving the results of the survey, which cost one of the respondents a substantial amount of money, to one candidate, but not to all candidates in the primary election, constitutes a "contribution" to the campaign of the favored candidate who receives use of the survey.

g. Because, on information and belief, the survey had a value of over \$5,000, Grant was under a duty to report receipt of the survey as a contribution, and/or to register as a candidate. He has failed to do so.

h. The making available of preferential survey information to one, but not all, of the candidates in a primary election cannot be allowed without full and fair reporting of the value of the survey as a contribution to the campaign of the candidate who receives use of the survey.

i. Therefore, Grant has failed to comply with reporting requirements, since he has received a contribution of more than \$5,000.00 and failed to file or report the source of the contribution, and the official committee ordering and paying for the survey has also violated Commission/statutory reporting requirements.

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2. Legal Claim

Petitioner was disadvantaged when the official committees paid money for a survey and then made it available to only one candidate or putative candidate in the primary election. The committees are free to order a survey and to deliver it to only one candidate in a field of candidates but, because preferential delivery of the survey to only one candidate triggers a reporting requirement, the donor committee must disclose the delivery and comply with the Rules of the Commission. Correspondingly, the candidate who receives the value/benefit of the survey must report receipt as a contribution.

It is undisputed that Grant has failed to do so. Petitioner believes that Grant has violated the law by his failure to file and disclose the facts concerned the secret survey.

3. Request for Relief

Petitioner asks that, pursuant to the Rules of the Commission, an investigation be opened by the Commission to ascertain who ordered the survey in question, who paid for the survey, what the survey cost to produce (with verified receipts and cancelled checks), and when and how the survey was delivered to Grant.

After ascertaining the facts, if they corroborate petitioner's allegations, petitioner asks the Commission to initiate enforcement action against the offending parties, including respondent Grant and one (or both) of the official

committees.

I certify the foregoing is true and correct to the best of my knowledge, information and belief under penalty of perjury pursuant to 28 USCA § 1746.

Executed: October 5, 1991.

Respectfully submitted,

ANTHONY R. MARTIN
REPUBLICAN CANDIDATE FOR
UNITED STATES SENATOR FROM FLORIDA
Post Office Box 1132
Palm Beach, FL 33480-1132
(407) 688-1602

92040395256



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 10, 1991

Bill Grant
2105 East Randolph Circle
Tallahassee, FL 32312

Dear Mr. Grant:

On October 8, 1991, the Federal Election Commission received a letter alleging that you violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file will be closed.

If you have any questions, please call Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

Copy of Improper Complaint
Copy of letter to the Complainant

92040395257



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1991

Anthony R. Martin
Republican Candidate for
US Senator from Florida
Post Office Box 1132
Palm Beach, FL 33480-1132

Dear Mr. Martin:

This is to acknowledge receipt on October 8, 1991, of your letter dated October 5, 1991. The Federal Election Campaign Act of 1971, as amended ("the Act") and Commission Regulations require that the contents of a complaint be sworn to and signed in the presence of a notary public and notarized. Your letter did not contain a notarization on your signature and was not properly sworn to.

You must swear before a notary that the contents of your complaint are true to the best of your knowledge and the notary must represent as part of the jurat that such swearing occurred. A statement by the notary that the complaint was sworn to and subscribed before him/her will be sufficient. We are sorry for the inconvenience that these requirements may cause you, but we are not statutorily empowered to proceed with the handling of a compliance action unless all the statutory requirements are fulfilled. See 2 U.S.C. § 437g.

Enclosed is a Commission brochure entitled "Filing a Complaint." I hope this material will be helpful to you should you wish to file a legally sufficient complaint with the Commission. If you have any questions concerning this matter, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerner
Associate General Counsel

Enclosure

cc: Respondent

92040895258

Before The
FEDERAL ELECTION COMMISSION
Washington, DC 20463

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

91 OCT 24 AM 9:59

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 OCT 24 PM 3:52

MUR 3443

-----x
In the Matter of:

BILL GRANT,
NATIONAL REPUBLICAN,
SENATORIAL COMMITTEE,

Respondents.
-----x

COMPLAINT AND REQUEST FOR INVESTIGATION

Petitioner undersigned files this verified complaint and request for investigation and asks that the Commission open an investigation, find the relevant facts, and then impose sanctions on respondent Grant and any other responsible respondent.

1. Factual Allegations

a. Bill Grant is a putative candidate for the Republican nomination for the U.S. Senate in Florida.

b. Petitioner is an announced candidate for the Republican nomination for the U. S. Senate in Florida and has registered with the Commission.

c. Respondent National Republican Senatorial Committee paid for a survey of Florida voters.

d. The survey had a value of over \$5,000.00.

92040395259

e. The results of the survey were made available to Grant, but not to petitioner.¹

f. Giving the physical survey itself or only making available the results of the survey, which cost one of the respondents a substantial amount of money, to one candidate, but not to all candidates in the primary election, constitutes a "contribution" to the campaign of the favored candidate who receives use of the survey.

g. Because, on information and belief, the survey had a value of over \$5,000, Grant was under a duty to report receipt of the survey as a contribution, and/or to register as a candidate. He has failed to do so.

h. The making available of preferential survey information to one, but not all, of the candidates in a primary election cannot be allowed without full and fair reporting of the value of the survey as a contribution to the campaign of the candidate who receives use of the survey.

i. Therefore, Grant has failed to comply with reporting requirements, since he has received a contribution of more than \$5,000.00 and failed to file or report the source of the contribution, and the official committee ordering and paying for the survey has also violated Commission/statutory reporting

¹ While the exact manner in which the survey was made available to Grant is unclear, and may be disputed, it is (i) undisputed that the survey was not made available to Petitioner and (ii) the survey information was made available to Grant in order to induce him to formally announce as a candidate for the United States Senate. This is why petitioner has asked the Commission to open an investigation, to find the facts, and only then to determine if a course of enforcement action is appropriate.

requirements.

2. Legal Claim

Petitioner was disadvantaged when the respondent paid money for a survey and then made either the survey itself or the information contained therein available to only one candidate or putative candidate in the primary election. The respondent is free to order a survey and to deliver it to only one candidate in a field of candidates but, because preferential delivery of the survey to only one candidate triggers a reporting requirement, the donor committee must disclose the delivery and comply with the Rules of the Commission. Correspondingly, the candidate who receives the value/benefit of the survey must report receipt as a contribution.

It is undisputed that Grant has failed to do so. Petitioner believes that Grant has violated the law by his failure to file and disclose the facts concerned the secret survey.

3. Request for Relief

Petitioner asks that, pursuant to the Rules of the Commission, an investigation be opened by the Commission to ascertain who ordered the survey in question, who paid for the survey, what the survey cost to produce (with verified receipts and cancelled checks), and when and how the survey was delivered to Grant.

After ascertaining the facts, if they corroborate petitioner's allegations, petitioner asks the Commission to initiate appropriate enforcement action against the offending party, including both respondent Grant and respondent committee.

Respectfully submitted,



ANTHONY R. MARTIN
 REPUBLICAN CANDIDATE FOR
 UNITED STATES SENATOR FROM FLORIDA
 Post Office Box 1132
 Palm Beach, FL 33480-1132
 (407) 688-1602

VERIFICATION

County of Palm Beach :
 : ss.
 State of Florida :

Appeared personally before me ANTHONY R. MARTIN and, being first duly sworn, stated the foregoing is true and correct to the best of his knowledge, information and belief.

Dated: 10/21/91.


 Notary Public

NOTARY PUBLIC, STATE OF FLORIDA
 MY COMMISSION EXPIRES AUG 7 1995
 BONDED THRU NOTARY PUBLIC LIABILITY INS.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 31, 1991

James L. Hagen, Treasurer
National Republican Senatorial Committee
425 Second Street, N.E.
Washington, DC 20002

RE: MUR 3443

Dear Mr. Hagen:

The Federal Election Commission received a complaint which alleges that the National Republican Senatorial Committee ("Committee") and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3443. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Committee and you, as treasurer, in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact James Brown, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

October 31, 1991

Bill Grant
2105 East Randolph Circle
Tallahassee, FL 32312

RE: MUR 3443

Dear Mr. Grant:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3443. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

92040395265

If you have any questions, please contact James Brown, the attorney assigned to this matter, at (202) 219-3690. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY:


Lois G. Lerner
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

92040895266



FEDERAL ELECTION COMMISSION

WASHINGTON DC 20463

October 31, 1991

Anthony R. Martin
Post Office Box 1132
Palm Beach, FL 33480-1132

RE: MUR 3443

Dear Mr. Martin:

This letter acknowledges receipt on October 24, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Bill Grant, the National Republican Senatorial Committee and James L. Hagen, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3443. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 219-3410.

Sincerely,

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

WILEY, REIN & FIELDING

91 NOV 15 AM 10:39

1776 K STREET, N.W.
WASHINGTON, D. C. 20006
(202) 429-7000

November 13, 1991

JAN WITOLD BARAN
(202) 429-7330

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ATTN: James Brown, Esq.

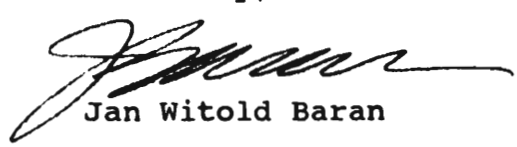
Re: MUR 3443 (National Republican Senatorial
Committee and James L. Hagen, as Treasurer)

Dear Mr. Noble:

This office has been retained to represent the National
Republican Senatorial Committee and James L. Hagen, as Treasurer
("Respondent") in Matter Under Review ("MUR") 3443. An executed
Statement of Designation of Counsel form is enclosed.

In order to respond to the complaint in MUR 3443 and due to my
travel schedule, I respectfully request a 20-day extension in this
matter to and including December 10, 1991.

Sincerely,



Jan Witold Baran

cc: Jay Velasquez, Esq.

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OFFICE OF GENERAL COUNSEL
91 NOV 15 PM 2:55

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3443

NAME OF COUNSEL: Jan W. Baran, Esq.

ADDRESS: Wiley, Rein & Fielding

1776 K Street, N.W.

Washington, D.C. 20006

TELEPHONE: (202) 429-7330

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/13/91
Date

James L. Hagen
Signature

RESPONDENT'S NAME: National Republican Senatorial Cmte.
and James L. Hagen, as Treasurer

ADDRESS: 425 - 2nd St., N.E.

Washington, D.C. 20002

HOME PHONE: _____

BUSINESS PHONE: (202) 675-6000

92040395269



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

November 19, 1991

Jan Witold Baran
Wiley, Rien & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 3443
National Republican Senatorial
Committee and James L. Hagen, as
Treasurer

Dear Mr. Baran:

This is in response to your letter dated November 13, 1991, which we received on November 15, 1991, requesting an extension of 20 days to respond to the complaint in the matter cited above. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 10, 1991.

If you have any questions, please contact James Brown, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

A handwritten signature in dark ink, appearing to read "L. Noble", is written over the typed name and title of Lawrence M. Noble.

BY: Lisa E. Klein
Assistant General Counsel

92040395270



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 26, 1991

Terrell C. Madigan
Papy, Weissenborn & Papy, P.A.
206 South Adams Street
P.O. Box 1761
Tallahassee, Florida 32302

RE: MUR 3443
Bill Grant

Dear Mr. Madigan:

This is in response to your letter dated November 25, 1991, which we received on November 25, 1991, requesting an extension until December 6, 1991, in the matter cited above. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 6, 1991.

If you have any questions, please contact James Brown, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lisa E. Klein
Assistant General Counsel

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PAPY, WEISSENBERG & PAPY, P.A.

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

ATTORNEYS AT LAW

91 DEC -2 PM 12: 13

TALLAHASSEE OFFICE
MAILING ADDRESS
P.O. BOX 1761
TALLAHASSEE, FL 32302

TALLAHASSEE OFFICE
206 SOUTH ADAMS STREET
TALLAHASSEE, FL 32301
(904) 222-2515
TELEFACSIMILE (904) 222-3452

OTHER OFFICES
LOCATED IN
MIAMI
TAMPA

PLEASE REPLY TO
TALLAHASSEE

November 25, 1991

James Brown, Esquire
Federal Election Commission
Washington, D.C. 20463

VIA FAX
(202) 219-3923

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF LEGAL COUNSEL
91 DEC -2 PM 3:40

RE: MUR 3443, Bill Grant; Acknowledgment of Counsel and
Extension of Time Within Which to Reply

Dear Mr. Brown:

Thank you for speaking with me this morning in regards to this matter pertaining to Bill Grant. As I advised, it was just this past Friday, November 22, that I had an opportunity to actually sit down face to face with Mr. Grant and one of his assistants to talk about the matter. My understanding is that Richard Pinsky, of Mr. Grant's office, spoke last week to Lois G. Lerner of your offices, and had advised her of the situation and scheduling difficulties of getting myself, Mr. Grant, etc., together. Mr. Pinsky advises that Ms. Lerner had agreed to extend the time within which to reply, in view of the circumstances.

When we spoke this morning, I requested of you an extension of up until and including December 6, 1991, within which to formally reply to the charges brought by Mr. Martin. You replied that you did not believe this would present a problem, but that you would seek official authorization of this request. Please understand that Mr. Grant is certainly not trying to avoid this situation; rather, because of the past scheduling difficulties, and my just now having had my first opportunity to get into the matter, I have asked both Mr. Grant and yourself to allow me this extension in order that this matter can be comprehensively addressed on the first go-round rather than providing you with the necessary information on a piece-meal basis. There are a few more people who I believe I need to speak with, possibly obtaining sworn statements, etc., who will probably be impossible to get with during this Thanksgiving week.

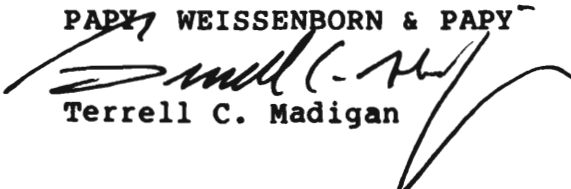
92040895272

James Brown, Esquire
November 25, 1991
Page Two

Attached please find the "Statement of Designation of Counsel"; thank you for your understanding in this situation and I look forward to working with you towards a prompt resolution of the matter.

Sincerely,

PAPY, WEISSENBERG & PAPY


Terrell C. Madigan

Enclosure

cc: Bill Grant

Original letter to FEC by U.S. Mail

9 2 0 4 0 3 9 5 2 7 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3443

NAME OF COUNSEL: Terrell C. Madigan

ADDRESS: Papp, Weissenborn & Papp
206 S. Adams St. (P.O. Box 1761)
Tallahassee, Florida 32302

TELEPHONE: 904) 222-2515

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf before
the Commission.

11/22/91
Date

Bill Grant
Signature

RESPONDENT'S NAME: Bill Grant

ADDRESS: H) 2105 East Randolph Circle
Tallahassee, Florida 32312
O) P.O. Box 38097, Tallahassee, Fl. 32315

HOME PHONE: 904) 386-9233 or 422-3344

BUSINESS PHONE: 904) 893-1992

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FEDERAL ELECTION COMMISSION
MAIL ROOM

PAPY, WEISSENBERG & PAPY, P.A.

ATTORNEYS AT LAW

91 DEC -9 PM 2:25

TALLAHASSEE OFFICE
MAILING ADDRESS
P.O. BOX 1761
TALLAHASSEE, FL 32302

TALLAHASSEE OFFICE
206 SOUTH ADAMS STREET
TALLAHASSEE, FL 32301
(904) 222-2515
TELEFACSIMILE (904) 222-3452

OTHER OFFICES
LOCATED IN
MIAMI
TAMPA

PLEASE REPLY TO
TALLAHASSEE

December 6, 1991

Federal Election Commission
Office of the General Counsel
Washington, D.C. 20463

VIA FEDERAL EXPRESS

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
91 DEC -9 AM 3:13

Attn: James Brown, Esquire

Re: MUR 3443 (Bill Grant)

Dear Mr. Brown:

Pursuant to the Commission's request, Mr. Grant wishes to take the opportunity to demonstrate for your review why no action should be taken against him in this matter concerning a complaint lodged with your office by Mr. Anthony R. Martin.

Attached hereto please find the sworn Affidavit of Bill Grant attesting to the relevant considerations of this matter. At a minimum, Mr. Martin has simply misapprehended the circumstances of what took place pertaining to Mr. Grant and the public release of certain poll/survey results relating to the upcoming U.S. Senatorial race in Florida in which both Mr. Grant and Mr. Martin are seeking the Republican nomination to face the incumbent Democrat, Bob Graham.

As set forth in Bill Grant's sworn statement, he met with the Chairman of the National Republican Senatorial Committee (Senator Phil Gramm) on July 24, 1991. This meeting took place in Washington, D.C. The purpose of this meeting was to discuss the potentials of Mr. Grant's candidacy for the Senate seat; at that time he had not announced a definite decision to run. Prior to that time, the NRSC had conducted a poll/survey; portions of which had dealt with the anticipated re-election bid of incumbent Senator Bob Graham. This poll/survey had not been conducted for the benefit, or at the request, of Bill Grant, nor of any other particular potential candidate for this seat.

On the day of Bill Grant's meeting with Phil Gramm, the results of two particular questions relating to the re-electability of Senator Bob Graham were released to the public by

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James Brown, Esquire
December 6, 1991
Page Two

way of the media. This can be independently verified and supported by the fact that the next morning's edition of "The Gainesville Sun" (a Florida newspaper) dated July 25, 1991, carried a story about these particular results, also making note of the fact of Bill Grant's meeting with the NRSC on the 24th. A similar story also ran on July 25 in "The Hotline" (a publication put out by the American Political Network, Inc.). This story specifically noted that the information was released by the NRSC on July 24.

As attested to by Bill Grant under oath, neither he nor any of his representatives, or anyone else on his behalf, had requested, pre-arranged, authorized or coordinated the public release of these results with his receipt of information on July 24. As Mr. Grant further indicates, he had absolutely no prior knowledge of the information which was publicly released and orally summarized to him on the same date. We believe that Section 106.4 of 11 CFR Ch.I (Allocation of polling expenses) is applicable to any legal review of this situation; and that given the true facts and the relevant law, Mr. Grant received no benefit or value from this poll which would trigger any reporting requirement by him assessing a "value" to this information as a contribution to his (at the time, potential) candidacy.

As to Mr. Martin's complaint, assuming the grievance to be in good faith on his part, we would speculate that he probably became aware of those poll results which were released by the virtue of reading the next day's media account of same which also referred to the fact of Mr. Grant's meeting with the NRSC. Without further inquiry, he evidently presumed (incorrectly) that Mr. Grant had prior use, benefit and knowledge of the results. This is simply not the case. The poll was not conducted or released in order to induce Mr. Grant in particular to run for office and any "benefit" which Mr. Grant might be construed to have received from the fact of this poll, was no more than that which Mr. Martin or any other potential candidate or member of the public had at any time. There was no preferential treatment given to Mr. Grant in this situation which would turn this matter into an event whereby Mr. Grant should have reported such as a "contribution" any more so than any other candidate such as Mr. Martin would be required to do.

In sum, we perceive this situation as simply a non-event. Mr. Grant of course stands ready to assist the Commission in any reasonable manner in determining this same conclusion for itself. If it is felt that the matter needs some further investigation

James Brown, Esquire
December 6, 1991
Page Three

before appropriate disposition, please do not hesitate to contact us. We appreciate your attention to and consideration of the foregoing and trust that this should be sufficient to put the matter to rest.

Sincerely,

PAPY, WEISSENBERG & PAPY



Terrell C. Madigan
Attorneys for Bill Grant

TCM/wcs

cc: Bill Grant

92040395277

FEDERAL ELECTION COMMISSION

RE: MUR 3443; Bill Grant

AFFIDAVIT OF BILL GRANT

STATE OF FLORIDA:

COUNTY OF LEON :

BEFORE ME, the undersigned authority personally appeared Bill Grant, to me known and he did state before me under oath as follows:

1. On the afternoon of July 24, 1991, I met with United States Senator Phil Gramm to discuss the possibility of my running for the United States Senate from Florida in the 1992 elections. Senator Gramm discussed with me the results of two questions asked in a poll/survey conducted by the National Republican Senatorial Committee; these results having been released to the news media for public dissemination this same day.

2. Neither I, nor any of my representatives, or anyone else on my behalf made any request, authorization, pre-arrangement or coordination with the NRSC for the public release of these poll/survey results and my receipt of this information on this date.

3. At no time prior to July 24 did I ever have any advance information concerning the results of this poll/survey, and on that date I was only advised of results pertaining to the two questions on that poll/survey which had been made public that date. The two questions pertained to the re-electability of Bob

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Graham, the incumbent United States Senator from Florida against whom I was considering the possibility of running. I was not given a copy of, nor did I review the written poll/survey results prior to or at this time.

4. At the time of this matter, I was not an announced candidate, but was only exploring the possibilities. The poll/survey in question was not conducted for my benefit, or at my request, nor to induce me in particular to run for office.

5. On July 25, 1991, the "Gainesville Sun" (a Florida newspaper) and "The Hotline" (a publication of the American Political Network, Inc.), ran stories noting the release by the National Republican Senatorial Committee, of the above-described information on July 24, 1991. The news stories made mention of the fact that I had met with Senator Phil Gramm (Chairman of the National Republican Senatorial Committee) on the 24th and that I was considering running for the Senate seat about which the poll/survey questions pertained.

6. It is my belief that the complainant in this matter under review, Anthony R. Martin, probably read one of the news accounts and misconstrued them to imply that this poll had been undertaken on my behalf or for my benefit, and that I had been made privy to the results prior to anyone else such as himself (an announced candidate for this same seat). This is simply not true; as outlined above, the particular information had been made publicly available on the day which I became aware of these items.


7. At no time did I receive any "preferential" treatment in regards to this matter as alleged by Anthony R. Martin. The

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information in question was made known to me on the very same day that it became available to Mr. Martin or any other member of the public.

8. Given the facts and my understanding of the applicable rules and regulations pertaining to these matters, I did not receive any value/benefit from this poll/survey, receipt of which would be reportable as a contribution to my campaign, as alleged by Mr. Martin.


FURTHER AFFIANT SAYETH NAUGHT.


BILL GRANT

STATE OF FLORIDA:
COUNTY OF LEON:

SWORN TO AND SUBSCRIBED before me this 6th day of December, 1991.

(SEAL)

 NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA,
MY COMMISSION EXPIRES: JULY 17, 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS

92040395280

WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

December 10, 1991

JAN WITOLD BARAN
(202) 429-7330

FACSIMILE
(202) 429-7049
TELEX 248349 WYRN UR

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attn: James Brown, Esq.

Re: MUR 3443 (National Republican Senatorial
Committee and James L. Hagen, as Treasurer)

Dear Mr. Noble:

This Response, along with the attached Affidavit and Exhibits, is submitted on behalf of the National Republican Senatorial Committee ("NRSC") and James L. Hagen, as Treasurer, in response to a complaint filed by Anthony R. Martin and designated Matter Under Review ("MUR") 3443. For the reasons set forth below, the Federal Election Commission should dismiss the complaint summarily or, in the alternative, find no reason to believe that the NRSC and James L. Hagen, as Treasurer, have violated the Federal Election Campaign Act of 1971, as amended ("Act").

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As the Commission is aware, the complainant, Mr. Anthony R. Martin,^{1/} is the subject of a 1984 Order entered by the Federal District Court for the District of Connecticut.^{2/} That Order documents Mr. Martin's long history of filing frivolous complaints and lawsuits and permanently enjoins him from filing any complaint or initiating any matter in any federal agency without first obtaining leave of that agency and complying with several Court-ordered directives. Mr. Martin has violated the terms of that 1984 Order in filing the current complaint. Furthermore, as outlined below, Mr. Martin's complaint is unresearched, factually baseless, and not founded in law. Accordingly, the NRSC

^{1/} Anthony R. Martin has also filed complaints with the Commission under the name Anthony R. Martin-Trigona. See Peter Eisler, Candidate Martin Files FEC Complaint Against Grant, Gannett News Serv., Oct. 8, 1991 (statement by Commission spokesperson Fred Eiland acknowledging identity of Anthony R. Martin), attached as Exhibit A; see also Anthony R. Martin v. U.S. Marshal John Adams, 1989 Westlaw 69259 *3 fn. 1 (N.D. Ill. June 22, 1989) (noting appearance of Anthony R. Martin-Trigona under the name Anthony R. Martin); Anthony R. Martin v. Stewart, 1989 Westlaw 68376 *1 (N.D. Ill. June 14, 1989) (same).

^{2/} See In re Martin-Trigona, 592 F. Supp. 1566, 1571 (D. Conn. 1984), aff'd, 763 F.2d 140 (2d Cir. 1985), cert. denied, 106 S.Ct. 807 (1986), attached as Exhibit B.

Lawrence M. Noble, Esq.
December 10, 1991
Page 3

respectfully requests that the Commission summarily dismiss this frivolous complaint.^{3/}

Consistent with Mr. Martin's history of abusing the Commission's complaint process, Mr. Martin's complaint here is factually baseless and misconstrues Commission regulations. Mr. Martin's complaint alleges that the NRSC provided Bill Grant, a "candidate" for the U.S. Senate, polling data valued at over \$5,000.00 and that Bill Grant and the NRSC failed to report the polling data as a "contribution to the campaign of the candidate." Complaint of Anthony R. Martin ("Complaint") at ¶¶ h & i. Based on these allegations, Mr. Martin's complaint requests the Federal Election Commission to investigate whether a violation of the Act has occurred.

The complaint inaccurately characterizes the polling data at issue here as a "contribution." The NRSC sponsored a poll of approximately 600 Floridians from July 12-15. Affidavit of Wendy Burnley at ¶ 2 ("Burnley Aff."), attached as Exhibit C. As demonstrated by the Affidavit of Wendy Burnley and news articles attached hereto, the NRSC

^{3/} Summary dismissal is consistent with the Commission's prior treatment of complaints filed by Mr. Martin. See, e.g., MUR 2531; MUR 2532.

unilaterally released the survey results to the public press on July 24, 1991 prior to providing Bill Grant the same survey results. Burnley Aff. at ¶¶ 3 & 4; see also Collected Newspaper Articles Dated July 25, 1991 through July 28, 1991 Reporting Results of NRSC's July 12-15, 1991 Survey, attached as Exhibit D. On the afternoon of July 24, 1991, Senator Phil Gramm, Chairman of the NRSC, met with Bill Grant and provided him the survey results which had been released to the press. Burnley Aff. at ¶ 4. Acceptance of polling data which have been previously made public does not constitute a contribution. 11 C.F.R. § 106.5(c).^{4/}

In any event, at the time Bill Grant met with and received the polling data at issue, Bill Grant was not a registered "candidate" for the U.S. Senate but was merely testing the waters. See Bill Grant for U.S. Senate Campaign Statement of Organization Dated November 7, 1991, attached as Exhibit E. Therefore, he had no obligation to report any

^{4/} 11 C.F.R. § 106.4(c) provides:

The acceptance of any part of a poll's results which part, prior to receipt, has been made public without any request, authorization, prearrangement, or coordination by the candidate-recipient or political committee-recipient, shall not be treated as a contribution in-kind and expenditure under paragraph (b) of this section.

contribution even if one were made and received. 11 C.F.R. § 100.7(b)(1)(i).^{2/} The complaint acknowledges that the publicly disclosed polling data was not supplied in connection with a candidacy but was provided "in order to induce [Bill Grant] to formally announce as a candidate." Complaint at p. 2 n.1. Therefore, the complaint has misinterpreted the relevant reporting regulations.

^{2/} 11 C.F.R. § 100.7(b)(1)(i) provides, in pertinent part:

(b) The term contribution does not include the following payments, services or other things of value:

(1)(i) Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such funds received. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the funds received are contributions subject to the reporting requirements of the Act. Such contributions must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received.

Regretfully, Mr. Martin's complaint was filed without any inquiry into the relevant Commission regulations or even whether Bill Grant had registered as a federal candidate.^{6/}

Because Mr. Martin's complaint is wholly baseless and violates the express terms of the District Court's 1984 Order, the Commission should summarily dismiss this frivolous complaint without causing the NRSC any more unnecessary expense. Alternatively, because the NRSC provided Bill Grant polling data which had previously been made public and because Bill Grant's testing the waters activities imposed no reporting obligations, the Federal Election Commission should

^{6/} There is evidence that Mr. Martin's complaint was not intended to assert a valid legal position but merely to embarrass and harass Bill Grant and the NRSC. Mr. Martin has been quoted in the press as stating that his complaint is simply a political strategy to tarnish Mr. Grant's reputation:

"The act of filing the complaint . . . is part of a process of defining my opponent (Grant) as the candidate of the Washington insiders. I'm trying to turn his access into a liability, rather than an asset."

Peter Eisler, Candidate Martin Files FEC Complaint Against Grant, Gannett News Serv., Oct. 8, 1991, attached as Exhibit A.

Lawrence M. Noble, Esq.
December 10, 1991
Page 7

find no reason to believe that the NRSC and James L. Hagen,
as Treasurer, have violated the Federal Election Campaign Act
of 1971, as amended.

Sincerely,



Jan Witold Baran

Counsel for the
National Republican Senatorial
Committee and James L. Hagen,
as Treasurer

cc: James L. Hagen

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EXHIBIT A

Copyright (c) 1991 Gannett Company Inc.
GANNETT NEWS SERVICE

October 8, 1991, Tuesday

LENGTH: 495 words

HEADLINE: CANDIDATE MARTIN FILES FEC COMPLAINT AGAINST GRANT

BYLINE: PETER EISLER; Gannett News Service

DATELINE: WASHINGTON

KEYWORD: FL-SENATECASH

BODY:

Former Rep. Bill Grant hasn't even said he will challenge Sen. Bob Graham, D-Fla., in 1992, but the north Florida Republican already is being accused of campaign improprieties by a fellow Republican eyeing Graham's seat.

Anthony "Andy" Martin, a Palm Beach lawyer and perpetual candidate, has complained to the Federal Election Commission that the national Republican Party improperly provided Grant with poll results gauging Graham's support. The polls were costly and constituted a campaign contribution, Martin charges.

But the complaint may never get a hearing.

The election commission has in the past refused to consider some complaints by Martin based on a 1983 federal court ruling that restricted Martin's ability to file legal claims because of a history of filing frivolous suits.

"Through the years, (Martin) has filed, according to our tally, 11 complaints of various sorts," said Fred Eiland, a spokesman for the commission. "The commission fell back on that court order in not dealing with the last number of complaints he has filed."

Eiland declined to comment on how the commission will handle this latest complaint by Martin, who has filed charges of improper campaign activity against an array of politicians, including former presidents Ronald Reagan and Jimmy Carter.

Federal regulations say polling data provided to candidates by a party committee can be considered a campaign contribution in some circumstances.

A spokeswoman for the National Republican Senatorial Committee, which did

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the poll, called Martin's charges "frivolous and not terribly well researched."

Grant, who won two congressional terms as a Democrat and lost his bid for a third term after switching to the Republican party, could not be reached for comment. Grant, who lives in Madison, has said he is considering a run against Graham, but has not announced a final decision.

Martin, also once a Democrat, has been a thorn in the side of Florida's Republican establishment and last year waged a primary campaign against former GOP governor Bob Martinez. Martinez won the nomination for a second term, but later lost the gubernatorial general election to Lawton Chiles.

Martin said his new complaint is intended both to force Grant to formalize his candidacy - if the polling data is ruled a campaign contribution, Grant must establish a mechanism for receiving donations - and to point out Grant's ties with the GOP establishment.

Martin said he requested access to the polling data, which was reported in the press, but was denied by the national party. Wendy Burnley, spokeswoman for the senatorial committee, said Martin wrote the party to declare his candidacy but never requested a meeting or access to polling information.

"The act of filing the complaint ... is part of a process of defining my opponent (Grant) as the candidate of the Washington insiders," Martin said. "I'm trying to turn his access into a liability, rather than an asset."

SUBJECT: ELECTION FINANCE; CONGRESSIONAL ELECTION '92:BILL GRANT:BOB GRAHAM

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EXHIBIT B

CONCLUSION

In conclusion, plaintiffs' claims through five (the § 301 charges) are untimely under *DelCostello* and *Welyezko*, moreover, their claim one (the blacklisting charge) is preempted. Therefore, the Court grants defendants' motions and judgment will be entered dismissing this suit.

SO ORDERED.



In re Anthony R. MARTIN-TRIGONA.

Anthony R. MARTIN-TRIGONA

v.

Harold LAVIEN, et al.

Anthony R. MARTIN-TRIGONA

v.

William F. SMITH, et al.

Misc. Civ. No. II 83-62 (Consolidated Cases) and Civ. Nos. H83-305, H83-322.

United States District Court,
D. Connecticut.

Sept. 13, 1984.

In connection with certain civil cases, the United States District Court for the District of Connecticut, José A. Cabranes, J., 573 F.Supp. 1245, issued permanent injunction prohibiting party who had filed numerous time-consuming and frivolous actions from instituting further actions without first obtaining leave of court, and party appealed. The Court of Appeals, Winter, Circuit Judge, 737 F.2d 1254, affirmed in part, vacated in part, and remanded. On remand, the District Court, José A. Cabranes, J., broadened the scope of his permanent injunction to protect any persons who had encountered the party in any ca-

capacity in the district court, the bankruptcy court for the district, or the Court of Appeals for the Second Circuit, as well as the relatives and associates of such persons, from harassment by the party in question.

Permanent injunction ordered.

Injunction § 189

Scope of injunction against party who abused imagined enemies through legal process by tactics which included applications for prejudgment remedies, attempts to initiate investigations of adversaries by government agencies, viciously abusing and harassing opposing parties and counsel was broadened to prohibit the party from bringing new actions in any tribunal without leave from district court against persons who had encountered him in any capacity in litigation in the district, the bankruptcy court for the district, the Court of Appeals for the Second Circuit, as well as relatives and associates of such persons.

Anthony R. Martin-Trigona, Federal Correctional Institution, Danbury, Conn., pro se

W. Philip Jones, U.S. Dept. of Justice, Washington, D.C., for federal defendants.

William Sanders, D'Amato & Lynch, New York City, for defendants Daniel Meister, Richard Belford and Richard Coan.

Richard M. Coan, Coan, Lewendon & Royston, New Haven, Conn., for Richard Belford, trustee in bankruptcy of the estate of Anthony R. Martin-Trigona.

Irving H. Perlmutter, Ullman, Perlmutter & Sklaver, New Haven, Conn., for Daniel Meister, trustee in bankruptcy of the estate of New Haven Radio, Inc.

Gordon W. Hatheway, Jr., Pierson, Ball & Dowd, Washington, D.C., for complainant Pierson, Ball & Dowd.

MEMORANDUM AND ORDER OF PERMANENT INJUNCTION

JOSE A. CABRANES, District Judge:

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MEMORANDUM

On June 17, 1983, this court held a hearing on the application for preliminary injunctive relief filed by the federal defendants in these consolidated actions, which hearing was consolidated with a trial on the merits. Rule 65(a), Fed.R.Civ.P. See generally *In re Martin-Trigona*, 737 F.2d 1254, 1260 (2d Cir.1984). Following that hearing, this court, on June 23, 1983, entered an Order of Permanent Injunction (the "Order"), that imposed certain conditions and restrictions upon Anthony R. Martin-Trigona with respect to the filing of actions, proceedings, documents, motions, affidavits, declarations, pleadings or other papers, in any court (state or federal) of the United States, and also with respect to the service of papers. See *In re Martin-Trigona*, 573 F.Supp. 1245, 1261-1269 (D.Conn.1983).

On appeal, the Court of Appeals affirmed the Order in part, vacated it in part, and remanded the cause to this court for further proceedings consistent with its opinion. *In re Martin-Trigona*, supra, 737 F.2d at 1264. In so doing, the Court of Appeals held that this court's findings were "abundantly supported by the record." *Id.* at 1260. In addition, "to the extent that certain provisions of [the district court's] order [were] not mentioned in the [Court of Appeals'] opinion, [the Court of Appeals] ... agree[d] with and affirm[ed] the district court's holdings." *Id.* at 1262. While the Court of Appeals vacated that part of the Order that prohibited Martin-Trigona from filing lawsuits in any state court without first obtaining permission from the court in which he desired to file the lawsuit, it affirmed the remainder of the Order. The Court of Appeals instructed this court to broaden the Order in certain respects, by fashioning on remand an injunction in aid of federal juris-

diction that protects any persons who have encountered Martin-Trigona in any capacity in this court, the United States Bankruptcy Court for this District, or the Court of Appeals for the Second Circuit, as well as the relatives and associates of such persons, from harassment by Martin-Trigona.

In particular, the Court of Appeals stated that

[u]pon remand, ... the district court should continue the provisions of the injunction requiring Martin-Trigona to append pertinent informational materials to pleadings in state courts[.] ... [and] should fashion an injunction prohibiting Martin-Trigona from bringing new actions in any tribunal without leave from the district court against persons who have encountered him in any capacity in litigation in the District of Connecticut or in this court, including, but not necessarily limited to, court personnel, counsel, and the families and professional associates of such persons.

We further note that the district court's responsibility to protect federal jurisdiction and those individuals or entities who seek access to federal courts may entail periodic revision of the injunction to keep pace with Martin-Trigona's imaginative pursuit of new methods of harassment. Nothing we say here limits the power of the district court to prevent harassing and vexatious conduct by Martin-Trigona which is related to litigation, pending or concluded, in the district court or in this court.

Id. at 1263. In addition, noting that "resort to appellate procedures carries with it the same vexatious and harassing consequences as proceedings in trial courts and thereby results in a similar impairment of the administration of justice," *id.* at 1264, the Court of Appeals issued its own preliminary injunction imposing restrictions and

conditions on appeals by Martin-Trigona within this Circuit. *Id.*

This court, which has overseen implementation of the Order since its entry more than a year ago, including the period during which an appeal of the Order was pending, as well as the administration of the estates in question, entered a Supplemental Order of Preliminary Injunction on June 20, 1984, implementing, on an interim basis, the requirements of the opinion of the Court of Appeals. By orders of June 21 and June 29, 1984, the court invited all those on the Master Service List established for these actions,¹ including Martin-Trigona, to submit proposed forms of a revised version of the Order.

Several proposed forms of order or suggestions concerning a permanent injunction have been received by the court, as have several uncontradicted affidavits. See, e.g., Affidavit of Richard Belford (filed July 23, 1984); Affidavit of Gordon W. Hatheway, Jr. (filed July 30, 1984) (Appendices A and B, *infra*).² Those affidavits principally set forth Martin-Trigona's well-documented practice of abusing his imagined enemies through legal process. The tactics noted include applications for prejudgment remedies, see *In re Martin-Trigona*, supra, 573 F.Supp. 1245-1258 (and cases cited therein), and attempts by Martin-Trigona to initiate investigations of his adversaries by government agencies (for example, the Internal Revenue Service), see Appendix A, *infra*, §§ 5-6; see also Letter from Anthony R. Martin-Trigona to Richard Coan (dated Aug. 15, 1984), attached as an Exhibit to Additional Submission in Opposition to Debtor's "Motion to Terminate Civil Contempt and Release from Custody" (filed Aug. 24, 1984). The affidavits also detail Martin-Trigona's penchant for viciously abusing and harassing opposing parties, counsel, and, in the words of the Court of Appeals, "anyone [else] who so much as

1. The Master Service List was established pursuant to a November 17, 1983 ruling from the bench and was attached to the court's written order of December 7, 1983. It has since been revised from time to time. The Master Service List was designed to address "the proliferation of paper and filings of a disorganized sort" that Martin-Trigona intentionally and effectively manipulated, "causing massive confusion over a

crosses his path." *In re Martin-Trigona*, supra, 737 F.2d at 1263. As this court has previously found, see *In re Martin-Trigona*, supra, 573 F.Supp. at 1264 ¶ 12, in findings affirmed by the Court of Appeals, see *In re Martin-Trigona*, supra, 737 F.2d at 1259-1260, Martin-Trigona's harassment and defamations cause emotional distress and injury to his victims and subject them to embarrassment among professional colleagues, insurers, and the general public. As in all such situations, the truth takes all too long to overcome the lie. *In re Martin-Trigona*, supra, 573 F.Supp. at 1254 ("[Martin-Trigona's] outlandish charges ... may go unaddressed by court or defendant"); *In re Martin-Trigona*, Misc.Civ. No. H 83-62, slip op. at 2 (D.Conn. July 26, 1984) (order) ("[Martin-Trigona's] assertion ... is typical of his deliberate misrepresentations[,] characterized by delusions of persecution, ... with which all concerned with litigation involving him have become so familiar").

Although served with all of these submissions and invited by this court to make his own, Martin-Trigona has made no comments on the projected form of order or any response to the submissions of others. On the basis of its consideration of the record of these cases, its previous findings, *In re Martin-Trigona*, supra, 573 F.Supp. 1261-1266, as affirmed by the Court of Appeals, and its judicial notice of its own docket, the court credits these uncontested affidavits and finds the facts alleged in them to be true.

Accordingly, the court enters the following order of permanent injunction.

ORDER OF PERMANENT INJUNCTION

1. Filing Motions or Other Documents in Pending Cases

Anthony R. Martin-Trigona is hereby permanently enjoined from the service or

broad terrain." See Certified Official Transcript of Hearing of November 17, 1983 (filed Nov. 22, 1983) at 35-37.

2. See also Affidavit of Richard Coan, counsel to Richard Belford, Trustee in Bankruptcy of the Estate of Anthony R. Martin-Trigona (filed July 23, 1984).

filing of any actual or purported motion, affidavit, declaration, pleading, or other document in any pending case brought by him or on his behalf within the District of Connecticut, including all actions connected to the bankruptcy cases *In re Anthony R. Martin-Trigona, Debtor*, and *In re New Haven Radio, Inc., Debtor*, that have been consolidated under the docket number Misc.Civ. No. H 83-62, without first obtaining leave of court. Leave of court to serve and file may be obtained only by the lodging of the document in question with the undersigned or another judicial officer to whom the undersigned may transfer this matter or aspects thereof from time to time.

Any document for which leave to serve and file is sought shall comply with the following conditions and shall be submitted to the Office of the Clerk at the Hartford Seat of Court. The Clerk shall, in the normal course, convey any such document to the undersigned or to another judicial officer to whom this matter is assigned. Failure to comply with any of these conditions will be deemed good and sufficient grounds for the Clerk to refuse to accept such document, or to return such document to Martin-Trigona, or for the court summarily to deny Martin-Trigona permission to serve and/or file such document.

A. *Affidavit or Unsworn Declaration Under Penalty of Perjury.* Any actual or purported motion, affidavit, declaration, pleading, or other document that Martin-Trigona seeks to serve and/or file shall be accompanied by an affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746 attesting to the necessity for filing, certifying that the document is submitted in good faith, and indicating the names of those persons upon whom the document is to be served and the address at which service will be made. This provision shall not apply to notices of appeal.

B. *Documents to be Separate and Self-Contained; Incorporation by Reference.* (i) The record of these and related proceedings has been confused by Martin-Trigona's practice of filing various pleadings, motions, notices, affidavits, declarations, and applications that often require different actions by the court, on the same sheet of paper or in the same multi-page document.

Therefore, any future document, motion, affidavit, declaration, notice, pleading, or other paper that Martin-Trigona seeks to file shall be separate and self-contained. No one document shall include more than the text of a single motion, affidavit, declaration, pleading, notice, request, application, certificate, or other paper. (ii) Whenever any document that Martin-Trigona seeks to file incorporates any matter from any other document by reference, a photocopy of the document to which reference is made shall be attached.

C. *Each Document to Relate to a Single Action.* Any document, motion, affidavit, declaration, notice, pleading, petition, or other paper that Martin-Trigona seeks to file shall bear the caption of the case or cases to which it relates. If a document, motion, affidavit, declaration, notice, pleading, petition, or other paper is intended to have any legal effect in more than one action, Martin-Trigona shall provide a separate copy for each such action, and each such copy shall clearly designate the name and docket number of the action in which the document is intended to be filed.

D. *Motions for Permission to Proceed or to Appeal In Forma Pauperis.* Both this court and the Court of Appeals have repeatedly denied a seemingly endless stream of motions by Martin-Trigona for permission to proceed or to appeal *in forma pauperis* on the grounds, *inter alia*, that the supporting affidavit failed to state facts sufficient to demonstrate indigency. Martin-Trigona nonetheless has continued to file motions for permission to proceed or to appeal *in forma pauperis* that are virtually identical to those denied. Accordingly, any future motion by Martin-Trigona for permission to proceed or to appeal *in forma pauperis* shall have annexed to it an affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746 that indicates with particularity: (1) the date and disposition of the most recent denial by this court or the Court of Appeals of any such motion or any other pleading intended to achieve a like result, and (2) the new facts, if any, that purport to demonstrate indigency that have not previously been alleged by Martin-Trigona in support of prior unsuccessful

motions for permission to proceed or to appeal *in forma pauperis*.

E. *Notices of Appeal.* Martin-Trigona has filed countless frivolous notices of appeal from unappealable interlocutory orders, or notices of appeal that fail to "designate the judgment, order, or part thereof appealed from," as required by Rule 3(c), Fed.R.App.P., or that purport to appeal from more than one order. Accordingly, any future notice of appeal filed by Martin-Trigona shall "designate the judgment, order, or part thereof appealed from," *id.*, and shall have annexed to it, as an appendix, a copy of such "judgment, order, or part thereof." A separate notice of appeal shall be filed with respect to each judgment or order appealed from.

F. *Service of Documents to All Persons on Master Service List.* Martin-Trigona shall serve any document for which leave to serve has been granted by the court, within ten (10) days of the granting of such leave, upon all persons on the Master Service List then in effect (i.e., as updated by the court from time to time), and shall annex to each and every such document a certificate of proper service executed under penalty of perjury before the Clerk shall accept any such document for filing.

G. *Communications with the Court.* If Martin-Trigona or any other person or entity acting on his behalf or in concert with him wishes to communicate with the court, he or she shall do so only by such formal motion made under applicable law as may be appropriate in the circumstances. The Clerk and other personnel of the Judicial Branch of Government and persons acting pursuant to the direction of the court (e.g., Marshals) shall be under no obligation to respond in any way to any letter, telephone call, or other informal communication from Martin-Trigona, or from any person or entity acting on his behalf or in concert with him.

H. *No Waiver, Agreement, or Consent to be Implied from Failure to Answer Communications.* Failure by the Clerk or other personnel of the Judicial Branch of Government, or persons acting pursuant to direction of the court, to respond to any communication from Martin-Trigona or any

person acting on his behalf or in concert with him shall in no sense be deemed to imply approval of, agreement with, or consent to such views or requests as may be expressed in such communications.

II. Filing Actions Arising Out of Bankruptcy Proceedings

Anthony R. Martin-Trigona is hereby permanently enjoined from the filing of any action or proceeding, in any federal court of the United States, arising out of the acts of any person or entity involved in any capacity with the litigation of any bankruptcy proceeding filed on or before June 17, 1983 involving either Martin-Trigona or any of the properties in which he claims or seeks to assert an interest. Upon the conclusion of any bankruptcy proceeding in which Martin-Trigona claims an interest and upon certification by the judge before whom the proceeding was held and to whom a copy of this order has been provided by Martin-Trigona, together with an application for such certification, Martin-Trigona may file a consolidated appeal from such bankruptcy proceedings, contingent upon the granting of leave by the court in which the appeal is sought to be filed (and pursuant to the terms of the other paragraphs of this order).

III. New Lawsuits, Actions, Proceedings, or Matters in Federal Fora

Anthony R. Martin-Trigona is hereby permanently enjoined from filing or attempting to initiate any new lawsuit, action, proceeding, or matter in any federal court, agency, tribunal, committee, or other federal forum of the United States, against any person or entity, other than a person or entity comprehended by the terms of section VII, *infra*, or serving any such person or entity with any paper purporting to initiate any such lawsuit, action, proceeding, or matter without first obtaining leave of that court, agency, tribunal, committee, or other forum. In seeking such leave, Martin-Trigona or any individual or entity acting for him, or at his behest, shall comply with each of the following requirements: (a) he shall file with the complaint or document purporting to commence a lawsuit, action, proceeding, or matter a motion captioned

"Application Pursuant to Court Order Seeking Leave to File;" (b) he shall attach as "Exhibit 1" to that motion a copy of this court's opinion in *In re Martin-Trigona*, 573 F.Supp. 1245 (D.Conn.1983), with all appendices; (c) he shall attach as "Exhibit 2" to that motion a copy of the decision of the Court of Appeals in *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir.1984), with all appendices; (d) he shall attach as "Exhibit 3" to that motion a copy of this order, *In re Martin-Trigona*, 592 F.Supp. 1566 (D.Conn.1984), with all appendices; (e) he shall attach as "Exhibit 4" to that motion either an affidavit or an unsworn declaration pursuant to 28 U.S.C. § 1746 certifying whether or not the claim he wishes to present is a claim ever raised by him in any court, agency, tribunal, committee, or other forum; (f) he shall attach as "Exhibit 5" to that motion a list of each and every lawsuit, action, proceeding, matter, or complaint previously filed by him or on his behalf in any court, agency, tribunal, committee, or other forum, against each and every defendant or respondent in the lawsuit, action, proceeding, or matter he wishes to file or attempt to initiate; (g) he shall attach as "Exhibit 6" and successive exhibits (with numbers continuing as necessary) to that motion a copy of each such complaint or other document purporting to commence any such lawsuit, action, proceeding, or matter and a certified record of its disposition; (h) he shall serve on each defendant or respondent, if and when leave to serve the complaint or other analogous document in the new lawsuit, action, proceeding, or matter is granted, a copy of the materials specified in subsections (a), (b), (c), and (d) of this section, *supra*.

Failure to comply with the terms of this order will be sufficient grounds for a federal court, agency, tribunal, committee, or other federal forum to deny any motion by Martin-Trigona for leave to file. Further, the failure by Martin-Trigona to advise a federal court, agency, tribunal, committee, or other federal forum in which he has filed a lawsuit, action, proceeding, or matter of the materials specified in subsections (a), (b), (c), and (d) of this section, *supra*, may be considered by such court or other forum a sufficient basis for sustaining a motion to

dismiss such a lawsuit, action, proceeding, or matter, or a request otherwise to dispose of the matter filed or submitted by Martin-Trigona.

IV. Filing Documents in Federal Fora When Not a Party

Anthony R. Martin-Trigona is hereby permanently enjoined from the filing or submission of any document, motion, affidavit, declaration, or pleading in any federal court, agency, tribunal, or other federal forum in any lawsuit, action, proceeding, or matter to which he is not a party without first seeking leave of that court, agency, tribunal, or other forum. Leave of the federal court, agency, tribunal, or other federal forum may be obtained only by lodging with it the document sought to be filed, together with: (a) an affidavit or unsworn declaration pursuant to 28 U.S.C. § 1746 attesting to the necessity for filing and describing with particularity the reasons therefor; (b) a statement setting forth the name(s) of the person(s) to be served and the address(es) at which service will be made, and (c) an application captioned "Application Pursuant to Court Order Seeking Leave to File," to which copies of the materials specified in section III(b)-(d), *supra*, shall be annexed as exhibits. Such leave shall be obtained before the filing of any document, motion, affidavit, declaration, or pleading in any lawsuit, action, proceeding, or matter to which Martin-Trigona is not a party in any federal court, agency, tribunal, or other federal forum of the United States.

V. Intervention and Participation

The requirements and conditions imposed by the provisions of section IV of this order, *supra*, shall also apply with full force and effect to any future efforts by Anthony R. Martin-Trigona to intervene, appear, or participate in any capacity (including, but not limited to, plaintiff, defendant, intervenor or putative intervenor, appellant, petitioner, respondent, complainant, witness, or *amicus curiae*) in any then-existing action or proceeding in or before any federal court, agency, tribunal, or other federal forum of the United States.

when he has not been summoned as a defendant or respondent, served with a subpoena, or invited by the court or other forum to participate.

VI. Commencing New Actions or Participating in Proceedings in Non-Federal Courts and Other Fora

In filing or causing to be filed any document that commences a new lawsuit, action, proceeding, or matter or in which he seeks to intervene or participate in any then-existing lawsuit, action, proceeding, or matter in any state, county, municipal, or other non-federal court, agency, tribunal, or forum in the United States, Anthony R. Martin-Trigona or any individual or entity acting for him or at his behest or in concert with him shall attach to any such document a statement entitled "Informational Statement Concerning Litigation History of Anthony R. Martin-Trigona, Pursuant to Court Orders," whose text shall read as follows: "Pursuant to orders of the United States District Court for the District of Connecticut and the United States Court of Appeals for the Second Circuit, this tribunal is respectfully referred to the litigation history of Anthony R. Martin-Trigona, described in *In re Martin-Trigona*, 573 F.Supp. 1245 (D.Conn.1983), and *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir.1984), copies of which are attached hereto for ease of reference." To this statement shall be attached the following material: (a) a copy of the opinion of this court published at 573 F.Supp. 1245 (D.Conn.1983), with all appendices; (b) a copy of the opinion of the Court of Appeals in *In re Martin-Trigona*, 737 F.2d 1254 (2d Cir.1984), with all appendices; and (c) a copy of this order, *In re Martin-Trigona*, 592 F.Supp. 1566 (D.Conn.1984), with appendices.

VII. Lawsuits, Actions, Proceedings, Investigations, or Matters Anywhere Against Persons or Entities That Have Encountered Martin-Trigona in the Bankruptcy Court or the District Court for the District of Connecticut or the Court of Appeals for the Second Circuit, or Against Their Associates

Subject to the limitations stated in section XIV, *infra*, Anthony R. Martin-Trigona

is hereby permanently enjoined from commencing or purporting to commence or attempting to initiate any lawsuit, action, proceeding, investigation or matter of any kind in any forum or tribunal, judicial or administrative, federal, state, or local, including professional disciplinary and grievance committees) without leave of this court, against any person or entity that has encountered him in any capacity, or that has had any connection with litigation involving him in any way, in the United States Bankruptcy Court for the District of Connecticut, the United States District Court for the District of Connecticut, or in the United States Court of Appeals for the Second Circuit—including, but not limited to: (a) judicial officers or other personnel of the Judicial Branch of Government, *e.g.*, judges, magistrates, consultants, referees, special masters, law clerks, clerks, deputy clerks, court reporters, secretaries, guards, probation officers, and all others who have been or are employed directly or indirectly by the United States Courts; (b) past and present personnel of other branches of the United States Government who perform functions related to the operations of the federal courts or pursuant to court order, including, but not limited to, the United States Marshal's Service and the Federal Bureau of Prisons; (c) state authorities and their employees, past or present, who may hold persons in custody pursuant to arrangements with the United States Marshal's Service or the Federal Bureau of Prisons; (d) counsel, *e.g.*, attorneys who have represented Martin-Trigona from time to time, attorneys for his adversaries, prosecutors, and attorneys for any persons enumerated in this section; (e) other litigants, *e.g.*, persons or entities who have been Martin-Trigona's adversaries in past proceedings; (f) persons on the panel of bankruptcy trustees for the District of Connecticut, their counsel, bonding companies, and other sureties; (g) bail bondsmen; and (g) any relative (by blood, marriage, or adoption), friend, associate, associated entity, estate, employer, employee, agent, principal, attorney, insurer, bonding company, or surety of such person or entity.

Martin-Trigona has targeted persons and entities to be victims of his assault by litigation because of their relationships, however tenuous, to persons or entities he has encountered in litigation. Accordingly, the term "relative" in this order shall mean past or present relative; and the other categories of persons and entities enumerated herein (such as employer, attorney, insurer, etc.) shall be construed to encompass persons and entities formerly or presently in those categories or who will be encompassed by them in the future.

VIII. *Lawsuits, Actions, Proceedings, or Matters Anywhere Against Property of Persons or Entities That Have Encountered Martin-Trigona in the Bankruptcy Court or the District Court for the District of Connecticut or the Court of Appeals for the Second Circuit, or of Their Associates; Notices of Lis Pendens; Notices of Liens*

Anthony R. Martin-Trigona is hereby permanently enjoined from commencing or purporting to commence any action or proceeding of any kind, anywhere, without leave of this court, against the property or interests of any person or entity (as defined in section VII, *supra*) that has encountered him in any capacity (or has had any connection with litigation involving him in any way) in the United States Bankruptcy Court for the District of Connecticut, the United States District Court for the District of Connecticut, or the United States Court of Appeals for the Second Circuit, or against the property or interests of a relative (by blood, marriage, or adoption), friend, associate, associated entity, estate, employer, employee, agent, principal, attorney, insurer, bonding company, or surety of such person or entity, including but not limited to: (a) *in rem* actions in any federal, state, or local court or agency in the United States; (b) the filing in any land records anywhere, or service upon anyone, or publication anywhere, of a notice of *lis pendens*; or (c) the filing anywhere, or service upon anyone, or publication anywhere, of any document purporting to establish or give notice of a lien or claim of any kind.

IX. *Actions Affecting or Purporting to Affect Persons, Property, Credit Ratings, Insurance, etc., of Persons or Entities That Have Encountered Martin-Trigona in the Bankruptcy Court or the District Court for the District of Connecticut or the Court of Appeals for the Second Circuit, or of Their Associates*

Anthony R. Martin-Trigona is hereby prohibited from taking any action, without leave of this court, purporting or attempting to affect the persons, property, employment, insurance coverage, bonding, credit rating, family, or other interests of any person or entity (as defined in section VII, *supra*) that has encountered him in any capacity (or has had any connection with litigation involving him) in the United States Bankruptcy Court for the District of Connecticut, the United States District Court for the District of Connecticut, or the United States Court of Appeals for the Second Circuit, or purporting or attempting to affect the person, property, employment, insurance coverage, bonding, credit rating, family, or other interests of any relative (by blood, marriage, or adoption), friend, associate, estate, associated entity, employer, employee, agent, principal, attorney, insurer, bonding company, or surety of such person or entity.

X. *Persons Acting in Concert with Anthony R. Martin-Trigona Fully Bound by the Terms of This Order*

All provisions of this order that personally apply to Anthony R. Martin-Trigona shall apply equally to persons or entities acting at his behest, at his direction or instigation, or in concert with him.

XI. *Failure to Honor Terms of This Order Punishable by Contempt*

Failure to honor the terms of this order shall subject Anthony R. Martin-Trigona, and any person or entity acting at his behest, at his direction or instigation, or in concert with him, to applicable penalties for contempt of court, including fine or imprisonment or both.

XII. *Leave to File—Time Limit and Separate Certification*

(i) If Anthony R. Martin-Trigona is granted leave to file any document or paper in any lawsuit, action, proceeding, or matter under any section of this order, he shall take the actions required to file such document or paper within ten (10) days of the granting of such leave to file, and his failure to do so shall be sufficient grounds for a refusal by the relevant forum to accept such document or paper.

(ii) Each separate paper or document that Martin-Trigona is granted leave to file under any section of this order shall have attached to it a proper certification of service.

XIII. *Service of Documents*

Anthony R. Martin-Trigona is hereby permanently enjoined from serving upon any person, natural or legal, or any other entity, any document, summons, subpoena, motion, affidavit, declaration, or other paper purporting to be served in connection with any lawsuit, action, proceeding, or matter brought in any federal court, agency, tribunal, or forum of the United States unless such a lawsuit, action, proceeding, or matter has in fact been commenced in a federal court, agency, tribunal, or forum, the identity of which is apparent on the face of the paper, and unless the document, summons, subpoena, motion, affidavit, declaration, or other paper is timely and properly filed with the court, agency, tribunal, or forum indicated thereon in compliance with the requirements of the preceding sections of this order.

XIV. *Limitations*

This order is entered with the following limitations:

(i) Nothing in this order shall be construed as having any effect on Anthony R. Martin-Trigona's ability to defend himself in any criminal action brought against him.

(ii) Nothing in this order shall be construed as denying Martin-Trigona access to the courts through filing of a petition for a writ of *habeas corpus*, provided, however, that the relief sought in any such petition on its face concerns only the legality of his

incarceration or the conditions of his confinement.

(iii) Nothing in this order shall be construed to prohibit Martin-Trigona or any one acting on his behalf from filing complaints under 28 U.S.C. § 372(c), provided, however, that nothing in this order, and nothing in this subsection in particular, shall be construed as intimating any view on the constitutionality of 28 U.S.C. § 372. See, e.g., Rule § 0.24, Complaints With Respect to the Conduct of Judges, Rules of the United States Court of Appeals for the Second Circuit (Nov. 1983) (identical disclaimer by the Judicial Council of the United States Court of Appeals for the Second Circuit).

XV. *Complaints of Violations of This Order and Reports by United States Attorney*

Any person believing that he or she has information sufficient to form the basis of a complaint that Anthony R. Martin-Trigona or any person or entity acting, purporting to act, or apparently acting on his behalf or in concert with him, has violated any provision of this order shall make such complaint in writing to the United States Attorney for the District of Connecticut, United States Courthouse, 450 Main Street, Hartford, Connecticut 06103, with a copy sent directly to the Office of the Clerk of this court at the same address. The United States Attorney shall reply in writing to the complainant within thirty (30) days of the receipt of any such complaint concerning the action, if any, that the United States Attorney intends to take with respect thereto, and a copy of such reply shall be filed with this court. The Clerk shall convey copies of these filings in the normal course to the undersigned or to any other judicial officer to whom this matter is assigned. Following the required response of the United States Attorney to a complaint, the complainant may apply to this court under applicable law, see, e.g., Rule 42(b), Fed.R.Crim.P., for the appointment of an attorney to prosecute the alleged violation of this order.

XVI. Service of This Order

The United States Marshal's Service shall serve Anthony R. Martin-Trigona personally with a copy of this order at the place of his current incarceration for civil contempt of court, pursuant to an order of this court (which order has been affirmed by the Court of Appeals, *see In re Martin-Trigona*, 732 F.2d 170 (2d Cir.1984); *In re Martin-Trigona*, No. 84-5018 (2d Cir. Apr. 25, 1984) [unpublished order]).

The United States Marshal's Service shall also serve this order on the following persons who appear, from the extensive record of these cases, to have collaborated closely with Martin-Trigona from time to time with respect to matters brought to the attention of the court:

Professor John H. Banzhaf, III
George Washington University
National Law Center
720 20th Street, N.W.
Washington, D.C. 20052
Mr. Howard J. Kotlicky
1030 North State Street
Chicago, Illinois 60610
Dr. Helen Martin-Trigona
1905 Westfield Street
Alexandria, Virginia 22308
Joel Stern, Esq.
Stern, Fixler & Wiener
950 Third Avenue
New York, New York 10022
Edward Kenneth Suskin, Esq.
Post Office Box 833
Libertyville, Illinois 60048
Paul Taylor, Esq.
Post Office Box 7146
New York, New York 10150
Ms. Lyn Clout
Ms. Vera Jean Luttrell
Mr. Charles Wolake
Ms. Donna Wolske

See Section X, *supra*. Service upon these persons shall be personal service (to the extent practicable) or by Express Mail only deliverable to the addressee.

The Clerk shall send copies of this order to all other persons on the Master Service List.

XVII. Vacatur of Prior Injunctions and Inconsistent Orders

Upon the entry of this order, this court's Order of Permanent Injunction (entered June 23, 1983) and its Supplemental Order of Preliminary Injunction (entered June 20, 1984) shall be vacated. Other orders of this court dealing with the subjects treated herein shall also be vacated to the extent that they are inconsistent with this order.

It is so ordered.

APPENDIX A

AFFIDAVIT IN CONNECTION WITH PERMANENT INJUNCTION

I, Richard Belford, being duly sworn, depose and say:

1. I am the Trustee of the estate of Anthony R. Martin-Trigona, in bankruptcy, presently pending before this Court.

2. I am making this Affidavit in connection with the permanent injunction in connection with this case.

3. Since my appointment as Trustee of this estate Anthony R. Martin-Trigona has taken certain actions relating to me which I find annoying and vexatious, and which are in my opinion without any merit. I will set these forth below.

4. Mr. Martin-Trigona has sued me on six occasions as follows:

(a) In July, 1981 he brought an action against me in the United States District Court for the Western District of Missouri. I believe that he was at that time incarcerated in that area, so he brought the action where he was located. Obviously I did not have any contact in that jurisdiction. Ultimately that was dismissed on procedural grounds.

(b) In June, 1982 Mr. Martin-Trigona sued me in the Supreme Court of the State of New York both individually and as executor of the estate of my late father, Jacob Belford. My father's widow, my brother, and various banks where my father had accounts were also named as parties defendant. Ultimately this case was dismissed on jurisdictional grounds. It should

APPENDIX A—Continued

be noted that my father passed away two weeks before I was appointed Trustee of this bankruptcy estate. I had never heard of Mr. Martin-Trigona during my father's lifetime. I am confident that my father never heard of Mr. Martin-Trigona. My father's widow and my brother advise me that they had never heard of Mr. Martin-Trigona. Nevertheless he claims that my father (who died before I was appointed Trustee of this bankruptcy estate), Judge Schiff, Judge Schiff's father and I conspired to defraud him.

(c) In August, 1982 Mr. Martin-Trigona brought another action against me, this time in the United States District Court for the Southern District of New York. My co-defendants in this case were the attorneys who represented me in the earlier action referred to in subparagraph (b) above, my insurance carrier, designated by Mr. Martin-Trigona as "John Doe Insurance Company", my father's widow, and my brother. This case was dismissed on the merits.

(d) In April, 1983 Mr. Martin-Trigona sued me in the United States District Court for the District of Connecticut. This is the case designated in the caption of this Affidavit as Anthony R. Martin-Trigona vs. Harold Laven, et al, and bearing No. H 83-305. This is one of the cases in which Your Honor's injunction has entered.

(e) Also in April, 1983 Mr. Martin-Trigona sued me in the United States District Court for the District of Connecticut. This is the case designated in the caption of this Affidavit as Anthony R. Martin-Trigona vs. William French Smith et al, and bearing No. H 83-322. The injunction issued by Your Honor also applies in this case.

(f) In June, 1983 Mr. Martin-Trigona sued me in the Supreme Court of the State of New York. My co-defendants include Susan Cabranes, Your Honor, and various attorneys and Trustees.

5. In November, 1982 Mr. Martin-Trigona sent a letter to the Internal Revenue Service asking them to investigate the estate of my late father, my former partner Richard Coan, and me for income tax evasion and fraud. I am not aware of any

action or investigation being taken by I.R.S. in connection with Mr. Martin-Trigona's suggestion.

6. Thereafter Mr. Martin-Trigona filed an Application for Reward for Original Information with the I.R.S. seeking to obtain a reward for having turned over information concerning my father's estate, Attorney Coan, and me. He then moved to intervene as a party to the probate proceedings involving the estate of my late father, basing his intervention on the fact that he has now become an I.R.S. informant.

7. Mr. Martin-Trigona has also filed a claim in the Probate Court in connection with my father's estate, and he has filed various appeals in the Superior Court of Connecticut in connection with orders which the Probate Court has entered in connection with my father's estate. There were two such appeals, one of which related to an order with which he was not even tangentially involved. Both appeals have been dismissed on procedural grounds.

8. In December, 1981 Mr. Martin-Trigona filed a Complaint against me with the Grievance Committee of the New Haven County Bar. The Grievance Committee dismissed his Complaint on the merits.

9. During the course of the administration of my father's estate (of which I am Executor) I had occasion to sell the house formerly occupied by my father as his residence. I subsequently learned that Mr. Martin-Trigona sent to the purchasers an instrument designated "Notice of Lis Pendens." The purchasers, of course, were upset over this.

10. In May, 1982 Mr. Martin-Trigona wrote a letter to the Display Advertising Manager of the New Haven Register/Journal Courier stating that he planned to run advertisements advising the public that certain lawyers, namely, the law firms of Coan, Lewendon & Royston and Richard Belford are thieves operating in the Federal Bankruptcy Courts. I have not seen any such advertisements in print.

11. In May, 1982 Mr. Martin-Trigona wrote to Mr. Coan, Mr. Meister, Mr. Perl-

APPENDIX A—Continued

mutter, and me threatening that his mother, Dr. Helen Martin-Trigona proposes to file suit against us personally, our law firms, and the estate of my late father, in a Virginia court.

12. In January, 1984 Mr. Martin-Trigona made a claim against Safeco Insurance Company initially against Daniel Meister and me, but later against all Trustees in Connecticut (in the Bridgeport Bankruptcy Court and the Hartford Bankruptcy Court). Safeco is the company that issues the blanket bonds for the Trustees.

13. While the personal and corporate bankruptcies were pending before the United States Bankruptcy Court in Hartford, and shortly before they were removed to the United States District Court, there was a hearing scheduled in the Bankruptcy Court. Before Court was opened and in the courtroom itself Mr. Martin-Trigona handed to a number of us, including me, a swastika and a Star of David. I am attaching xerox copies of them to this Affidavit. (These xerox copies are a little more subdued than the originals which are bolder.) A short time later, also in the Courtroom but before Court was opened, Mr. Martin-Trigona berated me in a loud voice, and when I did not respond he then hurled anti-semitic epithets at me. It is difficult to describe the emotional impact of this, but, suffice it to say, my heart literally pounded. I left the Courtroom and asked the marshals (who were in the hallway) to stop him from doing this. When they entered the Courtroom he did not continue it. However, when they left the Courtroom, he did it again, so I had to once again request the marshals to intervene.

I am submitting this Affidavit for the Court's information.

Dated at New Haven, Connecticut, this 18th day of July, 1984.

/s/ Richard Belford

Trustee of the Estate of Anthony R. Martin-Trigona

Subscribed and sworn to this 18th day of July, 1984, before me

/s/ Eileen Grinder

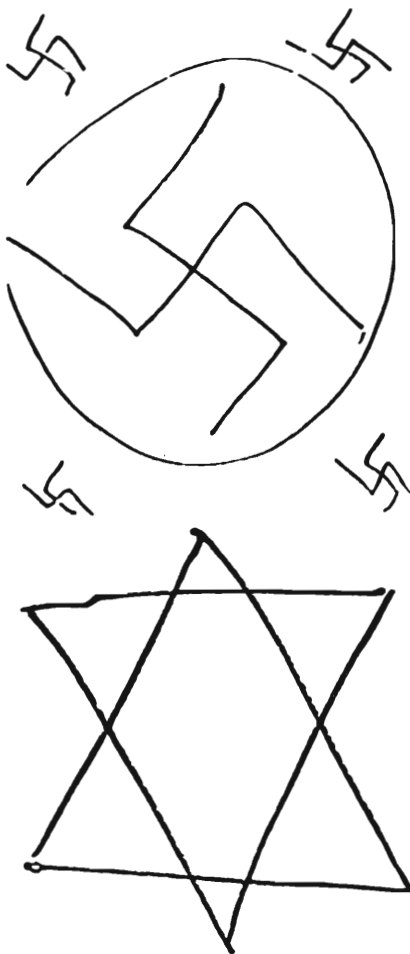
Commissioner of the Superior Court for New Haven County

July 18, 1984

I hereby certify that I am this day mailing a copy of this Affidavit in Connection with Permanent Injunction, postage prepaid, to all persons on the Master Service List, a copy of which is attached hereto, as well as an additional copy to Anthony R. Martin-Trigona addressed to him at the Federal Correctional Institution, Danbury, Connecticut 06810.

/s/ Richard Belford

Trustee of the Estate of Anthony R. Martin-Trigona



APPENDIX A—Continued
UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
MASTER SERVICE LIST OF
CASES PENDING RE:
ANTHONY R. MARTIN-TRIGONA

Anthony R. Martin-Trigona
P.O. Box 2002
Rockefeller Center Station
New York, N.Y. 10185

Anthony R. Martin-Trigona
1905 Westfield
Alexandria, Virginia 22308

William Sanders, Esq.
D'Amato & Lynch
70 Pine Street
New York, N.Y. 10270

Irving H. Perlmutter, Esq.
Ullman, Perlmutter & Sklaver
P.O. Box 514
195 Church Street
New Haven, Ct. 06503

Daniel Meister, Esq.
71 East Avenue
Norwalk, Ct. 06852
Richard Coan, Esq.
Coan, Lewendon & Royston
18 Trumbull Street
New Haven, Ct. 06511

Francis J. Wynne, Esq.
Mark W. Baranas, Esq.
37 Lewis Street
Hartford, Ct. 06103

M. Hatcher Norris, Esq.
30 Hebron Avenue
Glastonbury, Ct. 06033

Joram Hirsch, Esq.
Cohen & Wolf
1115 Broad Street
P.O. Box 1821
Bridgeport, Ct. 06601

Richard Belford, Esq.
770 Chapel Street
New Haven, Ct. 06510

Paul Taylor, Esq.
P.O. Box 7146 FDR Station
New York, New York 10150

John R. Williams, Esq.
265 Church Street
New Haven, Ct. 06510

Gordon Hatheway, Esq.
Pierson, Ball & Dowd
Suite 1000
1200 18th Street, N.W.
Washington, D.C. 20036

Thomas V. Urmey, Jr., Esq.
Warner & Stackpole
28 State Street
Boston, Mass. 02109

John Schneider, Esq.
Laura L. Carroll, Esq.
Goodwin, Proctor & Hoar
23 State Street
Boston, Mass. 02119

W. Philip Jones, Esq.
Department of Justice
P.O. Box 989
Ben Franklin Station
Washington, D.C. 20535

Albert Dabrowski, Esq.
Office of U.S. Attorney
450 Main Street
Hartford, Ct. 06103

Kenneth Miller, Esq.
Robson, Miller Osserman
280 Park Avenue
New York, N.Y. 10017

APPENDIX B

AFFIDAVIT

City of Washington)
District of Columbia) ss

1. My name is Gordon W. Hatheway, Jr. I am a member of the District of Columbia Bar and a member of the District of Columbia law firm of Pierson, Ball & Dowd, whose offices are located at Suite 1000, 1200 18th Street, N.W., Washington, D.C. 20036.

2. This affidavit is made and filed for such purposes as the Court may choose to make of it in considering any order the Court may issue in response to the mandate of the Court of Appeals for the Second Circuit with respect to this Court's earlier June, 1983 Order and Injunction.

Cite as 992 F.Supp. 1566 (1994)

APPENDIX B—Continued

3. The participation of Pierson, Ball & Dowd in these proceedings before this Court was brought about by the filing of various lawsuits by Anthony R. Martin-Trigona against the firm, its members, and certain of its present and former employees.

4. Our first contact with Mr. Martin-Trigona occurred when in 1980 this firm was retained by the trustee in bankruptcy of a corporation controlled by Mr. Martin-Trigona that had as its principal asset a Federal Communications Commission radio broadcast license for a radio station located in the Boston, Massachusetts area. We were retained by counsel for the trustee for the purpose of filing a pro forma petition and notice with the Federal Communications Commission that, in effect, called the Commission's attention to the fact of the bankruptcy and requested the Commission, as required by the Commission's rules, to transfer the license from the bankrupt estate to the trustee. Such proceedings are matters of routine that are required simply to permit the Commission's records to accurately reflect that the license it issued, which is an asset of a bankrupt estate, has been transferred along with all other assets of that estate to a new party, in this case the trustee. Subsequently, this firm also was retained by counsel to the trustee to prosecute the trustee's application to transfer the license to a new purchaser, which was approved by the Commission and by the bankruptcy court.

5. Because of our firm's participation in this routine matter, on September 3, 1982, Mr. Martin-Trigona filed an action against the firm and its members in the United States District Court for the Southern District of New York (*Martin-Trigona v. Pierson, Ball & Dowd, et al.*, Civil Action No. 82-CIV-5923). This action alleged generally that this firm fraudulently and illegally had conspired with the bankruptcy trustee in Boston to the end that Mr. Martin-Trigona's property would be taken from him unlawfully.

6. On the same date, Mr. Martin-Trigona also filed Notices of Lis Pendens against the real property of all of the individual defendants that might be located in

the Washington, D.C. metropolitan area. On several occasions these filings adversely affected wholly innocent third parties. For example, Mr. Martin-Trigona filed his notices listing only the first and last name of the individual defendants. In addition, he filed these notices against all persons having that first and last name, whether or not they may have been a member or an employee of this firm. Finally, he did not particularize the property against which he was filing the notices.

7. This had the effect of placing liens against the real property of persons whose only crime was to have the same first and last name as one of the fifty-four named individual defendants. On at least three occasions, this firm received notice that such innocent third persons had sought to transfer or encumber real property which was otherwise lien-free, only to find out that Mr. Martin-Trigona's wrongly placed Notices of Lis Pendens prevented such a transfer or encumbrance absent an expensive and time-consuming proceeding in a court of appropriate jurisdiction.

8. On a number of occasions attorneys from this firm were required either to deal with counsel representing such innocent third parties or, on more than one occasion, to go into court to seek the release from the notices. On February 24, 1984, I wrote to Mr. Martin-Trigona, requesting that he release the notices because, by that date, not only were his notices improperly filed in the first instance, but his complaint had been dismissed, an appeal from that dismissal had been denied, and that order had become final. Accordingly, for the purposes of protecting against further adverse consequences to innocent third persons, Mr. Martin-Trigona was requested to release the Notices of Lis Pendens. A copy of my letter to Mr. Martin-Trigona is appended hereto as Exhibit A.

9. Mr. Martin-Trigona responded to my letter on February 28, 1984. A copy of that letter is appended hereto as Exhibit B. By his letter, Mr. Martin-Trigona refused to take any action to release the notices. Indeed, he indicated that he intended to file

APPENDIX B—Continued

additional liens; specifically, he rejected my request that innocent third persons be protected and he also reversed an earlier position he had taken and now insisted on suing uninvolved associates of this firm, as well as its partners.

10. Because of Mr. Martin-Trigona's refusal, this firm was required to file an action to seek the release of all remaining notices and that action was successful.

11. Subsequent to the dismissal by the United States District Court for the Southern District of New York, the affirmation by the United States Court of Appeals for the Second Circuit, and the imposition of this Court's June, 1983 Order and Injunction, Mr. Martin-Trigona filed virtually the same complaint against this firm, its members, and certain of its employees in the United States District Court for the District of Columbia as had been dismissed in the New York action. For this conduct, Mr. Martin-Trigona was held in criminal contempt by this Court in November, 1983. Mr. Martin-Trigona has not been given permission by the United States District Court for the District of Columbia to serve his complaint, although he argued to that court that he should be permitted to do so without having to comply with the terms and conditions set forth in this Court's June, 1983 Order and Injunction. It is as to this now-pending action that Mr. Martin-Trigona asserts he intends to file additional notices of lis pendens against the members and employees of this firm. In addition, one Paul Taylor, purporting to be representing the corporation which formerly held the license to the Boston radio station, sought leave to file in the United States District Court for the District of Columbia against this firm, its members, and certain of its employees a complaint identical to that filed by Mr. Martin-Trigona in the same court against the same parties. Such leave to file was denied by an order which required that Mr. Taylor seek the leave of this Court to file such an action.

12. Mr. Martin-Trigona's letter, which is attached as Exhibit B, is but one of many letters members of this firm have received from him over the course of the last two years. In tone as well as specific lan-

guage, this particular letter is relatively tame. Mr. Martin-Trigona typically goes out of his way in his written communications to insult and castigate whomever may be his addressee of the moment—in this case, members of this firm. We admit, however, that we have not been subject to the type of vitriolic attack on religious, ethnic, or other irrational grounds that other members of the legal profession, especially in Connecticut, have been subjected to. Nevertheless, such correspondence, especially when accompanied by litigation, may become part of a public record and, in any event, such matters must be referred to our insurers and, no matter how ill-founded Mr. Martin-Trigona's letters and pleadings may be, the truth frequently takes too long to catch up with the lie and this firm and its members are prejudiced thereby.

/s/ Gordon W. Hatheway, Jr.
Gordon W. Hatheway, Jr.

Subscribed and sworn to before me this 26th day of July, 1984.

/s/ Lisa M. Ellis
Notary Public

My Commission Expires January 14, 1988

Exhibit A

PIERSON, BALL & DOWD
ATTORNEYS AT LAW
1200 18th STREET N.W.
WASHINGTON, D.C. 20036
February 24, 1984

CERTIFIED MAIL.
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona
Post Office Box 2002
New York, New York 10185

Dear Mr. Martin-Trigona:

When you filed your action in the Southern District of New York against this firm and certain of its attorneys, you also filed *lis pendens* notices in various local jurisdictions against real property owned by any defendant. Because of the irresponsible manner in which you caused these notices to be filed, the property of associates and former associates of this firm has been

APPENDIX B—Continued

adversely affected as well as that of individuals having no relation whatsoever with this firm but who happen to have the same first and last names as an attorney named as a defendant by you.

Not only have you filed notices of *lis pendens* in such a manner, you have permitted those notices to remain unreleased notwithstanding your subsequent knowledge as to what attorneys were associates (Hatheway Affidavit ¶¶ 5-8 attached to Defendants' Motion to Dismiss filed Sept. 30, 1982), the fact that innocent third parties having similar names were being affected (*In re Anthony R. Martin-Trigona*, Misc. Civ. No. H 83-62, U.S.D.C.D.Ct., Hatheway Affidavit ¶ 14 (July 29, 1983)), and the fact that your complaint was dismissed, your appeal denied, and the case finally and conclusively resolved against you as long ago as May 26, 1983.

Because of your disregard for the rights of others, innocent persons continue to be damaged. Most recently, a former associate of this firm also named by you in your complaint discovered that he could not conclude a transaction respecting real estate he owned in Alexandria, Virginia because of your filing. We are advised by the court in Alexandria that the *lis pendens* may be released only pursuant to a judgment in a separate suit against you seeking such relief or by your execution of the enclosed Release.

Because the latter is by far the faster means of obtaining the necessary relief, we demand that you execute the enclosed release, have your signature notarized as provided, and return the same to me forthwith so that it may be filed promptly. We further demand that you forthwith communicate as necessary with all courts having proper jurisdiction of any other similar notices you have filed and release same.

Very truly yours,
PIERSON, BALL & DOWD
/s/ Gordon W. Hatheway, Jr.
Gordon W. Hatheway, Jr.

GWH:hlc

Enclosure

cc: Mr. Anthony R. Martin-Trigona

1905 Westfield
Alexandria, Virginia 22308
(By Certified Mail)

Exhibit B

Anthony R. Martin-Trigona
P.O. Box 2002
New York, New York 10085

February 28, 1984

Gordon Hatheway, Jr.
Pierson Ball & Dowd
1200 18th Street, NW
Washington, DC 20036

Dear Mr. Hatheway:

This will respond to your letter of February 24, 1984.

Your request is rejected *in toto*.

Your claims that "innocent third parties" have been injured is strange [sic] unless you represent them. What basis do you have for this claim. If they have been injured, they should contact me directly, and not deal through a crook like you. I do not believe a word you say.

Second, if you want to sue me, go ahead. I will take appropriate measures to protect my interests. If filed in the state courts, I may remove it to the federal courts. Moreover, if you sue me, this will give me a chance to counterclaim and raise my claims against you and your law firm, which claims I have been temporarily blocked from prosecuting by the actions of Crazy Joey in Connecticut. Thus, I invite you to sue me, because you will open the door to my suing you in return without having to secure leave of court to proceed. Be my guest.

Third, the relief you seek is futile. I am shortly going to record *lis pendens* notices from the District of Columbia case, and you will have the same problem until that case is resolved by Judge Green.

I suggest that the only way your law firm is going to be rid of me is to (a) return the stolen money you received last August from Ferrari; (b) resign as trustee counsel and (c) waive any compensation and (d) pay me for my losses as well, as part of an overall settlement. Short of that, we are in bed together until the U.S. Supreme Court rules on the various law suits among and between us.

APPENDIX B—Continued

Your law firm acted corruptly, and will be brought to justice before the bench of justice because of its corruption. The case before Judge Green is still pending, and presents another opportunity to lodge *lis pendens* notices, which is precisely what I propose to do.

Indeed, should the Crazy Joey injunction be modified, Judge Green's permission will not be needed to proceed, and the case will be before her. Perhaps I should have recorded my *lis pendens* notices sooner; perhaps not. But you are stuck with my claims until they are either settled or resolved in a court of last resort, which looks like a long way off.

Finally, I view the old *lis pendens* notices as viable; the court only ruled on venue. I refiled in a court of proper venue. While I might amend the original *lis pendens* notices, they are still viable public notices of my claims against you, your law firm, and others. You also claim that associates should be dismissed. That was my old position. I gave you a chance to let them out of the case before it was filed and you ignored the chance. I think that they may

as well stay in. They are all part of the same crooked law firm, and should be liable.

You are free not to settle, and to obstruct the administration of justice, as you have done. But history teaches that I am a very patient, very plodding, very persistent person where my rights have been violated and (b) while I usually lose before trial judges, I often win cases on appeal. In my opinion, you and you [sic] law firm are nuts to let my claims against you pend and go on, because in the end you are going to be liable for a very substantial amount of money. Nevertheless, this is a free country, and you do as you feel you must, and I will do likewise.

Your obedient servant,

/s/ AMT

Anthony R. Martin-Trigona

ARMT:sp



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EXHIBIT C

BEFORE THE FEDERAL ELECTION COMMISSION

CITY OF WASHINGTON
DISTRICT OF COLUMBIA

)
)
)

MUR 3443

AFFIDAVIT OF WENDY BURNLEY

Wendy Burnley, first being duly sworn, deposes and says:

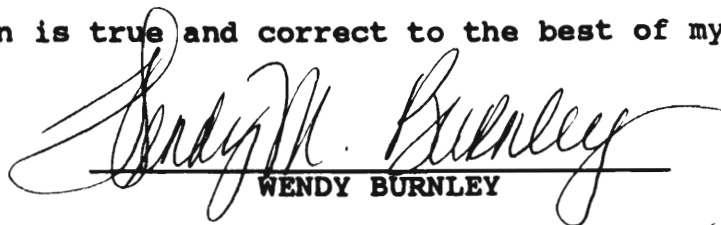
1. I am Wendy Burnley. I am employed as a Director of Communications by the National Republican Senatorial Committee ("NRSC"). In my capacity as Director of Communications at the NRSC, I am responsible for speaking to the press, providing the press information, and answering reporters' questions on behalf of the NRSC. I am familiar with the facts involved in Matter Under Review 3443.

2. The NRSC sponsored a poll of Florida voters which was conducted by Arthur J. Finkelstein from July 12-15, 1991. I was responsible for releasing the polling results of the July 1991 Florida survey to news reporters.

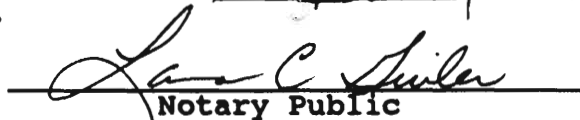
3. On July 24, 1991, I spoke with a reporter for the Gainesville Sun and a reporter for The American Political Network's The Hotline. I released to them the results of two questions regarding the 1992 U.S. Senate election in Florida from the July 1991 Florida survey. Neither Bill Grant nor any representative of Bill Grant requested or prearranged to have these results made public. The Gainesville Sun and The Hotline both ran stories featuring the poll results on the following day, July 25, 1991.

4. On the afternoon of July 24, 1991, Senator Phil Gramm, the chairman of the NRSC, met with Bill Grant who was at that time exploring the possibility of running for the U.S. Senate in 1992 in Florida. The purpose of that meeting was to discuss the possibility of Bill Grant's candidacy. Senator Gramm provided Bill Grant the results of the two questions regarding the 1992 U.S. Senate election in Florida which were released to the Gainesville Sun and The Hotline.

The above information is true and correct to the best of my knowledge and belief.


WENDY BURNLEY

Sworn and subscribed to by the said Wendy Burnley this 4 day of December, 1991.


Notary Public

My Commission Expires: July 14, 1992

EXHIBIT D

The Gainesville Sun

Thursday, July 25, 1991

Gainesville, Florida, Vol. 116, No. 20 25 cents

Grant moves toward challenge of Graham

By CARL HULSE

Sun Washington bureau

WASHINGTON — Former North Florida Congressman Bill Grant is moving closer to challenging Democratic Sen. Bob Graham for Florida's U.S. Senate seat next year.

"I am giving it some very hard consideration," said Grant, who was in Washington Wednesday to discuss the race with top GOP officials. He said a new GOP poll shows Graham can be beat.

"We would not be responsible if we didn't challenge the big-government, big-spending national Democrats and Bob Graham is one of them," said Grant, who lost his 1990 re-election try after converting to the Republican Party in 1989.

He met Wednesday with Sen. Phil Gramm, the Texas Republican who heads the party's Senate recruitment effort and was scheduled to talk today with Clayton Yeutter, the national Republican

chairman.

Wendy Burnley, press secretary for the Republican Senatorial Campaign Committee, said Grant is presently the party's top pick for a race against Graham, who is considered by many political observers to be among the strongest of 20 incumbent Democrats whose terms expire in 1992.

But Burnley said a GOP poll of 600 registered Florida voters conducted July 12-15 found 51 percent of those questioned thought Graham should be re-elected while 29 percent said it was time to give a new person a chance. The rest were undecided.

She said Graham's rating dropped 10 points to 41 percent when those polled were told Graham supported a civil rights measure opposed by President Bush. Grant also supported such a measure while in Congress.

"Those are not good numbers for an incumbent senator and someone who has been governor," said Burnley, who said



Ex-U.S. Rep. Bill Grant said a new poll shows Sen. Bob Graham can be beat.

Grant's experience in running for office and his grasp of the issues would be among his chief assets.

Independent polls have put Graham's popularity at much higher levels. But Grant said the new numbers tell him Graham is vulnerable and he dismissed portrayals of the incumbent as nearly unbeatable.

LEVEL 1 - 5 OF 6 STORIES

Copyright (c) 1991 The American Political Network Inc.
The Hotline

July 25, 1991

SECTION: HOTSPOTS

LENGTH: 306 words

HEADLINE: FLORIDA: GRAHAM RE-ELECT AT 50% AS GRANT "MOVES CLOSER"

BODY:

An NRSC poll, conducted 7/12-15 by Arthur Finkelstein & Assocs., surveyed 600 registered voters; margin of error +/- 4%. Tested: Sen. Bob Graham (D). "Informed re-elect": Respondents were told Graham "voted last year for a new civil rights bill that was vetoed by Pres. Bush who said that it would have, in effect, resulted in racial quotas in hiring." They were again asked the re-elect question (NRSC, 7/24).

| | |
|---------------|---------------------|
| RE-ELECT | "INFORMED RE-ELECT" |
| Re-elect 51% | Re-elect 41% |
| New Person 29 | New person 34 |

Ex-Rep. Bill Grant (R), who switched parties in '89 and was defeated in '90, "is moving closer" to challenging Graham. Grant, after meeting in DC with NRSC chair Phil Gramm: "We would not be responsible if we didn't challenge the big government, big-spending national Democrats and Bob Graham is one of them."

NRSC spokesperson Wendy Burnley "said Grant is presently the party's top pick for a race against Graham. " Burnley on the poll: "Those are not good numbers for an incumbent senator and someone who has been governor" (Hulse, GAINESVILLE SUN, 7/25).

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Copyright (c) 1991 The Washington Post

July 28, 1991, Sunday, Final Edition

SECTION: FIRST SECTION; PAGE A8; POLITICS

LENGTH: 298 words

HEADLINE: Ex-Rep. Grant May Run

SERIES: Occasional

BYLINE: Maralee Schwartz, T.R. Reid

BODY:

He doesn't have the renown of Gen. H. Norman Schwarzkopf, but at least he is considering running as the Republican challenger to Sen. Bob Graham (D-Fla.) next year. Former representative Bill Grant met with national GOP officials to discuss the race that Schwarzkopf declined to make.

"I am giving it some very hard consideration," Grant told Florida reporters after a visit to Washington last week. He said a GOP poll shows that Graham can be defeated. "We would not be responsible if we didn't challenge the big-spending national Democrats, and Bob Graham is one of them," Grant said, perhaps giving a preview of his campaign theme should he run.

Grant, who lost his 1990 reelection bid after switching to the GOP in 1989, met with Sen. Phil Gramm (R-Tex.), National Republican Senatorial Committee (NRSC) chairman, and with Republican National Committee Chairman Clayton Yeutter. Republicans turned their attention to Grant after Schwarzkopf and Rep. Andy Ireland (R-Fla.) said they would not run.

Ken Connor, a prominent antiabortion leader in Florida, said Friday that he also is considering challenging Graham.

Republicans are touting a poll showing that 51 percent of Florida voters surveyed thought Graham should be reelected. Graham's rating dropped to 41 percent when those polled were told Graham supported recent congressional civil rights legislation opposed by President Bush.

"Those are not good numbers for an incumbent senator," said NRSC spokeswoman Wendy Burnley. Other polls have shown Graham's support to be higher.

If Grant decides to run, he will have a little explaining to do about how he

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now finds Graham so unsatisfactory. Back in 1988 when Grant was a Democrat, he promoted Graham to be Michael S. Dukakis's running mate on the Democratic ticket.

TYPE: NATIONAL NEWS

SUBJECT: ANNOUNCEMENT TO RUN FOR ELECTION; FLORIDA

NAMED-PERSONS: BOB GRAHAM; BILL GRANT

92040895308

EXHIBIT E

STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1 (a) NAME OF COMMITTEE IN FULL
Bill Grant for U.S. Senate Campaign

(b) Number and Street Address
1713 Mahan Drive

(c) City, State and ZIP Code
Tallahassee, FL 32308

2 DATE
11/7/91

3 FEC IDENTIFICATION NUMBER

4 IS THIS STATEMENT AN AMENDMENT?
YES ☐ NO ☒

5 TYPE OF COMMITTEE (Check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- Name of Candidate: James William Grant
Candidate Party Affiliation: Republican
Office Sought: Senate
State/County: FL
- (c) This committee supports/opposes only one candidate (name of candidate) and is NOT an authorized committee.
- (d) This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party.
- (e) This committee is a separate segregated fund.
- (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

| Name of Any Connected Organization or Affiliated Committee | Mailing Address and ZIP Code | Relationship |
|--|------------------------------|--------------|
| | | |

Type of Connected Organization

Corporation Corporation with Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7 Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name: Richard A. Weidner
Mailing Address: 1713 Mahan Drive
Tallahassee, FL 32308
Title or Position: Treasurer

8 Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name: Richard A. Weidner
Mailing Address: 1713 Mahan Drive
Tallahassee, FL 32308
Title or Position: Treasurer

Full Name: Sumner A. Reed
Mailing Address: (Same)
Title or Position: Assistant Treasurer

9 Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.: First National Bank
Mailing Address and ZIP Code: P.O. Box 900
Tallahassee, FL 32302

I certify that I have examined this statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER

SIGNATURE OF TREASURER

DATE

Richard A. Weidner

Richard A. Weidner

11/7/91

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:
Federal Election Commission
Toll-free 800-424-9630
Local 202-576-3180

FEC FORM 1
(revised 4/89)

100000904



RECEIVED
F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION 92 MAR -5 AM 10:50
WASHINGTON, D.C. 20463

March 5, 1992

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 3443

I. BACKGROUND

On October 24, 1991, Anthony R. Martin ("Martin") filed a complaint against Bill Grant, who is seeking the Republican nomination for the office of U.S. Senate in Florida, and the National Republican Senatorial Committee and James L. Hagen, as treasurer ("NRSC"), alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). Attachment 1. A copy of this complaint was circulated to the Commission and copies sent to the Respondents on October 31, 1991, pursuant to 2 U.S.C § 437g(a)(1).

II. DISCUSSION

After receiving an extension of time, counsel for NRSC filed a response on December 10, 1991, requesting that the Commission dismiss the complaint, or in the alternative, find no reason to believe that it violated the Act.¹ Attachment 2 at 1-3. The NRSC bases its request for dismissal on a 1984 court order issued by the Federal District Court for the District of Connecticut ("the Order") which enjoins Anthony R. Martin-Trigona ("Martin-Trigona") from "filing or attempting to initiate any new lawsuit, action, proceeding or matter in any federal court, agency . . . or other federal forum . . . without first obtaining leave of that court, agency . . . or other forum" based on his history of filing harassing and vexatious

1. Counsel for Respondent Grant also received an extension of time and filed a response to the complaint on December 6, 1991. Attachment 3.

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litigation. In re Martin-Trigona, 592 F. Supp. 1566, 1571 (D. Conn. 1984), aff'd, 763 F.2d 140 (2d Cir. 1985), cert. denied, 106 S.Ct. 807 (1986), a copy of which is attached to NRSC's response (Attachment 2 at 12, 14). The Order requires Martin-Trigona to file a motion for leave to file with any complaint or other matter he attempts to initiate in a federal forum to which he must attach several exhibits, including: a copy of the Order; related court opinions detailing his litigious history; and an affidavit stating whether or not the claim sought to be presented is one ever raised by him in a court or other forum. Attachment 2 at 11, 14-15. The Order further provides that Martin-Trigona's failure to comply with its terms is sufficient grounds for a federal forum to deny any motion for leave to file and his failure to advise such forum of the Order and related cases may be considered by such forum as a sufficient basis for sustaining a motion to dismiss. Id. at 15.

The Commission has dismissed complaints filed by Anthony R. Martin-Trigona in five prior MURs based on his failure to comply with the Order. See MURs 2516, 2520, 2529, 2531 and 2532. As in those MURs, Mr. Martin has once again failed to comply with any of the terms of the Order. He has not obtained leave to file the complaint in this matter, and in fact, appears to have tried to circumvent the requirements of the Order by filing the complaint under the name of Anthony R. Martin.

As is detailed by the NRSC, there is little doubt that complainant Martin is in fact Anthony R. Martin-Trigona. The NRSC bases its conclusion upon a Gannett News Service wire story that identifies Martin as the person subject to a 1983 court ruling restricting his ability to file legal claims (Attachment 2 at 9)² and on two 1989 opinions issued by the U.S. District Court for the Northern District of Illinois which note that the plaintiff named in each, Anthony R. Martin, was formerly known as Anthony R. Martin-Trigona. Attachment 2 at 2. In addition to the evidence cited by the NRSC, Mr. Martin's signature on his complaint in this MUR appears identical to the signature of Martin-Trigona on complaints Martin-Trigona filed in other MURs. See, e.g., MURs 2529 and 2532.

In accordance with the Commission's actions in MURs 2516, 2520, 2529, 2531 and 2532, therefore, this Office recommends that the Commission dismiss the complaint and close its file in MUR 3443.

2. The 1983 ruling referenced in the news article was the date of an earlier version of the Order. The final Order discussed in this memo was issued by the District Court in 1984 on remand from the Court of Appeals for the Second Circuit after it affirmed in part and vacated in part the 1983 version of the Order. See Attachment 2 at 13.

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III. RECOMMENDATIONS

1. Dismiss the complaint in MUR 3443.
2. Close the file.
3. Approve the attached letters.

Attachments

1. Complaint
2. NRSC's response
3. Grant's response
3. Proposed letters

92040895313

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Republican Senatorial) MUR 3443
Committee ("NRSC") and)
James L. Hagen, as treasurer.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 9, 1992, the Commission decided by a vote of 5-0 to take the following actions in MUR 3443:

1. Dismiss the complaint in MUR 3443, as recommended in the General Counsel's Memorandum dated March 5, 1992.
2. Close the file.
3. Approve the letters, as recommended in the General Counsel's Memorandum dated March 5, 1992.

Commissioners Aikens, Elliott, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Potter did not cast a vote.

Attest:

3-9-92

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

| | |
|-------------------------------|----------------------------------|
| Received in the Secretariat: | Thurs., March 5, 1992 10:50 p.m. |
| Circulated to the Commission: | Thurs., March 5, 1992 4:00 p.m. |
| Deadline for vote: | Mon., March 9, 1992 4:00 p.m. |

dr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 18, 1992

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Anthony R. Martin
P.O. Box 1132
Palm Beach, FL 33480-1132

RE: MUR 3443

Dear Mr. Martin:


On October 24, 1991, the Federal Election Commission (the "Commission") received your notarized complaint against Bill Grant and the National Republican Senatorial Committee alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). The respondents were notified of the complaint.

On March 9, 1992, the Commission dismissed the complaint and closed its file in the above-referenced matter because, in filing this complaint, you failed to comply with the terms of the injunction issued against you by the United States District Court for the District of Connecticut in In re Martin-Trigona, 592 F. Supp. 1566 (D. Conn. 1984). The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

This action does not preclude you from refiling the complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(a), 11 C.F.R. § 111.4 and the terms of the injunction issued by the United States District Court for the District of Connecticut. If you do so, the Commission will handle the matter under its usual procedures.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Memorandum

92040395315



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

March 18, 1992

Terrel C. Madigan, Esq.
Papy, Weissenborn & Papy, P.A.
206 South Adams St.
P.O. Box 1761
Tallahassee, FL 32302

RE: MUR 3443
Bill Grant

Dear Mr. Madigan:

On October 24, 1991, the Federal Election Commission (the "Commission") received a complaint from Anthony R. Martin alleging that your client, Bill Grant, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 31, 1991 your client was notified of the complaint and on December 6, 1991, you filed a response.

On March 9, 1992, the Commission dismissed the complaint and closed its file in the above-referenced matter because, in filing his complaint, Mr. Martin failed to comply with the terms of an injunction issued against him by the United States District Court for the District of Connecticut in In re Martin-Trigona, 592 F. Supp. 1566 (D. Conn. 1984).

This matter will become a part of the public record within thirty (30) days. If you wish to submit any materials to appear on the public record, please do so within ten (10) days. Please send such materials to the Office of the General Counsel.

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
General Counsel's Memorandum

92040895316



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 18, 1992

CLOSED

Jan Witold Baran, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 3443
National Republican
Senatorial Committee
and James L. Hagen,
as treasurer

Dear Mr. Baran:

On October 24, 1991, the Federal Election Commission (the "Commission") received a complaint from Anthony R. Martin alleging that your clients, National Republican Senatorial Committee and James L. Hagen, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). On October 31, 1991, your clients were notified of the complaint and on December 10, 1991, you filed a response which requested summary dismissal of the complaint.

On March 9, 1992, the Commission dismissed the complaint and closed its file in the above-referenced matter because, in filing his complaint, Mr. Martin failed to comply with the terms of an injunction issued against him by the United States District Court for the District of Connecticut in In re Martin-Trigona, 592 F. Supp. 1566 (D. Conn. 1984).

This matter will become a part of the public record within thirty (30) days. If you wish to submit any materials to appear on the public record, please do so within ten (10) days. Please send such materials to the Office of the General Counsel.

If you have any questions, please contact Dawn M. Odrowski, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner
BY: Lois G. Lerner
Associate General Counsel

Enclosure
General Counsel's Memorandum

92040895317



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3443

DATE FILMED 3-27-92 CAMERA NO. 3

CAMERAMAN IMH

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