



Eric McDonough <phd2b05@gmail.com>

Records request for future litigation and bar complaints

Eric McDonough <phd2b05@gmail.com>

Tue, Jul 11, 2017 at 2:03 PM

To: estetting@wsh-law.com, Elizabeth Sewell <ESewell@cityofhomestead.com>

Cc: agreenstein004@hotmail.com, Felipe Hemming <Felipe.hemming@gmail.com>, Gary Ostrow <Gostrow2@gmail.com>

[REDACTED]

Dear Mr. Stetting,

When is the earliest time can I come, with cameras, to your office and personally inspect at least your financial records related to this request?

Are you refusing to allow me to inspect these records because you are afraid you will be embarrassed when it is found that as an attorney accepting government money you are knowingly and willfully refusing to lawfully comply with public records request, or that it will expose other shenanigans? Your desire to refuse to comply with the law is evidenced by you whining, crying, and moaning in your motion for protective order because of my exercise of rights, excerpt below?

"This also illustrates [Dr. McDonough's] using the public records laws in an attempt to embarrass the attorneys involved, i.e., by requesting copies of their correspondence, legal bills, and any Florida Bar complaints."

Are you refusing to comply with your legal requirements because you think my request are frivolous? If so on what grounds, and why have you not contacted me to inform me of such?

I also hereby file a request for records related to the City requesting the Facebook history for the official pages of the City, Mayor Porter, and HPD (this is for Sewell who is copied), so I can rest assured that the City has taken good faith measures to assure the availability of such records without unreasonable delay. These records will further show the contempt your clients have for citizens exercising their First Amendment rights.

It is wholly unfathomable that you could be so ignorant as to believe that these request were filed merely to embarrass you, though that might be a desired side effect if you fail to meet your legal requirements. However, even if they were meant to embarrass, which is contested, such a fact would not free you from your mandated obligations under the law, and does not make the request frivolous. I desire to avoid unnecessary litigation, it appears our desires differ here. It is understood why we could possibly differ, because then you get paid again to litigate your own actions, nothing like racking up billable hours at tax payer expense!

Further, if your actions are above board and lawful there is no way I could embarrass you. Your embarrassment can only come for your own incompetence and/or malfeasance, misfeasance or nonfeasance of your legal obligations.

What should be embarrassing for you is when you attempted to exert authority in things in which you have no authority over. Such as your futile attempt to restrict my First Amendment rights claiming I am not allowed to talk to any city employees or elected officials about being stopped from speaking at City Council Meetings, because of possible litigation. For the record, I can and will talk to whoever I damn well please to talk to, if they willing participate in a consensual conversation with me. Here it is obvious you are either too ignorant to understand the metes and bounds of legal concepts such as *ex-parte* communication, or like your clients you have a desire to unlawfully restrict my speech, press and petition rights under the First Amendment. Assuming the fact that you actually were smart enough to pass the bar to be true, respectfully my feelings must tend towards the later.

What should also be embarrassing for you, is that I beat you in court the first time I ever entered a court *pro se*. How many years experience do you have? Your performance in my humble opinion could best be described as shameful. Then to try to refile the same arguments which you had already previous lost on, makes me think there are other key legal concepts which you fail to grasp such as collateral estoppel and/or *res judicata*. Yes those are things you should be greatly embarrassed by. You will also likely be rightfully embarrassed if you continue to refuse to comply with your legal obligations, and I call you out on it, then prove it in a court of law.

What should also be embarrassing to you, is that you attempted to make false allegations of fact to make your case look better, and that I called you out on it. Not only should that be a source of great embarrassment, it also appears to be a bar rule 4-3.3 violation for not meeting your obligation of candor towards the tribunal. Just because your client Murguido is a documented pathological liar, doesn't mean you have be one too. Further, your refusal to correct the record, should be an additional source of embarrassment.

What should also embarrass you, is that with your legal training you apparently fail to realize that it is completely proper for me to use records request as a form of pre-discovery. However, it is not proper to use my litigation to block the production of non-exempt records, nor is it proper to use my records request to block discovery in my litigation. They are separate beast, just as the damages from 10/29/2012 are separate from the defamation damages which occurred months later.

You can avoid further embarrassment by simply complying with the law. Regardless, it is not me who embarrasses you, it is you who embarrasses yourself as well as your profession.

You do realize that I am a journalist who exposes corruption in government, to include crooked attorneys helping their government clients evade their legal obligations and/or to violate the rights of citizens. Humbly from my perspective it clearly appears you and/or your firm are doing both. Not to say you are crooked, but your actions or lack thereof leave little room to make any other reasonable assumptions. I will clearly state, however, that many of your clients are crooked, and this includes Murguido.

I would remind you that I have a right under the Florida Constitution to request any public records for any reason I desire, or for no reason at all as long as the request is not simply to generate a violation. Trust me I want these records as they are of great public interest, and I plan to publish them. My motives do not affect your lawfully mandated obligations. Whereas your actions support the conclusion that you are willfully refusing to comply with the mandates of FSS. 119. I would remind you that you may be the attorney of record, but you are not a party to any of my lawsuits, at least not YET anyway, but your actions push closer and closer to becoming one each day. I would also remind you that you are required by law to comport to FSS. 119, whereas failure to fulfill your legal obligations may lead to civil, criminal and administrative liability/penalty.

So I am again respectfully requesting that you please simply comply with your legal obligations under FSS. 119 and inform me of the earliest time which I can come and personally inspect at least the financial records related to this request. Failure to timely comply could subject you to being a named defendant in a records lawsuit, and may lead to other civil, criminal, administrative and/or bar complaints. It is also reminded that this is not the first time you and the City have refused to allow me to personally inspect records, even after repeated request.

I appreciate your time in reviewing this matter and providing me with the requested records post haste. This will avoid the necessity of me filing another FSS. 119 lawsuit. It has already been over a month since the request was filed. Whereas, I have not been provided any records, or an opportunity to personally inspect the records, and the reasonable time for complying is closing in, if we are not already past that, as I am contending.

Thanks and God bless.

Dr. James Eric McDonough

ps. All requested records, aside from the Facebook records, can be immediately provided as WSH has the records, they are not exempt, and they are not extensive in nature. Or in the alternative provide reasonable written justification for the delay to produce each record(s), as well as the justification for the delay in refusing inspection thereof, and an ETA for when they records may be produced and/or made available for inspection.

pps. If you simply comply with the law and your actions are legally justifiable, then you have no worries of being further embarrassed.

ppps. Don't you just love government in the Sunshine? It is referred to be the best disinfectant.

pppps. For the record, I am not violent nor do I condone any violence. On the other hand your client has been documented committing violent acts against me and others as defined by Florida law. I can happily provide objective proof of this claim if you so desire, and said evidence has already been made public.

ppppps. It appears the law changed in May of this year, requiring a 5 day written notice of the request before filing suit. Again it has been over a month, and in case you do not understand how dates work I would advise you that a month is greater than 5 days.

pppppps. As you have made clear your intention to play games herein, I can only declare: LET THE GAMES BEGIN!!!

On Sun, Jul 9, 2017 at 8:42 PM, Eric McDonough <phd2b05@gmail.com> wrote:

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