

WED. 01/26/05 MEMO TO THE FILE

Mr. Smith called near the close of business on Tuesday (01/25/05) afternoon inquiring about his request to rehear. I indicated that it appears that the Court has declined to rehear the matter. I stated that if he could call back first thing tomorrow morning I would appreciate it. I intended to better clarify what was set for Friday (01/28/05) – as I was a bit confused by Mr. Smith's motion - and I wanted to draft the order memorializing the Court's decision concerning the rehearing.

When I arrived in the morning, Mr. Smith had already called and left a message on my voice mail. I had a few things to work on first so I drafted the order in this matter and then worked on a couple of urgent files. I returned Mr. Smith's call – but was directed to his voice mail. I also called Ms. Vardy to inform her of my communication with Mr. Smith and provide her with the same information. I left my name and number on her voice mail. She has not yet returned my call (as of 4:18pm). Mr. Smith returned my call – but I was away from my desk.

When I returned to my desk, I called Mr. Smith. I informed him that the Court denied his request for rehearing -- as to the other motions those would be heard – but I needed him to clarify exactly how many RSC ~~he~~ he intended to put on the docket as I was a little confused by his filings. He indicated that he was in effect bringing two RSC – not just one.

Mr. Smith stated that in light of the Court's decision not to rehear the matter, he wished to remove the other matters from the docket as it was not worth the travel time and expense. I told him he could submit a praecipe removing the matter from the docket. He asked if he could submit the praecipe via email. (The Court approved of email in this instance). I informed him that he could submit the praecipe via email and that he would be responsible for notifying Ms. Vardy.

In wrapping up the call, Mr. Smith expressed that:

1. This is a "kangaroo court"
 2. Judge Alston's actions are "deplorable" and that he should "go to jail" for what he has done to Liam
 3. Judge Alston should recuse himself
 4. Mr. Smith is going to file a motion that Judge Alston recuse himself
 - 5: That next he also intended to look into how to get a judge fired.
- He also stated some other things, but I can't remember them all.

Bobbi Jo Alston
Law Clerk
1/26/05
@ 4:23pm.