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November 15, 2012

Via Facsimile (718) 613-2555
The Honorable Marilyn D. Go
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East, Room 1214-S
Brooklyn, New York 11201

Re: Corrado v. New York State Unified Court System, Docket No.: 12-CV-1748

Dear Judge Go:

We write in response to Plaintiff's request that Your Honor conduct a hearing and impose sanctions against our firm for failing to provide Plaintiff with a complete copy of her file, as a result of a conspiracy our office allegedly forged with the Equal Employment Opportunity to "sabotage" Plaintiff's case and deprive her of a full and fair opportunity to litigate her case. Plaintiff's claims are outrageous, incredulous, unsubstantiated by any facts, rooted in fantasy and delusional. We respectfully ask this Court to not indulge the Plaintiff by granting her request, as it would undeniably be a waste of the Court's time, as well as the FBI's.

By way of background, Plaintiff retained this firm on February 9, 2012. On August 1, 2012, Plaintiff sent an email advising our firm that she was seeking other counsel. Shortly thereafter on August 28, 2012, Your Honor granted the Plaintiff's request that our firm be relieved as Plaintiff's counsel and provided Plaintiff sixty days to retain new counsel. Your Honor also ordered us to provide Plaintiff with a complete copy of her file. Within 48 hours of Your Honor's Order, we saved Plaintiff's entire file, including the EEOC file, onto a disc and mailed the disc to the Plaintiff. Based wholly on unsupported supposition, Plaintiff is now

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suspicious and believes her suspicions and conjecture entitles her to an FBI investigation and sanctions against our firm.

Specifically Plaintiff's justification for a hearing with respect to our firm is to; insure no conspiracy exists between our firm and the EEOC to sabotage her case; to determine if sanctions should be brought against our firm for allegedly failing to comply with the Court's directives pursuant to Rule 26; to determine if any sanctions should be imposed against our firm for alleged ethical violations and misrepresentations; and other equitable remedies of relief the court deems appropriate.

Ignoring the glaring jurisdictional problems in Plaintiff's request, turning to the first reason Plaintiff articulated to support her request for a hearing, contrary to Plaintiff's animated accusations, there is no criminal conspiracy between our office and the EEOC to "sabotage" her case. Thousands of EEOC files were destroyed in this flood. Yet Plaintiff contends our office and the EEOC manufactured the flood, damaged city property as well as thousands of files, created countless man hours and drained the city's already tapped resources, simply to "sabotage" the Plaintiff's case. Plaintiff's decision to reduce these bizarre arguments to paper and present them to Your Honor is concerning and speaks volumes.

Next, Plaintiff argues that an evidentiary hearing should be granted pursuant to this Court's July, 20, 2012 Rule 26 directive, because our office violated the Court's Order. The Order Your Honor issued on July 20, 2012, dealt with the date for an initial conference. After obtaining the Plaintiff's consent and that of opposing counsel, we requested an adjournment of that conference, which Your Honor granted. Accordingly, we did not violate Your Honor's Order. As Plaintiff offers no other factual basis for asserting we violated the Court's Order, we will not waste the Court's time with speculation or conjecture.

Plaintiff then requests a hearing to assess whether sanctions should be imposed against our office for alleged ethical violations and misrepresentations in our handling of Plaintiff's file. Contending our firm's practice of converting a "copy" of a hard file to an electronic file, and subsequently shredding the hard copy, is irregular in contradiction of Rule 26, inconsistent with our retainer and unethical. Plaintiff's arguments, when stripped of all its hyperbole, hinges upon the false premise that our firm permanently destroyed her file, specifically her EEOC file in converting the paper copy of her file to an electronic file and then shredding the paper file. Evidence is only considered spoliated where it has been destroyed and results in a prejudice to the party seeking the documents. Pension Committee of the University of Montreal Pension Plan, et al v. Banc of America Securities, LLC 685 F. Supp.2d 456, 466 (2010). When a party still has access to the items they claim have been "destroyed," no prejudice exists and the evidence has

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not been spoliated. *Id.* Plaintiff's entire file was saved on a disc and mailed to her. Since she cannot claim she no longer has access to the documents no prejudice exists.

Further, Plaintiff now contends that she obtained "a certified copy" of her investigative file from the EEOC," which she then left with our office, directly contradicting her original representation to this Court, that her EEOC file contained "original documents" and "other evidencce." As there were no original documents in file, Plaintiff again no suffered no prejudice as a result of or firm's practice.

Moreover, the Federal Court's use of an electronic filing system confirms that converting paper files to electronic files is a widely held and common practice. Our firm did not violate any provision of Rule 26 and in anyway inhibit the discovery process, since documents relevant to this litigation were merely converted to an electronic form and not destroyed. Lastly, our retainer agreement clearly states that the only documents which will be kept in a client's file as hard copies are original documents. Since Plaintiff admits no originals were provided, no original documents, with the exception of her retainer were contained in the file. Also consistent with our retainer is at the conclusion of Plaintiff's representation, and as mentioned above, our firm sent Plaintiff her entire file within 48 hours of your Honor's Order.

Additionally, Plaintiff's suggestion that we failed to maintain her file in a "secure manner" because we elected to maintain it on our server, as opposed to a red well, is nonsensical. Following Plaintiff's logic, the practice of maintaining electronic case files via electronic filing systems in courts throughout the United States, would also be deemed problematic, worthy of corrective action and inquiry through a hearing. Because electronic filing systems and electronically saved documents are trusted and accepted in courts throughout this nation, no reasonable basis exists for questioning our office's decision to electronically secure Plaintiff's file on our server to warrant a federal investigation. Under that same analysis, Plaintiff's contention that the evidence was "tampered with" must also fail, where, as noted above, scanning copies of documents, which are then saved on a network, does not change the integrity of the document or create any prejudice to the Plaintiff.

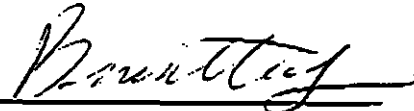
The nonsensical core of Plaintiff's argument, is most evident where she challenges the EEOC's explanation for the destruction of her file by arguing, "*it is difficult to believe that a federal agency, such as the EEOC, does not maintain any electronic interoffice memoranda, emails and other investigative materials relative to recently investigated cases on any computer network and servers.*" while also demanding that our firm be the sanctioned and subject to an FBI investigation for maintaining electronic files and emails, concerning her case on our computer network and servers.

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Finally, Plaintiff has failed to articulate a basis for egregiously alleging, our firm made misrepresentations to this Court regarding her case. We have consistently maintained that we scanned in the hard copy of Plaintiff's file onto our network, preserved said file on our network and mailed her entire legal file to her within 48 hours of Your Honor's Order. Where no documents were spoliated or ethical violations committed, Plaintiff's requests for sanctions, hearings and FBI investigations are reckless, illogical and erratic and we respectfully request that said arguments not be condoned or entertained by this Court.

For the reasons stated we ask Your Honor to deny Plaintiff's motion in its entirety.

Very Truly Yours,



Bennitta L. Joseph, Esq. (BLJ 1064)

cc: Ambrose Wotorson, Jr., Esq. (Via Facsimile)
Lisa Evans, Esq. (Via Facsimile)

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Date: November 15, 2012

To: 1. The Honorable Marilyn D. Go
2. Ambrose Wotorson, Jr., Esq.
3. Lisa Evans, Esq.

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From: Bennitta L. Joseph, Esq.

Re: *Corrado v. New York State Unified Court System,*
Docket No.: 12-CV-1748

Pages including cover page: 5

Message: Please see the attached.

*****All responses should be directed to our Great Neck, NY Office*****
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