

February 14, 2017

Paul Alan Levy
1600 20th St., NW
Washington, DC 20009
Via email plevy@citizen.org

**RE: Subpoena Directed at Bennett Wills in *Smith v. Garcia*, 1:16-cv-00144-S-LDA
Rhode Island District Court**

GOOD FAITH EFFORT TO RESOLVE DISPUTE

Dear Mr. Levy,

I am in receipt of the subpoena that you caused to be issued and served upon Mr. Wills in the above captioned matter. I am sending you this correspondence in a good faith effort to resolve the issues pertaining to that subpoena.

First, to address the subpoena specifically, not a single request has anything to do with the Rhode Island case. Each request is directed towards production relating to a Baltimore City, Maryland case which has been closed for a year-and-a-half. Moreover, the requests that you seek are protected by privilege, work-product, are wholly irrelevant, and are vague and overbroad. Also as you are aware, the Rhode Island District Court dismissed the matter finding that it did not have subject-matter jurisdiction. Since the court does not have subject-matter jurisdiction, it/you is/are without authority to issue process such as the subpoena. *See U.S. Catholic Conference v. Abortion Rights Mobilization, Inc.*, 487 U.S. 72 (1988). The subpoena is void. As such, please send written notice to my attention within 48 hours evidencing your intent to withdraw the subpoena. If you do not do so, Mr. Wills will seek judicial intervention in the District Court for Middle Tennessee and will request the appropriate sanctions.

Second, I'd like to address the whole situation with the above captioned matter, and your pursuit against Richart Ruddle. Mr. Wills has read your blog and it seems that you have targeted your efforts at Mr. Wills, because you believe that he filed the Rhode Island lawsuit on behalf of Bradley Smith. **Mr. Wills did not file the Rhode Island case. Mr. Wills has nothing to do with the Rhode Island case.** Mr. Wills is not in the business of filing lawsuits in jurisdictions where he is not licensed. The Rhode Island court granted your motion to dismiss and gave you 30 days to provide some evidence regarding the person that filed the case. You also have the checks written to the court so you well know it was not from Mr. Wills, but from a California company. As such, there is no reason to even propose conducting a deposition. Mr. Wills is willing to send you a signed and sworn affidavit attesting to the fact that he has nothing to do with the Rhode Island matter to put the issue to bed.

Moreover, in terms of the Baltimore City matter: Mr. Wills' representation in that matter complied with all applicable Maryland Rules of Civil Procedure and Rules of Professional Conduct. You were able to successfully reverse Google's decision on the de-indexing process. As such, that issue is moot, and you have

no need for Mr. Wills' records. Out of the 200 plus cases that Mr. Wills has been involved with; the only one that ever made mention of getoutofdebt.org was the single Baltimore City case.

Mr. Wills simply wishes to be left alone and not be a part of your pursuit against Richard Ruddle. Mr. Wills' involvement with him was extremely limited and he has not communicated with him since the fall of 2015.

My proposed resolution is this: Mr. Wills will provide you with a sworn affidavit attesting to the fact that he had nothing to do with the Rhode Island case. In return, you provide me written notice, within 48 hours of this letter, that you are withdrawing the subpoena and that Mr. Wills is released from compliance.

Additionally, if you are not willing to withdraw the subpoena, and Mr. Wills is forced to retain local counsel to seek judicial intervention, he will also seek appropriate sanctions. In addition to that, Mr. Wills will file a lawsuit against you and Public Citizen for abuse of process and other applicable legal claims. Mr. Wills will seek the recovery of attorney's fees and punitive damages.

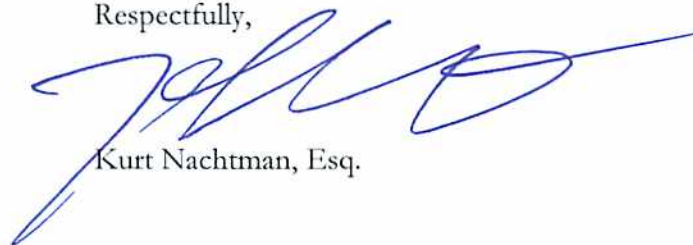
I want to be clear. Mr. Wills does not want to become engaged in litigation with you or your organization. As such, Mr. Wills is willing to enter into a confidential settlement agreement with you and Public Citizen, wherein he will waive the right to file a lawsuit and in return you completely leave Mr. Wills alone. Both parties will not admit liability to anything and any and all claims, known or unknown, on behalf of you/him personally or on behalf of third parties, will forever be discharged.

Mr. Wills, again, would really prefer not to waste time, effort, and money, to seek judicial intervention, or otherwise engage in a legal battle. But if those terms are not acceptable, Mr. Wills will have no other choice but to involve the court.

I have personally known Mr. Wills for several years and can personally vouch that he and his ethical standards are beyond reproach.

If you wish to discuss further, I would gladly entertain a phone call. I look forward to your response.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kurt Nachtman', with a long, sweeping horizontal line extending to the right.

Kurt Nachtman, Esq.