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Fax

To: Lois Lerner, Chief of Enforcement
Federal Election Commission

CLOSED

Fax: 202-219-3923

Pages: 7

Date: Nov. 15, 2000

CLOSED

From the desk of...
Carol J. Lewis
375 Possum Pass
West Palm Beach, FL 33413-2230

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FEDERAL ELECTION
COMMISSION

Carol J. Lewis

375 Possum Pass • West Palm Beach, FL 33413 • (561) 889-8283 • fax (561) 889-3534

November 15, 2000

By fax to: 202-219-3923

- And -

Certified Mail No. 0300 6000 0001
5236 1096

Lois Lerner
Chief of Enforcement
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 4646

Dear Ms. Lerner:

I am the complainant in MUR 4646. Please add this letter to the file.

David Boies' letter to the FEC, dated July 18, 1997, was just brought to my attention. I am writing this letter to be added to the file in order to refute Mr. Boies' letter assertions.

- (1) In addition to being a lawyer, David Boies is a competitor of my husband's in the gardening business in Palm Beach, Florida. Mr. Boies is a de facto part owner, through his family's trust, of a landscape company named Nical of Palm Beach, Inc.
- (2) Mr. Boies, on behalf of Nical of Palm Beach, and one of his landscape business partners, Amy Habie, brought a frivolous RICO and Antitrust lawsuit against my husband, me, two of our employees, and our landscape company in 1997, as mentioned in his letter. The Plaintiffs added one of Nical's former employees to the suit later on. That suit was dismissed by

Lois Lerner
Federal Election Commission
page 2, Nov. 13, 2000

Summary Judgment Order by Judge Donald Graham (U.S. District Court, Southern District of Florida) in July 1998. (Case No: 97-08082 CV-DLG).

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- (3) Mr. Boies appealed the Federal Summary Judgment ruling against my husband's two gardening employees and the sprinkler repairman who formerly worked for Nical (Boies was prohibited by the 8/1/98 settlement from continuing the appeal against my husband and me) and LOST the appeal. This is significant in view of the fact that two of the three men who were sued represented themselves, without benefit of counsel, from the beginning to the end of the 2½ year appeal. They made their own oral presentations in front of the 3-judge panel in June, 2000. They beat Mr. Boies at his specialty, RICO and anti-trust lawsuits, obtaining a ruling, with a strongly worded opinion in their favor, from the justices at the U.S. District Court of Appeals in Atlanta, in a near-record 13 days! (Case No. 98-5120).
- (4) Mr. Boies' other business partner in Nical of Palm Beach, Inc., is Patrick Bilton, an eight-time convicted felon. His convictions, according to his own deposition testimony and published reports, include racketeering, money-laundering, bribery of an elected official, and international drug smuggling. He was labeled a "notorious drug smuggler" by the press in "Operation Man," a joint-agency federal probe of a multi-million dollar racketeering and drug money laundering network case investigated by Scotland Yard, the U.S. Drug Enforcement Agency, and the Florida Marine Patrol (additional details available from Sun Sentinel newspaper archives, 1987-93). Mr. Bilton is the day-to-day manager of Nical of Palm Beach, Inc., which provides services to many of the wealthiest homes in Palm Beach. According to one of Amy Habie's depositions (deposition of 8/18/00, Case No. CL 96-008601 AI, Palm Beach County Circuit Civil Court), Mr. Boies and she "gave" Mr. Bilton 25% of Nical's stock in December, 1998.
- (5) On August 7, 1998, Nical of Palm Beach, Inc. and Amy Habie settled a breach of contract case Mr. Boies brought against my husband and me, on terms very favorable to us (Case No. CL 96-008601 AI, Palm Beach County, Florida, Circuit Court). The settlement, initiated by them, occurred on the eve

of a hearing involving eight sanctions against Ms. Habie and Nical, including multiple counts of perjury and evidence tampering by Ms. Habie.

- (6) Mr. Boies claimed in his letter that my husband and I admitted to income tax evasion, which is absolutely untrue. We are innocent of this charge, and documentary proof of our claim exists.
- (7) Mr. Boies claimed in his letter that my husband threatened to "make trouble" for him if he continued to represent Ms. Habie and that my husband sent a variety of false and misleading facsimile transmissions to lawyers with whom he works, his family and the press. This is absolutely untrue. All of our telephone records were subpoenaed by the Plaintiffs, and all of these charges were unable to be substantiated. If there were any basis for them, certainly the charges would have shown up in one of the lawsuits Mr. Boies filed against us. It also is interesting to note that these charges by Mr. Boies are hearsay only. In contrast, the court record contains sworn testimony about Mr. Boies' landscape business partner's (Habie's) efforts to solicit someone to break my husbands' arms and legs, and sworn testimony that Mr. Boies himself promised a witness a substantial portion of the Nical business in exchange for testimony against us (Case No. CL 96-008601 AI).
- (8) Mr. Boies' de facto company, Nical of Palm Beach, Inc., and his multi-millionaire business partner, whom he still represents pro bono, Amy Habie, have been found to be in contempt of court two separate times, in 1999, and 2000, for violations of the 8/7/98 Settlement Agreement they entered into with my husband and me. A third contempt of court finding against them is pending, and a fourth motion for contempt has been filed by us against them. They have been sanctioned five times by four separate judges in their ongoing efforts to eliminate us as competition in the landscape business, and wipe us out financially. They have employed 26 lawyers from 7 different law firms to battle us in court for the last four years, and have lost every significant battle. In sanctioning Mr. Boies, one local judge, Richard Wennet (Case No. CL 96-008601 AI), barred Mr. Boies from doing any more discovery on his own, as a result of his efforts to conceal partner, Patrick Bilton's criminal history.

Lois Lerner
Federal Election Commission
page 4, Nov. 15, 2000

Additionally, I would like the enclosed letter to Mr. Ron Harris, dated today, to be added to the MUR 4646 file.

I believe it is essential to put these facts into the MUR 4646 file, so as to put Mr. Boies' letter assertions in the proper perspective, and expose his false and defamatory statements for what they are.

Thank you for your assistance in completing the record. Please do not hesitate to call me if you have any questions about the facts contained herein.

Yours sincerely,

Carol J. Lewis

Carol J. Lewis

enclosure

20001115 10:04 402 1000

NOV-15-2000 10:04 FROM: SCOTT LEWIS
TO: ELLIOTT LEE
1000

Carol J. Lewis

375 Possum Pass • West Palm Beach, FL 33413 • (561) 689-6283 • fax (561) 689-3534

November 15, 2000

By fax to: 202-501-3283

- And -

Certified Mail No. 0300 6000 0001
5236 1089

Ron Harris
Freedom of Information Act Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 4646

Dear Mr. Harris:

In accordance with the Freedom of Information Act, I am requesting a complete, unredacted copy of the MUR 4646 file. I am the complainant. I recently saw a copy of the FEC General Counsel's Report on this matter. It was stamped "sensitive" and was heavily redacted, with all references to David Boies eliminated. There is no national security reason for the redaction of David Boies' or anyone else's name on this file. Neither should it be designated "sensitive." It should not matter that David Boies has been employed by the Justice Department recently. Our Constitution is based on the principal of equal justice for all, and the Justice Department, of all agencies, should be blind to power and privilege. I'm only asking for what is right and fair.

It also has come to my attention that all contributions to election campaigns from the following persons have been deleted from the FEC data bank: Amy Habie, Wallace Walker, Rhea Weil, Lawrence Herman, Sonia Pinkus, and Sue Sakolsky. All these people are mentioned in the General Counsel's report as having made campaign contributions to Kennedy for Senate. They also are mentioned in the FEC's Conciliation Agreement as having made campaign contribution to Jane Harman (D., Calif). It is too strange that their contributions (and refunds, if any) have been deleted, while mine have not. I would respectfully ask that you investigate this and see that the database is corrected.

Ron Harris, Freedom of Info
Federal Election Commission
page 2, Nov. 15, 2000

Additionally, I would like to add the enclosed letter to the file.

Thank you for your assistance in obtaining a complete copy of the unredacted file for me, and for getting the FEC database corrected.

Yours sincerely,



Carol J. Lewis

enclosure

2000-11-15 10:24:00