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February 27, 2006

Commissioner James P. Madden
Santa Clara Superior Court
270 Grant Avenue, Dept 86
Palo Alto, CA 94306

Re: Response to Bush Ross letter of February 23, 2006

Case number: 2-05-SC-002909

Dear Commissioner Madden:

Before I address the arguments Bush Ross ("Defendant" aka "Firm") presented in their letter to you, I want to summarize this case, its importance, the evidence, the law, and point out that the argument for this court having personal jurisdiction ("PJ") over the Defendant is nearly identical to the Vision Lab case, a case where your determination of PJ was upheld on appeal.

Summary of the case
This case involves the sending of an unsolicited fax to me at my home in Los Altos Hills urging me to purchase the stock of a company (Twister Networks) whose principal place of business is also in California. This is a violation of the TCPA.

By tracing the money flow backward from the final sender (fax.com) to Camelot Promotions, I discovered that the Defendant, a prominent law firm based in Tampa Florida, paid Camelot Promotions LLC to have illegal faxes (including mine) sent out by fax.com. I suspect that the Defendant was most likely acting as an agent for one or both of their clients Corporate Financial Consultants, LLC a firm closely associated with Bryan Kos and Donald Oehmke, and Ventana Consultants, Ltd., a firm closely associated with Donald Oehmke. All of these companies and individuals, because they knowingly authorized the sending of the faxes, are deemed to be "senders" of the fax under the TCPA.

In the current case, I am only suing Defendant Bush Ross P.A., even though others are also liable. Bank records I uncovered show that **Defendant knowingly, willfully, and repeatedly authorized payment in advance which caused millions of junk faxes promoting penny stocks to be sent out**. Other records in the evidence binder **link the fax I received in California to those millions of authorized faxes**. This evidence establishes both liability and special jurisdiction as will be discussed below.

The importance of this case
As far as I can tell, this was the **largest penny stock fraud in US history**. Defendant played a central role in knowingly helping the other co-conspirators carry this out (such as paying the vendors and laundering the profits). In the evidence binder you will get in

this case are emails obtained from the SEC who obtained them from one of the perpetrators named in the SEC case (Paul Spreadbury) which show that Bush Ross knew that their clients were engaged in criminal securities fraud involving penny stocks, yet they assisted them anyway. In fact, the SEC discovered financial records that directly implicate the Defendant in multiple criminal acts in connection with this fraud (repeated violations of 18 USC 1957). Their knowing involvement (paying contractors, providing legal advice to aid the commission of a crime, laundering the profits, authoring misleading press releases, etc.) makes them a co-conspirator. That co-conspirator status then makes them liable for any torts committed by the conspiracy (such as the fax I received). It also imputes to them any knowledge of any co-conspirator (which aids in the determination of personal (special) jurisdiction since it imputes to them the knowledge that the faxes were being sent into California, which is helpful but not necessary since all we need to show is that it was an intentional tort and it was directed at California, regardless of the knowledge of the Defendant of that fact).

Evidence

In their most recent letter to you, the Defendant claimed that (1) my claims are untruthful and (2) that the Defendant had nothing to do with the sending of the faxes.

Specifically, we learned the following four things from their letter to you:

A. Jere Ross is the only member of the Firm having any connection to the facts to which the pending action relates (Page 3, top). That means that it must be Jere Ross himself that authorized the payments to send the fax in this case.
B. The funds that I claim were used to pay for the fax that was sent to me were disbursed at the written direction of then existing Firm clients from a trust account over which Defendant (falsely) asserts that they had no discretionary authority (Point #3 on Page 2)
C. Defendant represented Corporate Financial Consultants LLC, a firm associated with Kos and Oehmke and received funds from such entity and under written direction, disbursed the same to persons identified by the client as vendors and other types of payees (Page 4, bottom, and Page 5, top).
D. They knew the final purpose of each and every one of the transactions that they performed on behalf of their clients. This is implied from their statements disclaiming any involvement in sending the fax, such as the ones at the bottom of Page 4, “Neither Mr. Ross nor any member of the Firm ... served as principal, agent, servant, or employee to, for, or with any sender of the complained of fax.” **It would be impossible for them to make such statements unless they knew the end purpose of each of the payments that they were directed to make by their clients**.

Unfortunately for them, neither the law nor the evidence supports their position that they were not involved nor liable in the sending of my fax.

For example, the evidence (see the evidence binder and Appendix 3 attached) indicates, among other things, that:

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- **Defendant's employee, Jere Ross, acting within the scope of his employment with Defendant, knowingly, willfully, and repeatedly, took actions (made wire transfers) that caused junk faxes to be sent from a California company (fax.com) into California (to me) on behalf of their clients**
- Jere Ross acted in a manner in furtherance of the conspiracy (paying vendors, transferring millions of dollars of illegal profits, giving the evildoers confidential information that they should not have, authoring a false and misleading press release for another client to protect the identity of the evildoers) and performed acts to aid the conspiracy that subjected him to criminal liability (such as the wire transferring of millions of dollars of illegal profits) that make it more likely than not that he was one of the conspirators in this penny stock promotion conspiracy that sent the fax to me. Jere Ross is a very smart attorney. He was recently named one of the top attorneys in Florida. **If he were not a co-conspirator, why would he do these clearly illegal things?**

The law says the following:

- Florida Bar rules (e.g., Rule 5-1.2(b)(5)(D)) require that law firms must both know and document the purpose of each transaction in a client trust account
- *Respondeat superior* means that the Defendant is liable for the actions of their employees (in this case Jere Ross) so long as the employee(s) were acting within the scope of their employment (which he was)
- In a conspiracy, the knowledge of any conspirator is imputed upon the others and each conspirator is liable for any torts committed in furtherance of the conspiracy
- One who acts in furtherance of a conspiracy may be presumed to be a knowing participant (*United States v. Tranakos*, 911 F.2d 1422, 1430-31 (10th Cir. 1990))
- An attorney can be convicted on the basis of "willful blindness," that is, deliberate avoidance of positive knowledge regarding the client's business, even if he or she lacked positive knowledge. *United States v. Butler*, 704 F.Supp. 1338 (E.D. Va. 1989), *aff'd*, 905 F.2d 1532 (4th Cir. 1990), *cert. denied*, 498 U.S. 900 (1990)
- There is no law that requires that a lawyer must assist clients in performing illegal acts. Defendant's claim that they had no discretion in whether or not to transfer trust account funds (point #3 on Page 2) is therefore highly suspect.
- Trust account records aren't considered "legal advice" and therefore are not subject to attorney-client privilege (as Bush Ross unsuccessfully tried to assert when the SEC asked for their records)

Special Jurisdiction applies because this case is similar to Vision Lab

You've heard all these arguments about personal jurisdiction before in the Vision Lab case (2-04-SC-001659). Vision Lab argued that they don't do business in California (they just cause junk faxes to be sent to California on behalf of their clients and those faxes are paid for with their clients funds and not their own funds) and they also said they had no idea what is in the faxes. Judge Kleinberg heard the appeal on that case and if you review the case file, you'll see that this case was heavily briefed with about 3 rounds of briefs on

jurisdictional issues. Vision Lab spent a small fortune in legal fees in trying to overturn your ruling. **The end result was Judge Kleinberg upheld your determination that special jurisdiction applies because this was an intentional tort directed at California.**

The facts and arguments of the current case are not a lot different from the Vision Lab case. The arguments that Vision Lab gave the court sound a lot like the arguments that Defendant is giving the court in the current case. In fact, they are almost indistinguishable!

All of the following arguments were made *both* by Vision Lab and Defendant:

- "We don't do business in California"
- "We don't have any offices, employees, etc. in California"
- "We don' have the requisite minimum contacts with California to establish PJ"
- "We don't cause any faxes to be sent into California on our own behalf"
- "It was our client's money that was used to pay for any faxing that occurred, not our money!"
- "We had no discretion in the matter; when our clients told us what to do, we simply did it"
- "We had no idea what those faxes that were sent out contained"
- "We never had notice of an illegal use"
- "We did not have a high degree of involvement"
- "We do not advertise in California"
- "Kirsch is deranged. This is nonsense. We don't send out faxes."
- "We categorically deny all the various allegations Kirsch has made."
- "Kirsch has presented no evidence whatsover that we have engaged in any illegal conduct or violated the TCPA."

Defendant claims they don't do business in California, yet their bank records show that they **knowingly, willfully, and repeatedly authorized payment in advance to the fax vendor** (Camelot Promotions whose principal, Javier Cuadra, ironically enough was associated with Vision Lab at the time of my fax was sent) **which caused millions of junk faxes promoting penny stocks to be sent** from a California company (fax.com) **into California** (to me) on behalf of their clients urging me to purchase stock in a California-based company. They claimed they didn't have anything to do with these faxes even though their bank records contradict their statements.

Furthermore, **under conspiracy law, knowledge of any conspirator is imputable to all of the conspirators** (e.g., People v. Stokes, 5 Cal. App. 205 (1907) and People v. Caiazza, 61 Cal. App. 505; see Appendix 2 of this letter). This is helpful (but not required), as it shows that they knowingly directed the fax into California which makes the jurisdiction argument even stronger.

Therefore, due to the factual similarity with the Vision Lab case (where they were also served via the Secretary of State), it would be hard to issue a ruling that is contrary to the ruling in the Vision Lab case.

Next, I'd like to address the points Bush Ross made in their letter to you.

1. They claim that my service was invalid because under CCP 416.10 and CorpCode 2111(a), a foreign corp can only be served via the Secretary of State only if is "doing business in the state." I've included a number of case citations at the end of this letter where service of process on a foreign corporation by the Secretary of State was upheld. As I learned from reading *Bibie v. T. D. Pub. Corp., N.D.Cal.1966, 252 F.Supp. 185* (which is a more recent case than the one they cited) which involved service via the Secretary of State under Cal. Code Civ. Proc. § 411(2) and summarized in Appendix 1 below, the court held that "**The California courts have now made it abundantly clear that the phrase "doing business" in this state is coextensive with the limitations imposed on state jurisdiction** by the due process clause of the fourteenth amendment. See *Cosper v. Smith & Wesson Arms Co., 53 Cal.2d 77, 82, 346 P.2d 409; Fisher Governor Co. v. Superior Court, 53 Cal.2d 222, 224, 1 Cal.Rptr. 1, 347 P.2d 1; Henry R. Jahn & Sons v. Superior Court, 49 Cal.2d 855, 858-859, 323 P.2d 437; James R. Twiss Ltd. v. Superior Court, 215 Cal.App.2d 247, 253, 30 Cal.Rptr. 98*." In this list, I have verified that *Fisher*, a California Supreme Court case, has not been subsequently overturned. Therefore, this court must be bound by *Fisher*. In essence, as summarized in *Bibie*, if the court has jurisdiction over the Defendant, they are deemed to be "doing business" in California and can thus be served by the California Secretary of State if they have no Agent for Service of Process in the state. In the current case, **this court has special jurisdiction over the Defendant because the Defendant, through repeated, willful, and knowing wire transfers of funds, caused the fax I received to be sent which is an intentional tort that was directed into California**. The Defendant cannot claim that they didn't know what their agents (Camelot Promotions and fax.com) were doing for three reasons, any one of which is sufficient to establish liability for the intentional tort: (1) the Florida Bar requires the Defendant to have such knowledge of what their trust account payments are used for, (2) the evidence indicates they are a co-conspirator and under conspiracy law, knowledge of one conspirator is imputed to the others and it is a certainty that at least one of the conspirators directed the agents, and (3) their letter implies that they have complete knowledge of what the payments they made from their trust fund were being used for. Nor can they claim that their agents were operating outside the scope of their agency/authorization for two reasons: (1) they would have no basis for making this assertion since Defendant has claimed that they have no involvement whatsoever with the sending of the fax (page 2 point #1, and page 4, bottom) and (2) it's highly unlikely that the agents (Camelot and fax.com) would decide to operate outside the scope of their authorization since if they did, the senders (Kos, Oehmke, Defendant) would simply stop transferring in funds. In

addition, a nonresident defendant may be subject to specific jurisdiction in California based on local acts by an authorized agent. Mitrano v. Hawes (4th Cir. 2004) 377 F.3d 402, 407. Defendants are liable for the damages caused by the unlawful faxes even if they did not personally send them, as long as their agents sent them. The bank records in the evidence binder show that **the funds used to send the illegal fax came from the Bush Ross trust account**. That could only happen if **the transaction was repeatedly and expressly authorized by a member of the Firm, i.e., in this case Jere Ross.** That makes the firm liable and subject to special jurisdiction.

2. In Footnote #2, they imply that I attempted to serve them the Claim via a commercial process server in violation of CCP. That is misleading because the implication was I attempted to serve the Claim in this matter. They failed to point out that the **process server served them a small claims subpoena each time** and that there is nothing in the statutes that requires that subpoenas be served in California (just the Claim has to be served in California).
3. They claim (on page 2 and 3) that my declaration seeking the order to serve the California Secretary of State was based on four false allegations. My statements are accurate—they have engaged in criminal activity and they are at this time apparently willing to say anything and everything they can think of to avoid prosecution. **They do not deny the bank records that prove that they paid for the faxes to be sent.** They just claim they had no discretion in the matter (see point #3 on pg. 2 of their letter). That is absurd. If I ask my lawyer to set up a trust fund and then make a payment, the lawyer is required by law to know the purpose of the transfer (Florida Bar Rule 5-1.2(b)(5)(D)). But there **is no law in any state that requires a lawyer to do whatever his client tells him to do.** If the client says "pay this person $100K to rob a bank" a lawyer can't make the payment to the bank robber and then claim as their defense that they had no discretion in making the payment since it was at the client's direction using the client's money. Furthermore, as detailed on:
   http://www.junkfax.org/fax/profiles/wsp/bushross/BushRoss.htm
   lawyers can't just claim "willful blindness" to escape culpability. If a lawyer takes a series of actions that are consistent with being a co-conspirator, the burden shifts to them to prove to the court that they are not. The web page is quite enlightening regarding the liability of lawyers who "help" their clients commit illegal acts and then claim they didn't know what was going on. Here are a couple of excerpts:

   - Furthermore, although the offense of conspiracy necessarily involves two or more persons, the agreement may be formal or informal, explicit or tacit, and **may be proven by purely circumstantial evidence**
   - ...the court's comment that **one who acts in furtherance of a conspiracy may be presumed to be a knowing participant**. Thus, if nothing else, *Tranakos* underscores that attorneys must exercise caution to prevent clients from using them, wittingly or unwittingly, to accomplish illegal ends.
   - If the attorney in *Butler* was not in fact aware of his client's fraudulent intentions, the case also illustrates **the danger of failing to scrutinize a client's motives and the risk that an attorney will be convicted on the basis of "willful blindness"** (that is, deliberate avoidance of positive

> knowledge regarding the client's business), even if he or she lacked positive knowledge.

4. They claim (page 2, point #3) all they did was disburse funds at client request and therefore that they can't possibly be liable for any faxes that might have been sent. But the fact is that **they aren't a bill paying service or a bank which just executes transactions for customers with no knowledge of the purpose of the transactions.** They are a law firm and they are administering client funds. That confers upon them a very high degree of responsibility. Unlike a bank or a bill paying service, (1) they have full knowledge of what their clients are doing and (2) they have as a legal responsibility under Florida Bar rules to know the purpose of each and every transaction from a client trust account. So if they authorize a payment to enable a fax to be sent to me, that makes them directly liable for sending that fax. But they also are co-conspirators to commit securities fraud and under both criminal and civil conspiracy law, they are liable for all torts committed in furtherance of the conspiracy (such as the sending of my fax). So that is a second, independent method for establishing liability.
5. The fact that they have not yet been named in the SEC complaint (page 2, point #4) does not make them innocent. It simply means that they haven't been named as a defendant yet. I believe that once they turn over the client trust account records that the SEC has demanded of them (that they have refused to turn over even though they filed no counter argument to the SEC's motion to compel), that they will face criminal charges for their actions.
6. The claim (page 2, point #4) they haven't been identified as a person of interest in any of the federal grand jury proceedings related to these faxes. Oh really? That's not what they are telling the press! Are they lying to the court? Or are they lying to the press? In an article about the co-conspirators that sent this fax entitled "Govt Probe Into Absolute Health Goes Criminal," award winning journalist Carol Remond wrote for Dow Jones News (Feb 21, 2006):

   > Ross, the lawyer who sent Rohm the merger agreement between Double R and Ornate, is one of the parties that received a criminal subpoena to produce documents. Ross said **he complied with a request to provide documents** relating to the plan of merger. Ross told Dow Jones Newswires that **he testified in front of the grand jury in December**.

7. They again refer to the dismissal for lack of PJ that they got in the federal case against Jere Ross (page 3). But that was a dismissal against Jere Ross personally because I didn't have sufficient legal foundation at the time to allege that it was Jere Ross himself that made the wire transfer because the bank records showed only that the wires originated from Bush Ross ("the Firm"). But their letter now changes all that. In their letter, they admit for the first time that Jere Ross was the **only** member of the Firm connected with this case. Had we had that admission from them at the time, I believe it would have led to a different result since at the time we filed our case, we only had circumstantial evidence tying Ross to the wires. Regardless, the court's decision regarding PJ against Ross is not dispositive

in this case because the bank evidence is clear that the Firm caused the faxes to be sent and **the federal court never made a determination of PJ against the Firm**. They are simply trying to confuse you, hoping that (a) you can't tell the difference between the Firm and a member of the firm, and (b) that you didn't notice that they just made a new admission that would have materially affected the outcome in that case (i.e., that Jere Ross was the only member of the firm associated with this case).

8. They argue (Page 5) that the court only has personal jurisdiction if certain conditions are satisfied. I claim that there is special jurisdiction here because the bank records prove their actions (wire transfers) which they repeatedly, knowingly, and willfully made, caused the faxes to be sent which makes them a sender of the fax and sending the faxes is an intentional tort directed into California. That makes them no different than Vision Lab where PJ was upheld on appeal. See the argument at the start of this letter regarding Vision Lab as well as the jurisdiction discussion in point #1 above.
9. They say (Page 5) I have decided to sue them "in a judicial forum far removed from the alleged situs of the act" of which I complain. I find that rather confusing as the illegal fax was received in Los Altos Hills and that is where I filed suit.
10. They (Page 5) reference a footnote (#3) which says that Internet transactions should be judged using traditional tests. This doesn't apply since these aren't Internet transactions. I don't know why they included this.
11. Finally, they seek to characterize me as having "quixotic hopes," "peculiar desires," and a "fertile and disturbed imagination." That's not a very compelling legal argument but I guess if you can't win on the facts, you have to resort to personal smears. Unfortunately for them, the bank records aren't imaginary. Neither are the e-mails (that I subpoenaed from the SEC) that indicate that they are likely a co-conspirator. And I was the only person in the US to expose this fraud and document it on the Internet; a full six months before the SEC took action. I am also currently helping the FBI and DOJ in bringing criminal charges against the perpetrators. Three different US government agencies (SEC, DOJ, and FBI) currently believe that the information I have uncovered is useful. Not only that, but if you look at the document filed by defendant Don Oehmke in the SEC case, you'll see that my name is the first person Oehmke listed in the list of persons with knowledge of what transpired. Bush Ross however does not think I know anything useful. So it boils down to whom do you believe?

You can read more about the Defendant at:

http://www.junkfax.org/fax/profiles/wsp/wsp.htm

and

http://www.junkfax.org/fax/profiles/wsp/bushross/BushRoss.htm

and examine the hyperlinked evidence yourself and see who you believe. It's a long read, but it is both entertaining and informative.

At the hearing on Monday, I request that the court to:

1. Deny the Defendant's motion to dismiss for improper service

2. Deny the Defendant's motion to dismiss for lack of personal jurisdiction
3. Deny the Defendant's motion to quash the subpoena
4. Order Defendant to comply with my small claims subpoena (the subpoena and Proof of Service have been filed with the court and the Defendant admitted in their letter in footnote 2 that they had been served).
5. Set a date for the trial now that their motions to dismiss have been heard and denied in order to allow them an opportunity to appear and defend themselves (which they have been reluctant to do prior to the ruling on service and jurisdiction).

The subpoenaed information may provide additional evidence that the Defendant is liable for sending the faxes, e.g., the trust account records may clearly show that the funds authorized were for the sending of junk faxes. I am entitled to that discovery by law so that I may present the court with the strongest possible case at the time that the case is taken under submission.

Sincerely yours,

Steven T. Kirsch

cc:
Jeffrey Warren, President, Bush Ross, PO Box 3913, Tampa, FL 33601-3913
(sent via email to jwarren@bushross.com)
Jeffrey Snyder (via email)
Jere Ross (via email)

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Appendix 1: Case citations authorizing service by the Secretary of State

Distribution, doing business

In action by California resident against New York publisher for alleged invasion of privacy, even where publisher had no assets or salesmen in California and sold all its magazines in California through a third-party distributor, publisher was "doing business" in California so as to make constitutionally permissible the service of summons and complaint on published by California Secretary of State, where sales of publisher's magazines in California accounted for 11.4% of total estimated paid sales of its magazine, and California had a strong forum interest in subject matter of the litigation. Bibie v. T. D. Pub. Corp., N.D.Cal.1966, 252 F.Supp. 185.

Foreign corporation was "doing business in the state," within meaning of Civ.C. § 406a (repealed; now this section) so that it could be served by serving the secretary of state, where its products were extensively sold in California, previously through plaintiff, as a "distributor," under a limited agency, and not as an independent merchant dealing with the foreign corporation on plaintiff's own initiative, but in conformity with stipulations contained in contracts, and thereafter through corporations, the entire capital stock of which was subscribed for by the foreign corporation. Moore Machinery Co. v. Stewart-Warner Corp., N.D.Cal.1939, 27 F.Supp. 526.

Solicitation, doing business

Nonresident defendant's extensive sales and promotional contacts with state customers through nonexclusive, independent sales representatives may constitute "doing business" for purpose of substituted service of process. Regie Nationale des Usines Renault, Billancourt (Seine), France v. Superior Court In and For Sacramento County (App. 3 Dist. 1962) 25 Cal.Rptr. 530, 208 Cal.App.2d 702.

Automobile manufacturers, doing business

French automobile manufacturer, which sold its automobiles to a wholly-owned American subsidiary incorporated in New York which in turn sold to American distributors and ultimately, through retail dealers, to California customers, was "doing business" in California and was amenable to substituted service of process. Regie Nationale des Usines Renault, Billancourt (Seine), France v. Superior Court In and For Sacramento County (App. 3 Dist. 1962) 25 Cal.Rptr. 530, 208 Cal.App.2d 702.

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Appendix 2: Case citations on conspiracy

In an early criminal case, *People v. Stokes, 5 Cal. App. 205 (1907)*, the court held, among other things unrelated:

> The existence of the conspiracy to rob the prosecuting witness being proved, the knowledge of one of the conspirators, however acquired, that the prosecuting witness had a large sum of money, if acquired at any time before the consummation of the crime, was imputable to all of the conspirators, including the defendant on trial.

In *People v. Caiazza, 61 Cal. App. 505*, the court held that:

> In a prosecution for conspiracy to burn certain insured property with intent to defraud and injure the insurer and also the owner thereof, where the evidence to establish the confederation or conspiracy is complete, evidence showing that one of the conspirators knew that the property was insured is competent evidence against the others.

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Appendix 3: Evidence table (highlights)

Note that "D" means Defendant

Evidence	Significance
1. Bank records show that D knowingly, willfully, and repeatedly authorized payment in advance that caused millions of junk faxes promoting penny stocks to be sent. Other records in the evidence binder link the fax I received to those millions of authorized faxes.	Because D knowingly authorized the sending of my fax, D is considered by law to be one of the "senders" of the fax I received and is liable for TCPA violations. D is also in violation of 18 USC 1343, Fraud by wire, radio, or television since the faxes contained fraudulent information. It is unlikely D would authorize this if D isn't a co-conspirator since the penalty for this is up to 20 years in federal prison.
2. D denies any association with the faxes	D must be lying to the court since D never challenged the bank records. The bank records clearly show that D's repeated wire transfers of hundreds of thousands of dollars caused millions of junk faxes to be sent out, one of which I received. Also, for D to make a statement that it positively knows it was not involved in this illegal act and that I am lying, the implication is that D is admitting that it knows the purpose for each trust account transaction that it authorizes. That knowledge of purpose, combined with its willful choice to authorize the transaction knowing the illegal purpose, makes it liable for those transactions.
3. Florida Bar rules require that D know the purpose for each transfer to/from a client trust account	If D knows the purpose of each transfer yet did it anyway, then (1) D is directly liable for sending the faxes and (2) it is highly likely that D is a co-conspirator making them also liable for sending the fax I received, even if they had no direct involvement.
4. The Feb 23 letter from D makes statements that imply that D knew the purpose of each wire transfer it did for its clients	Since they knew what was going on and did it anyway, then they must be a co-conspirator which means that they are liable for the torts committed and thus liable for the fax I received.
5. D paid most (if not all) of the vendors utilized in the stock fraud	D is either: (1) very stupid, (2) did not know what was going on, (3) D is a co-conspirator. We can eliminate (2) based on the point above.

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6. D is a premiere law firm and Jere Ross was named one of the top lawyers in Florida	This means that D isn't stupid and isn't likely to be "duped" by a client. That eliminates (1) in the list above. Therefore, since D subsequently provided services to aid their clients in the commission of crimes, D must be a co-conspirator. Is there any other possibility?
7. D accepted millions of dollars of illegal profits from the stock trades and knowingly and willfully disbursed them to its clients	D is therefore in violation of 18 USC 1957, Engaging in monetary transactions in property derived from specified unlawful activity. It is unlikely D would do this if D isn't a co-conspirator since the penalty for this is up to 10 years in federal prison for each count.
8. E-mails show D was asked to review TV copy promoting penny stocks	D was familiar with the business of the clients involved in the conspiracy.
9. D was asked to approve at least one press release of the co-conspirators	D was familiar with the business of the clients involved in the conspiracy
10. One of D's employees admitted that Kos and Ross talked "all the time"	D was familiar with the business of the clients involved in the conspiracy.
11. D provided legal services relating to the acquisition of at least one company (AHFI) that was subsequently illegally promoted by D's clients	D was familiar with the business of the clients involved in the conspiracy
12. D's founder, Jere Ross, authored a false and misleading press release on behalf of another client (CNDD) that protected the conspirators (Kos and Oehmke)	Why would D do that if D wasn't a co-conspirator?

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13. D provided an advance copy of the misleading press release to a contractor of the co-conspirators (Paul Spreadbury) in violation of corporate policy (of CNDD of which D was well aware of)	Why would D do that if D wasn't a co-conspirator?
14. D knowingly provided legal representation to both evildoers and their victim (CNDD) at the same time!	Why would D do that if D wasn't a co-conspirator?
15. D's founder, Jere Ross deliberately misled me when I asked where Paul Spreadbury was, even though Ross knew he was in Florida and had no evidence whatsoever he was in New York	Why would D do that if D wasn't a co-conspirator?
16. Payments were made via client trust account	Why didn't the client pay the vendors directly? What was the legal reason for the trust account? What was the legal reason for funnelling all these transactions through the trust account? The only purpose I know is to utilize attorney client privilege to conceal the identities of the perpetrators. In fact, this is exactly what Defendant attempted to do when the SEC subpoenaed their records. Is there any other rational explanation?