

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

COMMISSION FOR LAWYER DISCIPLINE)	
)	
Plaintiff)	
)	
v.)	Case No. 29143M
)	
TY CLEVINGER)	
)	
Defendant)	

RESPONSE TO INTERROGATORY

Pursuant to Rule 2-421 of the Maryland Rules of Civil Procedure, Selzer Gurvitch Rabin Wertheimer Polott & Obecný, PC (“SGRW”) responds to the interrogatory propounded by Ty Clevenger as follows:

Interrogatory:

Describe all *ex parte* communications between any current or former member, employee, or agent of your firm and U.S. District Judge Ellen S. Huvelle (or her employees, clerks or representatives) since January 1, 2009 concerning Ty Clevenger, Wade Robertson, William C. Cartinhour, Jr. or the litigation between Mr. Robertson and Mr. Cartinhour. The term “describe” includes the date of the communication, the participants in the communication, the means of communication (*e.g.*, email or telephone call), and the subject matter of the communication. The term “*ex parte* communications” includes any communication that was not simultaneously revealed to opposing parties and/or all concerned parties.

Response:

SGRW objects to the definition of Judge Ellen S. Huvelle as being overly broad. For the purposes of this interrogatory, SGRW will assume it means Judge Huvelle, any of her law clerks or her chambers staff or Philip L. O'Donoghue, Esquire or Robert E. Grant, Esquire (without conceding that either of the two attorneys would qualify as her employee, clerk or representative). Further, in relating the following occurrences, SGRW does not concede that Mr. Clevenger was ever mentioned (except where stated) or that Mr. Robertson was more than tangentially “concerned” In no instance has any attorney or employee of SGRW ever had an *ex parte* contact directly with Judge Huvelle. All emails with Judge Huvelle’s chambers were copied to Mr. Robertson’s attorney. Although it is possible that one or more calls to chambers were made in order to schedule a joint phone conference with Mr. Griffin, no one has recollection of such calls nor has any records reviewed disclosed such calls were

made other than as disclosed herein. It appears that the following contacts were made that would qualify as an *ex parte* communication under the interrogatory's definition:

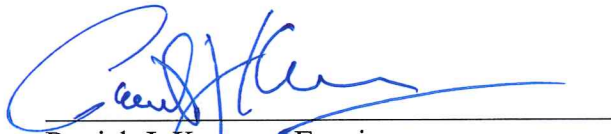
- A. Michael Bramnick may have made a telephone call to a law clerk in Judge Huvelle's chambers on March 23, 2010, to confirm delivery of an email addressed to Judge Huvelle's law clerk, with a proposed order attached (and which had been copied to Edward Griffin, Esquire) which had bounced back due to a bad email address and had to be sent a second time.
- B. Patrick Kearney may have placed a telephone call to a law clerk in Judge Huvelle's chambers on November 12, 2010, after advising Edward Griffin, Esquire by email that he would do so in order to set a teleconference regarding leave to file a motion for an injunction.
- C. Patrick Kearney spoke on the telephone with Robert Grant, Esquire on June 22, 2011, to discuss setting a time to meet with William Cartinhour pursuant to Judge Huvelle's instruction made on the record in open court.
- D. Patrick Kearney sent an email to Robert Grant, Esquire on June 22, 2011 attaching a copy of Dr. Stanley Slater's deposition.
- E. Patrick Kearney and Robert Grant, Esquire had an email exchange on June 28, 2011 to confirm a meeting on June 29, 2011, with William Cartinhour.
- F. Patrick Kearney and William Cartinhour met with Robert Grant, Esquire on June 29, 2011, to discuss William Cartinhour's ability to manage his business affairs.
- G. Patrick Kearney spoke with Robert Grant, Esquire on the telephone on July 12, 2011, about whether William Cartinhour would agree to have someone co-sign checks for him from the funds he was to receive from the Registry of the Court.
- H. Patrick Kearney spoke with Robert Grant, Esquire on the telephone on one occasion in the Fall of 2013 about the fact that Mr. Clevenger was conducting discovery in Maryland.

I solemnly affirm under penalty of perjury that the contents of the foregoing Response to Interrogatory is true and correct to the best of my knowledge, information and belief.

Selzer Gurvitch Rabin Wertheimer Polott & Obecny, PC

By:  _____
Robert S. Selzer

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing was served this 26th day of February, 2014, by the method indicated below upon:

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