

DOROTHY KERNAGHAN - BAEZ

March 5, 2009

The Hon. Marcia S. Krieger
Alfred A. Arraj United States Courthouse A941
Courtroom A901
901 19th Street
Denver, Colorado 80294-3589

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAR - 6 2009

GREGORY C. LANGHAM
CLERK

Dear Judge Krieger:

I am writing to you per the instructions of one of the clerks in your courthouse. This letter is regarding a lawsuit that was recently filed in Denver. The case number is 09-cv-003909 MSK-KMT.

I cannot afford an attorney. The plaintiff is also *pro se*. I would ask you to understand that I am not waiving any jurisdictional arguments by writing to you.

I, along with two organizations with which I am involved, are among those named as defendants in this lawsuit.

As none of the defendants have, to my knowledge, waived service or been formally served, I was told that a letter to you would be appropriate since no motions can be filed yet.

The issues I want to bring to your attention are as follows:

1. The plaintiff has filed this same lawsuit in California State Court (Sacramento). The California suit is still pending. There was no service – not even informal or mailed service – but the plaintiff attested to having served all the named defendants.
2. Since filing the lawsuit in Colorado, the plaintiff has repeatedly emailed me with demands regarding what she claims are my obligations to follow her orders. When asked not to contact me via email, the plaintiff replied that she had the right to contact me whenever and however she chose and that I had to respond to her.
3. In the same vein, in one of her emails to me, she claimed to have “served” a document on me via email. When I replied to ask her not to email me, I noted I had not received this document. She responded by insisting she could “prove” I had gotten the document in question. I am very concerned that I may be required to communicate with an unreliable plaintiff in ways that could compromise any defenses I might make. For example: the plaintiff claims she emails me a motion but I don’t get the email. Could I lose based on the claim of one party to have emailed something to me? I’m sure you can understand my concern, given this plaintiff’s track record as to service.

March 5, 2009

4. Notwithstanding the plaintiff's email demands, she has also demanded (again via email) that I immediately cease using my computers in order to preserve any "evidence" she may want. I am baffled because she insists on computer communications yet orders me not to use my computers.
5. The plaintiff has filed numerous *pro se* lawsuits over the last decade and has lost all but one. She won that lawsuit by default. I am concerned that the plaintiff may be a vexations litigant.
6. The plaintiff has been convicted of contempt of court relating to the unauthorized practice of law.
7. The majority of the named individual defendants are disabled in some way.

I understand that this lawsuit will be judged on its merits and not on the issues in this letter. However, I am very concerned that this lawsuit, and specifically the communications that seem to be required among parties, will be used in an abusive and/or oppressive manner. I do not want to be oppressed or abused.

Thank you very much for your time.

Sincerely,



(Mrs.) Dorothy Kernaghan-Baez

Appendix D

UNITED STATES DISTRICT COURT
 DISTRICT OF COLORADO
 FACSIMILE COVER SHEET

Pursuant to D.C.COLO.LCivR 5.1, this cover sheet must be submitted with any facsimile filing. A pleading or paper not requiring a filing fee and no longer than ten pages, including all attachments, may be filed with the clerk by means of facsimile during a business day. Facsimiles received by the clerk after 5:00 p.m. (Mountain Time) will be considered filed as of the next business day.

Clerk's Office facsimile telephone number: 303-335-2714

1. Date of transmission: Friday March 6, 2009
 2. Name of attorney or *pro se* party making the transmission: Dorothy Kernaghan-Baez
 Facsimile number: 706-736-4832 Telephone number: 706-533-6522
 3. Case number, caption, and title of pleading or paper: letter re issues
Relating to 09-cv-003909
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4. Number of pages being transmitted, including the facsimile cover sheet: 3
 Instructions, if any: _____

(Rev. (12/08))

This letter was also sent certified mail.
 DKB