

5. Opposing counsel was unaware that electronic filing is not permitted by local rule LCvR 5.4 unless leave of the court is granted.

6. Opposing counsel Ms. Claire Whitaker agreed to serve plaintiffs by email on February 25, 2013.

7. The Defendant Chief Justice JOHN G. ROBERTS, JR through his counsel Ms. Claire Whitaker on the same day dishonored on his promise to serve the plaintiffs by email.

8. Neither plaintiff received by email a copy of Defendant Chief Justice JOHN G. ROBERTS, JR motion for extension (Doc. # 3) by email.

STATEMENT OF POINTS AND AUTHORITIES

Local rule LCvR 5.4 requires leave of the court for pro se parties to obtain electronic filing and receipt of service privileges:

“(2) A pro se party may obtain a CM/ECF password from the Clerk with leave of Court. Whether leave of Court should be granted is within the discretion of the judge to whom the case is assigned. To obtain leave of Court, the pro se party must file a written motion entitled "Motion for CM/ECF Password," describing the party's access to the internet and confirming the capacity to file documents and receive the filings of other parties electronically on a regular basis. If leave of Court is granted, the pro se party must complete the CM/ECF training provided by the Clerk to all electronic filers before the Clerk issues a CM/ECF password. “

LCvR 5.4 (b)(2).

The Defendant Chief Justice JOHN G. ROBERTS, JR. and Ms. Claire Whitaker as attorneys in the District of Columbia are bound by D.C. Rules of Professional Conduct Rule 4.1—Truthfulness in Statements to Others. The Defendant Chief Justice JOHN G. ROBERTS, JR.’s agent, Ms. Claire Whitaker as an Assistant US Attorney is responsible for following this jurisdiction’s Rules of Professional Conduct under 28 U.S.C. § 530B.

The court's willingness to weigh and grant ex parte requests, despite the absence of any asserted emergency by the Defendant Chief Justice JOHN G. ROBERTS, JR. , and without knowledge of the plaintiff's meritorious grounds for opposing the extension (known by Ms. Claire Whitaker but not disclosed to the court) and the misrepresentation by Defendant Chief Justice JOHN G. ROBERTS, JR.'s agent, Ms. Claire Whitaker to the plaintiffs that she would provide an email copy of the Defendant Chief Justice JOHN G. ROBERTS, JR.'s motion mandate that the plaintiff's have equal access to filing and receiving service of the defendant and the court's actions in this case.

Respectfully submitted,

Bret D. Landrith
Plaintiff appearing *pro se*

Samuel K. Lipari
Plaintiff appearing *pro se*

CERTIFICATE OF SERVICE

The plaintiff's hereby certify that they have served the defendant's counsel by email and by US Mail on _____ 2013.

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