

1354 County Highway 21
Halstad, MN 56548
(218) 456-2568
December 15, 2009

John P. Pucci
64 Gothic Street
Northampton, MA 01060

Counselor Pucci:

I just spoke with a clerk of court at the federal courthouse in Worcester, Massachusetts. She informed me that the court does not have a copy of the bank statements that MidCountry Bank produced in response to our subpoena, and that the receipt docketed as Doc. 160 in our case shows who those bank statements were given to.

That receipt, dated December 16, 2008, is signed as follows:

Christine Parizo
Fierst, Pucci & Kane LLP
64 Gothic St. Northampton MA 01060
(413) 584-8067

Thus, you received the only copy of MidCountry's records that the court had. Would you stipulate to the return of MidCountry's records to the court, accompanied by your certification that the returned records do not differ in quantity or content from that which you received?

If you do not so stipulate, we shall prepare a motion seeking an order commanding you to return MidCountry's records to the court. (Such return would need to be accompanied by the same certification.) This letter would then be, pursuant to L.R. 7.1(a)(2), Defendants' good faith attempt to narrow or resolve the issue before bringing such a motion. If you refuse to stipulate, would you oppose such a motion?

I would remind you that the district court is without authority to eliminate material from the record on appeal. 20 *Moore's Federal Practice* §310.40[2]; *Belt v. Holton*, 197 F.2d 579, 591 (D.C. Cir. 1952). Therefore, the bank statements must be returned.

Sincerely,



Bob Pickle, *pro se*

cc: Gailon Arthur Joy, Gerald Duffy, Jerrie Hayes,
Kristin Kingsbury, Christopher Penwell,
Lizette Richards, Gregory Simpson (all via email)