

**In The United States District Court
For The District Of Columbia**

BRET D. LANDRITH,
SAMUEL K. LIPARI

Plaintiffs

vs.

Hon. JOHN G. ROBERTS, JR.,
Chief Justice of the United States
In his official capacity as head of the
Judicial Conference of the United States

Defendant

Case No. 12-cv-01916-ABJ

**SECOND
UNOPPOSED
MOTION FOR LEAVE
OF COURT LCvR 5.4**

**SECOND MOTION FOR LEAVE
TO FILE ELECTRONICALLY VIA CM/ECF AND TO RECEIVE PASSWORDS**

Comes now the plaintiffs, BRET D. LANDRITH and SAMUEL K. LIPARI, appearing *pro se* and make the following claims against Motion for leave of court to assign case to Case Management/Electronic Case Filing LCvR 5.4.

STATEMENT OF POINTS

The plaintiffs herein restate the facts from the plaintiffs' first motion for leave to file electronically:

1. The defendant is filing electronically.
2. Both plaintiff's have had pro se PACER based electronic filing in various federal courts.
3. This court on February 26, 2013 ruled on a contested motion (Doc. # 3) before the plaintiffs were served by U.S. Mail.

4. The plaintiffs have repeatedly expressed their concerns to the defendants' counsel that they will be prejudiced by a lack of electronic filing access.

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.

The plaintiffs herein restate additional facts in support of their Second Motion.

9. Judge Thomas F. Hogan's Administrative Office of the Courts and the Clerk of the District of Columbia District Court censored the public filings of the plaintiffs and scanned for uploading instead of uploading emailed native PDF Microsoft Word pleadings by the plaintiffs to prevent their being word searchable on the electronic docket for this court.

10. The trial court judge filed a Fox order against the plaintiffs threatening to dismiss their cause of action for lack of a timely response to the defendants' motion to dismiss.

11. The financial burden on the plaintiffs is great.

12. The plaintiffs are being repeatedly forced to expend money for printing and mailing pleadings to respond to the bad faith, spurious and unresearched pleadings of

Defendant Chief Justice JOHN G. ROBERTS, JR.'s is rising when they are being prevented from earning a living by the defendant's conduct and have no way at law even through sanctions to cover their time costs where they are not attorneys.

STATEMENT OF 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.

An independent observer could find that the court's failure to even rule on the plaintiff's request for electronic filing privileges and to continue to force the plaintiffs to litigate under the prejudicial disadvantage of not being able to use electronic filing evidences a judicial bias against the plaintiffs or a disposition toward a predetermined outcome.

Respectfully submitted,



Bret D. Landrith
Plaintiff appearing *pro se*

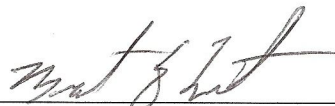


Samuel K. Lipari
Plaintiff appearing *pro se*

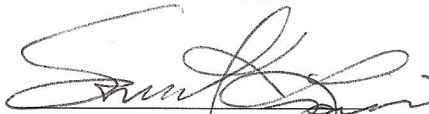
CERTIFICATE OF SERVICE

The plaintiff's hereby certify that they have served the defendant's counsel by email and by US Mail on MAY 21st 2013.

Ms. Claire Whitaker,
Assistant U.S. Attorney
Judiciary Center Building
555 Fourth St., N.W., Rm. E4204
Washington, D.C. 20530
Claire.Whitaker@usdoj.gov
Attorney for Defendant Hon. JOHN G. ROBERTS, JR.



BRET D. LANDRITH
Apt. 209, 5308 SW Tenth St.
Topeka, KS 66604
bret@bretlandrith.com
1-913-951-1715
Plaintiff appearing *pro se*



SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64064
saml@medicalsupplyline.com
1-816-507-1328
Plaintiff appearing *pro se*

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ORDER ON ELECTRONIC FILING

Upon consideration of Plaintiffs' unopposed Second Motion for Electronic Filing the court grants the motion, and for good cause shown, it is this _____ day of _____, 2013,

ORDERED, that said motion is granted, and it is

FURTHER ORDERED, that the plaintiffs will be allowed to serve and receive documents electronically through the court's ECF system.

Copies to Defendant :

Ms. Claire Whitaker,
Assistant U.S. Attorney
Judiciary Center Building
555 Fourth St., N.W., Rm. E4204
Washington, D.C. 20530
Claire.Whitaker@usdoj.gov
Attorney for Defendant Hon. JOHN G. ROBERTS, JR.