

2.

Exhibits 1-5 attached demonstrate Plaintiff's attempts to intimidate Defendant Davis under color of law and deprive him of his civil rights, to wit: due process, unreasonable search and seizure and equal protection under the law.

Exhibit One- E-Mail 17 November 2007– Plaintiff knowingly misrepresents the Federal Rules of Procedure.

- a) Federal Rules do not require consultation before EVERY motion.
- b) This rule applies only to attorneys of record, not to *Pro Se* defendants.
- c) Consultation to resolve and narrow the issues has previously been made to no avail as demonstrated by Defendant Davis' previous filings and properly through the Court at each stage of the proceedings thusfar.
- d) Defendant has it on the very best authority of the Court itself that no response is obligatory until after a meeting with the Magistrate appointed to this deliberation.

Exhibit Two– E-Mail 4 December 2007– Plaintiff acts under color of law to deny due process.

- a) Plaintiff threatens to hold Defendant Davis in contempt of court. In so doing Plaintiff misrepresents himself as an officer of the court acting under color of law to intimidate Defendant Davis and deny him due process by compelling Defendant to surrender documents through the discovery process BEFORE jurisdiction has even been determined or established. Only the Court can find a defendant or plaintiff in contempt.
- b) Plaintiff seeks to intimidate Defendant Davis by threatening to file compulsory motions he cannot enforce; all motions must be ruled on by the Court.
- c) Plaintiff states this is his third attempt at consultation by e-mail. It is only the second.

Exhibit Three– E-Mail 6 December 2007-Plaintiff acts under color of law to deprive Defendant of his civil rights.

a) Citing Federal Rules of Procedure Plaintiff seeks to interrogate Defendant Davis regarding specific responses to his interrogatories. Such issues are properly addressed through Court filings, not by clandestine, un-regulated e-mail interrogation.

b) Plaintiff's discovery motions are pre-mature in the extreme since the Court has yet to establish jurisdiction in this matter.

Exhibit Four– E-Mail 7 December 2007-Plaintiff acts under color of law to intimidate Defendant.

a) Plaintiff states unequivocally that Defendant Davis “will be held in contempt of court.” In so doing Plaintiff misrepresents himself as an officer of the court acting under color of law to intimidate Defendant Davis and deny him due process by interrogating him without benefit of counsel or protection of the Court.

b) Plaintiff states this will be Defendant's “last chance” to comply, before sanctions will be imposed. In so doing Plaintiff misrepresents himself as an officer of the court acting under color of law to intimidate Defendant Davis and deny him equal protection under the law.

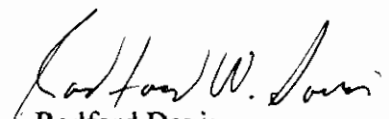
Exhibit Five– Email 9 December 2007– Plaintiff acts under color of law to intimidate Defendant.

a) Plaintiff states that THIS will now be his “last attempt to confer,” and threatens again to file yet another motion in a blizzard of paperwork designed solely to illegally and unlawfully expand his lawsuit and intimidate Defendant Davis.

b) Plaintiff seeks to demean Defendant Davis by questioning his martial arts credentials.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on December 17, 2007.


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