

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FORT LAUDERDALE DIVISION

CASE NO. 16-cv-61511-WJZ

CAROL WILDING, *et al.*, individually,
and on behalf of all those similarly
situated,

Plaintiffs,

vs.

DNC SERVICES CORPORATION, d/b/a
DEMOCRATIC NATIONAL
COMMITTEE, and DEBORAH
“DEBBIE” WASSERMAN SCHULTZ,

Defendants.

**PLAINTIFFS’ MOTION FOR ORDER OF PROTECTION AND
REQUEST FOR HEARING**

Plaintiffs respectfully file this motion and incorporated memorandum of law for an order of protection. Accordingly, Plaintiffs state as follows:

1. The parties previously advised this Court about a telephone call that took place on June 1, 2017 between a voice-masked caller and the office of Plaintiffs’ counsel, Beck & Lee Trial Lawyers (“Beck & Lee”). [Dkt. Nos. 55, 56]. Defendants themselves stated that they were “very concerned” and reported the matter to the Capitol Police. [Dkt. No. 56, pg. 2].

2. Given this escalated nature of Capitol Police involvement in response to the June 1, 2017 call, the events that have since transpired described below, past events,¹ news on other issues,² and out of an abundance of caution, Plaintiffs seek Court-ordered protection for themselves, their families, their counsel and counsels' employees, and potential witnesses in this case.

Background

3. **June 2, 2017 Occurrences.** In the evening on June 2, 2017, the same Beck & Lee employee with whom the voice-masked caller spoke received a visit to her mother's home by an unknown woman. *See* Beck & Lee Employee Doe³ Decl., ¶ 4, attached hereto as **Exhibit 1**. When the employee's mother answered the door, the unknown woman specifically asked for the employee by name. The employee was not home and the unknown woman left a "Florida Democratic Legislative Campaign Committee" Vote-By-Mail Application. *See* Beck & Lee Employee Doe Decl., ¶ 6; *see also* **Exhibit A** attached thereto. The employee is a registered "No Party Affiliation," not a Democrat. The unknown woman did not visit any other house on the block, although she had a stack of the forms provided to the employee's mother. *See* Beck & Lee Employee Doe Decl., ¶¶ 7-8.

¹ Mr. Shawn Lucas was the process server for Plaintiffs in this action. He passed away suddenly on August 2, 2016, [Dkt. Nos. 24, 24-1], and Plaintiffs were therefore unable to present his testimony in this case to rebut Defendants' Motion to Dismiss for Insufficient Service of Process or, In The Alternative, Extend Time to Answer or Respond to Complaint. [Dkt. No. 9].

² Mr. Seth Rich was a 27-year-old employee of Defendant DNC Services Corporation, d/b/a Democratic National Committee ("DNC") who was fatally shot on July 10, 2016 at approximately 4:20 a.m. in Washington, D.C. *See* <http://www.newsweek.com/seth-rich-dnc-staffer-wikileaks-leaked-emails-fbi-610383> (last visited June 13, 2017).

³ The Beck & Lee employee's name is being held confidential in this public filing by request of the employee.

4. When the employee's mother came out of the house to see where the woman went, the woman had already driven off in a grey car with tinted windows. *See* Beck & Lee Employee Doe Decl., ¶ 9. There was possibly another person in the car. *Id.*

5. On June 2, 2017, undersigned counsel, Attorney Cullin O'Brien received three telephone calls from a "No Caller ID" number.⁴ In the first telephone call at 1:46 p.m., the caller identified himself as "Chris" and inquired if Attorney O'Brien was working on the "DNC Fraud lawsuit." Attorney O'Brien asked the caller to put any communication in writing. The caller hung up. Attorney O'Brien did not recognize the voice of the caller.

6. Approximately 20 minutes later, Attorney O'Brien received another call from a "No Caller ID" number. The caller identified himself as "Chris," asked for "O'Brien" and sounded like the person who had just called. In the second telephone call, Attorney O'Brien asked the caller to put any communication he had in writing and, in response, the caller started ranting stating, "This is bigger than you and your family and your law partners" and, in the rant, referenced the news of the recent death of Assistant U.S. Attorney Beranton Whisenant.⁵ Attorney O'Brien interjected and again asked the caller to put any communication he had in writing, to which the caller responded with various other rants, including "I'll play the law firms off of each other." Attorney O'Brien then told the caller he was terminating the telephone call and Attorney O'Brien hung up on the caller.

7. At approximately, 9:49 p.m., Attorney O'Brien received another call from a "No Caller ID" number. Attorney O'Brien did not answer the call. The caller left a nearly four-minute message, which Plaintiffs submit under seal as **Exhibit 2** hereto.

⁴ Undersigned counsel is reporting this to this Court in an abundance of caution.

⁵ <http://www.sun-sentinel.com/local/broward/hollywood/fl-sb-hollywood-beach-body-found-update-20170525-story.html> (last visited June 6, 2017).

8. Between 8:10 p.m. and 11:44 p.m. on June 2, 2017, Attorney O'Brien received eight (8) emails/forwards of emails which appear to be from the caller, and which Plaintiffs submit under seal as **Composite Exhibit 3** hereto.⁶ Attorney O'Brien has since received three (3) additional emails/forwards of emails which appear to be from the caller, and which Plaintiffs submit under seal as **Composite Exhibit 4** hereto. However, Attorney O'Brien and his family have not been physically visited by anyone.

9. **June 3, 2017 Occurrences.** On June 3, 2017, named Plaintiff Angela Monson returned to her home to find her door open and a non-working laptop computer. Someone had broken into her home and appeared to have tampered with her computer. *See* Monson Decl., attached hereto as **Exhibit 5**.

10. **Oath Keepers Offers Protection.** On June 3, 2017, the Oath Keepers⁷ contacted Plaintiffs' counsel and offered protection.

Memorandum of Law

10. This Court has the inherent power "to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936). Witnesses, litigants, and counsel can be protected. *See, e.g.*, 28 C.F.R. 0.111(e) (stating that U.S. Marshall's service can provide for the "[p]rotection" of "court officers, and other threatened persons in the interests of justice where criminal intimidation impedes the functioning of the Federal judicial process.").

11. WHEREFORE, given the escalated nature of police involvement in response to the June 1, 2017 call from a voice-masked caller, the events that have since transpired, past

⁶ It appears that several of the emails/forwards of emails were also sent to local counsel for Defendants.

⁷ <https://www.oathkeepers.org/>.

events, news on other issues, and an abundance of caution, Plaintiffs respectfully ask this Court for Court-ordered protection for themselves, their families, their counsel and counsel's employees, their counsel's and employees' families, and potential witnesses in this case.

Request for Hearing

Pursuant to S.D. Fla. L.R. 7.1(b), Plaintiffs respectfully ask for a hearing given the nature of the issues and Plaintiffs' desire to provide live-witness evidence at a hearing on the issues.

Pre-Filing Conference

Pursuant to S.D. Fla. L.R. 7.1(a)(3), counsel for Plaintiffs attempted to confer with counsel for Defendants via e-mail correspondence on June 12, 2017 regarding the relief sought herein, but have not received a response.

DATED: June 13, 2017

RESPECTFULLY SUBMITTED,

/s/ Cullin O'Brien

By: Cullin O'Brien

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Counsel for Plaintiffs and the Proposed Classes

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing instrument was e-filed with the Clerk of the Court using CM/ECF this 13th of June 2017.

By: /s/ Cullin O'Brien
Cullin O'Brien