

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

<p>THE NATIONAL RIFLE ASSOCIATION OF AMERICA, 11250 Waples Mill Road Fairfax, VA 22030</p> <p>Plaintiff,</p> <p>v.</p> <p>JAMS, INC., 18881 Von Karman Avenue, Suite 350 Irvine, CA 92612</p> <p>Registered Agent: Registered Agent Solutions, Inc. 1100 H Street, NW Suite 840 Washington, DC 20005</p> <p>WINSTON & STRAWN LLP, 35 W. Wacker Drive Chicago, IL 60601</p> <p>Registered Agent: C T Corporation System 1015 15th Street, NW Washington, DC 20005</p> <p>Defendants.</p>	<p>Civil Action No. _____</p> <p>Jury Trial Requested</p>
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COMPLAINT

Plaintiff National Rifle Association of America (the “NRA” or the “Association”), by and through undersigned counsel, brings these claims against Defendants, JAMS, Inc. (“JAMS”) (formerly known as Judicial Arbitration and Mediation Services, Inc.) and Winston & Strawn LLP (“Winston”). The allegations in this Complaint are based on personal knowledge as to the NRA’s own actions and on information and belief as to all other matters.

I.

PRELIMINARY STATEMENT

“Not everything that is faced can be changed, but nothing can be changed until it is faced.”

-- James Baldwin, *quoted by* Winston & Strawn LLP in Anti-Racism Website Materials Published June 10, 2020

1. In a recent JAMS arbitration, the NRA discovered on the eve of trial that its arbitrator, Hon. Richard Neville (Ret.) (“Neville”), was part of a secret email discussion group—along with a senior partner of opposing counsel, Winston & Strawn LLP (“Winston”)—where lurid white nationalist propaganda was shared and promoted. The NRA brings this action to recover funds expended during the corrupted arbitration proceeding, and to uncover facts about the extent and effect of the bias that tainted the proceeding.

2. To resolve a dispute, the details of which are confidential, the NRA and its adversary (who is represented by Winston) agreed to conduct an arbitration (the “Arbitration”) and the parties selected Judge Neville to preside. Like any litigant in any arbitration, the NRA expected a fair, neutral hearing of its claims and defenses by a fit arbitrator and paid considerable fees to that end. When it obtained a neutral through JAMS, the NRA also relied on JAMS’s assurances that “[e]xtensive disclosures” about the neutral and any potential biases would be made upfront, in order to afford “as much transparency as possible . . . about information that could pose a potential conflict or appearance of bias.”¹ Unfortunately, the NRA did not get what it bargained for.

¹ See, e.g., *Focus on Neutrality*, JAMS, <https://www.jamsadr.com/blog/2020/focus-on-neutrality-what-you-need-to-know-about-jams> (last visited July 23, 2020).

3. Instead, on June 20, 2020, the NRA's outside counsel in the Arbitration received a surprising email from Neville. Directed to thirty-nine recipients, including a Winston partner and another JAMS arbitrator,² Neville's email approvingly shared a toxic rant, sourced from a hate group known as American Renaissance, that portrays Black Americans as an immutably inferior population, "taken from the jungles of Africa," who have "no intellectual achievements," are "socially incompatible with other races," and commit violent crimes "for the thrill of it [which] has nothing to do with poverty." Decrying desegregation laws, the essay blames "elites" for a failed experiment in inclusion, then ominously concludes that "white frustration could soon reach the boiling point."

4. Along with the American Renaissance essay, Neville forwarded a comment, apparently from another online acquaintance, that described it as a "very well written assessment of the situation in [the] USA." Neville went on to posit that we might "all [be] actually thinking the same thing" about Black Americans, and "it is time to have a discussion about facts and truth."

5. When NRA counsel condemned the email and asked to be removed from the chain, she received a series of condescending replies faulting her for her closed-mindedness. Realizing he had accidentally copied her, Neville scrambled to cover his mistake, emphasizing that the email was intended for an intimate group of decades-long golf "buddies" who were "mostly men." Unsurprisingly, this did not assuage the NRA's concerns. Although private citizens are free to entertain whatever distasteful views they wish, it is clear that racist bigotry and contempt for civil rights render an arbitrator *per se* unfit to sit in judgement of the legal rights of others. Moreover, the circle of intimates comprising Judge Neville's white supremacist email group included a

² Although NRA counsel was copied inadvertently, the other participants on Judge Neville's email list were intentional recipients, described by Judge Neville as golf "buddies."

Winston partner, Terry Grimm. Because Winston serves as opposing counsel in the Arbitration, and Neville regards Grimm as a longstanding “golf buddy,” this material relationship impacted Neville’s neutrality, and should have been disclosed to the NRA.

6. Both JAMS³ and Winston⁴ publicly declare support for racial justice and seem to concede that Neville’s racist emails merited his removal. Thus, at the request of the NRA, Neville was ousted from the case.⁵ But, like many corporate proponents of anti-racism, JAMS and Winston seem less committed when real money and power are at stake. Thus, JAMS made no move to refund the NRA’s fees. And despite JAMS vowing an “investigation,” both JAMS and Winston largely rebuffed the NRA’s inquiries into the history and extent of Neville’s ties to Winston. For example, Winston refuses to disclose whether its partner exchanged any additional *ex parte* emails with a presiding arbitrator.

7. The NRA’s efforts to rectify this situation—including its efforts to uncover full facts about the source and scope of Judge Neville’s bias, and to secure *de novo*, untainted rulings

³ JAMS emphasizes that it “embrace[s] diversity” as a core value. *See Diversity*, JAMS, <https://www.jamsadr.com/diversity/> (last visited July 23, 2020).

⁴ For example, Winston claims that it is “commit[ted]” to “promot[ing] diversity, inclusion [and] positive change” and “making lasting and successful changes to [its] communities, and our society at large in pursuit of racial justice and equality.” Winston’s website highlights the firm’s commitment to anti-racism and recommends tracts by Ta-Nehisi Coates, Ibram X. Kendi, and Robin DiAngelo. *See* <https://www.winston.com/images/content/2/1/v2/211111/DIV-Racial-Justice-Resource-Guide-10-JUN2020.pdf> (last visited July 27, 2020); <https://www.winston.com/en/thought-leadership/winston-and-strawn-renews-commitment-to-promote-diversity-inclusion-and-affect-positive-change.html> (last visited July 23, 2020). Winston reports, additionally, that it has joined the Law Firm Antiracism Alliance (LFAA), which seeks to fight “systemic racism and [work] to dismantle it within the law and government institutions.” *See* <https://www.winston.com/en/thought-leadership/winston-and-strawn-signs-on-to-the-law-firm-antiracism-alliance.html> (last visited July 27, 2020); *see also* <https://www.winston.com/en/thought-leadership/resources-and-volunteer-opportunities-on-race-racism-and-how-to-be-an-anti-racist.html> (last visited July 27, 2020).

⁵ Winston consented to Neville’s removal on June 23, 2020.

where needed—have been intentionally frustrated by Defendants. The NRA brings this lawsuit to be made whole for its expenditures, compel necessary disclosures, and obtain other appropriate relief.

II.

PARTIES

A. Plaintiff National Rifle Association of America

6. Plaintiff NRA is a not-for-profit corporation organized under the laws of New York. The NRA is America’s leading provider of gun-safety and marksmanship education for civilians and law enforcement. It is also the foremost defender of the Second Amendment to the United States Constitution. A 501(c)(4) tax exempt organization, the NRA has approximately five million members—and its programs reach many millions more.

B. Defendant JAMS, Inc.

7. Defendant JAMS was founded in 1979 and claims to be the world’s largest provider of arbitration and other alternative dispute resolution services.⁶ A corporation organized under the laws of Delaware, with its principal place of business in California, JAMS has offices nationwide, including in Washington, D.C. Arbitrator Hon. Judge Richard E. Neville (Ret.), a former Circuit Court Judge in Cook County, Illinois, has served as a JAMS neutral since 1999. Between late 2019 and June 2020, pursuant to a contract between the NRA and JAMS, Neville served as the sole neutral in the Arbitration.

⁶ *About Us*, JAMS, <https://www.jamsadr.com/about/> (last visited July 23, 2020).

C. Defendant Winston & Strawn LLP

8. Defendant Winston is an international law firm headquartered in Chicago, Illinois, with offices worldwide, including in Washington, D.C. Terry Grimm (“Grimm”) is a senior partner in Winston’s Chicago office. He and Neville have been friends for decades.

III.

JURISDICTION AND VENUE

9. The Court has jurisdiction over this civil action pursuant to D.C. Code § 11-921(a).

10. The Court has personal jurisdiction over defendant JAMS because it has an office in the District of Columbia, transacts business in the District of Columbia, contracted to supply services to the NRA in the District of Columbia, caused injury to the NRA in the District of Columbia, and regularly does and solicits business, engages in other persistent course of conduct, and derives substantial revenue from goods used and consumed, and services rendered, in the District of Columbia.

11. The Court has personal jurisdiction over defendant Winston because it transacts business in the District of Columbia, contracted to supply services in the District of Columbia, caused injury to the NRA in the District of Columbia, and regularly does and solicits business, engages in other persistent course of conduct, and derives substantial revenue from goods used and consumed, and services rendered, in the District of Columbia. In addition, certain of its partners reside in the District of Columbia.

12. Venue in this court is proper because the arbitration hearing in the Arbitration was scheduled to take place at JAMS’ offices in the District of Columbia. In addition, the NRA and Winston maintain offices in the District of Columbia.

IV.

FACTUAL BACKGROUND

A. The Parties Select Neville to Preside as The Neutral In Their Arbitration

13. In or around September 2019, a dispute arose between the NRA and another party.⁷ The contract between the parties called for certain disputes to be resolved by an arbitrator in accordance with the rules of the International Institute for Conflict Prevention and Resolution (“CPR”). After the NRA proposed him – and Winston’s client agreed – Neville was selected as a potential neutral. Thereafter, counsel for the parties reached out to Neville, who agreed to the assignment, representing to all parties that there was no reason why he was unfit to serve. JAMS then sent to the parties’ counsel a proposed agreement for the retention of his services as a neutral. The draft agreement called for the parties to pay JAMS on a periodic basis in exchange for Neville’s service as a neutral in the Arbitration. Under the applicable CPR rules, it was incumbent upon Neville to disclose to the parties “any circumstances that might give rise to justifiable doubt regarding the arbitrator’s independence or impartiality, including bias, interest in the result of the arbitration, and past or present relations with a party or its counsel.”⁸

14. Similarly, under JAMS’ Arbitrators’ Ethics Guidelines, a proposed arbitrator must disclose to the parties any connections to or prior engagements by the parties or their counsel that may call into question the proposed arbitrator’s impartiality.⁹ Even information that may create *the appearance* of bias must be disclosed.

⁷ Pursuant to the applicable arbitration rules, the Arbitration, with certain exceptions, is confidential.

⁸ 2018 CPR Non-Administered Arbitration Rules, Rule 7.3; *see also* CPR Rule 7.2 (“7.2 By accepting appointment, each arbitrator shall be deemed to be bound by these Rules.”).

⁹ *Arbitrators Ethics Guidelines*, JAMS, <https://www.jamsadr.com/arbitrators-ethics/> (last visited July 23, 2020).

15. Therefore, attached to the proposed agreement that JAMS emailed to the parties' counsel were a series of disclosures by Neville and JAMS.¹⁰ In those disclosures, Neville and JAMS identified the number of prior mediations and arbitrations in which the firms representing the parties had appeared before him, and specifically noted that an attorney for the NRA appeared before Neville in arbitrations in the past, albeit more than five years ago (the JAMS form only calls for disclosure of appearances within the prior five years). In reliance on those disclosures, on December 19, 2019, the NRA executed the agreement with JAMS for Neville's services as a neutral.¹¹

B. Corrupted by Bias: Neville Failed to Disclose a Critical Conflict

16. What Neville failed to disclose is a personal relationship with Grimm, a senior partner in the Chicago office of Winston, the firm that represents the NRA's adversary in the Arbitration. It is now known that the two had known each other personally for decades, during which they played golf, socialized, and apparently engaged in frequent (and in at least one instance, racist) communications.

17. Nonetheless, Neville falsely represented to the NRA that he did not have a "significant personal relationship with any party or lawyer for a party."¹²

18. He also falsely represented that there was no other matter related to potential conflicts of interest that (i) "[m]ight cause a person aware of the facts to reasonably entertain a doubt that the arbitrator would be able to be impartial"; (ii) would lead Neville "to believe there is a substantial doubt as to his . . . capacity to be impartial, including, but not limited to, bias or

¹⁰ See Exhibit A at page 4.

¹¹ Exhibit B.

¹² Exhibit A at page 2.

prejudice toward a party, lawyer, or law firm in the arbitration”; or (iii) would otherwise lead Neville “to believe that his or her disqualification will further the interests of justice.”¹³

19. Between November 2019 and June 2020, Neville presided over the Arbitration as a neutral while JAMS billed the parties for his services. During this time, the parties made payments to JAMS totaling tens of thousands of dollars, Neville held a series of telephone calls and hearings with the parties’ counsel and issued discovery and other rulings. Significantly, Neville at one point ordered the NRA to advance the opposing party’s legal fees to Winston, in a ruling the NRA views as biased and defective—but, when the NRA asked Neville to designate his ruling as “final,” so the NRA could appeal it, in an oral order, Neville flatly refused. Thus, for the duration of the Arbitration, Neville effectively directed funds into Winston’s coffers and sought to prevent any scrutiny or review of his “order” that these payments be made to Winston.

20. The two-week merits hearing in the Arbitration was scheduled to begin on July 13, 2020. In the months prior to June 23, 2020 – at which point both parties agreed that Neville was unfit to preside over the Arbitration due to his racist comments and unprofessionalism – the parties produced and reviewed discovery, prepared and exchanged pre-hearing disclosures, prepared for pre-hearing depositions, and otherwise prepared for the hearing. As of June 20, 2020, the NRA made substantial payments in connection with the Arbitration, including to JAMS.

21. Then, on June 20 and 21, 2020, Neville fortuitously copied NRA counsel on two email messages that, as discussed below, revealed his bigotry and prejudices against Black Americans, deep character flaws, and his previously undisclosed personal connection to Grimm.¹⁴

¹³ Exhibit A at pages 4-5.

¹⁴ Exhibit C.

22. The new information made clear that Neville was not only unfit to preside over the Arbitration but indicated the proceeding had been tainted by bias from the start. Of course, had the NRA known about Neville's connection to Winston – let alone that his friendship with Grimm was so intimate that Neville felt comfortable sharing white supremacist material without risk of discovery – the NRA would not have agreed to have its rights adjudicated by Neville.

C. Hatred and Bigotry: Neville Promotes A Hate-Filled White Nationalist Screeed to A Group Of Trusted “Buddies” That Included Another JAMS Arbitrator and a Partner at Winston & Strawn

23. On June 20, 2020, at 4:52 PM EDT, Neville forwarded to several dozen people – consisting of family and friends such as Grimm, but also inadvertently including NRA counsel in this case – a racist “article” titled “The Black Dilemma.” Beginning with the premise that Black Americans were “taken from the jungles of Africa,” where they had “no intellectual achievements” and are capable only of “degeneracy and violence,” the article also blames sinister, unnamed “elites” for importing “Third World” elements to America's shores. It ominously concludes: “white frustration could soon reach the boiling point.”¹⁵ Although some versions of the piece (including the version circulated by Neville) bear a false byline attributing the text to the *Baltimore Sun* newspaper, it is widely known¹⁶ that the source of the article is a white nationalist website.

¹⁵ The full distasteful text circulated by Neville is contained in the body of the email message from Richard Neville to Paul and Ali Episcopo and 38 others, dated June 20, 2020, is attached as Exhibit C.

¹⁶ See Dan Evon, *Did Baltimore Sun Publish ‘The Black Dilemma’?*, Snopes (June 10, 2015), <https://www.snopes.com/fact-check/politics-soapbox-black-dilemma/> (last visited July 23, 2020) (explaining that the article was published on the American Renaissance blog); *American Renaissance*, Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/extremist-files/group/american-renaissance> (last visited July 23, 2020) (designating American Renaissance as a white nationalist hate group).

Along with the text of the article, Neville forwarded a comment that the article was a “very well written assessment of the situation in USA.”¹⁷

24. When another recipient of Neville’s email noted that the essay he had shared came from a “questionable source,”¹⁸ Neville made clear that his decision to disseminate and promote it was not a mistake.¹⁹ Urging recipients to focus on the substance of the article rather than its provenance as white nationalist propaganda, Neville ventured that, “that is what we should be discussing to see if we are all actually thinking the same thing but we avoid confrontation ---as we should mostly---but certainly can have a discussion about facts and truth”.²⁰

25. The NRA does not believe the facts or truth of the Arbitration, or any case, should be adjudicated by an arbitrator who views Black Americans as immutably inferior and questions Black Americans’ coexistence with others in the United States. Therefore, on June 22, 2020, NRA counsel replied to the emails by condemning the views published in Neville’s messages, stating that these messages contravened her core values and those of her firm.²¹

26. In response, several members of Neville’s email group rushed to the defense of Neville—and white supremacy. One person, for example, countered that there was nothing “distasteful” about the American Renaissance essay, insisted that Neville was “entitled to HIS opinions,” and urged further discussion of the “facts” Neville had forwarded.²²

¹⁷ Exhibit C.

¹⁸ Exhibit D.

¹⁹ Exhibit E.

²⁰ *Id.*

²¹ Exhibit F.

²² Exhibit G (emphasis in original).

27. Similarly, another member of Neville's email group castigated NRA counsel for "not [being] willing to consider the merits of the question presented" (e.g., whether African Americans should be sent back to Africa), suggesting that counsel's illiberal closed-mindedness, not Neville's white nationalist sympathies, were the most "abhorrent" element of the exchange.²³

28. Yet another member of Neville's friend group accused the NRA's counsel of "bully[ing]" Neville, and his email clique, by condemning racism.²⁴ Incredibly, he wrote:

Don't bully people who's [sic] view differ from yours. Rich Neville's character is beyond reproach. By the way I'm an ex attorney from Chicago leaving here because the cultural differences no longer allow me to protect my family.²⁵

D. From Bad to Worse: Neville's Communications with NRA Counsel

29. Shortly after NRA counsel asked to be removed from the email thread, she received two voicemails and an email message from Neville.

30. In those voicemails, Neville apologized for including her inadvertently on the email. Notably, he did not apologize for or denounce the content of his emails.²⁶

31. Specifically, Neville stated that the recipients of his email message – which included Grimm – are "people I play golf with and some of them I've known for 50 years and we send this kind of stuff regarding what's going on in the USA, around to ourselves."²⁷ In another voicemail, he characterized the recipients as "a bunch of guys that I play golf with from all over

²³ Exhibit H.

²⁴ Exhibit I.

²⁵ *Id.*

²⁶ Exhibit J (transcription of voicemails left by Neville).

²⁷ *Id.*

the country actually”²⁸ His email message referred to the recipients as “many long time friends from all walks of life and sports”²⁹

32. Neville also emphasized that he had intended to circulate the American Renaissance essay to “mostly men,” as if only female counsel would object to such material.³⁰

E. Unfit to Serve: The NRA Seeks Neville’s Removal and Tries to Assess the Depth of His Undisclosed Bias

33. Having received Neville’s email messages, dated June 20 and 21, 2020, the NRA wrote to the International Institute for Conflict Prevention and Resolution (under whose rules the Arbitration proceeded) and JAMS (whom the NRA paid for Neville’s services) – copying Neville and Winston representatives. In this letter, the NRA sought Neville’s immediate removal from the Arbitration. In the same letter, the NRA raised concerns about the apparent connection between Neville and Grimm:

Finally, the NRA is also concerned that the list of individuals to whom Judge Neville apparently felt comfortable sending this material includes Terry Grimm, a Chicago-based partner of Winston & Strawn, the law firm that represents [the NRA’s adversary] in this arbitration. Although Judge Neville disclosed a prior professional relationship with the parties’ counsel at the outset of this arbitration, he certified that there was no matter that led him to believe that there was a substantial doubt as to his capacity to be impartial. *It is not clear whether Mr. Grimm was sent the email in error (as we suspect we were).* Although the issue may be mooted by Judge Neville’s immediate removal, until such time, pursuant to CPR Rule 7.5, the NRA seeks information about Judge Neville’s relationship with Mr. Grimm, including any and all communications between them in the last five years.³¹

²⁸ *Id.*

²⁹ Exhibit K.

³⁰ Exhibit J.

³¹ Exhibit L.

34. In response, Neville sent another email message to the NRA's counsel (copying JAMS, CPR, and lawyers at Winston). While Neville reiterated his apology for inadvertently including her on his email, he continued to display no regret or misgivings about the substance of his emails.³² In addition, Neville did not say that Grimm was copied by accident. Instead, Neville stated that the other recipients are people whom he "consider[s] long time friends," and whom he uses as "sounding boards for discussions."³³ Although Winston agreed that Neville should be removed as the arbitrator,³⁴ this additional information led the NRA to the troubling realization that Neville was not, as required by JAMS' ethics rules, neutral.

F. Catch Us If You Can: JAMS Fails to Cooperate with NRA

35. On June 24, 2020, two days after the NRA sent the letter to CPR and JAMS, JAMS' Business Manager Sarah Nevins acknowledged the NRA's letter and assured the NRA's counsel that "JAMS takes such matters very seriously."³⁵ She also stated that she "ha[d] forwarded this matter to Senior Management for review."

36. Two days later, on June 26, 2020, JAMS' President and CEO, Christopher Poole, wrote to NRA's counsel and stated that JAMS denounces all forms of racism and expressed JAMS' apologies that NRA counsel had been "the recipient of such distasteful material."³⁶ The letter also stated that Neville was suspended "from new appointments" and that JAMS was "reviewing [Neville's] open matters while [JAMS] conduct[s] an investigation":

In the strongest possible terms, we regret and apologize that you had to be the recipient of such distasteful material. I can assure you

³² See Exhibit M.

³³ *Id.*

³⁴ Exhibit N.

³⁵ Exhibit O.

³⁶ Exhibit P.

that the views expressed in the writing are not endorsed or shared by JAMS as an organization and we completely denounce them. JAMS strongly condemns racism and all forms of hatred and bigotry.³⁷

37. Nonetheless, JAMS declined to cooperate with the NRA in obtaining communications between Neville and Grimm – documents necessary to reveal the depth of their relationship and whether Winston knew, or should have known, of Neville’s hateful views. After the NRA pointedly followed up, JAMS only disclosed a cursory paragraph, relayed from Neville, indicating that Neville has known Grimm since 1999, but had not had direct contact with him since a golf outing in 2019.³⁸ But clearly, in the wake of that golf outing, Neville continued to correspond by email with Grimm—as the NRA knows firsthand. Nonetheless, JAMS outright refused to share additional details of its “confidential internal review,” including details regarding email or other remote communications between Neville and Grimm.

G. Hypocrisy: Despite Its Public Posturing, Winston Rebuffs the NRA’s Attempts to Obtain Information Regarding the Scope and Extent of Grimm’s Relationship With Neville

38. Neville’s statements in his voicemail and email messages on June 22, 2020, made clear that, however he and Grimm first met, they currently had a close, personal friendship. Because Winston – where Grimm is a senior partner and maintains a vested interest – represents the NRA’s adversary in the Arbitration over which Neville presided, this information raised troubling questions about why Neville failed to disclose the relationship with Grimm to the NRA and the extent to which the conflict affected his rulings as a neutral.

³⁷ *Id.* (emphasis added)

³⁸ Letter from Christopher Poole to Svetlana Eisenberg dated July 13, 2020, Exhibit Y.

39. As a result, on multiple occasions, the NRA requested that Winston provide the NRA with information that would shed light on the extent of Neville's previously undisclosed relationship with Grimm.

40. Winston rejected the NRA's repeated requests for communications between Neville and Grimm.³⁹

V.

CLAIMS FOR RELIEF

A. Count One (Against JAMS): Breach of Contract

41. The NRA incorporates the allegations in the preceding paragraphs as if fully set forth herein.

42. To state a claim for breach of contract, a party must establish: (1) a valid contract between the parties; (2) an obligation or duty arising out of the contract; (3) a breach of that duty; and (4) damages caused by the breach.

43. On December 19, 2019, the NRA entered into a valid contract for services with JAMS. That contract was for Neville to provide services as a fair neutral in the confidential Arbitration between the NRA and its adversary. Neville is a partial owner of JAMS.

44. The Supreme Court of the United States has held—and various ethics rules and codes applicable to JAMS and Neville provide—that litigants in an arbitration have a right to, at the very least, an impartial decision-maker.⁴⁰ In fact, as the United States Supreme Court stated,

³⁹ The NRA's repeated requests for information to—and related refusals from—JAMS and Winston, in chronological order, are attached as Exhibits Q through X.

⁴⁰ *Coatings Corp. v. Cont'l Cas. Co.*, 393 U.S. 145, 150 (1968) (plurality opinion) (“This rule of arbitration [impartiality] and this canon of judicial ethics rest on the premise that any tribunal permitted by law to try cases and controversies not only must be unbiased but also must avoid even the appearance of bias. We cannot believe that it was the purpose of Congress to authorize

courts “should, if anything, be even more scrupulous to safeguard the impartiality of arbitrators than judges, since the former have completely free rein to decide the law as well as the facts and are not subject to appellate review.”⁴¹

45. JAMS agrees and, in fact, markets the neutrality of its arbitrators as a selling point.

46. In agreeing to retain Neville, the NRA relied on disclosures made by Neville and JAMS in December 2019. Neville’s disclosures were attached to the draft contract JAMS sent to the NRA for its execution. The disclosures falsely assured the NRA that Neville was fit to serve as a neutral.

47. JAMS breached its contract with the NRA by depriving the NRA of the benefit of the bargain to which the Association was contractually entitled, namely the services of Neville as a fit, fair, and neutral arbitrator. JAMS also violated the spirit of the contract by failing to maintain sufficient internal controls guaranteeing fairness and neutrality from its arbitrators, thus protecting contracting parties (such as the NRA) from economic loss like the damages suffered by the NRA here.

48. Because of his racial animus toward Black Americans and personal relationship with Grimm, Neville was removed from the Arbitration, was unable to complete it, and has issued no final award in the Arbitration.

49. Had Neville disclosed, or had the NRA known about, Neville’s racist worldview or connection to Winston through Grimm, the NRA would not have agreed to the appointment of Neville as the “neutral” and would not have made payments pursuant to the contract to JAMS.

litigants to submit their cases and controversies to arbitration boards that might reasonably be thought biased against one litigant and favorable to another.”).

⁴¹ *Id.*

50. The NRA has made tens of thousands of dollars in payments to JAMS and incurred additional expenses in connection with the Arbitration. The arbitration will have to start again—each of Neville’s tainted rulings will need to be reconsidered *de novo*. The NRA seeks to recoup its damages, including compensatory damages, from JAMS for its breach of the contract and an incomplete arbitration.

B. Count Two (Against Winston): Unjust Enrichment

51. The NRA incorporates the allegations in the preceding paragraphs as if fully set forth herein.

52. A claim of unjust enrichment requires plaintiff to show that defendant was unjustly enriched at plaintiff’s expense and the circumstances were such that in good conscience the defendant should make restitution.

53. The NRA and Winston’s client agreed to appoint Neville as the arbitrator—and, consequently, engage the services of JAMS.

54. At no point prior to the NRA agreeing to Neville’s appointment – nor at any point throughout the Arbitration – did Neville, JAMS, or Winston⁴² disclose to the NRA that Neville had a close, personal relationship with Grimm, a senior partner at Winston, or that he was otherwise unfit to serve in the Arbitration. It was not until three weeks before the hearing in the Arbitration that the NRA learned, by happenstance, of Neville’s relationship with Grimm.

55. In addition, while the Arbitration was ongoing, and before the NRA learned of Neville’s relationship with Grimm, Winston, on behalf of its client, asked Neville to order the NRA to advance Winston’s fees. Neville granted Winston’s motion. In doing so, Neville

⁴² See also Exhibit A (JAMS asking Winston “to advise all parties and JAMS of any information that is inconsistent with or not included in the provided disclosure,” including of “any matters that may affect the arbitrator’s ability to be impartial”).

advanced the economic interests of his friend Grimm, a partner at Winston with a vested interest in the firm.

56. Winston should return to the NRA the payments it received from the NRA and disclose records related to the relationship between Grimm and Neville.

C. Count Three (Against JAMS and Winston): Declaratory Judgment

57. The NRA incorporates the allegations in the preceding paragraphs as if fully set forth herein.

58. On June 20 and 21, 2020, Neville sent racist emails to dozens of people, including another JAMS arbitrator and Grimm. In communications to NRA counsel on June 22, 2020, Neville apologized for inadvertently including her in the email messages dated June 20 and 21, 2020. Neville did not, however, denounce the racist views expressed in his email messages. Racist bigotry and contempt for civil rights render an arbitrator *per se* unfit to sit in judgement of the legal rights of others, including the parties to the Arbitration.

59. Winston serves as opposing counsel to the NRA in the Arbitration. Neville presided over the Arbitration yet regards Grimm, a senior partner at Winston with a vested interest in the Firm, as a longstanding golf “buddy.” This was not disclosed to the NRA.

60. Neville, JAMS, and Winston had an obligation to disclose the existence and details of Neville’s relationship with Grimm to the NRA at the outset of the Arbitration. That duty continued throughout the Arbitration.

61. Under the applicable rules, Neville had an obligation to disclose to the parties “any circumstances that might give rise to justifiable doubt regarding the arbitrator’s independence or impartiality, including bias, interest in the result of the arbitration, and past or present relations with a party or its counsel.”

62. Similarly, under JAMS' Arbitrators' Ethics Guidelines, as a proposed arbitrator, Neville had an obligation to disclose to the parties any connections to or prior engagements by the parties or their counsel that may call into question his impartiality.

63. In addition, ethical rules prohibit lawyers from engaging in conduct involving dishonesty or misrepresentation or conduct that seriously interferes with the administration of justice. Nor can lawyers knowingly assist an arbitrator in conduct that violates applicable rules or law.

64. At the outset of the Arbitration, JAMS provided its and Neville's deficient disclosures to the parties and asked Winston "to advise all parties and JAMS of any information that is inconsistent with or not included in the provided disclosure," including of "any matters that may affect the arbitrator's ability to be impartial." Yet, Winston supplied no additional information.

65. Neville, JAMS and Winston did not disclose the existence of Neville's relationship with Grimm – let alone its details – to the NRA.

66. Plaintiff is entitled to a declaratory judgment, pursuant to D.C. Superior Court Rule 57 and 28 U.S.C. § 2201, that (i) Neville, JAMS and Winston had an obligation to disclose to the NRA Neville's relationship with Grimm and their disclosures to the NRA were therefore inadequate; and (ii) Neville was *ab initio* unfit to serve as an arbitrator in the Arbitration.

67. This declaratory judgment claim is brought for the purpose of determining questions of actual and substantial controversy between the parties with adverse legal interests and construing their rights and legal obligations. The controversies are of sufficient immediacy and reality to warrant the issuance of the declaratory judgment.

VI.

DEMAND FOR JURY TRIAL

68. The NRA hereby demands a trial by jury on all issues of fact to which it is entitled to a jury trial in this action.

VII.

PRAYER

For all the foregoing reasons, the NRA respectfully requests that the Court:

- a. Enter judgment in the NRA's favor.
- b. Award the following relief against JAMS:
 - 1) Damages, including compensatory, consequential, reliance, and other damages in an amount to be determined at trial, including fees paid to JAMS for the services of Neville as an arbitrator in the Arbitration, as well as other expenses unnecessarily incurred by the NRA while Neville presided over the arbitration;
 - 2) Costs of court;
 - 3) Reasonable and necessary attorneys' fees and legal costs;
 - 4) Pre-judgment and post-judgment interest; and
 - 5) Such other relief, at law or in equity, to which the NRA may be justly entitled.
- c. Order JAMS to disclose to the NRA communications between Neville and Grimm and other records related to their relationship and its knowledge of the relationship and Neville's unfitness to serve as a neutral.
- d. Order Winston to return funds paid to it pursuant to Neville's tainted order and disclose to the NRA Neville's communications with Grimm and other records related to their relationship and its knowledge of his unfitness to serve as a neutral.
- e. Declare that:
 - 1) Neville, JAMS, and Winston had an obligation to disclose to the NRA Neville's relationship with Grimm; because they did not do so, their disclosures were incomplete and inadequate; and

2) Neville was *ab initio* unfit to serve as an arbitrator in the Arbitration.

f. Order any other such relief that the Court deems just and proper.

Dated: July 29, 2020

Respectfully submitted,

By: /s/ Robert H. Cox
Robert H. Cox (DC Bar No. 432945)
Amy L. Bradley (DC Bar No. 1601109)
BRIGLIA HUNDLEY, P.C.
1921 Gallows Road, Suite 750
Tysons Corner, VA 22182
rcox@brigliahundley.com
abradley@brigliahundley.com
Phone: 703-883-0880
Fax: 703-883-0899

*Attorneys for Plaintiff National Rifle Association of
America*

Superior Court of the District of Columbia

CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

The National Rifle Association of America Case Number: _____
 vs Date: July 29, 2020
 JAMS, Inc. and
 Winston & Strawn LLP One of the defendants is being sued
 in their official capacity.

Name: <i>(Please Print)</i> Robert H. Cox, Esquire	Relationship to Lawsuit <input checked="" type="checkbox"/> Attorney for Plaintiff <input type="checkbox"/> Self (Pro Se) <input type="checkbox"/> Other: _____
Firm Name: BrigliaHundley PC	
Telephone No.: 703-883-0880	Six digit Unified Bar No.: 432945

TYPE OF CASE: Non-Jury 6 Person Jury 12 Person Jury
 Demand: \$ Exceeds \$10,000 Other: _____

PENDING CASE(S) RELATED TO THE ACTION BEING FILED
 Case No.: _____ Judge: _____ Calendar #: _____
 Case No.: _____ Judge: _____ Calendar#: _____

NATURE OF SUIT: <i>(Check One Box Only)</i>		
A. CONTRACTS <input checked="" type="checkbox"/> 01 Breach of Contract <input type="checkbox"/> 02 Breach of Warranty <input type="checkbox"/> 06 Negotiable Instrument <input type="checkbox"/> 07 Personal Property <input type="checkbox"/> 13 Employment Discrimination <input type="checkbox"/> 15 Special Education Fees	COLLECTION CASES <input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent <input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent <input type="checkbox"/> 27 Insurance/Subrogation <input type="checkbox"/> 07 Insurance/Subrogation <input type="checkbox"/> 28 Motion to Confirm Arbitration Award (Collection Cases Only)	<input type="checkbox"/> 16 Under \$25,000 Consent Denied <input type="checkbox"/> 18 OVER \$25,000 Consent Denied <input type="checkbox"/> 26 Insurance/Subrogation <input type="checkbox"/> Over \$25,000 Consent Denied <input type="checkbox"/> 34 Insurance/Subrogation <input type="checkbox"/> Under \$25,000 Consent Denied
B. PROPERTY TORTS <input type="checkbox"/> 01 Automobile <input type="checkbox"/> 03 Destruction of Private Property <input type="checkbox"/> 05 Trespass <input type="checkbox"/> 02 Conversion <input type="checkbox"/> 04 Property Damage <input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		
C. PERSONAL TORTS <input type="checkbox"/> 01 Abuse of Process <input type="checkbox"/> 10 Invasion of Privacy <input type="checkbox"/> 17 Personal Injury- (Not Automobile, Not Malpractice) <input type="checkbox"/> 02 Alienation of Affection <input type="checkbox"/> 11 Libel and Slander <input type="checkbox"/> 18 Wrongful Death (Not Malpractice) <input type="checkbox"/> 03 Assault and Battery <input type="checkbox"/> 12 Malicious Interference <input type="checkbox"/> 19 Wrongful Eviction <input type="checkbox"/> 04 Automobile- Personal Injury <input type="checkbox"/> 13 Malicious Prosecution <input type="checkbox"/> 20 Friendly Suit <input type="checkbox"/> 05 Deceit (Misrepresentation) <input type="checkbox"/> 14 Malpractice Legal <input type="checkbox"/> 21 Asbestos <input type="checkbox"/> 06 False Accusation <input type="checkbox"/> 15 Malpractice Medical (Including Wrongful Death) <input type="checkbox"/> 22 Toxic/Mass Torts <input type="checkbox"/> 07 False Arrest <input type="checkbox"/> 16 Negligence- (Not Automobile, Not Malpractice) <input type="checkbox"/> 23 Tobacco <input type="checkbox"/> 08 Fraud <input type="checkbox"/> 24 Lead Paint		

SEE REVERSE SIDE AND CHECK HERE IF USED

Information Sheet, Continued

C. OTHERS

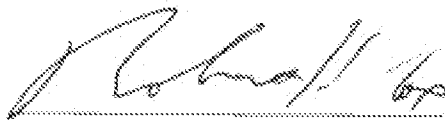
- | | |
|---|---|
| <input type="checkbox"/> 01 Accounting | <input type="checkbox"/> 17 Merit Personnel Act (OEA)
(D.C. Code Title 1, Chapter 6) |
| <input type="checkbox"/> 02 Att. Before Judgment | <input type="checkbox"/> 18 Product Liability |
| <input type="checkbox"/> 05 Ejectment | <input type="checkbox"/> 24 Application to Confirm, Modify,
Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 09 Special Writ/Warrants
(DC Code § 11-941) | <input type="checkbox"/> 29 Merit Personnel Act (OHR) |
| <input type="checkbox"/> 10 Traffic Adjudication | <input type="checkbox"/> 31 Housing Code Regulations |
| <input type="checkbox"/> 11 Writ of Replevin | <input type="checkbox"/> 32 Qui Tam |
| <input type="checkbox"/> 12 Enforce Mechanics Lien | <input type="checkbox"/> 33 Whistleblower |
| <input type="checkbox"/> 16 Declaratory Judgment | |

II.

- | | | |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name | <input type="checkbox"/> 15 Libel of Information | <input type="checkbox"/> 21 Petition for Subpoena
[Rule 28-1 (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic | <input type="checkbox"/> 19 Enter Administrative Order as
Judgment [D.C. Code §
2-1802.03 (h) or 32-151 9 (a)] | <input type="checkbox"/> 22 Release Mechanics Lien |
| <input type="checkbox"/> 08 Foreign Judgment/International | <input type="checkbox"/> 20 Master Meter (D.C. Code §
42-3301, et seq.) | <input type="checkbox"/> 23 Rule 27(a)(1)
(Perpetuate Testimony) |
| <input type="checkbox"/> 13 Correction of Birth Certificate | | <input type="checkbox"/> 24 Petition for Structured Settlement |
| <input type="checkbox"/> 14 Correction of Marriage
Certificate | | <input type="checkbox"/> 25 Petition for Liquidation |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle) | | |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) | | |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other) | | |

D. REAL PROPERTY

- | | |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate | <input type="checkbox"/> 08 Quiet Title |
| <input type="checkbox"/> 12 Specific Performance | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted |
| <input type="checkbox"/> 04 Condemnation (Emment Domain) | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) | |



Attorney's Signature

July 29, 2020

Date



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

The National Rifle Association of America

Plaintiff

vs.

Case Number _____

JAMS, INC.

Defendant

SUMMONS

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

Robert H. Cox, Esquire

Clerk of the Court

Name of Plaintiff's Attorney

1921 Gallows Road, Ste 750
 Tysons Corner, VA 22181
 Address

By _____
 Deputy Clerk

703-883-0880

Date _____

Telephone

如需翻译,请打电话 (202) 879-4828 Veuillez appeler au (202) 879-4828 pour une traduction Để có một bản dịch, hãy gọi (202) 879-4828
 번역을 원하 시면, (202) 879-4828 로 전화주세요 የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይያውቱ

IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

See reverse side for Spanish translation
 Vea al dorso la traducción al español



Superior Court of the District of Columbia
CIVIL DIVISION
Civil Actions Branch
500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001
Telephone: (202) 879-1133 Website: www.dccourts.gov

The National Rifle Association of America

Plaintiff

vs.

Case Number _____

Winston & Strawn LLP

Defendant

SUMMONS

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Robert H. Cox, Esquire

Clerk of the Court

Name of Plaintiff's Attorney

1921 Gallows Road, Ste 750
 Tysons Corner, VA 22181
 Address

By _____
 Deputy Clerk

703-883-0880

Date _____

Telephone

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See reverse side for Spanish translation
 Veá al dorso la traducción al español

EXHIBIT A

MEMORANDUM

TO: All parties (see attached service list);
FROM: JAMS
DATE: December 19, 2019
RE: [REDACTED]
JAMS Ref. #: 1340018083 Panelist: Richard E. Neville

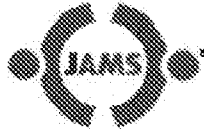
Your confidence in selecting JAMS to arbitrate this matter is appreciated. In accordance with JAMS Ethical Guidelines for Arbitrators, the following information is submitted.

Based upon the arbitrator's own knowledge as well as a diligent search of records available to the arbitrator and JAMS personnel, and further based on the information supplied concerning the names of the parties and their counsel, we attach a disclosure report and checklist identifying any prior or pending cases involving the parties, counsel or counsel's firms. The attached report was prepared by JAMS personnel and reviewed by the arbitrator. Nothing in this report would, in the arbitrator's opinion, prevent the arbitrator from impartially serving in this case.

The nominated or appointed arbitrator has made a reasonable effort to inform him/herself of any matters that could cause a person aware of the facts to reasonably entertain a doubt that, as the proposed arbitrator, s/he would be able to be impartial. In addition, s/he has disclosed all such matters to the parties to the best of his/her knowledge according to statutory and ethical guidelines.

Each participant in this arbitration is asked to advise all parties and JAMS of any information that is inconsistent with or not included in the provided disclosure, such as any matters that may affect the arbitrator's ability to be impartial. Please advise the arbitrator's Case Manager Brooke E. Buczkowski at 312-655-9191 if you know of any additional information that should be in the disclosure report to all parties. The Case Manager can arrange a conference call to discuss any supplemental information or disclosure questions.

JAMS and the arbitrator will rely upon the parties' disclosure to us of information which is inconsistent with or not included in the disclosure provided. Any request to disqualify an arbitrator after appointment shall be governed by the applicable JAMS Rules.



DISCLOSURE CHECKLIST FOR ALL ARBITRATIONS

Arbitrator Disclosure Checklist pursuant to:

• Code of Ethics for Arbitrators in Commercial Disputes

• IAMS Ethical Guidelines for Arbitrators Case Title: [REDACTED]

IAMS Ref. #: 1340018083

Panelist Name: Richard E. Neville

Checklist supplements disclosure report 16A

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Arbitrator or member of arbitrator's family [The term "member of the arbitrator's family" includes the arbitrator's immediate family or member of the arbitrator's household] is a party, a party's spouse or domestic partner, an officer, director or trustee of a party? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Arbitrator or member of arbitrator's family is a lawyer in the arbitration, related to a lawyer in the arbitration or currently associated in the private practice of law with a lawyer in the arbitration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Arbitrator or a member of arbitrator's family has or has had a significant personal relationship with any party or lawyer for a party? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Arbitrator is serving or within preceding 5 years has served: | | |
| (A) As a neutral arbitrator in another arbitration involving a party, lawyer for a party, or law firm for a party to the current arbitration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (B) As a party-appointed arbitrator in another arbitration for either a party, lawyer for a party, or law firm for a party to the current arbitration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (C) As a neutral arbitrator in another arbitration in which s/he was selected by a person serving as a party-appointed arbitrator in the current arbitration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (D) As a dispute resolution neutral other than an arbitrator in another pending or prior case involving a party, lawyer for a party, or law firm in the current arbitration. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Arbitrator has or has had an attorney-client relationship with a party or lawyer for a party to the current arbitration, including representing the party, an officer, director or trustee of a party, or the arbitrator provided legal advice to a party or a lawyer in the arbitration concerning any matter involved in the arbitration? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Arbitrator or member of the arbitrator's family has or has had any other professional relationship with a party or lawyer for a party, including as an expert witness or consultant? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7. Arbitrator or member of arbitrator's family has a financial interest in a party? (The term "financial interest" means ownership of a legal or equitable interest, or a relationship as a director, adviser, or other active participant in the affairs of a party. [See, 28 U.S.C.A. sec. 455.] | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8. Arbitrator or member of arbitrator's family has personal knowledge of disputed evidentiary facts relevant to the arbitration? A person likely to be a material witness in the proceeding is deemed to have personal knowledge of disputed evidentiary facts. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Yes No

9. Is there any other matter that:

- (A) Might cause a person aware of the facts to reasonably entertain a doubt that the arbitrator would be able to be impartial? () (X)
- (B) Leads the proposed arbitrator to believe there is a substantial doubt as to his or her capacity to be impartial, including, but not limited to, bias or prejudice toward a party, lawyer, or law firm in the arbitration? () (X)
- (C) Otherwise leads the arbitrator to believe that his or her disqualification will further the interests of justice? () (X)

10. Is the arbitrator not able to properly perceive the evidence or properly conduct the proceedings because of a permanent or temporary physical impairment? () (X)

11. Are there any constraints on the arbitrator's availability known to the arbitrator that will interfere with his or her ability to commence or complete the arbitration in a timely manner? () (X)

12. Do you participate in social networking sites such as Facebook, Twitter, or LinkedIn? () (X)

If the arbitrator marked this question, "Yes," it is possible that one of the lawyers or member of a law firm involved in this matter is in some way connected to the Arbitrator through this professional networking application. However, none of these contacts rises to the level of a prior business relationship that might cause a person aware of the facts to reasonably entertain a doubt that the arbitrator would be able to be impartial, unless otherwise noted below.

13. Is the arbitrator an owner panelist of JAMS? ~~(X)~~ ()

JAMS has approximately 400 neutrals on its panel, and a little over one quarter of JAMS neutrals have an equal ownership share in the company. Owners are not privy to information regarding the number of cases or revenue related to cases assigned to other panelists. No shareholder's distribution has ever exceeded 0.1% of JAMS total revenue in a given year. Shareholders are not informed about how their profit distributions are impacted by any particular client, lawyer or law firm and shareholders do not receive credit for the creation or retention of client relationships. Upon commencement of this arbitration JAMS served on all parties a report listing the numbers of cases JAMS has administered in the last five years involving any party, lawyer, or law firm in the present case.

If the arbitrator has answered "yes" to any of the above questions, except question 13, s/he will explain below and/or see attached rider:

Question #: Explanation:

As to question 4, within the last five years, I have not served as a neutral in any cases involving the parties attorneys and firms involved in the instant matter. However, prior to 5 years ago, I served as a neutral in a number of cases in which the law firms represented one of the parties, as detailed in the attached report. Mr. William Brewer was involved in some of those cases.

Declarations of Arbitrator:

1. Having been nominated or appointed as an arbitrator, I have made a reasonable effort to inform myself of any matters that could cause a person aware of the facts to reasonably entertain a doubt that as the proposed arbitrator I would be able to be impartial. In addition, I have disclosed all such matters to the parties.

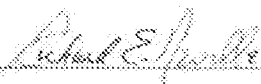
2. I practice in association with JAMS. Each JAMS neutral, including me, has an economic interest in the overall financial success of JAMS. In addition, because of the nature and size of JAMS, the parties should assume that one or more of the other

neutrals who practice with JAMS has participated in an arbitration, mediation or other dispute resolution proceeding with the parties, counsel or insurers in this case and may do so in the future.

3. My responses to the questions above are true and correct to the best of my knowledge.

4. Please note JAMS neutrals regularly engage in speaking engagements, CLEs, discussion groups and other professional activities, and it is possible that a party, company, lawyer or law firm connected with this proceeding either attended, participated or was on a panel with the Arbitrator.

Date: December 19, 2019

Signature of Arbitrator: 

General Disclosures, Report A (MKT016A)

vs

This report includes General Disclosure of Client Activity from 12/19/2004 to 12/19/2019. Due to the confidential nature of mediations, only the number of mediations concerning the involved parties are listed. The number of cases listed below does not include the present case. All branches of counsel firms are included.

Panelist: Richard E. Neville

Reference #: 1340016083

12/19/2019

No Address Listed

Cases heard with

No Cases to Report

Counsel for

Matthew Saxon
Winston & Strawn, LLP
1700 K Street NW
12th Floor
Washington, DC 20006-3817

Cases heard with Matthew Saxon

No Cases to Report

Cases heard with Winston & Strawn, LLP

Arbitration

* Arbitration(s) - Closed cases 7

Mediations\Neutral Analysis\Other

* Mediation(s) - Closed cases 18

* Neutral Evaluation(s) - Closed cases 1

Thomas Buchanan
Winston & Strawn, LLP
1700 K St., N.W.
12th Floor
Washington, DC 20006-3817

Cases heard with Thomas Buchanan

No Cases to Report

The neutral practices in association with JAMS. Each JAMS neutral, including the neutral in this case, has an economic interest in the overall financial success of JAMS. In addition, because of the nature and size of JAMS, the parties should assume that one or more of the other neutrals who practice with JAMS has participated in an arbitration, mediation or other dispute resolution proceeding with the parties, counsel or insurers in this case and may do so in the future.

* "Matter(s) Assigned to Another Neutral" includes cases where the matter was moved to a different neutral.

General Disclosures, Report A (MKT016A)

██████████ vs. ██████████

This report includes General Disclosure of Client Activity from 12/19/2004 to 12/19/2019. Due to the confidential nature of mediations, only the number of mediations concerning the involved parties are listed. The number of cases listed below does not include the present case. All branches of counsel firms are included.

Panelist: Richard E. Neville

Reference #: 1340018003

12/19/2019

██████████
National Rifle Association of America

11250 Waples Mill Road
Fairfax, VA 22030

Cases heard with National Rifle Association of America

No Cases to Report

The neutral practices in association with JAMS. Each JAMS neutral, including the neutral in this case, has an economic interest in the overall financial success of JAMS. In addition, because of the nature and size of JAMS, the parties should assume that one or more of the other neutrals who practice with JAMS has participated in an arbitration, mediation or other dispute resolution proceeding with the parties, counsel or insurers in this case and may do so in the future.

* "Matter(s) Assigned to Another Neutral" includes cases where the matter was moved to a different neutral.

General Disclosures, Report A (MKT016A)

vs.

This report includes General Disclosure of Client Activity from 12/19/2004 to 12/19/2019. Due to the confidential nature of mediations, only the number of mediations concerning the involved parties are listed. The number of cases listed below does not include the present case. All branches of counsel firms are included.

Panelist: Richard E. Nsville

Reference #: 1340016093

12/19/2019

Counsel for

Svetlana Eisenberg
Brewer, Attorneys and Counselors

750 Lexington Ave
14th Floor
New York, NY 10022

Cases heard with Svetlana Eisenberg

No Cases to Report

Cases heard with Brewer, Attorneys and Counselors

Arbitration

▸ Arbitration(s) - Closed cases 3

Mediations\Neutral Analysis\Other

▸ Mediation(s) - Closed cases 4

William A. Brewer III
Brewer, Attorneys and Counselors

1717 Main Street
Suite 5900
Dallas, TX 75201

Cases heard with William A. Brewer III

Arbitration

▸ Arbitration(s) - Closed cases 2

Mediations\Neutral Analysis\Other

▸ Mediation(s) - Closed cases 3

The neutral practices in association with JAMS. Each JAMS neutral, including the neutral in this case, has an economic interest in the overall financial success of JAMS. In addition, because of the nature and size of JAMS, the parties should assume that one or more of the other neutrals who practice with JAMS has participated in an arbitration, mediation or other dispute resolution proceeding with the parties, counsel or insurers in this case and may do so in the future.

* "Matter(s) Assigned to Another Neutral" includes cases where the matter was moved to a different neutral.

General Disclosures, Report A (MKT016A)

VS.

This report includes General Disclosure of Client Activity from 12/19/2004 to 12/19/2019. Due to the confidential nature of mediations, only the number of mediations concerning the involved parties are listed. The number of cases listed below does not include the present case. All branches of counsel firms are included.

Panelist: Richard E. Neville

Reference #: 1340018083

12/19/2019

John Frazer
National Rifle Association of America

Office of the General Counsel
11250 Waples Mill Road
Fairfax, VA 22030

Cases heard with John Frazer

No Cases to Report

The neutral practices in association with JAMS. Each JAMS neutral, including the neutral in this case, has an economic interest in the overall financial success of JAMS. In addition, because of the nature and size of JAMS, the parties should assume that one or more of the other neutrals who practice with JAMS has participated in an arbitration, mediation or other dispute resolution proceeding with the parties, counsel or insurers in this case and may do so in the future.

** "Matter(s) Assigned to Another Neutral" includes cases where the matter was moved to a different neutral.*

General Disclosures, Report A (MKT016A)

vs.

This report includes General Disclosure of Client Activity from 12/19/2004 to 12/19/2019. Due to the confidential nature of mediations, only the number of mediations concerning the involved parties are listed. The number of cases listed below does not include the present case. All branches of counsel firms are included.

Panelist: Richard E. Neville

Reference #: 1340016083

12/19/2019

Other Disclosures

N/A

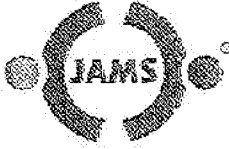
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** "Matter(s) Assigned to Another Neutral" includes cases where the matter was moved to a different neutral.*

12/19/2019

Page 5 of 5

EXHIBIT B



CONFIRMATION OF ARBITRATOR SELECTION

NOTICE TO ALL PARTIES

December 19, 2019

Re: [REDACTED]

Reference #: 1340018083

Dear Parties:

This is to confirm that Hon. Richard E. Neville (Ret.) has been selected as the Arbitrator in the above referenced matter. In accordance with the 2018 CPR Non-Administered Arbitration Rules, no party may have *ex-parte* communications with the Arbitrator.

The Arbitrator will bill in accordance with the enclosed engagement agreement, including its Cancellation/Continuance policy. Any party who cancels or continues a hearing after the deadline to do so will be responsible for 100% of the professional fees for the reserved and unused session time unless the time is filled with another matter. The arbitrator will also conduct this matter in accordance with the enclosed Arbitration Administrative Policies.

Under appropriate circumstances, the Arbitrator may award against any party fees and expenses. The agreement to render services by Hon. Richard E. Neville (Ret.) is not only with the parties, but extends to the attorney or other representative of the parties in the arbitration.

The parties have been billed a preliminary deposit to cover the expense of all pre-hearing work, such as reading, drafting of orders, and conference calls. An invoice for this deposit will follow in a separate email. Note that in accordance with the enclosed administrative policies, failure to pay deposits in a timely manner may result in delays in the arbitration proceedings.

Finally, the arbitrator has made disclosures, which are enclosed. Note that the arbitrator is an owner panelist at JAMS. As such, a report detailing JAMS recent cases with the attorneys, parties and firms will follow separately.

Contact me at 312-655-9191 or BBuczkowski@jamsadr.com if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Brooke E. Buczowski".

Brooke E. Buczowski

ADR Specialist

BBuczkowski@jamsadr.com

Direct: 312-655-9191

JAMS ENGAGEMENT AGREEMENT & CANCELLATION POLICY

Case Name: [REDACTED] v [REDACTED]
Ref. #: 1340015083

1. Professional Fees

Professional services for this matter, including but not limited to reading and other preparation time, the session time, extra session time, and any additional services or work, will be billed at the neutral's normal rate. Fees for unused scheduled time will not be refunded. The professional fees for Hon. Richard E. Neville (Ret.) are \$1100 per hour

2. Additional Fees

A. Expenses are billed at cost.

B. Travel: If travel is required and is not included in the neutral's rate, travel time is billed at the neutral's hourly rate. Travel expenses are billed at cost.

C. Reading and Research Fees: Parties will be billed according to the neutral's fee schedule for reading and research time.

D. Deposits: Parties will periodically be billed deposits for anticipated fees and expenses. Failure to pay deposits in timely manner and in accordance with any applicable deadlines may result in delays in the proceedings, including cancellation of future hearing dates.

3. Cancellation and Rescheduling Policy

Fees for hearing sessions are non-refundable if a session is canceled or rescheduled after the deadline to do so. For hearings of one day or less, the cancellation deadline is 30 days before the session date. For hearings scheduled for more than one day, the cancellation deadline is 60 days before the first scheduled session date, unless the neutral's time is rescheduled with another matter. Cancellation and rescheduling fees will be paid by the canceling party(ies).

4. Payment

A. Each party will be billed a *pro rata* share of the arbitrator's fees and expenses.

B. Payment for scheduled hearings is due in advance of the cancellation deadline for the hearing. Each party agrees to pay its share of the estimated fees and expenses to be received by JAMS prior to the arbitration hearing in accordance with applicable deadlines. Unless it otherwise agrees, JAMS is not bound by agreements between or among the parties with respect to its fees.

By the signatures below, each participant, either directly or through counsel, hereby certifies that s/he has read this entire Agreement and agrees with all matters stated herein. This Agreement may be signed in counterparts.

Signed: [Signature]
Print Name: John C. Freeman
For: NRA
Dated: 12/19/19

Signed: [Signature]
Print Name: [REDACTED] SAXON
For: [REDACTED]
Dated: 12/20/19

EXHIBIT C

From: Richard Neville
To: Paul & Ali Episcopo; Joe & Nancy Ebner; Tony Esposito; david.edwards; Svetlana Eisenberg; bill kunkle; Wayne Andersen; Lindater, William J; Tom Waterman; Steve Swigart; connie zinos; Patrick Arbor; George Santo Pietro; John Galarnyk; Grimm, Terry M.; Roger & Gail Quagliano; Anthony & Dee Graffia; John Giannoli; Robert Heyne; Don Hesch; Jim & Rhonda Bodman; Chris Neville; Rhonda & Chris Neville; Jim Novy; Jenny Novy; Ron & Terry Neville; Art & Mary Neville; Carol Mulroe; Thomas P. Mulroe; Grace Neville & Jim Fuolsang; Ken Kummer; Keith Morton; Bruce Milligan; Mulligan, Terry; Mike Mazurczak; RANDY JONES; Charles Biesanz; Mike Hoggatt; Jeffrey Guttenberger
Subject: Fwd: Editorial in the Baltimore Sun
Date: Saturday, June 20, 2020 4:52:02 PM

Hon. Richard Neville (Ret.)
JAMS
312 655 0555
312 396 0909 home office
312 315 4388 mobile phone

----- Forwarded message -----
From: **Mmazu** <mmazu@aol.com>
Date: Fri, Jun 19, 2020 at 5:47 PM
Subject: Editorial in the Baltimore Sun
To: <mmazu@aol.com>

"The Baltimore Sun" is definitely not known as a Conservative newspaper, so this very well written assessment of the situation in USA comes as something of a surprise..

The Black Dilemma

"For almost 150 years the United States has been conducting an interesting experiment. The subjects of the experiment: black people and working-class whites.

The hypothesis to be tested: Can a people taken from the jungles of Africa and forced into slavery be fully

integrated as citizens in a majority white population?

The whites were descendants of Europeans who had created a majestic civilization. The former slaves had been tribal peoples with no written language and virtually no intellectual achievements. Acting on a policy that was not fair to either group, the government released newly freed black people into a white society that saw them as inferiors. America has struggled with racial discord ever since.

Decade after decade the problems persisted but the experimenters never gave up. They insisted that if they could find the right formula the experiment would work, and concocted program after program to get the result they wanted. They created the Freedman's Bureau, passed civil rights laws, tried to build the Great Society, declared War on Poverty, ordered race preferences, built housing projects, and tried midnight basketball. Their new laws intruded into people's lives in ways that would have been otherwise unthinkable.

They called in National Guard troops to enforce school integration. They outlawed freedom of association. Over the protests of parents, they put white children on buses and sent them to black schools and vice-versa. They tried with money, special programs, relaxed standards, and endless hand wringing to close the achievement gap. To keep white backlash in check they began punishing public and even private statements on race. They hung up Orwellian public banners that commanded whites to Celebrate Diversity! and Say No to Racism. Nothing was off limits if it might salvage the experiment.

Some thought that what W.E.B. DuBois called the Talented Tenth would lead the way for black people. A group of elite, educated blacks would knock down doors of opportunity and show the world what blacks were capable of.

There is a Talented Tenth. They are the black Americans who have become entrepreneurs, lawyers, doctors and scientists. But ten percent is not enough. For the experiment to work, the ten percent has to be followed by a critical mass of people who can hold middle-class jobs and promote social stability. That is what is missing.

Through the years, too many black people continue to show an inability to function and prosper in a culture unsuited to them. Detroit is bankrupt, the south side of Chicago is a war zone, and the vast majority of black cities all over America are beset by degeneracy and violence. And blacks never take responsibility for their failures. Instead, they lash out in anger and resentment.

Across the generations and across the country, as we have seen in Detroit, Watts, Newark, Los Angeles, Cincinnati, and Ferguson, rioting and looting are just one racial incident away. The white elite would tell us that this doesn't mean the experiment has failed. We just have to try harder. We need more money, more time, more understanding, more programs, and more opportunities.

But nothing changes no matter how much money is

spent, no matter how many laws are passed, no matter how many black geniuses are portrayed on TV, and no matter who is president. Some argue its a problem of culture, as if culture creates people's behavior instead of the other way around. Others blame white privilege.

But since 1965, when the elites opened Americas doors to the Third World, immigrants from Asia and India people who are not white, not rich, and not connected have quietly succeeded. While the children of these people are winning spelling bees and getting top scores on the SAT, black youths are committing half the country's violent crime, which includes viciously punching random white people on the street for the thrill of it that has nothing to do with poverty.

The experiment has failed. Not because of white culture, or white privilege, or white racism. The fundamental problem is that American black culture has evolved into an un-fixable and crime ridden mess. They do not want to change their culture or society, and expect others to tolerate their violence and amoral behavior. They have become socially incompatible with other races by their own design, not because of the racism of others - but by their own hatred of non-blacks.

Our leaders don't seem to understand just how tired their white subjects are with this experiment. They don't understand that white people aren't out to get black people; they are just exhausted with them. They are exhausted by the social pathologies, the violence, the endless complaints, and the blind racial solidarity, the bottomless pit of grievances, the excuses, and the reflexive animosity. The elites explain everything with

racism, and refuse to believe that white frustration could soon reach the boiling point."

Ian Duncan

The Baltimore Sun

CAUTION: This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

EXHIBIT D

From: John Galarnyk
To: Jeffrey Guttenberger
Cc: Richard Neville; Paul & Ali Episcopo; Joe & Nancy Elmer; Tony Esposito; david.edwards; Svetlana Eisenberg; bill kunkle; Wayne Andersen; Linklater, William J; Tom Waterman; Steve Swigart; connie xinos; Patrick Arbor; George Santo Pietro; Grimm, Terry M.; Roger & Gail Quagliano; Anthony & Dee Graffia; John Giamgoli; Robert Hayne; Don Hasch; Jim & Rhonda Bodman; Chris Neville; Rhonda & Chris Neville; jim novy; Jenny Novy; Ron & Terry Neville; Art & Mary Neville; Carol Mulroe; Thomas P. Mulroe; Grace Neville & Jim Fuolsang; Ken Kummer; keith.morton; Bruce Milligan; Mulligan, Terry; Mike Mazurczak; RANDY JONES; Charles Biesanz; Mike Hoggatt
Subject: Re: Editorial in the Baltimore Sun
Date: Saturday, June 20, 2020 6:00:09 PM

Richard:

Did you really share this piece?

JG

Sent from my iPhone

On Jun 20, 2020, at 3:58 PM, Jeffrey Guttenberger <JGutten60@gmail.com> wrote:

This was not published by the Baltimore Sun. Source is unknown but probably written by a questionable source.

Jeffrey Guttenberger

On Sat, Jun 20, 2020, 4:51 PM Richard Neville <judgeneville@gmail.com> wrote:

Hon. Richard Neville (Ret.)
JAMS
312 655 0555
312 396 0909 home office
312 315 4388 mobile phone

----- Forwarded message -----

From: **Mmazu** <mmazu@aol.com>
Date: Fri, Jun 19, 2020 at 5:47 PM
Subject: Editorial in the Baltimore Sun
To: <mmazu@aol.com>

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known as a Conservative newspaper, so this very well written assessment of the situation in USA comes as something of a surprise..

The Black Dilemma

"For almost 150 years the United States has been conducting an interesting experiment. The subjects of the experiment: black people and working-class whites.

The hypothesis to be tested: Can a people taken from the jungles of Africa and forced into slavery be fully integrated as citizens in a majority white population?

The whites were descendants of Europeans who had created a majestic civilization. The former slaves had been tribal peoples with no written language and virtually no intellectual achievements. Acting on a policy that was not fair to either group, the government released newly freed black people into a white society that saw them as inferiors. America has struggled with racial discord ever since.

Decade after decade the problems persisted but the experimenters never gave up. They insisted that if they could find the right formula the experiment would work, and

concocted program after program to get the result they wanted. They created the Freedman's Bureau, passed civil rights laws, tried to build the Great Society, declared War on Poverty, ordered race preferences, built housing projects, and tried midnight basketball. Their new laws intruded into people's lives in ways that would have been otherwise unthinkable.

They called in National Guard troops to enforce school integration. They outlawed freedom of association. Over the protests of parents, they put white children on buses and sent them to black schools and vice-versa. They tried with money, special programs, relaxed standards, and endless hand wringing to close the achievement gap. To keep white backlash in check they began punishing public and even private statements on race. They hung up Orwellian public banners that commanded whites to Celebrate Diversity! and Say No to Racism. Nothing was off limits if it might salvage the experiment.

Some thought that what W.E.B. DuBois called the Talented Tenth would lead the way for black people. A group of elite, educated blacks would knock down doors of opportunity and show the world what blacks were capable of.

There is a Talented Tenth. They are the

black Americans who have become entrepreneurs, lawyers, doctors and scientists. But ten percent is not enough. For the experiment to work, the ten percent has to be followed by a critical mass of people who can hold middle-class jobs and promote social stability. That is what is missing.

Through the years, too many black people continue to show an inability to function and prosper in a culture unsuited to them. Detroit is bankrupt, the south side of Chicago is a war zone, and the vast majority of black cities all over America are beset by degeneracy and violence. And blacks never take responsibility for their failures. Instead, they lash out in anger and resentment.

Across the generations and across the country, as we have seen in Detroit, Watts, Newark, Los Angeles, Cincinnati, and Ferguson, rioting and looting are just one racial incident away. The white elite would tell us that this doesn't mean the experiment has failed. We just have to try harder. We need more money, more time, more understanding, more programs, and more opportunities.

But nothing changes no matter how much money is spent, no matter how many laws are passed, no matter how many black geniuses are portrayed on TV, and no matter who is president. Some argue its a problem

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Ian Duncan

The Baltimore Sun

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EXHIBIT E

From: Richard Neville
To: Jeffrey Guttenberger
Cc: Paul & Ali Episcopa; Joe & Nancy Etner; Tony Esposito; david.edwards; Svetlana Eisenberg; bill kunkle; Wayne Andersen; Linklater, William J; Tom Waterman; Steve Swigart; connie xinos; Patrick Arbor; George Santo Pietro; John Galarnyk; Grimm, Terry M.; Roger & Gail Quagliano; Anthony & Dee Graffia; John Giampoli; Robert Heyne; Don Heach; Jim & Rhonda Bodman; Chris Neville; Rhonda & Chris Neville; jim.nowy; Jenny Nowy; Ron & Terry Neville; Art & Mary Neville; Carol Mulroe; Thomas P. Mulroe; Grace Neville & Jim Fuglsang; Ken Kummer; keith morton; Bruce Milligan; Mulligan, Terry; Mike Mazurczak; RANDY JONES; Charles Biesanz; Mike Hoggatt
Subject: Re: Editorial in the Baltimore Sun
Date: Sunday, June 21, 2020 3:01:19 PM

if you disagree with the content --is that why you call it 'questionable'
I know there are articles written by unknowns from all types of people and all types of labels like liberals/conservatives
but I wouldn't care about a newspaper for substance or for truth or justice
it is just a piece to have a discussion about-----since you say questionable you must find something in the words and thoughts
that offends you or you find troubling---
that is what we should be discussing to see if we are all actually thinking the same thing
but we avoid confrontation ---as we should mostly----but certainly can have a discussion about facts and truth
Hon. Richard Neville (Ret.)
JAMS
312 655 0555
312 396 0909 home office
312 315 4388 mobile phone

On Sat, Jun 20, 2020 at 4:58 PM Jeffrey Guttenberger <jguttene60@gmail.com> wrote:
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Ian Duncan

The Baltimore Sun

.....
.....
.....

CAUTION: This email is from outside the organization. DO NOT CLICK a link or open an attachment unless you know the content is safe and are expecting it from the sender. If in doubt, contact the sender separately to verify the content.

EXHIBIT F

From: Svetlana Eisenberg
To: John Galarnyk; Jeffrey Guttenberger
Cc: Richard Neville; Paul & Ali Episcopo; Joe & Nancy Ebner; Tony Esposito; david.edwards; bill.kunkle; Wayne Andersen; Linklater, William J; Tom Waterman; Steve Swigart; connie.xinos; Patrick Arbor; George Santo Pietro; Grimm, Terry M.; Roger & Gail Quagliano; Anthony & Dee Graffia; John Giampoli; Robert Heyns; Don Hesck; Jim & Rhonda Bodman; Chris Neville; Rhonda & Chris Neville; jim.nowy; Jenny Nowy; Ron & Terry Neville; Art & Mary Neville; Carol Mulroe; Thomas P. Mulroe; Grace Neville & Jim Fuglsang; Ken Kummer; keith.morion; Bruce Milligan; Mulligan, Terry; Mike Mazurczak; RANDY JONES; Charles Biesanz; Mike Hoozatt
Subject: RE: Editorial in the Baltimore Sun
Date: Monday, June 22, 2020 6:10:20 PM
Attachments: [image001.png](#)

I have no idea why Judge Neville included me in this highly offensive and disturbing email chain. I would have written yesterday had I not been tending to the loss of a family member.

Having been included in these communications I am obliged to state that they reflect views which are abhorrent, indecent and at odds with core values of mine and my firm. It is shocking that anyone—let alone a former member of the judiciary—would disseminate this material or invite others to consider it as containing “facts” warranting consideration and debate. I hope that other recipients of this distasteful email are as disturbed by these communications as me.

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: [212.489.1400](tel:212.489.1400) | Cell: 929.319.1731 | Fax: 212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

B R E W E R
ATTORNEYS & COUNSELORS

BREWER

This communication (including any attachments) is intended for the sole use of the intended recipient, and may contain material that is confidential, privileged, attorney work product, and/or subject to privacy laws. If you are not the intended recipient, you are hereby kindly notified that any use, disclosure, or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please delete this communication, including any copies or printouts, and notify us immediately by return email or at the telephone number above. Brewer, Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

From: John Galarnyk <john@galarnykltd.com>
Sent: Sunday, June 21, 2020 7:23 PM
To: Jeffrey Guttenberger <JGutten60@gmail.com>
Cc: Richard Neville <judgeneville@gmail.com>; Paul & Ali Episcopo <pbepiscopo@yahoo.com>; Joe & Nancy Ebner <joeebner@sbcglobal.net>; Tony Esposito <tony.esposito34@icloud.com>; david

edwards <davidjedwards@att.net>; Svetlana Eisenberg <sme@brewerattorneys.com>; bill kunkle <w.kunkle@sbcglobal.net>; Wayne Andersen <wra1991@aol.com>; Linklater, William J <wj1@bakermckenzie.com>; Tom Waterman <waddy11@aol.com>; Steve Swigart <sswigart@spartanchemical.com>; connie xinos <xinosltd@aol.com>; Patrick Arbor <patarbor@me.com>; George Santo Pietro <gsp12@me.com>; Grimm, Terry M. <tgrimm@winston.com>; Roger & Gail Quagliano <RWQuagliano@msn.com>; Anthony & Dee Graffia <tgraffiasr@imperoelectronics.com>; John Giampoli <Giampoli@jgllc.net>; Robert Heyne <RHeyne53@gmail.com>; Don Hesch <donheschah@aol.com>; Jim & Rhonda Bodman <jimbo@viennabeef.com>; Chris Neville <cneville@wireismusic.com>; Rhonda & Chris Neville <rooneville@gmail.com>; jim novy <JNovy@rfclaw.com>; Jenny Novy <jennynovy@comcast.net>; Ron & Terry Neville <silver-ii@att.net>; Art & Mary Neville <artneville3@gmail.com>; Carol Mulroe <carolmulroe@gmail.com>; Thomas P Mulroe <tpmulroe@gmail.com>; Grace Neville & Jim Fuglsang <grace.neville@gmail.com>; Ken Kummer <KenKummer@comcast.net>; keith morton <mortkeith@gmail.com>; Bruce Milligan <milliganbruce@gmail.com>; Mulligan, Terry <tjmhawkeye@gmail.com>; Mike Mazurczak <MMAZU@aol.com>; RANDY JONES <rjones4309@comcast.net>; Charles Biesanz <cbiesanz@gmail.com>; Mike Hoggatt <mike.hoggatt43@gmail.com>

Subject: Re: Editorial in the Baltimore Sun

I will print the piece and look forward to our discussion. From my multiple prior comments, you should know in advance that I am vehemently against pieces that are designed to divide us. These pieces do not educate or enlighten us.

See you in a couple weeks. Like usual, I expect you to be prepared.

JG

Sent from my iPhone

On Jun 21, 2020, at 3:23 PM, Jeffrey Guttenberger <JGutten60@gmail.com> wrote:

Rich,

I did not say the content was questionable. What I said was that the source was questionable.

Understand that someone wrote that article. Whoever the author was, they decided to attribute it to the Baltimore Sun and Ian Duncan. If the content was so great and insightful, why didn't the author use his own name?

Chinese and Russian meddling in our country does not come with the byline: "FROM CHIINA". It comes in memes and bogus articles written by questionable sources intended to divide us. That's why the article ends with this phrase:

"They don't understand that white people aren't out to get black people; they are just exhausted with them."

That's intended to divide us and our country and yes, I think that statement is garbage.

Jeff

On Sun, Jun 21, 2020 at 3:01 PM Richard Neville <judgeneville@gmail.com> wrote:

if you disagree with the content ---is that why you call it 'questionable
I know there are articles written by unknowns from all types of people and all types
of labels like liberals/conservatives
but I wouldn't care about a newspaper for substance or for truth or justice
it is just a piece to have a discussion about-----since you say questionable you must
find something in the words and thoughts
that offends you or you find troubling---
that is what we should be discussing to see if we are all actually thinking the same
thing
but we avoid confrontation ---as we should mostly----but certainly can have a
discussion about facts and truth

Hon. Richard Neville (Ret.)

JAMS

312 655 0555

312 396 0909 home office

312 315 4388 mobile phone

On Sat, Jun 20, 2020 at 4:58 PM Jeffrey Guttenberger <jgutt60@gmail.com>
wrote:

This was not published by the Baltimore Sun. Source is unknown but probably
written by a questionable source.

Jeffrey Guttenberger

On Sat, Jun 20, 2020, 4:51 PM Richard Neville <judgeneville@gmail.com> wrote:

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----- Forwarded message -----

From: **Mmazu** <mmazu@aol.com>

Date: Fri, Jun 19, 2020 at 5:47 PM

Subject: Editorial in the Baltimore Sun

To: <mmazu@aol.com>

"The Baltimore Sun" is definitely not known as a Conservative newspaper, so this very well written assessment of the situation in USA comes as something of a surprise..

The Black Dilemma

"For almost 150 years the United States has been conducting an interesting experiment. The subjects of the experiment: black people and working-class whites.

The hypothesis to be tested: Can a people taken from the jungles of Africa and forced into slavery be fully integrated as citizens in a majority white population?

The whites were descendants of

Europeans who had created a majestic civilization. The former slaves had been tribal peoples with no written language and virtually no intellectual achievements. Acting on a policy that was not fair to either group, the government released newly freed black people into a white society that saw them as inferiors. America has struggled with racial discord ever since.

Decade after decade the problems persisted but the experimenters never gave up. They insisted that if they could find the right formula the experiment would work, and concocted program after program to get the result they wanted. They created the Freedman's Bureau, passed civil rights laws, tried to build the Great Society, declared War on Poverty, ordered race preferences, built housing projects, and tried midnight basketball. Their new laws intruded into people's lives in ways that would have been otherwise unthinkable.

They called in National Guard troops to enforce school integration. They outlawed freedom of association. Over the protests of parents, they put white children on buses and sent them to black schools and vice-versa. They tried with money, special programs, relaxed standards, and endless hand wringing to close the achievement gap. To keep

white backlash in check they began punishing public and even private statements on race. They hung up Orwellian public banners that commanded whites to Celebrate Diversity! and Say No to Racism. Nothing was off limits if it might salvage the experiment.

Some thought that what W.E.B. DuBois called the Talented Tenth would lead the way for black people. A group of elite, educated blacks would knock down doors of opportunity and show the world what blacks were capable of.

There is a Talented Tenth. They are the black Americans who have become entrepreneurs, lawyers, doctors and scientists. But ten percent is not enough. For the experiment to work, the ten percent has to be followed by a critical mass of people who can hold middle-class jobs and promote social stability. That is what is missing.

Through the years, too many black people continue to show an inability to function and prosper in a culture unsuited to them. Detroit is bankrupt, the south side of Chicago is a war zone, and the vast majority of black cities all over America are beset by degeneracy and violence. And blacks never take

responsibility for their failures. Instead, they lash out in anger and resentment.

Across the generations and across the country, as we have seen in Detroit, Watts, Newark, Los Angeles, Cincinnati, and Ferguson, rioting and looting are just one racial incident away. The white elite would tell us that this doesn't mean the experiment has failed. We just have to try harder. We need more money, more time, more understanding, more programs, and more opportunities.

But nothing changes no matter how much money is spent, no matter how many laws are passed, no matter how many black geniuses are portrayed on TV, and no matter who is president. Some argue its a problem of culture, as if culture creates people's behavior instead of the other way around. Others blame white privilege.

But since 1965, when the elites opened Americas doors to the Third World, immigrants from Asia and India people who are not white, not rich, and not connected have quietly succeeded. While the children of these people are winning spelling bees and getting top scores on the SAT, black youths are committing half the country's violent crime, which includes viciously punching random white

people on the street for the thrill of it that has nothing to do with poverty.

The experiment has failed. Not because of white culture, or white privilege, or white racism. The fundamental problem is that American black culture has evolved into an un-fixable and crime ridden mess. They do not want to change their culture or society, and expect others to tolerate their violence and amoral behavior. They have become socially incompatible with other races by their own design, not because of the racism of others - but by their own hatred of non-blacks.

Our leaders don't seem to understand just how tired their white subjects are with this experiment. They don't understand that white people aren't out to get black people; they are just exhausted with them. They are exhausted by the social pathologies, the violence, the endless complaints, and the blind racial solidarity, the bottomless pit of grievances, the excuses, and the reflexive animosity. The elites explain everything with racism, and refuse to believe that white frustration could soon reach the boiling point."

Ian Duncan

The Baltimore Sun

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EXHIBIT G

From: Keith Morton
To: Svetlana Eisenberg
Cc: John Galarnyk; Jeffrey Guttenberger; Richard Neville; Paul & Ali Edscopes; Joe & Nancy Ebner; Tony Esposito; david edwards; bill kunkle; Wayne Andersen; Linklater, William J; Tom Waterman; Steve Swigart; connie xinos; Patrick Arbor; George Santo Pietro; Grimm, Terry M.; Roger & Gail Quagliano; Anthony & Dee Graffia; John Giampoli; Robert Heyne; Don Hesch; Jim & Rhonda Rodman; Chris Neville; Rhonda & Chris Neville; jim nowy; Jenny Nowy; Ron & Terry Neville; Art & Mary Neville; Carol Mulroe; Thomas P. Mulroe; Grace Neville & Jim Fuolsana; Ken Kummer; Bruce Millican; Mulligan, Terry; Mike Mazurczak; RANDY JONES; Charles Biesanz; Mike Hoggatt
Subject: Re: Editorial in the Baltimore Sun
Date: Monday, June 22, 2020 8:48:59 PM
Attachments: image001.png

I can't defend your being included. However, if you don't like it you have some options.

- 1) Hit delete
- 2) Send a note to the sender and request to be removed.

Frankly, I for one, don't find this abhorrent or indecent. I believe it has a lot of "facts" warranting debate. YOU can think it's distasteful. I don't. In fact, even though it's attribution is probably not accurate the points made are very germane.

Why is it that those on the LEFT, which I assume you are, always try to shut down discussion or debate?

Why is that those on the LEFT which I assume you reside, use personal insults like "a former member of the judiciary" isn't entitled to HIS opinions?

You are exactly what we are facing today. Not that you aren't entitled to believe what you want; not that you aren't entitled to hear what you want. But what you do is insult people who disagree with you. Kinda like calling half the country "deplorable" or "racist" because they don't vote like you.

I often disagree with what this sender forwards. BUT I'm most appreciative that he does.

Now go ahead and hit delete...

On Mon, Jun 22, 2020 at 5:10 PM Svetlana Eisenberg <sme@brewerattorneys.com> wrote:

I have no idea why Judge Neville included me in this highly offensive and disturbing email chain. I would have written yesterday had I not been tending to the loss of a family member.

Having been included in these communications I am obliged to state that they reflect views which are abhorrent, indecent and at odds with core values of mine and my firm. It is shocking that anyone—let alone a former member of the judiciary—would disseminate this material or invite others to consider it as containing “facts” warranting consideration and debate. I hope that other recipients of this distasteful email are as disturbed by these communications as me.

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: [212.489.1400](tel:212.489.1400) | Cell: 929.319.1731 | Fax: 212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com



BREWER

This communication (including any attachments) is intended for the sole use of the intended recipient, and may contain material that is confidential, privileged, attorney work product, and/or subject to privacy laws. If you are not the intended recipient, you are hereby kindly notified that any use, disclosure, or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please delete this communication, including any copies or printouts, and notify us immediately by return email or at the telephone number above. Brewer, Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

From: John Galarnyk <john@galarnykltd.com>
Sent: Sunday, June 21, 2020 7:23 PM
To: Jeffrey Guttenberger <JGutten60@gmail.com>
Cc: Richard Neville <judgeneville@gmail.com>; Paul & Ali Episcopo <pbepiscopo@yahoo.com>; Joe & Nancy Ebner <joeebner@sbcglobal.net>; Tony Esposito <tony_esposito34@icloud.com>; david edwards <davidjedwards@att.net>; Svetlana Eisenberg <sme@brewerattorneys.com>; bill kunkle <w.kunkle@sbcglobal.net>; Wayne Andersen <wra1991@aol.com>; Linklater, William J <wjl@bakermckenzie.com>; Tom Waterman <waddy11@aol.com>; Steve Swigart <sswigart@spartanchemical.com>; connie xinos <xinosltd@aol.com>; Patrick Arbor <patarbor@me.com>; George Santo Pietro <gsp12@me.com>; Grimm, Terry M. <tgrimm@winston.com>; Roger & Gail Quagliano <RWQuagliano@msn.com>; Anthony & Dee Graffia <tgraffiasr@imperoelectronics.com>; John Giampoli <Giampoli@jigllc.net>; Robert Heyne <RHeyne53@gmail.com>; Don Hesch <donheshah@aol.com>; Jim & Rhonda Bodman <jimbo@viennabeef.com>; Chris Neville <cneville@wireismusic.com>; Rhonda & Chris Neville <rooneville@gmail.com>; jim novy <JNovy@rfclaw.com>; Jenny Novy <jennynovy@comcast.net>; Ron & Terry Neville <silver-ii@att.net>; Art & Mary Neville <artneville3@gmail.com>; Carol Mulroe <carolmulroe@gmail.com>; Thomas P Mulroe <tpmulroe@gmail.com>; Grace Neville & Jim Fuglsang <grace.neville@gmail.com>; Ken Kummer <KenKummer@comcast.net>; keith morton <mortkeith@gmail.com>; Bruce Milligan <milliganbruce@gmail.com>; Mulligan, Terry <timhawkeye@gmail.com>; Mike Mazurczak <MMAZU@aol.com>; RANDY JONES <rjones4309@comcast.net>; Charles Biesanz <cbiesanz@gmail.com>; Mike Hoggatt <mike.hoggatt43@gmail.com>
Subject: Re: Editorial in the Baltimore Sun

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Rich,

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Understand that someone wrote that article. Whoever the author was, they decided to attribute it to the Baltimore Sun and Ian Duncan. If the content was so great and insightful, why didn't the author use his own name?

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"They don't understand that white people aren't out to get black people; they are just exhausted with them."

That's intended to divide us and our country and yes, I think that statement is garbage.

Jeff

On Sun, Jun 21, 2020 at 3:01 PM Richard Neville <judgeneville@gmail.com> wrote:

if you disagree with the content ---is that why you call it 'questionable

I know there are articles written by unknowns from all types of people and all types of labels like liberals/conservatives

but I wouldn't care about a newspaper for substance or for truth or justice

it is just a piece to have a discussion about-----since you say questionable you must find something in the words and thoughts

that offends you or you find troubling---

that is what we should be discussing to see if we are all actually thinking the same thing

but we avoid confrontation ---as we should mostly----but certainly can have a discussion about facts and truth

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EXHIBIT H

From: paul.eniscope
To: Svetlana Eisenberg
Cc: Richard Neville
Subject: Re: Editorial in the Baltimore Sun
Date: Wednesday, June 24, 2020 9:45:30 AM

I did not send anything to you and have no idea who you are... but it seems to me that the real question to ask is whether the facts stated are or are not true regardless of how you may personally feel about the question presented .

I don't actually know the answer but I'm told by a 'fact checker' that they are true. So, ? If the facts stated are true ... then what should be abhorrent to you is the fact that you are not willing to consider the merits of the question presented and prefer to attack the messenger instead.

If, ..just if the facts presented are correct then fair minded people should be permitted to consider them and make a considered judgment regardless of whether they were a highly regarded judge in their past life .

Sent from my iPad

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<image001.png>

BREWER

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and all types of labels like liberals/conservatives
but I wouldn't care about a newspaper for substance or for truth or
justice
it is just a piece to have a discussion about-----since you say
questionable you must find something in the words and thoughts
that offends you or you find troubling---
that is what we should be discussing to see if we are all actually
thinking the same thing
but we avoid confrontation ---as we should mostly----but certainly can
have a discussion about facts and truth

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Subject: Re: RE: Editorial in the Baltimore Sun
Date: Tuesday, June 23, 2020 1:49:51 AM
Attachments: image001.png

The first day of debate class you learn to attack the argument not the opponent . Don't bully people who's view differ from yours. Rich Neville's character is beyond reproach. By the way I'm an ex attorney from Chicago leaving here because the cultural differences no longer allow me to protect my family. I'm sorry about your loss . I'll keep you in my prayers .

Sent from myMail for iOS

Monday, June 22, 2020, 5:10 PM -0500 from sme@brewerattorneys.com
<sme@brewerattorneys.com>:

I have no idea why Judge Neville included me in this highly offensive and disturbing email chain. I would have written yesterday had I not been tending to the loss of a family member.

Having been included in these communications I am obliged to state that they reflect views which are abhorrent, indecent and at odds with core values of mine and my firm. It is shocking that anyone—let alone a former member of the judiciary—would disseminate this material or invite others to consider it as containing “facts” warranting consideration and debate. I hope that other recipients of this distasteful email are as disturbed by these communications as me.

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849

sme@brewerattorneys.com | www.brewerattorneys.com



BREWER

This communication (including any attachments) is intended for the sole use of the intended

recipient, and may contain material that is confidential, privileged, attorney work product, and/or subject to privacy laws. If you are not the intended recipient, you are hereby kindly notified that any use, disclosure, or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please delete this communication, including any copies or printouts, and notify us immediately by return email or at the telephone number above. Brewer, Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

From: John Galarnyk <john@galarnyklltd.com>
Sent: Sunday, June 21, 2020 7:23 PM
To: Jeffrey Guttenberger <JGutten60@gmail.com>
Cc: Richard Neville <judgeneville@gmail.com>; Paul & Ali Episcopo <pbepiscopo@yahoo.com>; Joe & Nancy Ebner <joeebner@sbcglobal.net>; Tony Esposito <tony_esposito34@icloud.com>; david edwards <davidjedwards@att.net>; Svetlana Eisenberg <sme@brewerattorneys.com>; bill kunkle <w.kunkle@sbcglobal.net>; Wayne Andersen <wra1991@aol.com>; Linklater, William J <wjl@bakermckenzie.com>; Tom Waterman <waddy11@aol.com>; Steve Swigart <sswigart@spartanchemical.com>; connie xinos <xinoslltd@aol.com>; Patrick Arbor <patarbor@me.com>; George Santo Pietro <gsp12@me.com>; Grimm, Terry M. <tgrimm@winston.com>; Roger & Gail Quagliano <RWQuagliano@msn.com>; Anthony & Dee Graffia <tgraffiasr@imperoelectronics.com>; John Giampoli <Giampoli@jigllc.net>; Robert Heyne <RHeyne53@gmail.com>; Don Hesch <donheschah@aol.com>; Jim & Rhonda Bodman <jimbo@viennabeef.com>; Chris Neville <cneville@wireismusic.com>; Rhonda & Chris Neville <rooneville@gmail.com>; jim novy <JNovy@rfclaw.com>; Jenny Novy <jennynovy@comcast.net>; Ron & Terry Neville <silver-ii@att.net>; Art & Mary Neville <artneville3@gmail.com>; Carol Mulroe <carolmulroe@gmail.com>; Thomas P Mulroe <tpmulroe@gmail.com>; Grace Neville & Jim Fuglsang <grace.neville@gmail.com>; Ken Kummer <KenKummer@comcast.net>; keith morton <mortkeith@gmail.com>; Bruce Milligan <milliganbruce@gmail.com>; Mulligan, Terry <tjmhawkeye@gmail.com>; Mike Mazurczak <MMAZU@aol.com>; RANDY JONES <rjones4309@comcast.net>; Charles Biesanz <cbiesanz@gmail.com>; Mike Hoggatt <mike.hoggatt43@gmail.com>
Subject: Re: Editorial in the Baltimore Sun

I will print the piece and look forward to our discussion. From my multiple prior comments, you should know in advance that I am vehemently against pieces that are designed to divide us. These pieces do not educate or enlighten us.

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JG

Sent from my iPhone

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That's intended to divide us and our country and yes, I think that statement is garbage.

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but I wouldn't care about a newspaper for substance or for truth or justice

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must find something in the words and thoughts

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that is what we should be discussing to see if we are all actually thinking the same thing

but we avoid confrontation ---as we should mostly----but certainly can have a discussion about facts and truth

Hon. Richard Neville (Ret.)

JAMS

312 655 0555

312 396 0909 home office

312 315 4388 mobile phone

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JAMS

312 655 0555

312 396 0909 home office

312 315 4388 mobile phone

----- Forwarded message -----

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Date: Fri, Jun 19, 2020 at 5:47 PM
Subject: Editorial in the Baltimore Sun
To: <mmazu@aol.com>

"The Baltimore Sun" is definitely not known as a Conservative newspaper, so this very well written assessment of the situation in USA comes as something of a surprise..

The Black Dilemma

"For almost 150 years the United States has been conducting an interesting experiment. The subjects of the experiment: black people and working-class whites.

The hypothesis to be tested: Can a people taken from the jungles of Africa and forced into slavery be fully integrated as citizens in a majority white population?

The whites were descendants of Europeans who had created a majestic civilization. The former slaves had been tribal peoples with no written language and virtually no intellectual achievements. Acting on a policy that was not fair to either group, the government released newly freed black people into a white society that saw them as inferiors. America has struggled with racial discord ever since.

Decade after decade the problems persisted but the experimenters never gave up. They insisted that if they could find the right formula the experiment would work, and concocted program after program to get the result they wanted. They created the Freedman's Bureau, passed civil rights laws, tried to build the Great Society, declared War on Poverty, ordered race preferences, built housing projects, and tried midnight basketball. Their new laws intruded into people's lives in ways that would have been otherwise unthinkable.

They called in National Guard troops to enforce school integration. They outlawed freedom of association. Over the protests of parents, they put white children on buses and sent them to black schools and vice-versa. They tried with money, special programs, relaxed standards, and endless hand wringing to close the achievement gap. To keep white backlash in check they began punishing public and even private statements on race. They hung up Orwellian public banners that commanded whites to Celebrate Diversity! and Say No to Racism. Nothing was off limits if it might salvage the experiment.

Some thought that what W.E.B. DuBois called the Talented Tenth would lead the way for black people. A group of elite, educated blacks would knock down doors of opportunity and show the world what blacks were capable of.

There is a Talented Tenth. They are the black Americans who have become entrepreneurs, lawyers, doctors and scientists. But ten percent is not enough. For the experiment to work, the ten percent has to be followed by a critical mass of people who can hold middle-class jobs and promote social stability. That is what is missing.

Through the years, too many black people continue to show an inability to function and prosper in a culture unsuited to them. Detroit is bankrupt, the south side of Chicago is a war zone, and the vast majority of black cities all over America are beset by degeneracy and violence. And blacks never take responsibility for their failures. Instead, they lash out in anger and resentment.

Across the generations and across the country, as we have seen in Detroit, Watts, Newark, Los Angeles, Cincinnati, and Ferguson, rioting and looting are just one racial incident away. The white elite would tell us that this doesn't mean the experiment has failed. We just have to try harder. We need more money, more time, more understanding, more programs, and more opportunities.

But nothing changes no matter how much money is spent, no matter how many laws are passed, no matter how many black geniuses are portrayed on TV, and no matter who is president. Some argue its a problem of culture, as if culture creates people's behavior instead of the other way around. Others blame white privilege.

But since 1965, when the elites opened Americas doors to the Third World, immigrants from Asia and India people who are not white, not rich, and not connected have quietly succeeded. While the children of these people are winning spelling bees and getting top scores on the SAT, black youths are committing half the country's violent crime, which includes viciously punching random white people on the street for the thrill of it that has nothing to do with poverty.

The experiment has failed. Not because of white culture, or white privilege, or white racism. The fundamental problem is that American black culture has evolved into an un-fixable and crime ridden mess. They do not want to change their culture or society, and expect others to tolerate their violence and amoral behavior. They have become socially incompatible with other races by their own design, not because of the racism of others - but by their own hatred of non-blacks.

Our leaders don't seem to understand just how tired their white subjects are with this experiment. They don't understand that white people aren't out to get black people; they are just exhausted with them. They are exhausted by the social pathologies, the violence, the endless complaints, and the blind racial solidarity, the bottomless pit of grievances, the excuses, and the reflexive animosity. The elites explain everything with racism, and refuse to believe that white frustration could soon reach the boiling point."

Ian Duncan

The Baltimore Sun

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EXHIBIT J

Voicemail from Judge Neville to Svetlana Eisenberg – Monday, June 22, 2020 – 6:17 PM

Svetlana Eisenberg. I am so embarrassed that uh somehow you ended up on uh that email string with a bunch of guys that uh I play golf with from all over the country actually and uh we have some fun with that. I don't disagree with you. You should be able to see this from my, from my statements. The uhm, I don't know what to say other than I apologize and I obviously made a mistake. When I returned uh somebody's email to me uhm I can understand why you think it's highly offensive and a disturbing email chain. Uhm, and I'm so sorry that your tending to the loss of a family member. I apologize for causing you any kind of grief regarding this. I would love to talk to you directly and to apologize directly. Uhm, I'm gonna call you cell number and uh hopefully I'll get a hold of you and I hope that I'm not interfering with uh any uh type of uh uh anything to do with a family member that's deceased. Anyways Svetlana, I uhm uh all I can say is I'm sorry. But I will call you directly.

Voicemail from Judge Neville to Svetlana Eisenberg – Monday, June 22, 2020 – 6:21 PM

Svetlana Eisenberg. Richard Neville. Uh I just got your email and uhm I apologize for sending this to you. Obviously, it was never meant uh for you to be on this email. I don't even know how that happened I must've been sleeping uh or sloppy when uh when it occurred. So first of all let me just say uh it was uh a mistake. Second of all let me say. This list of people are uh people I play golf with and uh some of them I've known for 50 years and uh we send this kind of stuff uh regarding what's going on in the USA, uh around to ourselves. And uh we don't have, not everybody agrees, and we have fights about it and people discuss it and talk about how terrible it is. But uh we try to hold ourselves out uh to uh uhm . . . to be able to communicate with each other about what has been going on. This obviously was a published source that everyone was fighting about where did it come from. In any event let me say uh this does not reflect on all of the things that I believe. It does reflect on the issues that uh people are fighting about now about uh culture and what's happening with the culture in various parts of uh the United States. I'm just going to end this call because I know you have a family member who is uh apparently uh passed away and I'm sorry for that. I'm uh happy to talk to you anytime about this uh certainly uh you can see by the rest of the list I (chuckle) must've been late at night and I wasn't thinking or just missed the missed the the the part of the- my keyboard. So, sorry very much. Uh I hope you don't find that uh my ability to talk with uh old friends and buddies and you can see mostly women- mostly men, I think maybe all. We don't intend to uh bring in uh other people uh to cause them any kind of grief or even to ask them what they think. This is uh 50 years of uh communications with uh most of these people. Uhm, sorry about the problems and uhm maybe we'll talk later this week uh. Bye.

EXHIBIT K

From: Richard Neville
To: Svetlana Eisenberg
Subject: Re: Editorial in the Baltimore Sun
Date: Monday, June 22, 2020 6:29:54 PM
Attachments: image01.png

Ms Eisenberg,
Sorry about a family member that has passed away
Also I'm sorry that you were copied on that email, which was sent to many long time friends from all walks of life and sports and during these tumultuous times in our country have a place for us to discuss culture issues and sometimes politics and still remain friends and remain on email chains
I should be more careful---sometimes a long list which I send individually---not as a group (which I think I'll have to do from now on so as not to make this mistake again). I appreciate your sensitivity about these topics and certainly apologize for adding you to a group of people you don't know or want to know what they are thinking about.

Hope we get to talk soon, so I can apologize personally to you
Richard Neville
Hon. Richard Neville (Ret.)
JAMS
312 655 0555
312 396 0909 home office
312 315 4388 mobile phone

On Mon, Jun 22, 2020 at 6:10 PM Svetlana Eisenberg <sme@brewerattorneys.com> wrote:

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From: John Galarnyk <john@galarnyklltd.com>

Sent: Sunday, June 21, 2020 7:23 PM

To: Jeffrey Guttenberger <JGutten60@gmail.com>

Cc: Richard Neville <judgeneville@gmail.com>; Paul & Ali Episcopo <phepiscopo@yahoo.com>; Joe & Nancy Ebner <joeebner@sbcglobal.net>; Tony Esposito <tony_esposito34@icloud.com>; david edwards <davidjedwards@att.net>; Svetlana Eisenberg <sme@brewerattorneys.com>; bill kunkle <w.kunkle@sbcglobal.net>; Wayne Andersen <wra1991@aol.com>; Linklater, William J <wjl@bakernckenzie.com>; Tom Waterman <waddy11@aol.com>; Steve Swigart <sswigart@spartanchemical.com>; connie xinos <xinoslltd@aol.com>; Patrick Arbor <patarbor@me.com>; George Santo Pietro <gsp12@me.com>; Grimm, Terry M. <tgrimm@winston.com>; Roger & Gail Quagliano <RWQuagliano@msn.com>; Anthony & Dee Graffia <tgraffiasr@imperoelectronics.com>; John Giampoli <Giampoli@ijgllc.net>; Robert Heyne <RHeyne53@gmail.com>; Don Hesch <donheschah@aol.com>; Jim & Rhonda Bodman <jimbo@viennabeef.com>; Chris Neville <cneville@wireismusic.com>; Rhonda & Chris Neville <rooneville@gmail.com>; jim novy <JNovy@rfclaw.com>; Jenny Novy <jennynovy@comcast.net>; Ron & Terry Neville <silver-ii@att.net>; Art & Mary Neville <artneville3@gmail.com>; Carol Mulroe <carolmulroe@gmail.com>; Thomas P Mulroe <tpmulroe@gmail.com>; Grace Neville & Jim Fuglsang <grace.neville@gmail.com>; Ken Kummer <KenKummer@comcast.net>; keith morton <morikeith@gmail.com>; Bruce Milligan <milliganbruce@gmail.com>; Mulligan, Terry <timhawkeye@gmail.com>; Mike Mazurczak <MMAZU@aol.com>; RANDY JONES <rjones4309@comcast.net>; Charles Biesanz <cbiesanz@gmail.com>; Mike Hoggatt <mike.hoggatt43@gmail.com>

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experiment. The subjects of the experiment: black people and working-class whites.

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The whites were descendants of Europeans who had created a majestic civilization. The former slaves had been tribal peoples with no written language and virtually no intellectual achievements. Acting on a policy that was not fair to either group, the government released newly freed black people into a white society that saw them as inferiors. America has struggled with racial discord ever since.

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Ian Duncan

The Baltimore Sun

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EXHIBIT L

From: Svetlana Eisenberg
To: herickson@coradr.org; Richard Neville
Cc: SNevis@iamsadr.com; Buchanan, Tom; Saxon, Matthew; William Brewer; David Giroux
Subject: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Monday, June 22, 2020 6:12:45 PM
Attachments: image001.png
2020-06-22 Letter re Hon. Richard Neville, [REDACTED]

Dear Ms. Erickson and Judge Neville,

On behalf of the National Rifle Association, please see attached letter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
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ATTORNEYS & COUNSELORS

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B R E W E R
ATTORNEYS & COUNSELORS

June 22, 2020

VIA EMAIL

International Institute for Conflict Prevention & Resolution, Inc.
30 East 33rd St.
6th Floor
New York, NY 10016
c/o Helena Tavares Erickson
Corporate Secretary

Hon. Richard Neville
Arbitrator
JAMS
71 S. Wacker Drive
Suite 2400
Chicago, IL 60606

Re: Hon. Richard Neville // [REDACTED] v. [REDACTED]
JAMS No. 1340018083

Dear Ms. Erickson:

On behalf of the National Rifle Association of America (the “NRA”), pursuant to Rules 7.6 and 7.10 of the 2018 CPR Non-Administered Arbitration Rules (the “Rules”), we request that Richard Neville be immediately removed as the sole arbitrator in the above-referenced matter, and that a new arbitrator be appointed so that the parties’ claims and defenses can timely be adjudicated. Although the NRA agreed to the appointment of Judge Neville as a neutral in this case (believing him to be a fair and impartial jurist), the NRA is compelled to revise its opinion, and resort to this extraordinary step, after Judge Neville repeatedly circulated and urged thoughtful consideration of a racist, hate-filled polemic aimed at African Americans. Undersigned counsel was an inexplicable recipient of these communications this past weekend.

Specifically, on June 20, 2020, at 4:52 PM, Judge Neville forwarded¹ to several dozen people—a group appearing to consist primarily of friends and family, but also including NRA counsel in this case—a racist “article” titled “The Black Dilemma.” Complaining that black Americans were “taken from the jungles of Africa,” have “no intellectual achievements,” and are capable only of “degeneracy and violence,” the “article” blames sinister, unnamed “elites” for

¹ Exhibit A.

B R E W E R

International Institute for Conflict Prevention & Resolution, Inc.

June 22, 2020

Page 2

importing tribal, Third World elements to America's shores, then ominously concludes: "white frustration could soon reach the boiling point." Although some versions of the piece bear a false byline attributing the "article" to the Baltimore Sun newspaper (including the version sent by Judge Neville), the source of the article appears to be a white supremacist website and magazine known as American Renaissance. The Southern Poverty Law Center designates American Renaissance, together with its patron organization, the New Century Foundation, as a racist hate group.²

When other recipients of Judge Neville's email questioned whether he truly intended to circulate such racist and derogatory material,³ and warned him that the text came from a "questionable" source,⁴ Judge Neville, shockingly, defended his decision to disseminate the "article" and urged the recipients to focus on the substance of it—endorsing the consideration and advancement of this racist, hate-filled polemic.⁵ **Disturbingly, Judge Neville ventured that, "we should be discussing to see if we are all actually thinking the same thing but we avoid confrontation . . . but certainly can have a discussion about facts and truth."**⁶

The NRA does not believe the facts or truth of this case—or any case—can be properly adjudicated by an arbitrator who views black Americans as immutably inferior and wishes for the expulsion of people of color from U.S. soil.

Should Judge Neville refuse to resign, the NRA respectfully requests that the CPR Challenge Officer or Challenge Review Committee immediately remove Judge Neville from this arbitration.

Such an outcome is mandated not only by the applicable rules but also by common sense and norms of judicial dignity.

For example, under the Code of Conduct for United States Judges, a Judge should:

- i. avoid impropriety and the appearance of impropriety in all activities,
- ii. respect and comply with the law,
- iii. act at all times in a manner that promotes public confidence in the integrity of the judiciary, and

² <https://www.splcenter.org/fighting-hate/extremist-files/group/american-renaissance>

³ Exhibit B (from John Galarnyk: "Richard: Did you really share this piece? JG").

⁴ Exhibit C (from Jeffrey Gутtenberger: "This was not published by the Baltimore Sun. Source is unknown but probably written by a questionable source.").

⁵ Exhibit C.

⁶ Exhibit C.

International Institute for Conflict Prevention & Resolution, Inc.

June 22, 2020

Page 3

- iv. not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.⁷

Similarly, under CPR and JAMS ethics standards for arbitrators, “an arbitrator should endeavor to provide an evenhanded and unbiased process and to treat all parties with respect at all stages of the proceedings.” The NRA and its members—including its black members—gravely doubt that CPR and JAMS ethics standards are satisfied here.

Finally, the NRA is also concerned that the list of individuals to whom Judge Neville apparently felt comfortable sending this material includes Terry Grimm, a Chicago-based partner of Winston & Strawn, the law firm that represents ██████ in this arbitration. Although Judge Neville disclosed a prior professional relationship with the parties’ counsel at the outset of this arbitration, he certified that there was no matter that led him to believe that there was a substantial doubt as to his capacity to be impartial.⁸ It is not clear whether Mr. Grimm was sent the email in

⁷ <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges#c/>. See also Code of Conduct for United States Judges, Canon 2, Sections B and C (“A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge.”); CPR Code of Ethics for Arbitrators in Commercial Disputes, Canon I, Section A (“An arbitrator has a responsibility not only to the parties but also to the process of arbitration itself, and must observe high standards of conduct so that the integrity and fairness of the process will be preserved. Accordingly, an arbitrator should recognize a responsibility to the public, to the parties whose rights will be decided, and to all other participants in the proceeding.”); JAMS Arbitrators Ethics Guidelines (“[M]ost states have promulgated codes of ethics for judges and other public judicial officers. In some instances, these codes apply to certain activities of private judges, such as court-ordered Arbitrations.”).

In addition, in numerous cases, judges across the country have been removed or disciplined for making racist, sexist, or other inappropriate statements. See, e.g., Mississippi Com’n on Judicial Performance v. Osborne, 11 So. 3d 107 (Miss. 2009) (suspending a judge for making racist remarks); In re Fuller, 2011 S.D. 22, 798 N.W.2d 408 (S.D. 2011) (upholding indefinite supervised probation and unpaid suspension of a judge for making racist and sexist jokes); In re Mulroy, 731 N.E.2d 120 (N.Y. 2000) (upholding the removal of a judge for racist remarks made in private because the remarks “manifested an impermissible bias [and] threatened public confidence in the judiciary”); In re Judicial Misconduct, 751 F.3d 611 (U.S. Jud. Conf. 2014) (censuring a judge for, among other misconduct, “race-related emails that showed disdain and disrespect for African Americans and Hispanics”).

⁸ See Exhibit D (Judge Neville’s ethics disclosure in this case); see also CPR Ethics Canon II (“An arbitrator should disclose any interest or relationship likely to affect impartiality or which might create an appearance of partiality.”).

B R E W E R

International Institute for Conflict Prevention & Resolution, Inc.

June 22, 2020

Page 4

error (as we suspect we were). Although the issue may be mooted by Judge Neville's immediate removal, until such time, pursuant to CPR Rule 7.5, the NRA seeks information about Judge Neville's relationship with Mr. Grimm, including any and all communications between them in the last five years.

Sincerely,

/s/ Svetlana M. Eisenberg

William A. Brewer III

Svetlana M. Eisenberg

David A. Giroux

BREWER, ATTORNEYS & COUNSELORS

750 Lexington Avenue, 14th Floor

New York, New York 10022

Tel: (212) 489-1400

Fax: (212) 751-2849

*Attorneys for [REDACTED] National
Rifle Association of America*

cc: JAMS, 71 S. Wacker Drive, Suite 2400, Chicago, IL 60606 (c/o Sarah Nevins) (by email)

Thomas M. Buchanan, Esq., Winston & Strawn (Counsel for [REDACTED] [REDACTED]) (by email)

Matthew M. Saxon, Esq., Winston & Strawn (Counsel for [REDACTED] [REDACTED]) (by email)

EXHIBIT M

From: Richard Neville
To: Svetlana Eisenberg; Poole, Christopher; Eisner, Sheri; ljones@jamsadr.com
Cc: herickson@coradr.org; Richard Neville; S.Nevins@jamsadr.com; Buchanan, Tom; Saxon, Matthew; William Brewer; David Giroux
Subject: Re: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Monday, June 22, 2020 7:04:49 PM
Attachments: image001.png

I have sent a letter to Ms. Eisenberg apologizing for including her with a group of people I've known for years and whom I consider long time friends and who use each other as sounding boards for discussions about the tumultuous times in the world and in our daily lives in recent times. I am very sorry that somehow she was included in the number of people who are mostly attorneys and business associates. I am also forwarding this to the JAMS offices so they also are aware of the letter from Ms. Eisenberg. I apologize to all who are on this email list for my mistake including Ms. Eisenberg on that email chain. It was unintentional and I can't explain how it happened except that I obviously struck the wrong keys on my laptop and unintentionally added her name.

Hon. Richard Neville (Ret.)
JAMS
312 655 0555
312 396 0909 home office
312 315 4388 mobile phone

On Mon, Jun 22, 2020 at 6:12 PM Svetlana Eisenberg <sme@brewerattorneys.com> wrote:

Dear Ms. Erickson and Judge Neville,

On behalf of the National Rifle Association, please see attached letter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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EXHIBIT N

From: Saxon, Matthew
To: Svetlana Eisenberg; Buchanan, Tom
Cc: William Brewer; David Giroux
Subject: RE: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Tuesday, June 23, 2020 6:36:07 PM
Attachments: image004.png

Svetlana,

We agree that the parties should select a new arbitrator. In the meantime, we believe that the parties should proceed with scheduled discovery (including Friday's deposition) to avoid any unnecessary delay. Please let us know the location for Friday's deposition.

What process are you proposing to select another arbitrator?

Thanks
Matt

Matthew M. Saxon

Partner

Winston & Strawn LLP
1901 L Street, N.W.
Washington, D.C. 20036-3506

D: +1 202-282-5627

F: +1 202-282-5100

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)

**WINSTON
& STRAWN**
LLP

From: Svetlana Eisenberg <sme@brewerattorneys.com>
Sent: Monday, June 22, 2020 7:49 PM
To: Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>
Cc: William Brewer <WAB@brewerattorneys.com>; David Giroux <dag@brewerattorneys.com>
Subject: Fwd: Hon. Richard Neville // [REDACTED] v. [REDACTED]
[REDACTED]

Tom and Matt,

We trust you have reviewed the troubling messages sent by Judge Neville, promoting a toxic rant aimed at the African American community. We are appalled by his behavior and the overtly racial animus he exhibits in his communications.

Given the situation, the NRA hopes that [REDACTED] will agree with NRA that Judge Neville should immediately step down from these proceedings. We believe our clients and respective firms cannot stand idly by in the face of this conduct, or be associated with Judge Neville from this point forward. Please advise.

Regards,
Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817
Office Main: 212.489.1400
Cell: 929.319.1731
Fax: 212.751.2849
sme@brewerattorneys.com www.brewerattorneys.com

From: Svetlana Eisenberg <sme@brewerattorneys.com>
Sent: Monday, June 22, 2020 6:12:04 PM
To: herickson@cpradr.org <herickson@cpradr.org>; Richard Neville <RNeville@JAMSADR.com>
Cc: SNevins@jamsadr.com <SNevins@jamsadr.com>; Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>; William Brewer <WAB@BrewerAttorneys.com>; David Giroux <dag@brewerattorneys.com>
Subject: Hon. Richard Neville // [REDACTED] v. [REDACTED]
[REDACTED]

Dear Ms. Erickson and Judge Neville,

On behalf of the National Rifle Association, please see attached letter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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Attorneys and Counselors asserts in respect of this communication all applicable confidentiality, privilege, and/or privacy rights to the fullest extent permitted by law. Thank you.

.....
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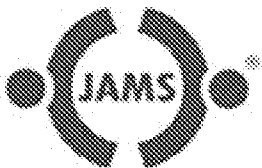
EXHIBIT O

From: Sarah Nevins
To: Svetlana Eisenberg; herickson@cpradr.org
Cc: Buchanan, Tom; Saxon, Matthew; William Brewer; David Giroux
Subject: RE: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Wednesday, June 24, 2020 10:48:32 AM
Attachments: image003.png

Dear Ms. Eisenberg,

I have received your letter and want to assure you that JAMS takes such matters very seriously. I have forwarded this matter to Senior Management for review. Please contact me or Jon Moss (jmoss@jamsadr.com) if you have any questions.

Sincerely,
Sarah



Sarah Nevins
Business Manager

JAMS - Local Solutions. Global Reach.™
150 West Jefferson | #850 | Detroit, MI 48226
P: 313.209.8851 | F: 313.872.1101
www.jamsadr.com

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Out the [JAMS Videoconferencing Page](#) to Get
Started

From: Svetlana Eisenberg <sme@brewerattorneys.com>
Sent: Monday, June 22, 2020 6:12 PM
To: herickson@cpradr.org; Richard Neville <RNeville@JAMSADR.com>
Cc: Sarah Nevins <snevins@jamsadr.com>; Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>; William Brewer <WAB@brewerattorneys.com>; David Giroux <dag@brewerattorneys.com>
Subject: Hon. Richard Neville // [REDACTED] v. [REDACTED]
[REDACTED]

Dear Ms. Erickson and Judge Neville,

On behalf of the National Rifle Association, please see attached letter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors

750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849

sme@brewerattorneys.com | www.brewerattorneys.com

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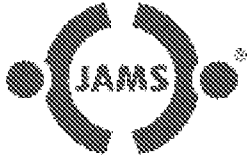
From: Christopher Poole
To: Svetlana Eisenberg; Christopher Poole
Cc: herickson@ccoradr.org; tbuchana@winston.com; msaxon@winston.com; William Brewer; David Giroux; Sheri Eisner
Subject: Letter from Chris Poole, JAMS
Date: Friday, June 26, 2020 6:28:17 PM
Attachments: image001.png
Ms Eisenberg Letter.pdf

Hello Ms. Eisenberg,

Attached please find a letter from Chris Poole.

Warm Regards,

Julie Saputo



Julie Saputo

Executive Assistant to President, CEO
and Sr. Vice President, CLOO

JAMS - Local Solutions. Global Reach.TM

18881 Von Karman Ave. | #350 | Irvine, CA 92612

P: 949-224-4624 | F: 949-224-1818

www.jamsadr.com

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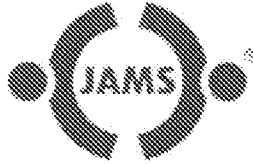
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June 26, 2020

Dear Ms. Eisenberg,

Thank you for your letter and for bringing the email to our attention. We understand that Judge Neville has now been removed as the arbitrator in this matter.

In the strongest possible terms, we regret and apologize that you had to be the recipient of such distasteful material. I can assure you that the views expressed in the writing are not endorsed or shared by JAMS as an organization and we completely denounce them. JAMS strongly condemns racism and all forms of hatred and bigotry. We have suspended Judge Neville from new appointments as an arbitrator and are reviewing his open matters while we conduct an investigation. Again, we sincerely apologize.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Poole".

Chris Poole

CC: All counsel | [REDACTED]

EXHIBIT Q

From: Michael Collins
To: Desideri, Larry
Cc: Frazer, John
Subject: [REDACTED] v. [REDACTED]
Date: Thursday, June 25, 2020 9:02:19 PM
Attachments: LETTER.pdf
image001.png
Voicemail from Judge Neville - 2020.06.22 - 6:21 pm.mda
Voicemail from Judge Neville - 2020.06.22 - 6:17am.mda

Mr. Desideri,

Please see the attached.

Regards,
Mike

Michael J. Collins | Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, Texas 75201
Office: 214.653.4875 | Fax: 214.653.1015
mjc@brewerattorneys.com | www.brewerattorneys.com

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B R E W E R
ATTORNEYS & COUNSELORS

June 25, 2020

VIA EMAIL

Lawrence R. Desideri
General Counsel
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

Re: [REDACTED] v. [REDACTED]
Relationship Between Former Arbitrator Hon. Judge Neville and Winston &
Strawn Partner Terry Grimm

Dear Mr. Desideri:

As you know, until two days ago, Judge Neville served as the arbitrator in the above-referenced matter, in which Winston & Strawn represents [REDACTED]. It recently came to our attention that Judge Neville failed to disclose to the NRA his close friendship with a senior Winston & Strawn partner, Terry Grimm. In fact, the attached recent communications confirm that Judge Neville considered Mr. Grimm to be among a group of his golf “buddies,” some of whom Judge Neville has known for fifty years.

The failure of Judge Neville to disclose this relationship prior to his being empaneled is troubling. Naturally, if the NRA had known that Judge Neville maintained a close, longstanding friendship with a Winston & Strawn partner (apparently with a trust level sufficient to permit offensive materials to be shared without risk of discovery), the NRA would not have agreed to Judge Neville’s service as an arbitrator in this case. We write to seek your cooperation in determining the extent of the relationship between Judge Neville and Mr. Grimm. Obviously, Judge Neville’s own statements underscore his belief that his relationship with Mr. Grimm is very close. Please provide us all communications that Mr. Grimm or his family had with Judge Neville and his family within the last year.

We thank you for your attention to this important matter.

Sincerely,

/s/ Michael J. Collins

Michael J. Collins

Enclosures

cc: John Frazer

EXHIBIT R

From: Michael Collins
To: Desideri, Larry
Cc: Frazer, John
Subject: FW: [REDACTED] v. [REDACTED]
Date: Monday, June 29, 2020 10:19:08 PM
Attachments: LETTER.pdf
image001.png
Voicemail from Judge Neville - 2020.06.22 - 6:21 pm.mda
Voicemail from Judge Neville - 2020.06.22 - 6:17am.mda

Dear Mr. Desideri,

Four days ago, on June 25, 2020, on behalf of the NRA, I requested that Winston & Strawn provide copies of any communications between Mr. Grimm (or his family) and Judge Neville (or his family) within the last year. As set forth in my letter, dated June 25, 2020, this information is relevant to a determination of the extent of the relationship between Judge Neville and Mr. Grimm. As I stated previously, if the NRA had known that Judge Neville maintained a longstanding friendship with a Winston & Strawn partner, the NRA would not have agreed to the selection of Judge Neville as an arbitrator in the arbitration.

I have yet to hear from you with regard to this important matter. Please confirm if Winston & Strawn intends to respond.

Regards,
Mike

Michael J. Collins | Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, Texas 75201
Office: 214.653.4875 | Fax: 214.653.1015
mjc@brewerattorneys.com | www.brewerattorneys.com

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From: Michael Collins
Sent: Thursday, June 25, 2020 8:02 PM
To: Desideri, Larry <LDesideri@winston.com>
Cc: Frazer, John <John.Frazer@nrahq.org>
Subject: [REDACTED] v. [REDACTED]

Mr. Desideri,

Please see the attached.

Regards,

Mike

Michael J. Collins | Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, Texas 75201
Office: 214.653.4875 | Fax: 214.653.1015
mjc@brewerattorneys.com | www.brewerattorneys.com

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EXHIBIT S

From: Desideri, Larry
To: Michael Collins
Subject: FW: 6/30/20 Letter to Michael Collins
Date: Tuesday, June 30, 2020 2:57:11 PM
Attachments: 6-30-20 Ltr to M. Collins.pdf

Dear Mr. Collins,

Please see the attached.

Best regards,

Lawrence R. Desideri

Partner

General Counsel

Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-0703

D: +1 312-558-5960

F: +1 312-558-5700

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)

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& STRAWN**
LLP

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LAWRENCE R. DESIDERI
Partner
(312) 558-5960
ldesideri@winston.com

June 30, 2020

VIA EMAIL

Michael J. Collins
Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, TX 75201

Re: [REDACTED]

Dear Mr. Collins:

I am responding to your June 25, 2020 letter in which you request that we provide you with all communications that Mr. Grimm or his family had with Judge Neville or his family within the last year. We respectfully decline your request for the reason that your Partner, Ms. Eisenberg, identified in her June 22, 2020 letter to the International Institute for Conflict Prevention & Resolution, Inc. and Judge Neville requesting Judge Neville's removal as arbitrator in the case. Specifically, Ms. Eisenberg stated that:

Although Judge Neville disclosed a prior relationship with the parties' counsel at the outset of this arbitration, he certified that there was no matter that led him to believe that there was a substantial doubt as to his capacity to be impartial.

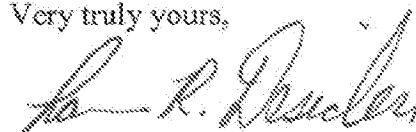
* * *

Although the issue may be mooted by Judge Neville's immediate removal, until that time, pursuant to CPR Rule 7.5, the NRA seeks information about Judge Neville's relationship with Mr. Grimm, including any and all communications between them in the last five years.

(emphasis added).

Judge Neville, in fact, has been removed. We agree with Ms. Eisenberg that this moots the issue. Accordingly, we decline your request.

Very truly yours,



Lawrence R. Desideri

LRD/dml

EXHIBIT T

From: Michael Collins
To: Desideri, Larry
Cc: Frazer, John
Subject: RE: 6/30/20 Letter to Michael Collins
Date: Wednesday, July 01, 2020 10:06:05 AM
Attachments: 2020-07-01 LETTER.pdf
Exhibit A.pdf
Exhibit B.pdf
Exhibit C.pdf
Exhibit D.mda
Exhibit E.mda
Exhibit E.pdf
image003.png

Mr. Desideri,

Please see the attached.

Regards,
Mike

Michael J. Collins | Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, Texas 75201
Office: 214.653.4875 | Fax: 214.653.1015
mjc@brewerattorneys.com | www.brewerattorneys.com

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From: Desideri, Larry <LDesideri@winston.com>
Sent: Tuesday, June 30, 2020 2:57 PM
To: Michael Collins <MJC@BrewerAttorneys.com>
Subject: FW: 6/30/20 Letter to Michael Collins

Dear Mr. Collins,

Please see the attached.

Best regards,

Lawrence R. Desideri

Partner

General Counsel

Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

O: +1 312-558-5960

F: +1 312-558-5700

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)

**WINSTON
& STRAWN**
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B R E W E R
ATTORNEYS & COUNSELORS

July 1, 2020

VIA EMAIL

Lawrence R. Desideri
General Counsel
Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

Re: [REDACTED] v. [REDACTED]
Relationship Between Former Arbitrator Hon. Judge Neville and Winston &
Strawn Partner Terry Grimm

Dear Mr. Desideri:

On behalf of the NRA, I write to follow up on my letter to you dated June 25, 2020 (Exhibit A), in which I stated:

As you know, until two days ago, Judge Neville served as the arbitrator in the above referenced matter, in which Winston & Strawn represents [REDACTED]. **It recently came to our attention that Judge Neville failed to disclose to the NRA his close friendship with a senior Winston & Strawn partner, Terry Grimm.** In fact, the attached recent communications confirm that Judge Neville considered Mr. Grimm to be among a group of his golf “buddies,” some of whom Judge Neville has known for fifty years.

The failure of Judge Neville to disclose this relationship prior to his being empaneled is troubling. **Naturally, if the NRA had known that Judge Neville maintained a close, longstanding friendship with a Winston & Strawn partner (apparently with a trust level sufficient to permit offensive materials to be shared without risk of discovery), the NRA would not have agreed to Judge Neville’s service as an arbitrator in this case.** We write to seek your cooperation in determining the extent of the relationship between Judge Neville and Mr. Grimm. Obviously, Judge Neville’s own statements underscore his belief that his relationship with Mr. Grimm is very close. Please provide us all communications that Mr. Grimm or his family had with Judge Neville and his family within the last year.

Although you responded to my letter yesterday (Exhibit B), your response—in which you quote my partner out of context—further heightens the NRA’s concerns about this situation.

B R E W E R

Lawrence R. Desideri

July 1, 2020

Page 2

First, as you know, Judge Neville failed to adequately disclose his relationship with Mr. Grimm. What Judge Neville disclosed was that Winston & Strawn lawyers had appeared before him in prior proceedings, such as mediations and arbitrations. Exhibit C, pages 1-3, 5. Nowhere did Judge Neville disclose that he has a close longstanding personal relationship with a senior partner at your firm.

Second, your attempt to rely on Ms. Eisenberg's letter is misplaced. Specifically, it was after sending the letter from which you quote that Ms. Eisenberg received multiple communications from Judge Neville (Exhibits D, E, and F) in which he provided additional information about the recipients of his email message, including Mr. Grimm. For example, Judge Neville stated that the people whom he copied on the email message were his golf "buddies," some of whom he has known for fifty years. Judge Neville also shared that "we [referring to Judge Neville and the other recipients of his email message] send this kind of stuff . . . ourselves."

In short, for the reasons set forth above, we hope that Winston & Strawn will reconsider its position and provide to the NRA the requested information.

Sincerely,

/s/ Michael J. Collins

Michael J. Collins

Enclosures

cc: John C. Frazer, Secretary and General Counsel, The National Rifle Association of America

4812-3711-7889, v. 1

EXHIBIT U

From: Svetlana Eisenberg
To: cpoole@jamsadr.com
Cc: Frazer, John; Buchanan, Tom; Saxon, Matthew; LDesideri@winston.com
Subject: Hon. Richard Neville / [REDACTED] v. [REDACTED]
Date: Wednesday, July 01, 2020 11:22:32 AM
Attachments: image001.png
Email from Judge Neville - 2020.06.22 - 629 pm.pdf
Transcription of Voicemails.pdf
Voicemail from Judge Neville - 2020.06.22 - 617 pm.m4a
Voicemail from Judge Neville - 2020.06.22 - 621 pm.m4a
2020-07-01 Letter to Christopher K. Poole JAMS.pdf

Dear Mr. Poole,

Please see attached letter and attachments.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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B R E W E R
ATTORNEYS & COUNSELORS

July 1, 2020

VIA EMAIL

Christopher K. Poole
President, Chief Executive Officer
JAMS
18881 Von Karman Avenue
Suite 350
Irvine, CA 92612

Re: Hon. Richard Neville // [REDACTED] v. [REDACTED]
JAMS No. 1340018083

Dear Mr. Poole,

On behalf of the National Rifle Association of America (the “NRA”), thank you for your letter, dated June 26, 2020.

We look forward to hearing from you regarding JAMS’ investigation and review of Judge Neville which you referenced in your letter. Although Judge Neville was removed by the parties’ agreement in this matter, we believe many of his rulings in this matter must be re-visited by the newly selected arbitrator *de novo*.

To aid JAMS’ investigation, I attach (i) two voicemail messages that Judge Neville left for me on Monday, June 22, 2020, along with transcriptions; and (ii) an email message Judge Neville sent to me on the same date. In these messages, Judge Neville identifies the other recipients of his email message, including Terry Grimm, a senior partner at Winston & Strawn (the law firm that represents [REDACTED] in this case), as his golf “buddies,” some of whom he has known for fifty years.

Of course, the NRA is troubled by the apparent close, personal relationship between Judge Neville and Terry Grimm. As alluded to in my letter dated June 22, 2020, Judge Neville disclosed to the NRA that Winston & Strawn lawyers had appeared before him in mediations and arbitrations but failed to disclose that he has a close personal relationship with a senior Winston & Strawn partner. The NRA has asked Winston & Strawn for its cooperation in determining the extent of Judge Neville’s relationship with Mr. Grimm. Specifically, we asked Winston & Strawn for copies of communications between Judge Neville (or his family) and Terry Grimm (or his family) within the last year. Unfortunately, Winston & Strawn has refused to provide such cooperation. Such lack of cooperation heightens the NRA’s concern regarding Judge Neville’s relationship with Mr. Grimm.

B R E W E R

Christopher K. Poole

July 1, 2020

Page 2

Given the above circumstances, please let us know what facts become known to JAMS regarding Judge Neville's relationship with Mr. Grimm. We appreciate your assistance on this urgent matter.

Sincerely,

/s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg

sme@brewerattorneys.com

BREWER, ATTORNEYS & COUNSELORS

750 Lexington Avenue, 14th Floor

New York, New York 10022

Telephone: (212) 489-1400

Facsimile: (212) 751-2849

COUNSEL FOR THE NATIONAL
RIFLE ASSOCIATION OF AMERICA

CC: John Frazer, Esq. (Secretary and General Counsel, The National Rifle Association of America) (by email)
Thomas Buchanan, Esq., Winston & Strawn LLP (Counsel for [REDACTED] [REDACTED]) (by email)
Matthew Saxon, Esq., Winston & Strawn LLP (Counsel for [REDACTED] [REDACTED]) (by email)
Lawrence Desideri, Esq. (General Counsel, Winston & Strawn LLP) (by email)

Enclosures

4812-5573-0881, v. 1

EXHIBIT V

From: Svetlana Eisenberg
To: cpoole@iamsadi.com
Cc: john.frazer@nrahq.org; Buchanan, Tom; Saxon, Matthew; LDosideri@winston.com
Subject: FW: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Tuesday, July 07, 2020 7:35:03 PM
Attachments: image001.png
Email from Judge Neville - 2020.06.22 - 629.am.pdf
Transcription of Voicemails.pdf
Voicemail from Judge Neville - 2020.06.22 - 617.am.m4a
Voicemail from Judge Neville - 2020.06.22 - 621.am.m4a
2020-07-01 Letter to Christopher K. Poole JAMS.pdf

Dear Mr. Poole,

I write to follow up on my letter dated July 1, 2020 (attached), regarding Judge Neville. On behalf of the NRA, we would appreciate hearing from you regarding the status of the investigation regarding Judge Neville referenced in your letter dated June 26, 2020.

As you know, the NRA is troubled by the apparent and previously undisclosed close, personal relationship between Judge Neville and a senior Winston & Strawn partner, Terry Grimm. As such, we sought JAMS' assistance regarding the relationship between them or their families.

Please let us know whether Judge Neville and Winston & Strawn are cooperating with the investigation. Despite a second request to Winston & Strawn for its cooperation in this important matter, Winston & Strawn has refused to provide to the NRA any communications between Judge Neville or his family and Mr. Grimm or his family.

Thanks very much for your attention to this matter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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From: Svetlana Eisenberg
Sent: Wednesday, July 01, 2020 11:22 AM
To: cpoole@jamsadr.com
Cc: Frazer, John <John.Frazer@nrahq.org>; Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>; LDesideri@winston.com
Subject: Hon. Richard Neville // [REDACTED] v. [REDACTED], JAMS No. 1340018083

Dear Mr. Poole,

Please see attached letter and attachments.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax: 212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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EXHIBIT W

From: Desideri, Larry
To: Michael Collins
Subject: FW: Letter to Michael J. Collins dated July 6, 2020
Date: Monday, July 06, 2020 4:02:35 PM
Attachments: 20200706145302596.pdf

Mr. Collins, please see the attached.

Lawrence R. Desideri

Partner

General Counsel

Winston & Strawn LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

D: +1 312-558-5960

F: +1 312-558-5700

[Bio](#) | [VCard](#) | [Email](#) | [winston.com](#)

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July 6, 2020

VIA EMAIL

Michael J. Collins
Partner
Brewer, Attorneys & Counselors
1717 Main Street, Suite 5900
Dallas, TX 75201

Re: [REDACTED]

Dear Mr. Collins:

I am responding to your July 1, 2020 letter in which you ask us to reconsider our position regarding the NRA's request for any communications between Judge Neville and Mr. Grimm within the last year. As I informed you in my June 30, 2020 letter to you, we agree with the view of your partner, Ms. Eisenberg, that Judge Neville's removal moots any issue here. Specifically, at the time the NRA raised the issue of Judge Neville's removal, Ms. Eisenberg also raised the issue of any relationship between Judge Neville and Mr. Grimm — and plainly observed, correctly, that any issue would be mooted by Judge Neville's removal.

The pertinent portion of Ms. Eisenberg's letter states:

Finally, the NRA is also concerned that the list of individuals to whom Judge Neville apparently felt comfortable sending this material includes Terry Grimm, a Chicago-based partner at Winston & Strawn, the law firm that represents [REDACTED] in this arbitration. Although Judge Neville disclosed a prior professional relationship with the parties' counsel at the outset of this arbitration, he certified that there was no matter that led him to believe that there was a substantial doubt as to his capacity to be impartial.

* * *

Although the issue may be mooted by Judge Neville's immediate removal, until that time, pursuant to CPR Rule 7.5, the NRA seeks information about Judge Neville's relationship with Mr. Grimm, including any and all communications between them in the last five years.

(Emphasis Added).

I disagree with the unexplained assertion in your letter that I have somehow quoted Ms. Eisenberg out of context. I have not. She plainly observed the issue would be mooted by Judge Neville's removal. We continue to believe the issue is moot.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Lawrence R. Desideri".

Lawrence R. Desideri

EXHIBIT X

From: Svetlana Eisenberg
To: cpoole@jamsadr.com
Cc: john.frazer@nrahq.org; Buchanan, Tom; Saxon, Matthew; LDesideri@winston.com
Subject: RE: Hon. Richard Neville // [REDACTED] v. [REDACTED]
Date: Friday, July 10, 2020 12:24:54 PM
Attachments: 2020-07-10 Letter to JAMS.pdf
2020-07-10 EXHIBITS to Letter to JAMS.pdf
image001.png

Dear Mr. Poole,

Please see attached.

Thank you.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner
Brewer, Attorneys & Counselors
750 Lexington Avenue, 14th Floor
New York, New York 10022
Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:
212.751.2849
sme@brewerattorneys.com | www.brewerattorneys.com

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From: Svetlana Eisenberg
Sent: Tuesday, July 07, 2020 7:35 PM
To: cpoole@jamsadr.com
Cc: john.frazer@nrahq.org; Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>; LDesideri@winston.com
Subject: FW: Hon. Richard Neville // [REDACTED] v. [REDACTED], JAMS No. 1340018083

Dear Mr. Poole,

I write to follow up on my letter dated July 1, 2020 (attached), regarding Judge Neville. On behalf of the NRA, we would appreciate hearing from you regarding the status of the investigation regarding Judge Neville referenced in your letter dated June 26, 2020.

As you know, the NRA is troubled by the apparent and previously undisclosed close, personal relationship between Judge Neville and a senior Winston & Strawn partner, Terry Grimm. As such, we sought JAMS' assistance regarding the relationship between them or their families.

Please let us know whether Judge Neville and Winston & Strawn are cooperating with the investigation. Despite a second request to Winston & Strawn for its cooperation in this important matter, Winston & Strawn has refused to provide to the NRA any communications between Judge Neville or his family and Mr. Grimm or his family.

Thanks very much for your attention to this matter.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors

750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax:

212.751.2849

sme@brewerattorneys.com | www.brewerattorneys.com

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From: Svetlana Eisenberg

Sent: Wednesday, July 01, 2020 11:22 AM

To: cpoole@jamsadr.com

Cc: Frazer, John <John.Frazer@nrahq.org>; Buchanan, Tom <TBuchana@winston.com>; Saxon, Matthew <MSaxon@winston.com>; LDesideri@winston.com

Subject: Hon. Richard Neville // [REDACTED] v. [REDACTED], JAMS No. 1340018083

Dear Mr. Poole,

Please see attached letter and attachments.

Regards,

Svetlana

Svetlana M. Eisenberg | Partner

Brewer, Attorneys & Counselors

750 Lexington Avenue, 14th Floor

New York, New York 10022

Office Direct: 212.224.8817 | Office Main: 212.489.1400 | Cell: 929.319.1731 | Fax: 212.751.2849

sme@brewerattorneys.com | www.brewerattorneys.com

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B R E W E R
ATTORNEYS & COUNSELORS

July 10, 2020

VIA EMAIL

Christopher K. Poole
President, Chief Executive Officer
JAMS
18881 Von Karman Avenue
Suite 350
Irvine, CA 92612

Re: Hon. Richard Neville // [REDACTED] v. [REDACTED],
JAMS No. 1340018083

Dear Mr. Poole,

I write to follow up on the letter and email message I sent to JAMS on behalf of the National Rifle Association of America (the “NRA”), dated July 1, 2020, and July 7, 2020, respectively (Exhibits A and B). As noted in that correspondence, the NRA is deeply troubled by: (i) the substance of the disturbing article that Judge Neville circulated by email on June 20, 2020, to a number of recipients, including Terry Grimm, a senior partner at the firm that represents [REDACTED] in this matter (Exhibit C); and (ii) the apparent and previously undisclosed personal relationship between Judge Neville and Mr. Grimm.

On June 26, 2020, on behalf of JAMS, you wrote recognizing the inappropriate nature of Judge Neville’s conduct, and advising that JAMS was conducting an investigation. (Exhibit D.)

So that the NRA may understand the breadth of the relationship between Judge Neville and Mr. Grimm, we wrote twice to opposing counsel asking them for copies of communications between Judge Neville and his family and Mr. Grimm and his family. Unfortunately, Winston & Strawn has made clear that it is not going to share the requested communications. As I noted in my correspondence to JAMS previously, the NRA believes that JAMS must obtain such communications and share them with the NRA. Please let us know if there is any information you can share with us or if the NRA can be of any assistance.

B R E W E R

Christopher K. Poole

July 10, 2020

Page 2

Please let us know JAMS' position on these important issues by the close of business on Monday, July 13, 2020.

Sincerely,

/s/ Svetlana M. Eisenberg

Svetlana M. Eisenberg

sme@brewerattorneys.com

BREWER, ATTORNEYS & COUNSELORS

750 Lexington Avenue, 14th Floor

New York, New York 10022

Telephone: (212) 489-1400

Facsimile: (212) 751-2849

Counsel for The National

Rifle Association of America

CC: John Frazer, Esq. (Secretary and General Counsel, The National Rifle Association of America) (by email)
Thomas Buchanan, Esq., Winston & Strawn LLP (Counsel for [REDACTED] [REDACTED]) (by email)
Matthew Saxon, Esq., Winston & Strawn LLP (Counsel for [REDACTED] [REDACTED]) (by email)
Lawrence Desideri, Esq. (General Counsel, Winston & Strawn LLP) (by email)

Enclosures

EXHIBIT Y



July 13, 2020

Dear Ms. Eisenberg,

Thank you for your patience while we requested information from Richard Neville pursuant to your request. Judge Neville provided the following information regarding his relationship with Mr. Grimm:

“Mr. Grimm tried a case, where I was the Judge, sometime in the Spring of 1999. After that I retired as a Judge to join JAMS in 2000. Sometime after that I played golf with Mr. Grimm at his invitation and I also invited him to play at my Golf Course. Probably we played 10 times together over the next 17 or 18 years. When his wife became ill and unable to socialize I did not have contact with him. When his wife passed away I attended a Memorial with many other people. After that I had one golf game with him at his course sometime in the summer or 2019. I didn't have personal contact with him again. I was traveling with my wife overseas and spending time in Florida where we stayed because of the Corona 19 issues until last week. I never had any contact with Mr. Grimm re: [REDACTED] arbitration as I never talk to anyone about my JAMS Mediations or Arbitrations as they are all confidential.”

Again, we apologize that you had to be the recipient of such distasteful material. The views expressed in the writing are not endorsed or shared by JAMS as an organization. JAMS strongly condemns racism and all forms of hatred and bigotry. Our investigation concerning Judge Neville's email communication is ongoing. However, the matter is a confidential internal review and cannot be shared with the parties to the arbitration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Poole".

Chris Poole

CC: All counsel in the arbitration