

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE**

Lisa Sykes, et al.,

Plaintiffs,

vs.

Bayer Corporation, et al.

Defendants.

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1:08-MC-13-JM

3-07 CV 660

Eastern District of Virginia

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO EXPAND TIME TO RESPOND TO ORDER TO SHOW CAUSE**

By order entered April 21, 2008, the Court ordered Clifford Shoemaker of Vienna, Virginia, to show cause why he should not be subject to sanction under Rule 11 of the Federal Rules of Civil Procedure for serving a subpoena upon Kathleen Seidel. The Court indicated two areas of concern: the issuance of a Subpoena from a Court other than the District of New Hampshire, and whether the Subpoena was oppressive and issued for an improper purpose.

Mr. Shoemaker is a member of a two-person firm and has been either engaged in hearings since he received this Order to Show Cause, or has been scheduled to take depositions in this case in various cities around the United States. Therefore, he asked John F. McHugh, a friend who practices in New York City, to represent him with regard to this Order, *pro bono*.

Mr. McHugh was first contacted on this matter late on Wednesday, April 23, 2008. He found counsel in New Hampshire willing to assist on Monday, April 28, 2008.

The action in the Eastern District of Virginia involves an injury to Wesley Sykes, a child and the son of Rev. Lisa Sykes and Seth Sykes. The claim was initially filed in the

United States Court of Federal Claims, as required by law. It was then withdrawn from that Court, as allowed by law, and filed in Pennsylvania in 2006. The Eastern District of Pennsylvania transferred the case to the Eastern District of Virginia.

Kathleen Seidel has subjected the Plaintiff and her witnesses to a course of harassment since this case was filed in the Eastern District of Pennsylvania. Most recently, there is some indication that Ms. Seidel is receiving direct or indirect support in her harassment efforts from the Defendant in this action. Due to that suspicion, based upon her ready access to all filings made in this matter to date, and then to some documents which were not filed, there is an indication of improper activity by the Defendant. As the result of these suspicions, this Subpoena was issued. Harassment designed to keep any person from access to the judiciary or to punish them for seeking such access is a violation of 42 U.S.C. §§ 1985 and 1986.

However, to properly prepare to respond to this Order to Show Cause, the attorneys for Mr. Shoemaker, who are both new to this matter and Ms. Seidel, must familiarize themselves with the witnesses herein, with their statements as to what Ms. Seidel had done to them, and then review numerous entries on Ms Seidel's website to set forth for the Court the evidence supporting the Plaintiff's belief that this Subpoena was justified and sought materials relevant to this case. That cannot be done before May 1, 2008, due to the volume of material to be reviewed and due to the press of other business.

WHEREFORE, Clifford Shoemaker, by his attorneys, respectfully requests that the time within which to respond to the Order to Show Cause be extended through May 15, 2008.

Respectfully submitted,
Clifford Shoemaker

Dated: May 5, 2008

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Dated: May 5, 2008

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