
From: DAVID SCHOEN <[REDACTED]>
Sent: Friday, March 22, 2019 12:16 PM
To: J
Subject: Re: Follow up

Eve= more important would be proof of travel schedule - proof not physically th=re during time period - 9/2001 and weekly as alleged.

Only real threat criminally is rape even though b=sed on 100% false facts. SOL as opposed to 5 year SOL and obviously m=st inflammatory along with 14-15 year old age claim. Easy to make a f=lse claim.

On Mar 22, 2019, at 8:10 AM, J <jeevacation@gmail.com> wrote:

house=descriptions as you rightly point out are highly inaccurate , mostl= fabrications . new law in new york revives statutes . i= circumstances separate from prostitution . tricky
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On=Fri, Mar 22, 2019 at 1:07 PM DAVID SCHOEN <[REDACTED]>
wrote:

I would like to get a sense of your lawyers' plan. I sup=ose one school of thought is to ignore it but I believe the guy has put too=much work into it and sees dollar signs too much to just go away if you ign=re it. Again the only real danger is the criminal charge and the poss=bility of a prosecutor who prefers headlines and trophies to research and i=vestigation.

Another respo=se would be for AD to respond by letting him know in no uncertain terms tha= this is a fully fabricated claim. He can lay out that you have admit=ed to many things when there was any basis in fact to them; but this has no=basis in fact. That this matter was raised years ago by guy in FL and=he was told it is a false claim. Again, I doubt this would have any i=pact in the guy. It is possible he has been duped and he should take t=e ethical implications of what he is doing seriously - not just unethically=threatening or filing criminal complaint on false claim - but pursuing a ca=e he has been told unequivocally is 100% false. You would not want hi= to be able to say down the road he believed it, but gave you chance to res=ond before filing and you declined and so he did his due diligence.

Another view would be to try to pr=empt him by AD reporting the extortion effort to the bar and even to the NY=DA. Not necessarily going to get a sympathetic ear and might turn the= on to something they otherwise would not know about the lawyer is bluffing= But i tend to doubt he is bluffing. It costs him nothing to file the=criminal complaint (especially if he doesn't believe there will eth=cal consequences or even money damages for civil action against him and her=; but who knows. I don't play poker or Russian roulette.

Another course would be to resp=nd and have a lawyer want to hear him out, etc. to give you more time to in=estigate and/or to get him deeper into extortion and professional/ethical v=olations (e.g. he fully commits to you pay him he doesn't file crim=nal charges; you don't and he does). Less risk in reporting h=m then as it would be tough for the DA to take the case knowing the extorti=g lawyer will be a primary witness at any criminal case.

The most important thing to me is a strategy that eliminates (or dramatically minimizes) a criminal case. That is a game changer. You cannot live your whole life in fear of some crook filing a false criminal complaint on fabricated 20 year old facts; but you need a solid plan on how to deal with such a development when, as now, it arises.

If AD meets with the guy he must be armed for bear in terms of showing the guy this is a completely fabricated claim, on the chance the guy has been duped. If the guy is a crook then he is not going away.

If you knew you could show some facts claimed are impossible then leverage shifts dramatically (and I am not sure I would disclose that in specific terms at this point). By this I mean not in NY in September 2001, house did not look then as described, not in NY for all the regular meetings she claims, etc.

On Mar 22, 2019, at 7:44 AM, J <jeevacation@gmail.com> wrote:

all fabrications from publicly filed cases. no more. he came and made a proposition 500k we said statute of limits. and no evidence he never came back and then this lawyer took it on

On Fri, Mar 22, 2019 at 3:31 AM <[REDACTED]> wrote:

Rule 3.4(e) of the NY Rules of Professional Conduct prohibits a lawyer from threatening to bring criminal charges solely to gain advantage in a civil case and in fact making such a threat might constitute extortion.

The rule is limited obviously by the "solely" language. It is intent that matters and that is difficult to discern and prove. If for example a lawyer threatens to turn someone in for tax fraud unless he gets satisfaction in some non tax related case it is easy.

However, under the disciplinary rules that were the predecessor to these and which in this point had similar language, there is an interesting formal opinion that says when the lawyer threatens criminal charges but offers implicitly or expressly to refrain from doing so if you pay her money, there is a presumption that the rule is violated and that the threat or filing of criminal charges was not based on an honest belief of crime or an intent to seek justice. He seems to have done just that.

The real danger you face is the filing of these charges in NY in this environment and with all the bad press especially recently. He knows that and he knows there is no statute of limitations.

What is your theory in where he/she got the details (from the FL lawyer?)? How did she come to the FL lawyer originally? Why didn't she do something then?

Are his details accurate in the layout from 2001? Were you in NY all the time then? How about specifically in September 2001?

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Might be worth putting a good investigator on this quickly. I don't want to undercut any legal advice you might be getting.

Would a charge here violate any outstanding obligation in FL? Are you still on paper there? It would be bizarre if a problem there from alleged 2001 conduct.

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