

July 25, 2014

Thomas Joseph Petters
Reg. No. 14170-041
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000

U.S. CERTIFIED MAIL NO.
7012-3460-0001-8774-3304

JOHN KONECK, President
Fredrikson & Byron, P.A.
Suite 4000
200 South 6th Street
Minneapolis, Minnesota 55402

RE: FREDRIKSON & BYRON, P.A. "AMICUS CURIAE" BRIEF TO SUPPORT "MOTION TO DISQUALIFY JUDGE RICHARD H. KYLE, PURSUANT TO 28 U.S.C. §§ 455 et al." WITHIN U.S.A. vs. THOMAS JOSEPH PETERS.

Dear John:

We haven't spoke since my arrest on October 3, 2008, due to what you understood was a conflict of interest. As you know, I was found guilty of all charges within the twenty count indictment and sentenced to 50-years of imprisonment. Since then, I was denied relief during my direct appeal and writ of certiorari by the Supreme Court.

Attorney Steven J. Meshbesh, filed my 28 U.S.C. §2255, that did not include issues I demanded he include due to research by my jailhouse lawyer John Lambros and myself. My §2255 was denied on December 5, 2013. See, USA vs. PETERS, Criminal No. 08-364(RHK), Document 628 and Civil No. 13-1110(RHK).

On December 6, 2013, I requested my jailhouse lawyer Lambros to take over the case and raise the issue of whether Judge Kyle should of disqualified himself, an issue Lambros discovered in August 2010 and requested Attorney's Hopeman, Riensche and Engh to raise within my direct appeal, as to violations of Title 28 U.S.C. §§ 455(a) and 455(b)(5)(ii & iii). Attorney Rienche and Hopeman responded on September 17, 2010, stating the argument regarding whether Judge Kyle should of recused himself is a decent one and that if I lose my direct appeal I should raise it within my §2255, arguing counsel was ineffective for failing to move for disqualification.

Lambros filed a "MOTION TO ALTER OR AMEND JUDGMENT, PURSUANT TO RULE 59(e) OF THE FEDERAL RULES OF CIVIL PROCEDURE" and a "MOTION TO DISQUALIFY THE HONORABLE JUDGE RICHARD H. KYLE IN THIS ACTION", on or about December 28, 2013.

Judge Kyle denied both motions and they are currently in front of the Eighth Circuit for review. See, PETERS vs. U.S.A., Docket No. 14-1840, Eighth Circuit Court of Appeals.

It is my understanding that Richard H. Kyle, Jr., the son of Judge Kyle is still employed at Fredrikson & Byron, P.A., as an equity-partner and shareholder. As you may recall, your law firm represented me and my companies from on or about 1992 thru 2008. Therefore, the violations pursuant to 28 U.S.C. §§ 455 et al. in this action.

Your firm and the Honorable Judge Kyle were confronted with the same issue concerning his son Richard H. Kyle, Jr. - seven (7) months before my trial started. See, IN RE MEDTRONIC, INC. SPRINT FIDELIS LEADS PRODUCT LIABILITY LITIGATION, 601 F. Supp. 2d 1120 (D. Minn. 2009). Judge Kyle stated in his ORDER that your firm and his son's interest could not be affected and that plaintiff's argument was a:

HYPOTHETICAL HOUSE OF CARDS:

"At bottom, the argument Plaintiffs advance is little more than a hypothetical house of cards; my son could be affected if the court were to rule against Medtronic, if Medtronic then retaliated by withdrawing business from Fredrikson, if the removal of the business were to impair my son's financial interests, and if that impairment were substantial. The converse argument, which Plaintiffs also raise, is similarly conjectural: my son could be affected if the Court were to rule in favor of Medtronic, if Medtronic then rewarded Fredrikson by funneling it more business, if the additional business enhanced my son's financial interests, and if that enhancement were substantial. But, Plaintiffs are required to OFFER PROOF OF PARTIALITY, (collecting cases)."

Id. at 1124-25.

NO HYPOTHETICAL HOUSE OF CARDS EXISTS WITHIN THIS ABOVE-ENTITLED ACTION!!!

Lambros and myself only present facts that "SUBSTANTIALLY AFFECT" and/or impair your employee and son of Judge Kyle, Attorney Richard H. Kyle, Jr., and the partners of your law firm Fredrikson & Byron, P.A.:

May 30, 2012, "SETTLEMENT AGREEMENT" in the sum of \$13.5 MILLION, due to claims of legal malpractice, breach of contract, civil conspiracy, etc.

Fredrikson & Byron, P.A.'s business reputation has been substantially affected due to the comprehensive investigation that was conducted over a period of approximately four (4) months by the Susman Godfrey LLP law firm and the Freeborn & Peters, LLP law firm, that asserted legal and equitable claims against Fredrikson & Byron, P.A., for breach of duty, breach of contract, aiding and abetting breach of fiduciary duty, aiding and abetting fraud, civil conspiracy, unjust enrichment, and legal malpractice.

BAR ORDER PROVISION AGAINST ANY AND ALL CLAIMS:

The June 6, 2012, "SETTLEMENT AGREEMENT" your firm entered into with Douglas A. Kelly, document number 2264-1, page 5 of 12 states in brief that the **\$13.5 MILLION SETTLEMENT** you agreed to in representing me and my firm and the PETERS PONZI SCHEME bars any and all further lawsuits, due to legal malpractice, fraud, unjust enrichment, civil conspiracy, etc. **THIS IS NOT TRUE!**

Although a district court may properly bar claims of nonsettling defendants against settling defendants for contribution or indemnity, DENNY vs. DEUTSCHE BANK AG, 443 F.3d 253, 273 (2nd Cir. 2006), principles of due process and fundamental fairness precludes a court from barring claims of nonparties. It is well settled general rule that a person cannot be deprived of his legal rights in a proceeding to which he is not a party. MARTIN vs. WILKS, 490 U.S. 755, 772 fn. 7 and Head Note 6 (1989)(It is a violation of due process for a judgment to be binding on a litigant who was not a party or a privy and therefore has never had an opportunity to be heard). HANSBERRY vs. LEE, 311 U.S. 32, 40 (1940)("It is a principle of general application in Anglo-American jurisprudence that one is not bound by a judgment IN PERSONAM in which he is not designated as a party or to which he has not been made a party by service of process").

POTENTIAL CLASS-ACTION CLAIM AGAINST FREDRIKSON & BYRON, P.A. IN EXCESS OF \$1 BILLION IN DAMAGES - DUE TO FEBRUARY 26, 2014 RULING BY U.S. SUPREME COURT:

This current action DOES NOT bar potential claims of non-parties in this action and those parties that have entered into settlement with Douglas A. Kelly.

JailHouse Lawyer John Gregory Lambros has advised PETERS that he believes the February 26, 2014, U.S. Supreme Court ruling in CHADBOURNE & PARKE LLP vs. TROICE, et al., No. 12-79, offers an opportunity for PETERS to relieve himself of current liability of over **\$3 BILLION DOLLARS IN RESTITUTION AND FORFEITURE AGAINST HIM, WHILE ADDING ADDITIONAL SUPPORT TO THE REQUIREMENTS TO DISQUALIFY JUDGE KYLE, PURSUANT TO 28 U.S.C. §§ 455 et al. THEREFORE, A NEW TRIAL AND/OR GUILTY PLEA TO LESS THAN 50 YEARS.**

THE SUPREME COURT GAVE PONZI SCHEME VICTIMS THE RIGHT TO PURSUE CLASS-ACTION SUITS AGAINST LAW FIRMS THAT AIDED THE FRAUD:

The U.S. Supreme Court ruled in CHADBOURNE vs. PARKE LLP vs. TROICE, et al., No.

12-79 (February 26, 2014):

- a. Victims of R. Allen Stanford's \$7 billion Ponzi scheme can sue LAW FIRMS and other third parties on allegations they aided the fraud.
- b. The Court's 7-2 decision, written by Justice Stephen Breyer, said the victims' class-action lawsuits were allowed even though a 1998 federal law largely prohibited state-law class-action claims for securities fraud.
- c. The ruling gives victims a chance to recover more of their losses, ... since the holding is limited to products sometimes sold in Ponzi schemes that aren't considered securities.
- d. The ruling will permit victims of this (and similar) frauds to recover damages under state law.

CURRENT SOCIAL MEDIA BY JAILHOUSE LAWYER JOHN LAMBROS REGARDING THIS ISSUE:

www.NoPayClassifieds.com/TomPetters

www.TomPettersFacts.com

www.ThomasPetters.com

The above website addresses will lead you to the website entitled:

**THOMAS JOSEPH PETTERS REQUESTS NO-NONSENSE JAILHOUSE LAWYER
JOHN GREGORY LAMBROS TO REPRESENT HIM AFTER SPENDING OVER
\$4 MILLION ON ATTORNEY'S THAT LEAVE HIM WITH 50-YEAR SENTENCE!**

that offers an overview of my case by JailHouse Lawyer Lambros. Lambros stated in an interview that "my job is to provide transparency and lift the veil on how the United States government and Petters lawyers applied federal law in Tom Petters trial, conviction, direct appeal and most recently his 'Motion to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody', pursuant to 28 U.S.C. §2255, that was denied on December 5, 2013."

The above website is short and to the point, offering background, who is Tom Petters, the PCI fraud, PCI 'PROMISSORY NOTES' - Securities Fraud, Securities and Exchange Commission, accountants and attorney's monitored each PCI 'promissory note', and copies of motions JailHouse Lawyer John Gregory Lambros has filed since saddling-up on December 6, 2013. Also included is a brief overview of "WHO IS JOHN GREGORY LAMBROS".

CONCLUSION:

Lambros believes that Fredrikson & Byron, P.A.'s business reputation can be

substantially affected due to the information within the website and social media promotion that may be promoted to locate potential class members in the instant case, not to mention the shopping for law firms to represent victims.

It is my position, after being explained that your firm could file an "AMICUS CURIAE" brief to support my "MOTION TO DISQUALIFY JUDGE KYLE, PURSUANT TO 28 U.S.C. §§ 455 et al.", with the Eighth Circuit. That it would be in the best interest of all parties to have your firm file an "AMICUS CURIAE" brief and inform the U.S. Attorney's Office of the financial exposure that your firm is exposed to due to the February 26, 2014, Supreme Court ruling in CHADBOURNE & PARKE LLP vs. TROICE, et al., No. 12-79.

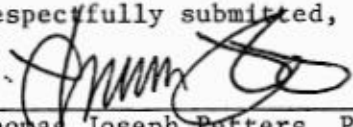
After reviewing the case law pursuant to the disqualification of Judge Kyle, 28 U.S.C. §§ 455 et al., there is no doubt in my mind or other legal professionals that Judge Kyle should of recused himself. Yes, this is a great opportunity for me and I would like to take advantage of same by being offered a new trial and/or a plea agreement that is less than 50 years.


Please note that I can not assure you that victims will not step forward and pursue a class-action to recover losses from your firm, but I can assure you that TOM PETERS will not promote same.

If I do not receive a written response via U.S. Certified Mail as to your position in this matter within thirty (30) days of your receipt of this letter, it is my intent to move forward and assist and/or help those victims who want to recover more of their losses with class-action claims against your firm and increase interest of victims in this action, as to the damages for breach of duty, breach of contract, aiding and abetting breach of fiduciary duty, aiding and abetting fraud, civil conspiracy, unjust enrichment and legal malpractice, by your firm when representing me and my companies.

Thank you in advance for your consideration in this most important matter.

Respectfully submitted,


Thomas Joseph Petters, Pro Se
www.NoPayClassifieds.com/TomPetters
www.TomPettersFacts.com
www.TomPetters.com


BY: John Gregory Lambros, JailHouse Lawyer
Reg. NO. 00436-124
U.S. Penitentiary Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000 USA

Website: www.Lambros.Name