



TO: The Eighth Circuit Court of Appeals

FROM: Jill Clark

DATE: August 13, 2012

RE: Office of Lawyers Professional Responsibility
Appeal No. 12-2844

This matter involves a removal petition captioned Office of Lawyers Professional Responsibility v. Jill Clark (US District Court 12-cv-1371).

When Judge Tunheim remanded the case the first time there *was* an ECF entry indicating that a certified letter had been mailed to the state court. (Docket 12, see attachment).

The case was re-removed, and on August 2, 2012, Judge Tunheim issued an order re-remanding the case. This order was sent out via ECF, and it was delivered to Jill Clark's email inbox.

No ECF filing was sent to Clark relating to any certified letter being sent to the state court. And you can see from the attachment that there is no such entry on the ECF docket. Clark was justified in assuming that no letter had been sent by the clerk. She relied on the fact that there was no ECF entry indicating that it had occurred.

Clark filed a motion to stay the remand with this Court on or about August 10, 2012, and indicated in the motion that the clerk had not sent any letter to the state court, because that was the information she (as a party) had.

Today, August 13, 2012, Clark called the Clerk of Appellate Court for the State Courts, and was told that the State Court received a certified letter from the US District Court last Friday (the 10th).

JILL CLARK, LLC ATTORNEY AT LAW



Then she called back to the US District Court, and inquired about whether all case documents are filed on ECF and was told that they are. Clark asked if there is a paper file for documents not on ECF, and was told there is not unless there is a conventional filing like a disk. Clark asked the clerk whether he could check to see if there is any kind of paper file. He said sure, and apparently went online to check what he called 'pacer.' He indicated that the US District Court had mailed a certified letter to the state court(s) on August 7, but that access to the record was "restricted." Clark asked who restricted it, and was told that she needed to talk to his supervisor about that. Clark was transferred to a voicemail.

Clark is reporting this to the Eighth Circuit right away. Clark believes that as a party in the case there is no reason to restrict *from her and her attorneys* important information that affects the timing of the case in a case that is literally down to the wire.

Clark does not recognize as legitimate any letter that purports to transfer a remand to state court if was hidden from Clark. Clark does not deem that there was any legitimate basis for a restriction. Clark deems the matter still to be in the US district court, and urges the Eighth Circuit to act quickly on the motion to stay, and to commence an investigation into the manner in which this was handled at the US District Clerk's Office.

s/jillclark

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