



Restraining Order and for Further Injunctive Relief Regarding Florida Lawsuit,”” filed in person with this Court on July 21, 2017.

3. Pursuant to his duties under **18 U.S. Code § 4**, Lawrence Newman has previously reported York’s felonies to this Court multiple times without any action thereto being taken by this Court.

4. Pursuant to **18 U.S. Code § 4**, Lawrence T. Newman formally reports to Judge James Joven the felonies committed by Robert W. York, the successor Personal Representative of the Estate of Al Katz and Estate attorney, for appropriate action to be taken by Judge Joven against Robert W. York pursuant to law.

**APPLICABLE CODES OF CONDUCT AND RULES IN INDIANA**

5. Pursuant to **Rule 2.15** of the **Indiana Code of Judicial Conduct**, Judge James Joven of this Court has the obligation to report illegal conduct by an attorney to the proper authorities, as follows (emphasis added):

**RULE 2.15: Responding to Judicial and Lawyer Misconduct**

.... (B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects **shall inform the appropriate authority** ....

(D) A judge who receives credible information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct **shall take appropriate action.**

6. In this respect, **Rule 5.5(a)** of the **Indiana Rules of Professional Responsibility** provides:

**Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

7. The **Comment to Rule 5.5** states in pertinent part (emphasis added):

[1] **A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice.** .... Paragraph (a) applies to unauthorized practice of law by a lawyer, whether through the lawyer's direct action or by the lawyer assisting another person.

8. As has been established in various filings already before this Court, successor Personal Representative and Estate attorney Robert W. York repeatedly committed the unauthorized practice of law in the State of Florida in his capacities as Personal Representative and/or Estate attorney; accordingly, Judge Joven has the responsibility under the **Indiana Code of Judicial Conduct** to report York to the “appropriate authority” pursuant to **Rule 2.15(B)**. Since, as set forth below, the unauthorized practice of law in Florida is a criminal violation, the “appropriate authority” in this case is law enforcement and prosecutorial agencies.

**APPLICABLE RULES IN FLORIDA**

9. **Rule 2.505(a)** of the **Florida Rules of Judicial Administration** prohibits foreign attorneys, such as Robert W. York, from practicing law in Florida unless he has first sought and received *pro hac vice* status in each separate case in which he intends to appear and practice law, which Rule provides in pertinent part as follows (emphasis added):

**RULE 2.505. ATTORNEYS**

(a) **Scope and Purpose.** All persons in good standing as members of The Florida Bar shall be permitted to practice in Florida. **Attorneys of other states who are not members of The Florida**

**Bar in good standing shall not engage in the practice of law in Florida except to the extent permitted by rule 2.510.**

10. **Rule 2.510 of the Florida Rules of Judicial Administration** provides in pertinent part as follows (emphasis added):

**RULE 2.510. FOREIGN ATTORNEYS**

(a) **Eligibility. Upon filing a verified motion with the court, an attorney who is an active member in good standing of the bar of another state and currently eligible to practice law in a state other than Florida may be permitted to appear in particular cases in a Florida court upon such conditions as the court may deem appropriate, provided that a member of The Florida Bar in good standing is associated as an attorney of record. The foreign attorney must make application in each court in which a case is filed .... No attorney is authorized to appear pursuant to this rule if the attorney ... (4) has failed to provide notice to The Florida Bar or pay the filing fee as required in subdivision (b)(7) [relating to making application for pro hac vice status in a particular case]; period in separate cases shall be presumed to be a “general practice” ....**

11. It is **undisputed** that Robert W. York has never been licensed to practice law in Florida, and Robert W. York never sought or obtained *pro hac vice* status with the respective Florida courts relative to any of the Estate’s three (3) Florida damage lawsuits in which Florida courts York made filings on behalf of the Estate as set forth in detail below; thus, it is undisputed that Robert W. York committed felonies in Florida.

**APPLICABLE STATUTES IN INDIANA AND IN FLORIDA**

12. Various Florida statutes provide for the seriousness of the criminality of practicing law in the State of Florida without a license to do so.

13. **Fla. Stat. § 454.23** provides in pertinent part (emphasis added):

**Penalties.—Any person not licensed or otherwise authorized to practice law in this state who practices law in this state or holds himself or herself out to the public as qualified to practice law in this state, or who willfully pretends to be, or willfully takes or uses any name, title, addition, or description implying that he or she is**

qualified, or recognized by law as qualified, to practice law in this state, **commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.**

14. **Fla. Stat. § 775.082(3)(e)** provides in pertinent part (emphasis added):

3) A person who has been convicted of any other designated felony may be punished as follows: (e)**For a felony of the third degree, by a term of imprisonment not exceeding 5 years.**

15. **Fla. Stat. § 775.083** provides in pertinent part:

**Fines.—**

**(1) Fines for designated crimes ... shall not exceed:**

.... (c) **\$5,000**, when the conviction is of a felony of the third degree.

16. **Only an attorney who is licensed to practice law in Florida may appear in a Florida court on behalf of a client.** In this respect, **Fla. Stat. § 454.11** provides in pertinent part:

**Powers of attorneys.—Every attorney duly admitted or authorized to practice in this state shall have the right to appear before any court of the state, or any public board, committee, or officer in the interest of any client ....**

17. In his status as both the attorney for the Estate of Al Katz and the successor Personal Representative of the Estate of Al Katz, **Robert W. York (as Estate attorney) represents himself in his capacity as successor Personal Representative of the Estate of Al Katz pursuant to Ind. Code § 29-1-10-20**, which provides in pertinent part as follows:

**Duties of an estate lawyer**

(a) **As used in this section, "estate lawyer" refers to a lawyer performing services for an estate at the request of the estate's personal representative.**

(b) Except as otherwise provided in a written agreement between the estate lawyer and an interested person, **an estate lawyer:**

**(1) represents and owes a duty only to the personal representative;**

18. Accordingly, whether it is deemed that Robert W. York made his illegal filings in the Florida courts in his capacity as Estate attorney, in his capacity as Personal Representative, or in both capacities, York committed the unlicensed practice of law in Florida and violated **Fla. Stat. § 454.23**, under which **criminal statute** it is a third degree **felony** for “**Any person not licensed or otherwise authorized to practice law in this state who practices law in this state ....**”

#### **YORK’S UNLICENSED PRACTICE OF LAW IN FLORIDA**

19. In his “Personal Representative’s Report Regarding Florida Litigation and Request for Instruction,” filed herein on **April 7, 2015**, York specifically represented to this Court that “**... York is neither licensed as a Florida attorney .... York is not admitted to practice law in Florida and should he be required to proceed with the Florida litigation would necessarily have to retain Florida counsel.**”

20. Notwithstanding the **Indiana Rules of Professional Conduct**, the **Florida Rules of Judicial Administration**, and the Indiana and Florida statutes cited above, Robert W. York, representing the Estate of Al Katz, made numerous filings in multiple Florida courts in two separate counties in the Estate's Florida litigations electronically through the State of Florida E-Filing Portal. A representative sample of the electronic filing receipts issued to Robert W. York by the Florida E-filing Portal relative to said filings is collectively attached hereto as **Exhibit 1**:

a. Robert W. York's Motion for Extension of Time, filed on **April 29, 2015**, at 4:40:48 PM, in the case of Beverly R. Newman v. Gerald F. O'Brien, Sarasota County Circuit Court, Cause No. 2011-CA-2801;

b. Robert W. York's proposed Order Granting Extension of Time, filed on **April 29, 2015**, at 4:40:48 PM, in the case of Beverly R. Newman v. Gerald F. O'Brien, Sarasota County Circuit Court, Cause No. 2011-CA-2801;

c. Robert W. York's Report and Motion To Delay Dismissal, filed on **May 20, 2015**, at 12:38:05 PM, in the case of Beverly R. Newman v. Gerald F. O'Brien, Sarasota County Circuit Court, Cause No. 2011-CA-2801;

d. Indiana Estate's Notice of No Intent To Prosecute, filed on **May 24, 2015**, at 3:38:19 PM, in the case of Beverly R. Newman v. FI-Casa Mora, LLC, et al., Manatee County Circuit Court, Cause No. 2011-CA-07464; and

e. Indiana Estate's Notice of No Intent To Prosecute, filed on **May 24, 2015**, at 3:41:02 PM, in the case of Beverly R. Newman v. The Heritage Village West Condominium Association, Inc., Manatee County Circuit Court, Cause No. 2012-CA-5228.

21. Relative to each of said filings, York did not hire a Florida-licensed attorney to represent him in the various Florida courts nor did York file for or receive *pro hac vice* status as **mandated by Florida law**. Instead, York made each of said filings in his own name on behalf of a separate entity, the Estate of Al Katz. Consequently, with respect to each of the aforesaid filings made by York in the Florida courts, York was practicing law in Florida without a license, in violation of both Indiana law and Florida law, and in violation of Indiana State Bar Ethics Opinion No. 2, 1998, requiring an Indiana attorney to verify that his actions in Florida (another state) do not violate said state's laws regarding the unlicensed practice of law.

22. Very clearly, York disregarded Florida law and did flagrantly and repeatedly commit the unlicensed practice of law in Florida.

23. Lawrence Newman notes that when Beverly Newman was the Personal Representative of the Estate of Al Katz and was litigating the subject four (4) Florida cases in her representative capacity, she had hired a Florida attorney to act on her behalf (at **no cost** to the Estate, since said attorney was prudently hired by her on a contingency basis on all of the four subject Florida litigations), and all filings made on her behalf in said representative capacity in said Florida cases were legally made by her Florida attorney, in compliance with Florida law.

24. In York's case, he refused to comply with Indiana and Florida law; rather, York chose to practice law in Florida without a license multiple times by, *inter alia*, making numerous filings in the Estate's Florida cases in a representative capacity on behalf of the Estate of Al Katz.

**FURTHER UNLICENSED PRACTICE OF LAW**  
**BY YORK AND HIS CO-CONSPIRATORS**

25. From York's appointment as Personal Representative and attorney for the Estate of Al Katz on January 12, 2015, through at least October 2016, **York habitually exchanged legal information, opinion, advice, assistance, and analysis** from numerous opposing counsels in the Estate's Florida damage lawsuits, which exchange of legal information, opinion, advice, assistance, and analysis, **constituted the unlicensed practice of law by York**.

26. In this respect, pursuant to **Florida Bar Staff Opinion 24894**, "the practice of law includes the giving of legal advice and counsel to others as to their rights and obligations under the law."

27. **Within days after York's appointment**, he conferred with Beverly and Lawrence Newmans' Florida counsel, Michael G. Brown, in conspiracy against the interests of Dr. Beverly and Lawrence Newman and against the interests of the Estate of Al Katz. Said criminal conspiracy to defraud Estate creditor Lawrence Newman of all fees and reimbursements violated numerous Indiana, Florida, and federal statutes and codes.

28. At the height of the conspiracy, on May 7, 2015, York was exchanging legal information and assistance with all of the following Florida attorneys: **Michael G. Brown; Cory Chandler; Sean Conahan; James Essenson; Traci McKee; Scott Petersen; Michael Corso; and Barbara Welch**, as well as Indiana attorney **Robert Zaban**, plus at least two assistants to attorneys, those being **Sherry Zellner and Tracey Salerno**. Thus, York's conspiracy, which he **masterminded** in order to defraud the Estate of Al Katz and the Estate's primary creditor, Lawrence Newman, a long-time adversary of York, included **at least ten attorneys and at least two assistants**, as reflected in the email string sent to/from York on May 7, 2015 (attached hereto as **Exhibit 2**), in preparation for the then-upcoming hearing before this Court on May 11, 2015, **lasting six (6) hours until 9:00 at night**, during which hearing **four attorneys unlicensed to practice law in Indiana**, represented their respective Florida clients, providing legal information, assistance, opinion, and/or legal analysis to York and this Court.

#### **CONSPIRACY WITH FLORIDA ATTORNEY MICHAEL G. BROWN**

29. Just days after his appointment, York and Michael G. Brown, attorney for Dr. Beverly and Lawrence Newman, began exchanging legal information, assistance, and

numerous correspondences from January 26, 2015, until at least June 23, 2015, in an active conspiracy of both of said attorneys against the interests of their respective clients despite the fact that Brown formally notified York by letter dated January 27, 2015, that he was **“currently attorney of record of Beverly R. Newman in five (5) pending legal matters in Florida, ...”** and was currently counsel for Dr. Beverly Newman and Lawrence Newman.

30. York was therefore well aware of Brown’s fiduciary duties of loyalty owed to Dr. Beverly Newman and Lawrence Newman, and York was well aware of his own fiduciary duties owed to Lawrence Newman as the Estate’s primary creditor; yet, York and Brown both voluntarily entered into a covert enterprise to defraud the Newman Family of Estate funds owed to Lawrence Newman, for whom York had held extreme animus for a decade.

31. During their conspiracy beginning in January 2015, York consistently solicited assistance from Michael G. Brown, as evidenced by Brown’s letter to York of March 15, 2015 (attached hereto as **Exhibit 3**), **stating:**

**Enclosed herewith are the 3 envelopes I previously forwarded to you that were returned to me on Saturday, March 14, 2015, due to an incorrect address, per our telephone conversation this morning. Please do not hesitate to telephone me if you have any questions. Thank you.**

32. Said conspiracy between York and Michael G. Brown was in violation of **Ind. Code § 33-43-1-8, Deceit or Collusion of an Attorney**, which statute provides:

**(a) An attorney who is guilty of deceit or collusion, or consents to deceit or collusion, with intent to deceive a court, judge, or party to an action or judicial proceeding commits a Class B misdemeanor.**

**(b) A person who is injured by a violation of subsection (a) may bring a civil action for treble damages.**

33. By email dated March 30, 2015 (attached hereto as **Exhibit 4**), at 12:57 PM, Brown forwarded a court order to York, which Brown would have obtained from the Florida court docket in order to assist York in their conspiracy against the Estate and estate creditor Lawrence Newman.

34. Later that same afternoon, at 1:38 PM, York contacted Brown (attached hereto as **Exhibit 5**), soliciting his help in **legal analysis** of the Estate's four damage lawsuits, stating, "**It would help me greatly if you could provide me a paragraph on each of the four cases as to the alleged claims and defenses.**"

35. **Throughout the day on March 30, 2015, Brown continued to provide legal information and assistance to York by forwarding York various Complaints, motions, affidavits, court orders, and amended Complaints, at the end of which Brown proclaimed (attached hereto as Exhibit 6), "With this, I think I have now provided you with all documents you have asked for. Please don't hesitate to let me know if there is anything else you need, or if you have any other questions. Have a great day!!"**

36. In response to York's solicitation of legal assistance from Brown, on April 1, 2015 (attached hereto as **Exhibit 7**), **Brown advised York of case deadlines and court orders**, concluding his email with, "Please to not hesitate to contact me again if you have any additional questions. Thank you."

37. On April 7, 2015 (attached hereto as **Exhibit 8**), York emailed to Brown his report to this Court, **based upon significant legal information, assistance, and analysis provided to York by Brown, who is unlicensed to practice law in Indiana.**

38. On April 8, 2015 (attached hereto as **Exhibit 9**), Brown gave legal assistance to York by reminding York that he had neglected to forward a copy of York's Indiana filing to opposing counsel James Essenson and Brown also reminded York, **"Please be certain to notify [Essenson] of your intentions as well,"** to which reminders York solicited email addresses for opposing counsel, which addresses were promptly provided to York by Brown.

39. On May 6, 2015 (attached hereto as **Exhibit 10**), Brown provided legal information and advice to York on Florida law in Brown's email to York prior to the May 11, 2015, hearing, which York had masterminded to defraud the Estate and its primary creditor, Lawrence Newman, of awards from the Estate's Florida damage lawsuits, all of which lawsuits were subsequently terminated by action of this Court based upon the conspiratorial acts of York and his at least nine attorney co-conspirators, using **interstate communications systems to conspire**, in violation of **18 U.S.C. § 1343, Fraud by Wire, Radio, or Television**.

40. On Sunday, May 17, 2015 (attached hereto as **Exhibit 11**), Brown eagerly solicited from York the news "as to what transpired at, and the outcome of, the recent Indiana court hearing relating to Beverly Newman. Thank you!"

#### **CONSPIRACY WITH OTHER FLORIDA COUNSELS**

41. In addition to York's very active and continuing criminal conspiracy with the attorney representing Dr. Beverly and Lawrence Newman, York solicited legal assistance from attorney Sean Conahan **just days after York's appointment**, on January 26, 2015, stating by email of said date (attached hereto as **Exhibit 12**), "I would appreciate if you could print, scan, and send the court's docket to me .... Your email

provided the site for the online docket of that case, but it would not permit me to access it.”

42. By letter dated February 24, 2015 (attached hereto as **Exhibit 13**), over a month after York’s appointment, he received a **legal analysis by opposing counsel James Essenson** on the case in which Essenson represented Al Katz’s guardian of the property, **whose surety bonds were valued at \$200,000.00**, which would have covered the tax evasion and grand theft committed by said guardian.

43. In Essenson’s letter to York, Essenson offers a “bargain” with York to forego “seeking fees from the Katz estate, ... **[if] you will dismiss the case with prejudice,**” which “bargain” York gladly accepted, costing the Estate \$200,000.00 in damage awards plus sizeable personal assets of the guardian.

44. In **Essenson’s legal analysis**, he claims, “We see no benefit to Al Katz’s estate to continue this unwise and groundless litigation,” to which flagrantly-biased legal analysis York completely agreed, in breach of his fiduciary duties to the Estate and its creditors and in conspiracy with Essenson, who was well aware of the fact that his client had **defrauded the IRS of many tens of thousands of dollars** owed to the IRS by Al Katz while he was living and that his client had **stolen numerous pieces of jewelry from Al Katz, including a Da Vinci watch possibly valued at \$70,000.00**, which tax fraud and grand theft were recoverable through the guardian’s **professional surety bonds totaling \$200,000.00**.

45. York further obtained legal advice and legal strategies from additional opposing Florida counsel on May 20, 2015 (attached hereto as **Exhibit 14**), advising York that

... as a first step, you need to get this Indiana Order on file in same [Judge Bonner] Court, perhaps by amending your Motion for Extension to conform to same ruling .... Our initial thoughts are that ... there needs to be a pleading filed ... generally entitled a Voluntary Dismissal under Florida Rules of Civil Procedure, Rule 1.420(a) .... the Florida rules require a PR of an Estate have counsel .... If you need a copy of that Rule cited, let us know.

**U.S. SUPREME COURT RULING AGAINST OFFICERS OF THE COURT VIOALTING THE CONSTITUTION**

46. The United States Supreme Court has ruled that “No ... judicial officer can war against the Constitution without violating his undertaking to support it.” *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401 (1958).

47. Although the U.S. Constitution and the Indiana Constitution guarantee the due process rights of any citizen to redress, access to the courts, and appeal of lower tribunal decisions, York, in his personal “war against the Constitution,” has already denied Lawrence T. Newman his due process rights to redress and access to the courts by **unduly influencing this Court**, with its long-term pre-existing relationship with York and his law firm, to never hear Lawrence Newman’s motions outstanding and unheard for over four years; and York, through his undue influence upon this Court, further seeks to deny Lawrence Newman’s Constitutional due process right to appeal by causing this Court to make said appeal right preemptively prohibitive through issuance of a Court order imposing a **\$100,000.00** appeal bond. This facet of this probate case is glaringly outrageous to the public and **violative of the Constitution**.

48. York’s “war against the Constitution” emanates from his whistleblower retaliation against Lawrence Newman, York’s former law firm associate for years, who

was fired for his family's refusal to violate Indiana and federal mandatory reporting of child abuse laws and misprision of felony.

49. As in **the current misprision of felony case involving Ice Miller partner Michael Blickman**, who received evidence of child abuse at Park Tudor School, which school he then represented, but concealed said evidence from law enforcement in violation of **18 U.S. Code § 4, Misprision of felony**, punishable by fines and/or imprisonment, evidence of child abuse cannot be concealed.

50. In the case of the Newman Family, Dr. Beverly Newman personally witnessed and promptly reported serious child abuse by a youth counselor at the Indianapolis Jewish Community Center ("JCC"), which report of child abuse prompted **whistleblower retaliation** by the JCC and which retaliatory acts extended to York's law firm, continuing to this day in the instant case.

51. In general, such retaliation typically includes defamation, ostracism, intimidation, harassment, and financial ruination of the whistleblower, all of which characterize York's continuing actions against the Newman Family since 2005.

52. Significantly, at the time Dr. Newman witnessed the serious child abuse of a **350-pound JCC counselor lying prone** on top of a moaning child pinned to the ground against the concrete wall, the FBI was already tracking child predator Jared Fogle, whose regular "haunt" for decades was the Indianapolis JCC. After decades of trafficking children, including Indianapolis children, Fogle is currently in federal prison, following his best friend and business partner, also a child predator currently incarcerated as well.

## COINCIDENCE OF INDIANA LAW AND FLORIDA LAW

53. Just as **Marion County Local Probate Rule 402.1, Representation Required**, mandates that “**Every personal representative and guardian of an estate must be represented at all times by an attorney of record,**” **Rule 5.030(a)** of the **Florida Probate Rules** mandates that “**Every guardian and every personal representative, unless the personal representative remains the sole interested person, shall be represented by an attorney admitted to practice in Florida.**”

54. **Rule 10-2.1(c)** of the **Rules Regulating The Florida Bar** defines “**nonlawyer**” as including members of the bars of other states.

55. Similar to Indiana law, the unlicensed practice of law in Florida includes, *inter alia*: assisting foreign attorneys with Florida law; exchanging legal information with foreign attorneys; soliciting legal information/assistance from foreign attorneys; soliciting legal opinions/advice from foreign attorneys; and soliciting/receiving legal analysis from foreign attorneys, all of which York, in conspiracy with Florida opposing counsels, did commit in order to defraud the Estate of Al Katz and Estate creditor Lawrence T. Newman of hundreds of thousands of dollars of lawsuit damage awards owed to them and to obstruct justice due to Lawrence Newman.

56. In its various Orders to York relative to the Estate’s four Florida damage lawsuits, this Court **did not and could not** direct York to make any filings in the respective Florida courts in violation of Indiana and Florida law, without first hiring a Florida attorney to make said filings or without first seeking and obtaining *pro hac vice* status in the respective Florida cases.

57. In its various Orders to York relative to the Estate's four Florida damage lawsuits, this Court **did not and could not** direct York to solicit and obtain legal assistance, advice, opinion, and information in conspiracy with opposing foreign counsels in gross violation of federal and state laws.

### **CONCLUSION**

58. As established above, Robert W. York committed multiple felonies by his numerous acts of practicing law in Florida without a license to do so.

59. As established above, Robert W. York violated the law, **Ind. Code § 33-43-1-8, Deceit or Collusion of an Attorney**, providing for treble damages for persons injured by attorney deceit or collusion.

60. Pursuant to **Rule 2.15** of the **Indiana Code of Judicial Conduct**, Judge James Joven of this Court has the immediate obligation to report illegal conduct by attorney Robert W. York to law enforcement.

WHEREFORE, Lawrence T. Newman, *Pro Se*, hereby formally notifies Judge James Joven of this Court of the multiple felonies committed by Robert W. York in his capacity as Personal Representative of the Estate of Al Katz and attorney for the Estate and moves Judge Joven to report said illegal conduct by attorney Robert W. York to the law enforcement authorities, and for all other relief just and proper in the premises.

Respectfully submitted,

/s/Lawrence T. Newman  
Lawrence T. Newman, *Pro Se*  
c/o 4102 66<sup>th</sup> Street Circle West  
Bradenton, FL34209  
(317) 397-5258

**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing has been served upon the following by email this 25<sup>th</sup> day of July, 2017:

Robert W. York  
rwyork@york-law.com

Internal Revenue Service, c/o Yvette Stiger  
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