

# BULKY EXHIBITS

Proceeding No.	92052260
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Filing Date	12/11/2014
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TITLE : Respondent's Response to Opposition
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<b>92052260</b>
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

STEPHEN A. WESTLAKE,	)	
	)	
Petitioner,	)	Cancellation No. 92/052,260
	)	(Serial No. 77/378,015)
	)	
EDGAR ALEXANDER BARRERA	)	
	)	
Respondent.	)	

**RESPONDENT'S RESPONSE TO OPPOSITION**

**MOTION ON BEHALF OF THE RESPONDENT  
TO DENY BRIEF IN SUPPORT OF JUDGMENT FOR PETITIONER**

I am Edgar Alexander Barrera, the Respondent in this matter, being duly sworn deposed and states:

The Respondent, Edgar Alexander Barrera, (hereinafter the "Respondent") respectfully requests this Honorable Board to consider this motion as the interest of justice can be served.

The Petitioner and his attorneys have used subterfuge. The Plaintiff, Steven A. Westlake has consciously deliberately lied: he fabricated "evidence." False statements either were made recklessly or with knowledge of their falsity. Plaintiff committed perjury to the Trademark Trial and Appeal Board (TTAB).

COMES NOW, "Respondent's Response to Opposition" and files this Motion on Behalf of the Respondent to Deny Brief in Support of Judgment for Petitioner and also files as well another Motion to dismiss the Plaintiff's Petition for Cancellation and Petitioners Amended Petition to Cancel.

Motion for Judgment on behalf of the Respondent against the Plaintiff's failure to prosecute or prove case and an Order granting a Default Judgment against the Plaintiff, Steven A. Westlake.

For the foregoing reasons, I submit that Plaintiff's appearance in this litigation has completely been a sham; that he has never had a good-faith intention to participate.

The Plaintiff's claims are total shams and everything has been a figment of his crazed imagination, absolutely committed perjury.

The Petitioner has "unclean hands."



12-11-2014

The "Dirty Hands Doctrine" refers to an equitable design available to a defendant against the plaintiff.

It is an affirmative defense that the defendant may claim the plaintiff has "unclean hands".

Plaintiff has acted in bad faith or in an unethical manner.

The Respondent has been harmed by this Petitioner.

WHEREFORE, I respectfully request that this Board enter an Order granting Judgment on behalf of the Respondent, Edgar Alexander Barrera.

**Plaintiff was sent the "National Police Gazette-September 2005.pdf"**

**Plaintiff**

**Name:** Steven Westlake  
**Correspondent:** Steven Westlake  
PO Box 372  
Binghamton, NY 13902  
UNITED STATES  
[saw@policegazette.us](mailto:saw@policegazette.us)

July 16, 2010 at 4:35 PM EDT, to the Plaintiff, Steven A. Westlake, sent to his e-mail: [saw@policegazette.us](mailto:saw@policegazette.us) (SAW initials for Steven A. Westlake).

Riezman Berger P.C., R. Emmett McAuliffe, Attorney at Law, Chair, Intellectual Property and Media Law Practice Group, St. Louis (Clayton), Missouri 63105, from: "R. Emmett McAuliffe" [rem@riezmanberger.com](mailto:rem@riezmanberger.com) to: [saw@policegazette.us](mailto:saw@policegazette.us), Subject: 2005 Edition

"Hi Mr. Westlake:

I see your attorney still has not entered an appearance. Please find enclosure the attached issue from 2005. If this issue is valid, it would seem to me your case goes away and therefore what are we fighting about? But I'd like to know your comments.

Feel to call and discuss."

**"National Police Gazette-September 2005.pdf  
2944K"**

[See Exhibits A and B.](#)

From "R. Emmett McAuliffe" [rem@riezmanberger.com](mailto:rem@riezmanberger.com) to: Les Euell <[leseuell@gmail.com](mailto:leseuell@gmail.com)> and sent a copy to the Respondent:

**“Subject: nothing from Westlake”**

See Exhibit C.

**Defendant’s 30-day Trial Period Ends September 27, 2014**

Defendant’s 30-day Trial Period Ends and Motion for Judgment on Behalf of the Respondent Against Plaintiff’s Failure to Prosecute or Prove Case and an Order Granting Default Judgment, sent September 27, 2014 to the Plaintiff.

Lester A. Euell was the owner and publisher of the Police Gazette from 1977 until 2005. The Respondent is the Godson to Lester Euell, owner of Franklin Publishing Company that published the Police Gazette in 2005. See Exhibit D.

Respondent became the owner and publisher of the Police Gazette in 2006. See Exhibit E.

**Police Gazette Collectibles 20-year License Agreement, 1987-2007**

Also a 20-year license agreement that Lester Euell, my Godfather, signed in September 10, 1987 with a new corporation of which he was part owner, Police Gazette Sales Inc., of Farmingdale, N.Y.

It covered the production of Police Gazette-themed collectibles, including apparel, clocks, shaving mugs, calendars, music boxes, published new issues as well as reprints, and posters. See Exhibit F.

This agreement was entered into between L. Alfred Anish, the principal of Police Gazette Sales Inc., and Lester Euell, L. Alfred Anish, Lester A. Euell, and Police Gazette Sales Inc., a New York Corporation from June 19, 1989 to Sept. 29, 1993. See Exhibit G.

And afterward by Anish and Euell, with William B. Dana Company (principal of Lester A. Euell, a New York: Domestic Business Corporation, Initial DOS Filing Date: May 31, 1894 and Inactive-Dissolution by Proclamation/ Annulment of Authority (October 28, 2009), during this license agreement which ended on September 10, 2007. See Exhibit H.

It’s strange that Plaintiff launched his raid on our trademark in 2007.

It is very clear and quite obvious what my Godfather, Lester Euell previously did with “The National Police Gazette” trademark and usage of the name. He had separate entities permitted to use the name on a limited basis and scope and also entered into long duration licensing agreements of 20 years.

Respondent has never entered into any agreement or license of any kind whatsoever with the Plaintiff, Stephen A. Westlake.

Respondent admits that the word mark and logo design claimed by Respondent is identical to Petitioner's mark, this causes Plaintiff to be infringing on Respondent's mark. Since Respondent's use of the mark in question has priority over Plaintiff's mark, this causes Plaintiff to be infringing on Respondent's mark.

The Plaintiff is damaging the Respondent's trademark, good will and business.

It is quite obvious we own the goodwill and own the trademark. The Plaintiff has never owned the goodwill, any rights, any title and interest.

The complete fabrication is that the Plaintiff has ever owned the Respondent's trademark and never has. Everything by the Plaintiff is completely deceptive and totally illegal.

"Copyright 2007 by William A. Mays, Proprietor" Only copyright notice and not about the National Police Gazette in the Plaintiff's website during 2007 to 2010.

See Exhibit I.

#### **The Respondent to the USPTO in January 23, 2008**

The Respondent sent the U.S. Patent and Trademark Office on January 23, 2008 with the application, four specimens and a drawing. See Exhibits J and K.

The Plaintiff claims to have started on April 8, 2007. The Plaintiff's complete ruse to the TTAB and made up their fabricated "evidence" deliberately that "the application including two digital images as specimens, which Registrant alleged were magazine covers." And the Plaintiff can't even tell the TTAB the amount specimens and stating it to be "two" when in reality it was four specimens in their false statements.

Sent a signal that the Plaintiff was calculating to mislead the TTAB by a statement that was carefully crafted. The Plaintiff thought he was shrewdly in to under evade the real truth in this matter.

Which were false statements either were made recklessly or with knowledge of their falsity and it the Plaintiff state began to use the mark, National Police Gazette what would make any difference because of the actual dates sent to the U. S. Patent and Trademark Office to the application were valid.

The Plaintiff, Steven Westlake lied under oath to the TTAB:

"6. On January 23, 2008, Registrant Edgar Alexander Barrera applied to the USPTO to register the National Police Gazette mark used as evidence a pair of digitally created images that supposedly represented magazine covers."

The Plaintiff's Attorney, Mark Levy lied under oath to the TTAB:

**"II. The record shows the absence of any genuine issue of material fact."**

"4. Nine months after Petitioner's first use of the mark (i.e., on January 23, 2008), Registrant an application to register NATIONAL POLICE GAZETTE THE LEADING ILLUSTRATED SPORTING JOURNAL IN AMERICA in the U.S Patent and Trademark Office, the application including two digital images as specimens, which Registrant alleged were magazine covers.

**Plaintiff was Not Register as a DBA in NYS until 2009**

Stephen A. Westlake did not register as a DBA until October 16, 2009. All this time he used the name William A. Mays, Proprietor so he could conceal his identity in the meantime and showed Mays as the Proprietor all the time and still does on the site. That is very deceptive. This means he was using an alias from 2007 until October 18, 2009. And was not registered in New York State before that which was illegally during that time before.

Broome County.com Document Number: 2009000450355  
Recorded Date/Time: 10/18/2008 15:59:34 Cert. Date: 10/18/2008.

See Exhibit L.

**NYS Department of State**

**Division of Corporations**

Current Entity Name: NATIONAL POLICE GAZETTE ENTERPRISES, LLC

**Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
MAR 26, 2010	Actual	NATIONAL POLICE GAZETTE ENTERPRISES, LLC
JUL 23, 2003	Actual	WESTLAKE PROPERTIES, LLC <u>See Exhibit M.</u>

**Petitioner's Motion for Default Judgment, November 1, 2013**

January 16, 2014, the Honorable Board, Wendy Boldt Cohen, Interlocutory Attorney, ruled against the Petitioner's motion for sanctions in the form of default judgment (filed November 1, 2013) for Respondent's failure to file initial disclosures and his delay of these proceedings: "Accordingly, petitioner's motion for sanctions in the form of default judgment is **DENIED.**"

**Petitioner's Proceedings with the Board**

In this entire matter the Petitioner's Petition and Amended Petitioner to Cancel

one shred that the Plaintiff has not shown any Printing Periodicals, Clothing, Dishware, Wall Art or Books to the TTAB. Because from 2007 until 2008 did nothing during this time whatsoever.

Plaintiff has not given any Expert Disclosures, Discovery Closed, No Pretrial Disclosures Closed, No 30-day Trial Period Ended, Plaintiff's Rebuttal Disclosures, Plaintiff's 15-day Rebuttal Period Ended. Nothing was in any of these by the Plaintiff.

Expert Disclosures Due	3/ 31/ 2014
Discovery Closes	4/ 30/ 2014
Plaintiff's Pretrial Disclosures	6/ 14/ 2014
Plaintiff's 30-day Trial Period Ends	7/ 29/ 2014
Plaintiff's Rebuttal Disclosures	10/12/2014
Plaintiff's 15-day Rebuttal Period Ends	11/11/2014

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125, there were no transcript of testimony together documentary exhibits. As there were none whatsoever.

Briefs shall be filed in accordance with Trademark Rules 2.128 (a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129. No briefs or an oral hearing or requested, whatsoever.

Petitioner: Steven A. Westlake,  
National Police Gazette Enterprise, LLC  
d/b/a William A. Mays  
P. O. Box 372  
Binghamton, New York 13902

**“William A. Mays” is not registered as being a DBA, Fictitious Business Name (FBN) in New York State, which is required to be in NYC if you use a business name.**

Petitioner's Amended Petition to Cancel September 15, 2010  
Petition for Cancellation ESTTA TRACKING number: ESTTA339488  
Filing date: March 3, 2010.

Grounds for Cancellation:

Deceptiveness - Trademark Act section 2 (a)  
False suggestion of a connection - Trademark Act section 2 (a)  
Priority and likelihood of confusion - Trademark Act section 2 (d)

What is unbelievable are the so-called Grounds for cancellation the Petitioner,

Westlake is using exactly what he is totally doing himself, and it is said: —  
“When you point one finger, there are three fingers pointing back to you.”

### **Trademark Class 16: Paper Goods**

**Class 16** includes paper, cardboard and goods made from these materials. Class 16 is one of 45 classes used by the U.S. Patent and Trademark Office (USPTO) when grouping products or services.

The Petitioner first printed periodical issue was published May 1, 2011. Nothing was issued any periodical before then. Likewise no books were printing before March 21, 2012. A book called: “The Plot To Assassinate Barack Obama,” by William A. Mays, Published by The Police Gazette House. William A. Mays is not real, phony and completely bogus. Exhibits N and O.

Nobody in their right mind would publish something so bizarre.

### **The Petitioner “The Plot To Assassinate Barack Obama” Book**

Threatening the President of the United States is a class D felony under United States Code Title 18, Section 871. It consists of knowingly and willfully mailing or otherwise making "any threat to take the life of, to kidnap, or to inflict bodily harm upon the President of the United States." The United States Secret Service investigates suspected violations of this law and monitors those who threatening the President.

The U.S. Court of Appeals for the Seventh Circuit held that a threat was knowingly made if the maker comprehended the meaning of the words uttered by him. It was willingly made, if in addition to comprehending the meaning of his words, the maker voluntarily and intentionally uttered them as a declaration of apparent determination to carry them into execution.

According to the U.S. Attorney's Manual, "Of the individuals who come to the Secret Service's attention as creating a possible danger to one of their protectees, approximately 75 percent are mentally ill."

### **Plaintiff's Site was Only a “Homage” to the Police Gazette, 2007-2010**

As for the “William A. Mays, Proprietor” needs to characterize his Internet site as a “fan site” or “tribute site.” The Internet is loaded with places where people can share their enthusiasm for sport teams, entertainers, movies, television shows, comic books, games, or virtually anything that’s part of American popular culture.

These sites have occasionally gotten in trouble for unauthorized use of copyrighted material. But the Internet is still a fairly wild and unregulated place,

and Hollywood certainly feeds off the publicity

Precisely because the "William A. Mays, Proprietor" for all practical purposes declared it to be a "fan site" or "tribute site."

Significantly, "William A. Mays, Proprietor" characterized his site as a "homage" to the Police Gazette, without any claims to ownership. Here's the full text, posted to the front page of his Internet site:

"As American as baseball, gunfire, apple pie, drugs, George Washington, Jesse James, and secret sex, the National Police Gazette informed, shocked, outraged and entertained its way into the hearts of millions for over 130 years. This website is an homage to the National Police Gazette in its coverage of current events, as well as an archive of historical materials from the original publication. Current items can be found in Today's News, Eccentric Tantrums, and the Sports Page, while historical articles and illustrations from the original National Police Gazette can be found in The Morgue."

But certainly by 2010, the Plaintiff had completely changed his tune and began making ownership claims, even beyond his action against us. This included the bold assertion: "America's Original Tabloid™ Covering crime, sports, celebrities, and all things sensational since 1845."

The Plaintiff subsequently added after our trademark registration: "Legal and contact information" as well as "Welcome to National Police Gazette Enterprises, LLC, a company dedicated to the preservation, promotion, and continuation of the National Police Gazette."

In view of these facts, the Respondent believe that we can make a meaningful claim that "William A. Mays, Proprietor," started his online venture as nothing more than a fan site or tribute site.

The most troubling is the Plaintiff's who raise their hands, take an oath to tell the truth and then fail to do that. An analogy might be made to termites that get inside your house. Nobody sees it, nobody knows about it until the house collapses around you."

The Respondent will bring the Plaintiff "back to the mark, to flush out the whole truth."

The Plaintiff was trying to pull the wool over their eyes of the Honorable Trademark Trial and Appeal Board, and only will end up fooling their self.

Plaintiff "**Brief in Support of Judgment**" has consciously deliberate lied: he fabricated "evidence":

- I. First use of the mark.** 1, 2 and 3 are false statements.
- II. The record shows the absence of any genuine issue of material fact.** 4, 7, 8, 9, 10, 11, 12 are false statements. **III. On the basis of the uncontested facts, the law entities Petitioner to relieve.** 13, 14, 15, 16, 17 are false statements. **Steven Westlake, being duly sworn deposes and states:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 are false statements and fabricated "evidence."

### Introduction

There is substantial and credible information that the Plaintiff committed acts under oath before the United States Patent Trademark Office, and submitted affidavits in support of their "Brief in Support of Judgment for Petitioner."

### Evidence that Plaintiff Lied Under Oath to the TTAB

The Respondent hereby submits substantial and credible information that the Plaintiff and his Attorneys obstructed justice by lying under oath and concealing evidence. The Plaintiff and his Attorneys lied under oath and obstructed justice before the United States Patent Trademark Office (USPTO), and submitted affidavits in support of their "Brief in Support of Judgment for Petitioner."

### Plaintiff's Statements Under Oath to the TTAB

There is substantial and credible information supporting the following five possible grounds (A to F) for concealing evidence:

**A. The Plaintiff, Steven Westlake lied under oath to TTAB:**

"Steven Westlake, being sworn deposes and states:

1. I am the petitioner in the instant matter before the United States Patent and Trademark Office (USPTO), and I submit this affidavit in support of the Brief in Support of Judgment for Petitioner, concurrently submitted.
2. On April 7, 2007, no other party was used the National Police Gazette mark in commerce in any channel and no periodical under that name and/or mark had been published since January, 1977."

"15. For the foregoing reasons, I submit that Registration's appearance in this litigation has completely been a sham; that he has never had a good-faith intention to participate. He is merely prolonging this proceeding so that he can help his name attached to a notable trademark. Therefore to a notable trademark. Therefore, I respectfully ask that the USPTO cancel

Registration No. 3.662,484.”

“Dated: October 24, 2014

Steven Westlake, Petitioner”

“Sworn and subscribed to before me this 24<sup>th</sup> day of October, 2014

Susan McLain  
Notary Public, State of New York  
Commission Expires 11/20/2017”

**B. The Plaintiff, Steven Westlake lied under oath to the TTAB:**

“Steven Westlake, being duly sworn deposes and duly sworn and states:

1. I am the petitioner in the instant matters before the United States Patent and Trademark Office (USPTO), and I submit this affidavit in support of my instant application for Default Judgment.”

“39. Internet Google searches on numerous Police Gazette keywords from 2007 through 2010 revealed no Police Gazette publications, other than the petitioner’s after 1977, and no current Police Gazette goods or services of any kind other than the petitioner’s.”

“42. No Company or individual other than National Police Gazette, LLC, publisher a National Police Gazette periodical from 1977 through 2009.”

“43. On April 8, 2007, content went live on www.PoliceGazette.US, the website of National Police Gazette Enterprises, LLC, and its trade name William A. Mays.”

**C. The Plaintiff’s Attorney, Mark Levy, lied under oath to the TTAB:**

**“BRIEF IN SUPPORT OF JUDGMENT FOR PETITIONER”**

“The undersigned attorney for Petitioner, Steven A. Westlake, hereby submits this Brief in Support of Judgment for Petitioner to the Honorable Trademark Trial and Appeal Board because the record shows no genuine issue of material fact and the law entitles Petitioner to judgment in his favor.”

“1. First use of the mark.

“2. In addition, on the same date in 2007, Petitioner began to use the mark, NATIONAL POLICE GAZETTE, in various channels of commerce including, but not limited to, printing periodicals, clothing, dishware, wall art, and books.

“3. Registration, to date, has failed to provide evidence of the existence of any

magazine(s), much less any magazine published prior to the Petitioner's first use of the mark, NATIONAL POLICE GAZETTE, on April 8, 2007."

"III. On the basis of the uncontested facts the law entities Petitioner to relieve.

14. Petitioner has priority to the mark.

15. There is no genuine issue of material fact."

Dated: October 27, 2014      "Respectfully submitted,  
By: Mark Levy  
HINMAN, HOWARD & KATTELL LLP"

D. The Plaintiff's Attorney, Mark Levy, lied under oath to the TTAB:

**"ATTORNEY AFFIRMATION"**

"Mark Levy, affirming under the penalties of perjury to New York CPL§ 2106 and FRCP 11, states the following in true:"

"1. I, along with Kevin F. Guyette, represent the petitioner, Stephen A. Westlake in this action for cancellation as I make this affirmation in support of the instant application for sanctions pursuant to Rule 227 and FRCP 37(b)(2) and seek an order grant default judgment."

"3. As stated in the accompanying Attorney Affirmation by Kevin F. Guyette, Esq., the petitioner has continued to publish the National Police Gazette magazine and there has been no such other activity other than the petitioner's.

"WHEREFORE, I respectfully request that this Board enter an Order Granting Default Judgment on behalf of the Petitioner, Stephen A. Westlake."

Dated: October 31, 2013      "Respectfully submitted  
By: Mark Levy  
HINMAN HOWARD & KATTEL, LLP  
Attorney for Petitioner"

E. The Plaintiff's Attorney, Kevin F. Guyette, lied under oath to the TTAB:

**"ATTORNEY AFFIRMATION"**

"Kevin F. Guyette, affirming under the penalties of perjury to New York CPL §2106 and FRCP 11, states the following in true:

I, along with Mark Levy, represent the petitioner, Stephen A. Westlake in this action for cancellation as I make this affirmation in support of the instant

application for sanctions pursuant to Rule 227 and FRCP 37(b)(2) and seek an order grant default judgment.”

“24. Logically, a default judgment is the only sanction which makes sense;

- Striking all or part of respondent’s pleadings
- Refusing to allow respondent to support his claim.
- Prohibiting respondent from introducing evidence (whatever it may be)”

“All result in respondent being unable to present a case, and are therefore Tantamount to a default.”

F. The Petitioner, Steven A. Westlake and his attorneys, Mark Levy and Kevin F. Guyette, to support false statements and lied under oath.

The Petitioner endeavored to obstruct justice to the TTAB and lying to the Honorable Board with knowledge that they would fabricate evidence with false statements to the Board lying under oath – and did thereby deceive, obstruct, and impede the TTAB.

**There is substantial and credible information that the Petitioner and the attorneys lied under oath and committed perjury to the Trademark Trial and Appeal Board (TTAB).**

There is substantial and credible information that Petitioner lied under oath to the TTAB.

### **Plaintiff's Testimony**

The detail is critical. The detail provides credibility and corroboration to the Plaintiff’s testimony. It also demonstrates with clarity that the Plaintiff lied under oath both in their “Brief in Support of Judgment for Petitioner” (filed October 27, 2014) and to the Petitioner’s motion for sanctions in the form of default judgment (filed November 1, 2013) for Respondent’s failure to file initial disclosures and his delay of these proceedings.

There is substantial and credible information that the Petitioner lied to the TTAB and were abundant and calculating.

The Petitioner lied under oath with an affidavit to purposely "misleading" the TTAB.

**In sum**, based on all of the evidence and considering the Plaintiff’s various testimony, there is substantial and credible information that the Plaintiff lied under oath and committed perjury to the TTAB.

WHEREFORE, the Respondent requests this Honorable Board to:

- a. Motion to Deny the Brief in Support of Judgment for Petitioner.
- b. Dismiss the Petitioner's Amended Petition to Cancel.
- c. Dismiss Petition for Cancellation.
- d. Motion for Judgment on behalf of the Responded against the Plaintiff's failure to prosecute or prove case.
- c. An Order granting a Default Judgment against the Plaintiff, Steven A. Westlake.
- d. An Order for Sanctions against the Plaintiff for committing perjury to the Trademark and Appeal Board (TTAB) and fabricated "evidence."
- e. Logically, a default judgment is the only sanction which makes sense;
  - Striking all or part of Plaintiff's pleadings
  - Refusing to allow Plaintiff to support his claim.
  - Prohibiting Plaintiff from introducing evidence (whatever it may be.)

Sworn and subscribed before me this 5<sup>th</sup> day of December, 2014 WHEREFORE, I respectfully ask this Board for a Motion on Behalf of the Respondent to Deny Brief in Support of Judgment for Petition and declare the Plaintiff's Amended Petition be cancelled.

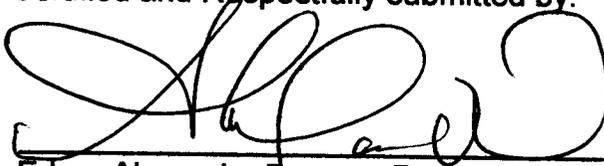
WHEREFORE, I respectfully request that this Board enter an Order Granting a Default Judgment on behalf of the Respondent, Edgar Alexander Barrera against the Plaintiff, Steven A. Westlake.

WHEREFORE, Respondent respectfully asks for a Motion against the Plaintiff to enter an Order Granting Default Judgment on behalf of the Respondent based upon the foregoing reasons.

With a dismissal with prejudice is dismissal of a case on merits after adjudication. The Plaintiff is barred from beginning an action on the same claim. Dismissal with prejudice is a final judgment and the case becomes *res judicata* on the claims that were or could have been brought in it.

The Respondent respectfully requests that the TTAB "Dismiss with Prejudice" the instant case and any other relief the Board deems just and proper.

Certified and Respectfully submitted by:

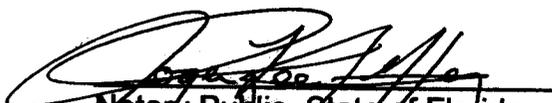


Edgar Alexander Barrera, Respondent  
22159 Ladera Street  
Grand Terrace, CA 92313

Dated: December 5<sup>th</sup> 2014 Telephone (321) 747-8565

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Sworn and subscribed before me this 5<sup>th</sup> day of December, 2014

  
Notary Public, State of Florida  
Commission Expires 13 Oct 2017

ROGER LEE TIFFANY  
MY COMMISSION # FF 062338  
EXPIRES: October 13, 2017  
Bonded thru Budget Notary Services

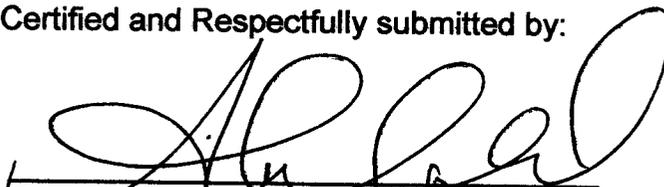
ROGER LEE TIFFANY  
Notary Public State of FLORIDA

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing instrument has been served upon all parties, at their address record by **Priority Mail 3-Day**, with **USPS Certified Mail 9502 6000 1663 4339 0004 63**, U.S. Postage, **\$9.05** prepaid, this 5<sup>th</sup> day of December 2014, addressed to:

Mark Levy, Hinman Howard & Kattel, LLP, 700 Security Mutual Bldg., 80 Exchange Street, Binghamton, NY 13902.

Certified and Respectfully submitted by:



Edgar Alexander Barrera, Respondent  
22159 Ladera Street  
Grand Terrace, CA 92313

Dated: December 5<sup>th</sup> 2014 Telephone (321) 747-8565

# **EXHIBIT A**

**From:** R. Emmett McAuliffe <rem@rieznanberger.com>

**To:** Les Euell (leseuell@gmail.com) <leseuell@gmail.com>; E. Alexander Barrera (axellism@aol.com) <axellism@aol.com>

**Subject:** FW: 2005 Edition

**Date:** Fri, Jul 16, 2010 4:36 pm

**Attachments:** National\_Police\_Gazette-September\_2005.pdf (5767K)

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FYI

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**From:** R. Emmett McAuliffe

**Sent:** Friday, July 16, 2010 3:33 PM

**To:** [saw@policegazette.us](mailto:saw@policegazette.us)

**Subject:** 2005 Edition

Hi Mr. Westlake:

I see your attorney still has not entered an appearance. Please find enclosed the attached issue from 2005. If this issue is valid, it would seem to me your case goes away and therefore what are we fighting about? But I'd like to know your comments.

Feel free to call and discuss.



Les Euell &lt;leseuell@gmail.com&gt;

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**Fwd: 2005 Edition**

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Les Euell <leseuell@gmail.com>  
To: Les Euell <leseuell@gmail.com>

Mon, Sep 29, 2014 at 4:33 PM

Sent from my iPad

Begin forwarded message:

**From:** "R. Emmett McAuliffe" <rem@riezmanberger.com>  
**Date:** July 16, 2010 at 4:35:53 PM EDT  
**To:** "Les Euell (leseuell@gmail.com)" <leseuell@gmail.com>, "E. Alexander Barrera (axlellism@aol.com)" <axlellism@aol.com>  
**Subject:** FW: 2005 Edition

FYI

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**From:** R. Emmett McAuliffe  
**Sent:** Friday, July 16, 2010 3:33 PM  
**To:** saw@policegazette.us  
**Subject:** 2005 Edition

Hi Mr. Westlake:

I see your attorney still has not entered an appearance. Please find enclosed the attached issue from 2005. If this issue is valid, it would seem to me your case goes away and therefore what are we fighting about? But I'd like to know your comments.

Feel free to call and discuss.

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 **National Police Gazette-September 2005.pdf**  
2944K

# **EXHIBIT B**

# 160th Anniversary Edition

ISSN 0047-9039



VOL. 161, NO. 1 NEW YORK-LOS ANGELES-LAS VEGAS: SEPTEMBER 2005 PRICE \$5.00

## The Immortal Irving Berlin



### HE CREATED A NATIONAL TREASURY OF SONG

Classical composer Douglas Moore ranked Berlin with Stephen Foster, Walt Whitman, and Carl Sandburg as a "great American minstrel," who "caught and immortalized in his songs what we say, what we think about, and what we believe."

# 160 YEARS AND STILL IN THE PINK! Police Gazette Pioneered Modern Journalism



George Wilkes (1817-1885) co-founded the Police Gazette in 1845. Publishing the sensational crime sheet was a relatively brief chapter in Wilkes' remarkable career as pioneer sports editor, transcontinental railroad promoter, and confidante of statesmen like Abraham Lincoln and Ulysses S. Grant.

By NAT K. PERLOW

For more than 130 years *The National Police Gazette* has been an eyewitness to the American scene. A Police Gazette reporter was there when Lincoln was shot... when Jesse James terrorized the West... when John L. Sullivan won the heavyweight title... when the first man to die in the electric chair was electrocuted... when America's first Olympic team brought glory to the Stars and Stripes...

Yes, the *Police Gazette* was everywhere, reporting on everything from the secret life of America's First Sex Symbol to the trails and tribulations of America's First Underworld Czar.

It all began in 1844, when a young journalist named George Wilkes was in a New York jail for the sixth time, after a campaign of exposing vice and corruption in that great city, and upsetting police authorities as much as criminals. His lawyer Enoch E. Camp suggested they start a new journal to combat crime.

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(Continued on next page)



EDITORS SINCE 1845

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# The style-setter in sensational news

(Continued from previous page)

up a new world of sport in prize-fighting. Most of all it depicted the amazingly progressive women of the period in pictures that make modern tabloids seem out of date. Here are vivid illustrations of female abortionists, blackmailers, fencers, cigar smokers, side by side with stage beauties, and honest working girls living in frightful poverty and exposed to every conceivable peril.

The Gazette's wood engravings had a tremendous impact lacking in present-day half-tone photographs, and although these illustrations were produced at top speed there was considerable skill and verve in their execution. The regular artists included George G. White, author of a book on drawing, George E. McEvoy, a well-known cartoonist, and an Englishman Matt Morgan, and others. There were special Police Gazette belts or medals for champion singers, dancers, oyster openers, drink mixers, and barbers (fastest haircut was under thirty seconds!) Most of all, Fox did more than anyone else to legalize the status of public boxing contests in New York, defending prize fighters in court, and promoting contests that have become legendary.

Boxing was an underground sport boxing bouts and defied the law to stop them—and the police did. Gazette lawyers argued in court that the matches were an “exhibition in the art of self defense.” The judges agreed and, because of it, boxing became a legalized sport.

It was the Police Gazette which took the unknown Boston Strong Boy, John L. Sullivan, and publicized his battles until he became a household name—the greatest sports hero of the 1890s.

Of course, the Gazette also reflects more emancipated American origins, particularly depicting women in a way well ahead of the time. Girls were featured doing unusual, courageous, or desperate acts, and invading the world of men with a verve and competence that makes modern Women's Liberation look dowdy and boring by comparison.

The sexiness of the Gazette illustrations also has a peculiar innocence which today has a great period charm. There is nothing nasty about these pictures. They were certainly titillating to young men of the period who realized that girls not only had delicately turned ankles but also delicious waists and swelling thighs.

went flying and cleavage was exposed. Whether the artist depicted the awful temptations of working-girls or the gilded vice of demi-moines, there was a sheer voluptuousness about it all that made the pulse beat faster. Today's blue movies and nudist magazines are peculiarly cold and passion-killing by comparison.

The importance of the Police Gazette in our journalism is profound. It developed editorial formulas which remain the basis for many leading magazines. It is the grand daddy of today's sensational tabloids. Its sports pages were imitated by newspapers, making it the inventor of the modern sports page, and the forerunner of modern sports magazines.

The true detective magazines are an outgrowth of the popularity achieved by the crime stories originating in the Police Gazette. The first pinup of leg art appeared in the Gazette. Its woodcuts of buxom beauties in tight corsets shocked Victorian America in the 1890s. The Police Gazette girls became famous in song and legend. They prompted Irving Berlin to write a popular tune of the day, “The Pretty Young Brunette on the Pink Police Gazette.”

Although the Gazette is identified with America's scarlet past, it still is a potent voice in the modern era. The last U.S. Senator Estes Kefauver credited the Police Gazette's exposure of gangsterism with giving him the idea for his famous investigation into organized crime.

A series of articles in the 1950s, in which the Gazette exposed the use of dangerous additives in food, prompted former U.S. Senator Tom Hennings to crusade for stronger food and drug laws throughout the country.

The best known Police Gazette shocker of recent years was its series, “Hitler is Alive!” It sparked renewed interest in Nazi war criminals and influenced the West German government to extend its statute of limitations so that the hunt for fugitives could go on.

Critics may call the Gazette naughty, gaudy and bawdy—but nobody, at any time, ever said it was dull.

One of the last old-time newspapermen, Nat K. Perlow served as managing editor of The National Police Gazette from 1945 to 1968, and editor from 1968 until his death in 1988. Among other accomplishments in a colorful career, Perlow helped U.S. Senator Estes Kefauver set up the famous organized crime hearings of 1950.



Berlin disappointed his legions of fans by becoming reclusive late in life. This rare shot of Berlin in his 86th year was taken by noted New York photographer Jill Krementz. Berlin was, of course, his own lyricist, so he was a good entry in Krementz's lifelong project of photographing famous American writers. Krementz's 1974 pictures are believed to be the last professional photographs of Berlin.

# Meet Irving Berlin

By SIDNEY SKOLSKY

**T**HE easiest thing in the world to write is a song. The hardest thing in the world to write is a song hit. Sixty million copies can't be wrong.

No matter how well he is dressed, if his hair is a trifle mussed he doesn't look well dressed.

Never writes anything in long-hand but his signature on a check. He prints everything.

He was born in Molzne, Russia, May 11, 1888. Came to this country at the age of four, the youngest of eight children. His mother was Leah Lipkin. His father, Moses, whose business it was to say prayers over meat to make it kosher, died when Irving was eight.

Is five feet six inches tall. Weighs 130 pounds. When working on a score of a show, he loses ten pounds.

Hasn't a hat face. Never owned a hat that looked good on him or sat properly on his head.

He ran away from home when he was fourteen. Went to Callahan's

(Continued on next page)



After enduring an impoverished childhood on the streets of New York, Berlin found early success as a Tin Pan Alley tunesmith. His 1911 breakthrough hit was "Alexander's Ragtime Band," which actually wasn't ragtime at all but a bouncy little song about the new style of syncopated music pioneered by African-American musicians like Scott Joplin. "Alexander's Ragtime Band" became such a standard that it served as the namesake for a 1938 musical film that featured no less than 27 other Berlin songs. Here Berlin is at the piano with stars Alice Faye, Tyrone Power, and Don Ameche.



*“White Christmas” is not only the top-selling Christmas song of all time, but the top single, period. Bing Crosby’s initial reaction to the tune was lukewarm: “I don’t think we have any problems with that one, Irving.” Crosby introduced it to radio audiences in the Christmas Day, 1941 broadcast of “The Kraft Music Hall,” then recorded it as part of an album of six songs released in July, 1942. But “White Christmas” didn’t really catch on until later that summer, when Crosby reprised it in a duet with Marjorie Reynolds in the movie “Holiday Inn.”*



*The nostalgic “White Christmas” achieved immortality because it hit a nerve with thousands of homesick American servicemen and the families awaiting their return. On the other hand, “Annie Get Your Gun” was the perfect Broadway show for post-war audiences just looking for a good time. Trumpet-voiced Ethel Merman (right) starred as Annie Oakley, trick-shot artist of the “Buffalo Bill’s Wild West” shows. Oakley herself (left) was from the wild west of Ohio, but mastered rifle marksmanship better than any buffalo hunter, winning national fame and a chestful of medals – including one from The National Police Gazette, whose publisher, Richard K. Fox, promoted her career.*



Berlin was a great admirer of Stephen Foster, America's first master of popular song. And just like Foster, Berlin's best creations aren't just songs but bits of Americana.



Rivalling "White Christmas" as the greatest Berlin song is "God Bless America," beloved for generations as a sort of alternate national anthem. Kate Smith's 50-year career in radio, television, and recording was built largely on her heartfelt rendition of this one patriotic tune.

## Berlin Learned Craft in NYC's Tough Bowery

(Continued from previous page)

saloon on the Bowery. Here he sang "The Mansion of Aching Hearts." His salary was the coins tossed at him. Next stop, Mike Salter's saloon, where he was a singing waiter. The guide on the trip to Chinatown now points out the spot.

For the past two years he has been wearing glasses when reading.

Is a very nervous man. Generally chews gum. When alone in a room he'll cover miles pacing the floor. Floor pacing is his only exercise.

On January 4, 1926 he married Ellin Mackay (whose father owned Postal Telegraph). They have a daughter Mary Ellin. He hasn't any pet name for the wife, and she hasn't any for him.

He's a bad sleeper. Can go to bed in time to get twelve hours sleep and gets only four.

(Continued on next page)



Berlin became a lifelong fan of the Police Gazette right at the source. Publisher Richard K. Fox was one of Berlin's regular customers when he worked as a singing waiter in Mike Salter's saloon. Through Fox and Salter, young Berlin befriended a host of colorful New York characters — and none more so than Chuck Connors, the unofficial "Mayor of Chinatown." Connors, shown here in a characteristic pose holding forth to barroom buddies, made an unusual living as an urban tour guide to the low life of Mott and Doyers streets, with an occasional staged tong war thrown in for thrills.



Berlin would sometimes write songs to fill a particular need in a movie or Broadway musical. But more often, he would dictate any promising idea to his copyist, in the hope that it might eventually find a niche in a show. One such "trunk song" was "The Girl on the Police Gazette" written in 1935 to celebrate neighbor Harold Roswell's purchase of the old scandal sheet. It was finally sung by Dick Powell (center) in the 1937 movie "On the Avenue."

# Greatness Never Came Easy

(Continued from previous page)

One of his hit songs, “The Little Things In Life,” was written while he was on his honeymoon.

Originally his name was Israel Baline. When fifteen he changed Baline to Berlin because everyone pronounced it that way. Later he changed Izzy to Irving. When he wrote his first song, “Marie From Sunny Italy” (he wrote only the first lyric) he was still working at Mike Salter’s saloon. Was afraid to sign the song Irving Berlin. Though the boys would throw bar rags at him for puttin’ on the ritz, That initial song is signed I. Berlin.

## Working on a Lyric

Crowds frighten him. So do certain individuals.

Finds songwriting a hard job. More perspiration than inspiration. Often while the nation is singing one of his songs, he’s still working on it and will change a line in the lyric. The only mark on his body is a scar on his forehead. It was received on a Washington’s birthday in Cherry Street, trying to start a bonfire.

Can play the piano in F Sharp only. Has a specially constructed piano with a sliding keyboard. This enables him to play in other keys although still playing in F Sharp. He had the piano for fifteen years. Recently had a copy of it built for his home.

A barber can do more for him than a doctor. Has had the same barber for years. After a hard day’s work he runs to his barber.

His daughter Mary Ellin was taught by father to play scale on the piano. Once at four, before company, Mary Ellin was asked to play the piano. She banged away on the keys with both hands. “Darling,” said Mrs. Berlin, “play with one finger.” Mary Ellin looked up and said, “Oh, you mean like daddy plays.”

Is always complaining about his stomach and eats everything. His favorite restaurant is the Far East. Here, for many years, the chef has been preparing a special chop suey for him. Loves Chinese food. He eats it with chopsticks.

## High Spot of Career

Considers “What’ll I Do” as good as he ever wrote. Thinks “Alexander’s Ragtime Band” was the high spot of his career. Of all the songs ever written he’d love to be the author of “The Rosary” and “The St. Louis Blues.”

Doesn’t read much, and has a difficult time finishing a book. When he attends the theatre he prefers to see a melodrama.

Has his clothes made in London. When it arrives he puts it on. No alterations are necessary.



Doyers Street, shown around 1909, was the heart of New York’s colorful but sometimes violent Chinatown. Not all businesses were Chinese, however. Both Irving Berlin and vaudeville immortal Al Jolson got their start singing at Callahan’s saloon, which may be one of the buildings on the right.

His secret and great ambition was to be a musician. He’d give anything—even many of his song hits—to be able to play the piano.

(P.S. He’s written more than 1,000 songs. All the proceeds from his famous “God Bless America” go to the Boy Scouts. His best-selling hit is “White Christmas,” which sold more than 3,500,000 copies since 1942.

In 1937, he wrote “The Girl on the Police Gazette,” hit song for the musical movie “On the Avenue,” starring Alice Faye and Dick Powell. This tune is still a juke-box favorite.

He also wrote a Broadway musical comedy in collaboration with playwright Robert Sherwood, titled “Miss Liberty,” featuring a *Police Gazette* reporter.

Berlin lives in a mansion on New York’s Beckman Place. Loves to mess around the kitchen; cooking is his hobby.

At 65, he’s working on a couple of movies for Hollywood and a new Broadway musical. — THE EDITOR.)



“Carefree” (1938) was the eighth and shortest of the Fred Astaire-Ginger Rogers musicals, and the third with music by Irving Berlin. Only four musical numbers were included in the final cut, with “Change Partners” easily the best of the lot. The dance duo would collaborate for the last time with Berlin in 1939’s “The Story of Vernon and Irene Castle.”

## About the Author

In more than a half-century in show business, Sidney Skolsky (1905-1983) worked his way up from Broadway press agent to one of the top columnists covering the movie industry.

Skolsky is one of several show business people who claimed to have given the name “Oscar” to the Academy Award statuette. In his 1975 memoir *Don’t Get Me Wrong—I Love Hollywood*, Skolsky recounted that he was in a hurry to send his copy from the 1934 award ceremony. Having trouble spelling “statuette,” Skolsky decided to write that Katherine Hepburn “won the Oscar” for her performance in “Morning Glory.” Skolsky wrote that the name Oscar came from an old vaudeville routine — “will you have a cigar, Oscar.” Over the following months, Skolsky kept calling the award Oscar in his columns. By 1939, the Academy of Motion Picture Arts and Sciences had adopted the name officially.



Skolsky’s 1954 book *Marilyn: The Marilyn Monroe Story* helped boost the legendary actress’ early career. Heavily illustrated, it’s considered a collectible piece of Monroe memorabilia.



**TOP:** In 1950, Berlin teamed again with Ethel Merman in "Call Me Madam," a musical satire on international politics. Merman played a Washington socialite appointed ambassador to the fictional postage stamp country of Lichtenburg. Some of the comedy in "Call Me Madam" is still topical — notably the American penchant for shovelling billions at impecunious nations. "Call Me Madam" was made into a successful 1953 movie, also starring Merman.

**RIGHT:** Archie and Edith Bunker (Carroll O'Connor and Jean Stapleton) introduced each weekly episode of television's "All in the Family" by singing "Those Were the Days." Late in life, Berlin said he wished he had had a chance to write a song for the hit 1970s series. "Those Were the Days" was actually written by Charles Strouse, noted composer of "Bye Bye Birdie" and "Annie." Berlin also remarked about a certain resemblance between Archie Bunker and his old friend Richard K. Fox — despite being guilty of an occasional bigoted remark, both men were basically decent when dealing with real people of all backgrounds.



# EXHIBIT C



Les Euell &lt;leseuell@gmail.com&gt;

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**Fwd: nothing from Westlake**

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Les Euell <leseuell@gmail.com>  
To: axlcllism@gmail.com  
Cc: axlcllism@outlook.com

Wed, Nov 12, 2014 at 11:55 PM

Sent from my iPad

Begin forwarded message:

**From:** "R. Emmett McAuliffe" <rem@riezmanberger.com>  
**Date:** June 30, 2010 at 5:07:55 PM EDT  
**To:** "Les Euell (leseuell@gmail.com)" <leseuell@gmail.com>  
**Subject:** nothing from Westlake

## **RiezmanBerger**

Attorneys & Counselors at Law

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# EXHIBIT D

# 160th Anniversary Edition

ISSN 0047-9039



VOL. 161, NO. 1 NEW YORK-LOS ANGELES-LAS VEGAS: SEPTEMBER 2005 PRICE \$5.00

## The Immortal Irving Berlin



### HE CREATED A NATIONAL TREASURY OF SONG

Classical composer Douglas Moore ranked Berlin with Stephen Foster, Walt Whitman, and Carl Sandburg as a "great American minstrel," who "caught and immortalized in his songs what we say, what we think about, and what we believe."

# 160 YEARS AND STILL IN THE PINK!

## Police Gazette Pioneered Modern Journalism



**George Wilkes (1817-1885)** co-founded the Police Gazette in 1845. Publishing the sensational crime sheet was a relatively brief chapter in Wilkes' remarkable career as pioneer sports editor, transcontinental railroad promoter, and confidante of statesmen like Abraham Lincoln and Ulysses S. Grant.

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PUBLISHED BY FRANKLIN PRINTING COMPANY

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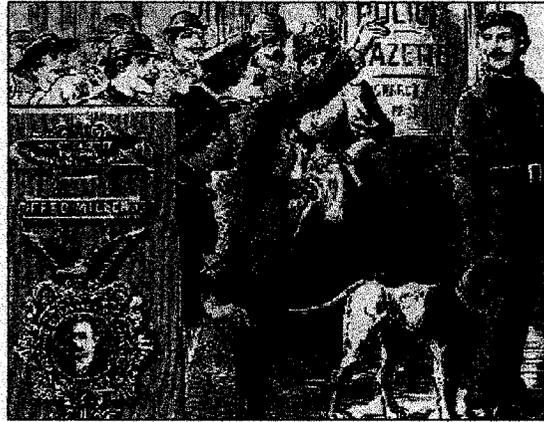
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Richard K. Fox (1846-1922) took the Police Gazette to new heights during the Gilded Age of the 19th century. His greatest accomplishment was creating the first dedicated sports section in an American newspaper, with the emphasis on boxing and baseball.



Fox was a tireless promoter of sporting events, less for the money they made than the publicity that increased the value of the Police Gazette's advertising space. Although Fox did more than any promoter of his era to legitimize boxing, he was also willing to put his money behind oddball events like hair-cutting and oyster-shucking competitions. Fox also promoted sports that were prominent in the 19th century but have since lost popularity—for example, walking races. In this woodcut, champion walker Frank Miller and his dog both seem undistracted by a crowd of admirers.

## The style-setter in sensational news

(Continued from previous page)

up a new world of sport in prize-fighting. Most of all it depicted the amazingly progressive women of the period in pictures that make modern tabloids seem out of date. Here are vivid illustrations of female abortionists, blackmailers, fencers, cigar smokers, side by side with stage beauties, and honest working girls living in frightful poverty and exposed to every conceivable peril.

The Gazette's wood engravings had a tremendous impact lacking in present-day half-tone photographs, and although these illustrations were produced at top speed there was considerable skill and verve in their execution. The regular artists included George G. White, author of a book on drawing, George E. McEvoy, a well-known cartoonist, and an Englishman Matt Morgan, and others. There were special Police Gazette belts or medals for champion singers, dancers, oyster openers, drink mixers, and barbers (fastest haircut was under thirty seconds!) Most of all, Fox did more than anyone else to legalize the status of public boxing contests in New York, defending prize fighters in court, and promoting contests that have become legendary.

Boxing was an underground sport boxing bouts and defied the law to stop them—and the police did. Gazette lawyers argued in court that the matches were an “exhibition in the art of self defense.” The judges agreed and, because of it, boxing became a legalized sport.

It was the Police Gazette which took the unknown Boston Strong Boy, John L. Sullivan, and publicized his battles until he became a household name—the greatest sports hero of the 1890s.

Of course, the Gazette also reflects more emancipated American origins, particularly depicting women in a way well ahead of the time. Girls were featured doing unusual, courageous, or desperate acts, and invading the world of men with a verve and competence that makes modern Women's Liberation look dowdy and boring by comparison.

The sexiness of the Gazette illustrations also has a peculiar innocence which today has a great period charm. There is nothing nasty about these pictures. They were certainly titillating to young men of the period who realized that girls not only had delicately turned ankles but also delicious waists and swell thighs.

went flying and cleavage was exposed. Whether the artist depicted the awful temptations of working-girls or the gilded vice of demi-moines, there was a sheer voluptuousness about it all that made the pulse beat faster. Today's blue movies and nudist magazines are peculiarly cold and passion-killing by comparison.

The importance of the Police Gazette in our journalism is profound. It developed editorial formulas which remain the basis for many leading magazines. It is the grand daddy of today's sensational tabloids. Its sports pages were imitated by newspapers, making it the inventor of the modern sports page, and the forerunner of modern sports magazines.

The true detective magazines are an outgrowth of the popularity achieved by the crime stories originating in the Police Gazette. The first pinup of leg art appeared in the Gazette. Its woodcuts of buxom beauties in tight corsets shocked Victorian America in the 1890s. The Police Gazette girls became famous in song and legend. They prompted Irving Berlin to write a popular tune of the day, “The Pretty Young Brunette on the Pink Police Gazette.”

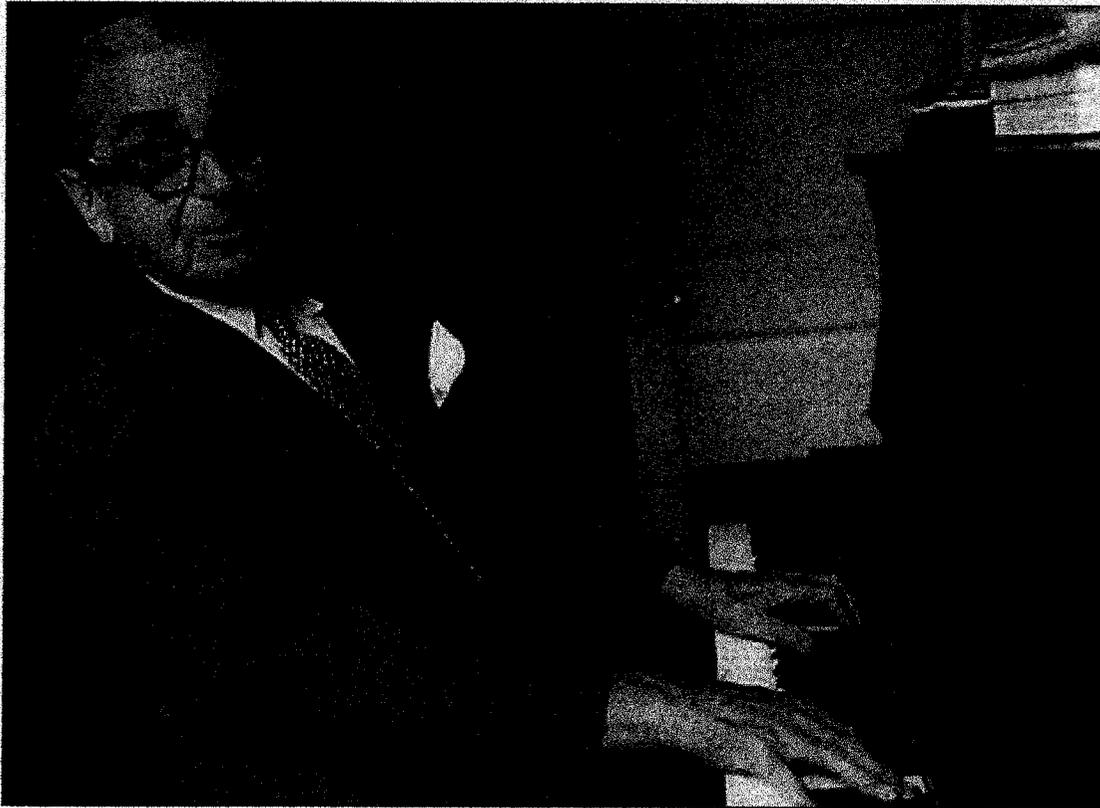
Although the Gazette is identified with America's scarlet past, it still is a potent voice in the modern era. The last U.S. Senator Estes Kefauver credited the Police Gazette's exposure of gangsterism with giving him the idea for his famous investigation into organized crime.

A series of articles in the 1950s, in which the Gazette exposed the use of dangerous additives in food, prompted former U.S. Senator Tom Hennings to crusade for stronger food and drug laws throughout the country.

The best known Police Gazette shocker of recent years was its series, “Hitler is Alive!” It sparked renewed interest in Nazi war criminals and influenced the West German government to extend its statute of limitations so that the hunt for fugitives could go on.

Critics may call the Gazette naughty, gaudy and bawdy—but nobody, at any time, ever said it was dull.

One of the last old-time newspapermen, Nat K. Perlow served as managing editor of The National Police Gazette from 1945 to 1968, and editor from 1968 until his death in 1988. Among other accomplishments in a colorful career, Perlow helped U.S. Senator Estes Kefauver set up the famous organized crime hearings of 1950.



Berlin disappointed his legions of fans by becoming reclusive late in life. This rare shot of Berlin in his 86th year was taken by noted New York photographer Jill Krementz. Berlin was, of course, his own lyricist, so he was a good entry in Krementz's lifelong project of photographing famous American writers. Krementz's 1974 pictures are believed to be the last professional photographs of Berlin.

# Meet Irving Berlin

By SIDNEY SKOLSKY

THE easiest thing in the world to write is a song. The hardest thing in the world to write is a song hit. Sixty million copies can't be wrong.

No matter how well he is dressed, if his hair is a trifle mussed he doesn't look well dressed.

Never writes anything in long-hand but his signature on a check. He prints everything.

He was born in Molzne, Russia, May 11, 1888. Came to this country at the age of four, the youngest of eight children. His mother was Leah Lipkin. His father, Moses, whose business it was to say prayers over meat to make it kosher, died when Irving was eight.

Is five feet six inches tall. Weighs 130 pounds. When working on a score of a show, he loses ten pounds.

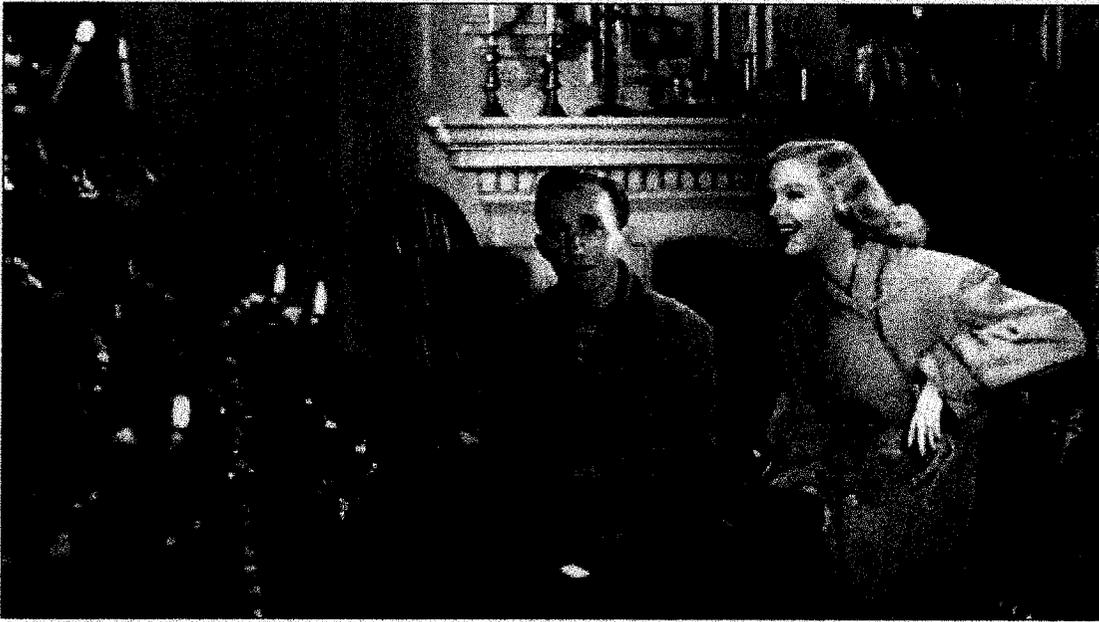
Hasn't a hat face. Never owned a hat that looked good on him or sat properly on his head.

He ran away from home when he was fourteen. Went to Callahan's

(Continued on next page)



After enduring an impoverished childhood on the streets of New York, Berlin found early success as a Tin Pan Alley tunesmith. His 1911 breakthrough hit was "Alexander's Ragtime Band," which actually wasn't ragtime at all but a bouncy little song about the new style of syncopated music pioneered by African-American musicians like Scott Joplin. "Alexander's Ragtime Band" became such a standard that it served as the namesake for a 1938 musical film that featured no less than 27 other Berlin songs. Here Berlin is at the piano with stars Alice Faye, Tyrone Power, and Don Ameche.



*“White Christmas” is not only the top-selling Christmas song of all time, but the top single, period. Bing Crosby’s initial reaction to the tune was lukewarm: “I don’t think we have any problems with that one, Irving.” Crosby introduced it to radio audiences in the Christmas Day, 1941 broadcast of “The Kraft Music Hall,” then recorded it as part of an album of six songs released in July, 1942. But “White Christmas” didn’t really catch on until later that summer, when Crosby reprised it in a duet with Marjorie Reynolds in the movie “Holiday Inn.”*



*The nostalgic “White Christmas” achieved immortality because it hit a nerve with thousands of homesick American servicemen and the families awaiting their return. On the other hand, “Annie Get Your Gun” was the perfect Broadway show for post-war audiences just looking for a good time. Trumpet-voiced Ethel Merman (right) starred as Annie Oakley, trick-shot artist of the “Buffalo Bill’s Wild West” shows. Oakley herself (left) was from the wild west of Ohio, but mastered rifle marksmanship better than any buffalo hunter, winning national fame and a chestful of medals – including one from The National Police Gazette, whose publisher, Richard K. Fox, promoted her career.*



Berlin was a great admirer of Stephen Foster, America's first master of popular song. And just like Foster, Berlin's best creations aren't just songs but bits of Americana.



Rivalling "White Christmas" as the greatest Berlin song is "God Bless America," beloved for generations as a sort of alternate national anthem. Kate Smith's 50-year career in radio, television, and recording was built largely on her heartfelt rendition of this one patriotic tune.

## Berlin Learned Craft in NYC's Tough Bowery

(Continued from previous page)

saloon on the Bowery. Here he sang "The Mansion of Aching Hearts." His salary was the coins tossed at him. Next stop, Mike Salter's saloon, where he was a singing waiter. The guide on the trip to Chinatown now points out the spot.

For the past two years he has been wearing glasses when reading.

Is a very nervous man. Generally chews gum. When alone in a room he'll cover miles pacing the floor. Floor pacing is his only exercise.

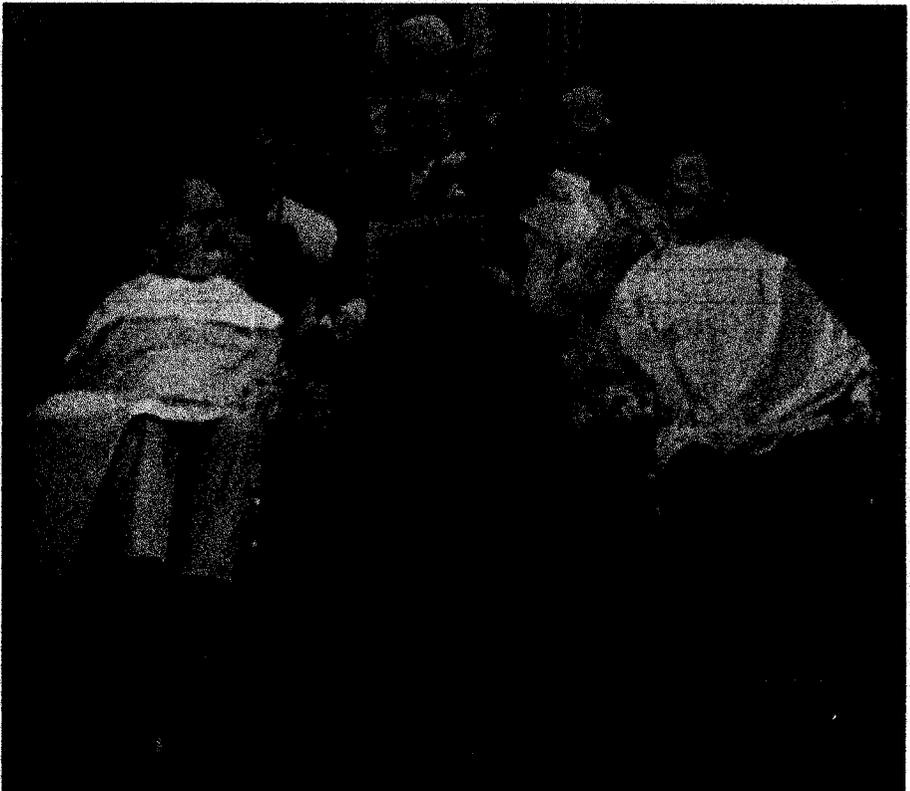
On January 4, 1926 he married Ellin Mackay (whose father owned Postal Telegraph). They have a daughter Mary Ellin. He hasn't any pet name for the wife, and she hasn't any for him.

He's a bad sleeper. Can go to bed in time to get twelve hours sleep and gets only four.

(Continued on next page)



Berlin became a lifelong fan of the Police Gazette right at the source. Publisher Richard K. Fox was one of Berlin's regular customers when he worked as a singing waiter in Mike Salter's saloon. Through Fox and Salter, young Berlin befriended a host of colorful New York characters — and none more so than Chuck Connors, the unofficial "Mayor of Chinatown." Connors, shown here in a characteristic pose holding forth to barroom buddies, made an unusual living as an urban tour guide to the low life of Mott and Doyers streets, with an occasional staged tong war thrown in for thrills.



Berlin would sometimes write songs to fill a particular need in a movie or Broadway musical. But more often, he would dictate any promising idea to his copyist, in the hope that it might eventually find a niche in a show. One such "trunk song" was "The Girl on the Police Gazette" written in 1935 to celebrate neighbor Harold Roswell's purchase of the old scandal sheet. It was finally sung by Dick Powell (center) in the 1937 movie "On the Avenue."

# Greatness Never Came Easy

(Continued from previous page)

One of his hit songs, “The Little Things In Life,” was written while he was on his honeymoon.

Originally his name was Israel Baline. When fifteen he changed Baline to Berlin because everyone pronounced it that way. Later he changed Izzy to Irving. When he wrote his first song, “Marie From Sunny Italy” (he wrote only the first lyric) he was still working at Mike Salter’s saloon. Was afraid to sign the song Irving Berlin. Though the boys would throw bar rags at him for puttin’ on the ritz. That initial song is signed I. Berlin.

## Working on a Lyric

Crowds frighten him. So do certain individuals.

Finds songwriting a hard job. More perspiration than inspiration. Often while the nation is singing one of his songs, he’s still working on it and will change a line in the lyric. The only mark on his body is a scar on his forehead. It was received on a Washington’s birthday in Cherry Street, trying to start a bonfire.

Can play the piano in F Sharp only. Has a specially constructed piano with a sliding keyboard. This enables him to play in other keys although still playing in F Sharp. He had the piano for fifteen years. Recently had a copy of it built for his home.

A barber can do more for him than a doctor. Has had the same barber for years. After a hard day’s work he runs to his barber.

His daughter Mary Ellin was taught by father to play scale on the piano. Once at four, before company, Mary Ellin was asked to play the piano. She banged away on the keys with both hands. “Darling,” said Mrs. Berlin, “play with one finger.” Mary Ellin looked up and said, “Oh, you mean like daddy plays.”

Is always complaining about his stomach and eats everything. His favorite restaurant is the Far East. Here, for many years, the chef has been preparing a special chop suey for him. Loves Chinese food. He eats it with chopsticks.

## High Spot of Career

Considers “What’ll I Do” as good as he ever wrote. Thinks “Alexander’s Ragtime Band” was the high spot of his career. Of all the songs ever written he’d love to be the author of “The Rosary” and “The St. Louis Blues.”

Doesn’t read much, and has a difficult time finishing a book. When he attends the theatre he prefers to see a melodrama.

Has his clothes made in London. When it arrives he puts it on. No alterations are necessary.



Doyers Street, shown around 1909, was the heart of New York’s colorful but sometimes violent Chinatown. Not all businesses were Chinese, however. Both Irving Berlin and vaudeville immortal Al Jolson got their start singing at Callahan’s saloon, which may be one of the buildings on the right.

His secret and great ambition was to be a musician. He’d give anything—even many of his song hits—to be able to play the piano.

(P.S. He’s written more than 1,000 songs. All the proceeds from his famous “God Bless America” go to the Boy Scouts. His best-selling hit is “White Christmas,” which sold more than 3,500,000 copies since 1942.

In 1937, he wrote “The Girl on the Police Gazette,” hit song for the musical movie “On the Avenue,” starring Alice Faye and Dick Powell. This tune is still a juke-box favorite.

He also wrote a Broadway musical comedy in collaboration with playwright Robert Sherwood, titled “Miss Liberty,” featuring a *Police Gazette* reporter.

Berlin lives in a mansion on New York’s Beekman Place. Loves to mess around the kitchen; cooking is his hobby.

At 65, he’s working on a couple of movies for Hollywood and a new Broadway musical. — THE EDITOR.)



“Carefree” (1938) was the eighth and shortest of the Fred Astaire-Ginger Rogers musicals, and the third with music by Irving Berlin. Only four musical numbers were included in the final cut, with “Change Partners” easily the best of the lot. The dance duo would collaborate for the last time with Berlin in 1939’s “The Story of Vernon and Irene Castle.”

## About the Author

In more than a half-century in show business, Sidney Skolsky (1905-1983) worked his way up from Broadway press agent to one of the top columnists covering the movie industry.

Skolsky is one of several show business people who claimed to have given the name “Oscar” to the Academy Award statuette. In his 1975 memoir *Don’t Get Me Wrong—I Love Hollywood*, Skolsky recounted that he was in a hurry to send his copy from the 1934 award ceremony. Having trouble spelling “statuette,” Skolsky decided to write that Katherine Hepburn “won the Oscar” for her performance in “Morning Glory.” Skolsky wrote that the name Oscar came from an old vaudeville routine — “will you have a cigar, Oscar.” Over the following months, Skolsky kept calling the award Oscar in his columns. By 1939, the Academy of Motion Picture Arts and Sciences had adopted the name officially.



Skolsky’s 1954 book *Marilyn: The Marilyn Monroe Story* helped boost the legendary actress’ early career. Heavily illustrated, it’s considered a collectible piece of Monroe memorabilia.



**TOP:** In 1950, Berlin teamed again with Ethel Merman in "Call Me Madam," a musical satire on international politics. Merman played a Washington socialite appointed ambassador to the fictional postage stamp country of Lichtenburg. Some of the comedy in "Call Me Madam" is still topical — notably the American penchant for shoveling billions at impecunious nations. "Call Me Madam" was made into a successful 1953 movie, also starring Merman.

**RIGHT:** Archie and Edith Bunker (Carroll O'Connor and Jean Stapleton) introduced each weekly episode of television's "All in the Family" by singing "Those Were the Days." Late in life, Berlin said he wished he had had a chance to write a song for the hit 1970s series. "Those Were the Days" was actually written by Charles Strouse, noted composer of "Bye Bye Birdie" and "Annie." Berlin also remarked about a certain resemblance between Archie Bunker and his old friend Richard K. Fox — despite being guilty of an occasional bigoted remark, both men were basically decent when dealing with real people of all backgrounds.



# EXHIBIT E

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# Veronica Lake: Femme Fatale



No actress ever got more mileage out of a hairstyle than Veronica Lake, who teased movie audiences with her "peek-a-boo" blonde locks in a string of 1940s film noir classics like "This Gun for Hire" and "The Glass Key." But emotional problems ended her flirtation with major stardom – Paramount dropped her contract before she turned 30.



The most famous image of the 1950-51 Kefauver crime hearings is surely the fidgety hands of New York mob boss Frank Costello. Although Costello agreed to testify and not take the Fifth Amendment, he was nervous about having his face shown on national television. Kefauver's senior adviser, Nat K. Perlow — who was on leave from his regular job as managing editor of the Police Gazette — proposed showing only Costello's hands. Rather than taking heat off Costello, the effect was so sinister that it immediately fixed his public image as a shadowy criminal mastermind — which was basically the truth. Perlow later worked on Kefauver's 1952 presidential campaign before resuming his journalistic career, parlaying his experience with the venerable Police Gazette into creating the new generation of supermarket tabloids.

# Prime Minister of the Underworld

## Frank Costello's Hands Mesmerized Millions in First TV Crime Hearings

By RON GOULART

The high-rated performers on television in 1951 were Milton Berle, Howdy Doody, and Frank Costello. Millions of people watched the underworld leader as he appeared on the televised hearings of the Kefauver Committee.

Up until March of 1951 he had been a mild-mannered, millionaire gangster who was seldom bothered. People liked him and called him Uncle Frank. Kefauver and TV challenged all that.

Costello had been getting in trouble with the law for most of this century. But even in his apprentice years there had never been any serious consequences.

Frank Costello thrived for decades, top man in the syndicate, millionaire from his rackets, and an important political force. He was well known in New York, watched and wire-tapped by various official groups. Then came the Kefauver Committee.

Its full name was the Special Committee to Investigate Organized Crime in Interstate Commerce. The chairman of the committee was the late Senator C. Estes Kefauver of Tennessee.

When Kefauver went to the Senate in 1949 he felt there was "a desperate need for learning the facts about crime in America ... I took the issue to the floor of the United States Senate by introducing a bill calling for a full-scale Senate investigation of crime in interstate commerce."

### Cross-Country Investigation

Kefauver became chairman of the resulting committee in May of 1950. He would travel 52,000 miles around the country in his year as head of the investigating body. Hearings were held in Miami, Kansas City, Detroit, Chicago, Cleveland, New Orleans, Los Angeles, and New York.

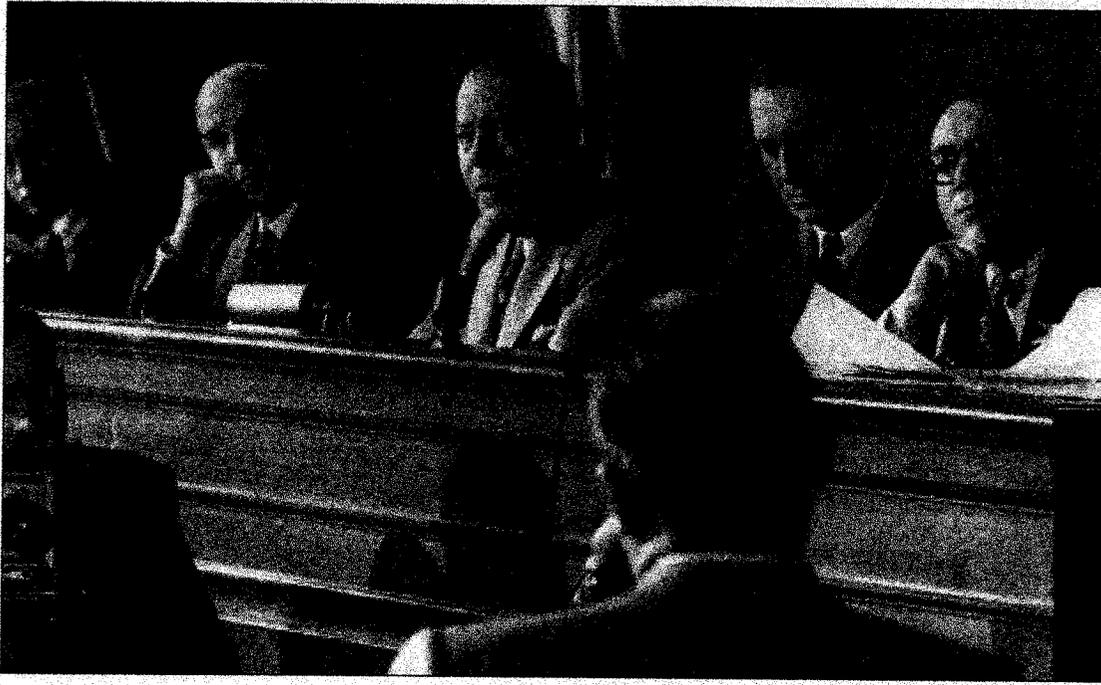
After a year of hearings, many televised, the committee concluded that a nationwide crime syndicate existed, that political corruption was flourishing, that legitimate businesses were being taken over by hoods, and that the federal enforcement agencies should do something about it.

How much has been done in the sixteen years since the Kefauver Committee told the facts about organized crime is open for debate.



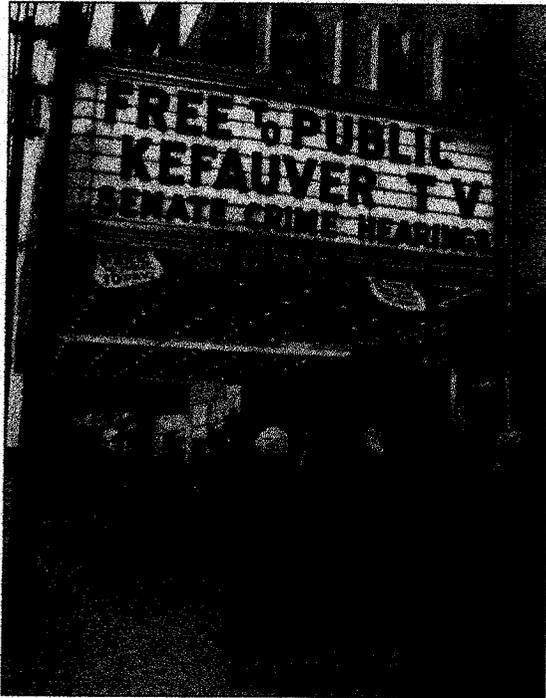
### THE REAL DON CORLEONE

Frank Costello was born Francesco Castiglia in 1891. His family emigrated from the impoverished Calabria region of southern Italy in 1900. After a short jail term for carrying a concealed weapon, young Costello abandoned street-level crime in favor of illegal enterprises like bootlegging and gambling. By the time Costello was subpoenaed to testify before the Kefauver Committee in 1951, he was virtually the chief executive officer of the New York underworld, and almost respectable thanks to his connections with politicians and business leaders. Costello also had major pull with the Tammany Hall Democratic machine. He also moved the mob into a host of legitimate businesses, for example, distributing meat and poultry.



A typical session of the Senate Special Committee to Investigate Crime in Interstate Commerce, this time in New York. Left to right: unidentified staff member; Sen. Charles W. Tobey (R-N.H.); Sen. Herbert R. O’Conor (D-Md.); Sen. C. Estes Kefauver (D-Tenn.), committee chairman; and chief counsel Rudolph Halley.

## Many Questions, Few Straight Answers



The 1950-51 Kefauver hearings were the biggest news story covered by the young medium of television up to that time. With the lawlessness of the 1920s still a big part of living memory, viewers could enjoy a good fright over revelations that the bootleggers of an earlier era were now the bosses of a national crime syndicate. The hearings were so popular that they were even shown in some movie theaters.

The Crime Committee had done considerable research on Costello, including private discussions with him, before the public hearing of March, 1951. In an interim report issued by the committee Costello was called “The outstanding underworld leader of the New York City area.”

### An Evasive Witness

The televised questioning of Costello began on March 13 and went on for seven days. The questioning was prolonged because of Costello’s evasive testimony.

“We could have finished up with him in a day,” Kefauver later said. “The principal effect of his tactics was to prolong what must have been an ordeal for him.”

The questioning became intricate almost as soon as it started. Counsel Rudolph Halley asked Costello about his aliases, whether he’d ever used the name Saverio. Costello said he might have.

“What do you mean you might have used the name, Saverio? Don’t you know very well you used the name, Saverio?”

“I might have used it, yes.”

“I will not accept that answer. Did you or did you not use it?”

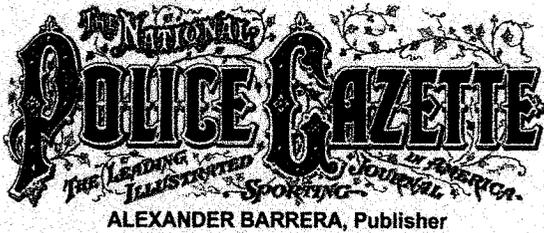
“Well, I might have.”

“Well, you know you used it, do you not?”

“Well, I don’t know. I won’t say I didn’t.”



Shown here without the trademark coonskin cap he sometimes wore on campaign, C. Estes Kefauver was elected senator in from Tennessee in 1949, after five terms in the House of Representatives. The crime hearings made Kefauver a star of the Democratic party for the rest of the 1950s. He narrowly lost the presidential nomination to Adlai Stevenson in 1952. Trying again in 1956, Kefauver was selected as Stevenson’s running mate. Kefauver’s popularity did little to boost a Democratic ticket that was doomed by Stevenson’s intellectual image and the Eisenhower administration’s track record of postwar prosperity.



## EDITORS SINCE 1845

Enoch E. Camp and George Wilkes, 1845-1848; George Wilkes, 1848-1852; R. Lexow, 1853-1855; Robert A. Seymour, 1855-1857; George W. Matsell and William Mackellar, 1857-1874; Herbert R. Mooney and Charles A. Lederer, 1873-75; Mooney, Lederer & Co., 1875-1877; Richard K. Fox, 1877-1922; Ralph D. Robinson, 1922-1932; Merle Hersey Williams, 1933-1935; George A. Wells, Editor, H. H. Roswell, Executive Editor, 1935-1937; H. H. Roswell, 1937-1968; N. K. Perlow, 1968-1988; Police Gazette Printing House, 1988-1991; Franklin Printing Company, 1991-2005.

## Hearings Heralded Age of TV News

Seven days of this kind of exchange. It took persistence on both sides. In the earlier closed sessions Costello had promised to bring a statement of his net worth. Now in public he refused to produce it.

Halley asked, "Now Mr. Costello, have you brought with you a financial statement showing your net worth today?"

"No."

"What is your net worth today?"

"I refuse to answer that question."

"On what grounds?"

"I'm going to exercise my rights that it might tend to incriminate me."

Costello, as the hearing progressed, threatened to walk out if he wasn't treated better. He did get up once and stalk out but he later came back. After listening to Costello, to William O'Dwyer, after other testimony, and through facts gathered, the committee reached several conclusions about New York City and Frank Costello.

"Frank Costello, has close personal friendships, working relationships, and mutual financial interest with leading racketeers ... Frank Costello has exercised a major influence upon the New York Democratic organization, Tammany Hall..."

Despite all this, the first legal step taken against Costello was a citation for contempt.

### Troubles Pile Up

But after the Kefauver hearings Costello was in continuing legal trouble. The tax people came after him, the government began deportation proceedings because they said Costello lied about his bootlegging activities when he was naturalized in 1925.

He spent time in jail, and in prison on the contempt charge. Since 1951 he's been involved in some 50 court actions. In May of 1957 an overweight gunman tried to kill Costello in the foyer of his Central Park West apartment. The assas-



Frank Costello's fictional counterpart: Marlon Brando in his greatest role as Don Vito Corleone in "The Godfather" (1972).

tried to get me," Costello admitted, never telling who.

It seemed possible the syndicate was not happy with the now-famous Prime Minister and was taking the usual syndicate steps. Still the gunman only shot once, not usual in a syndicate killing.

Today Costello's position in the underworld is ambiguous. He's in his seventies, and insiders say he's now retired. During the committee's hearings, Costello was asked why he's bothered to become a citizen. "Because," Frank Costello explained, "I love this country."

## Leaving New York's Mean Streets ...

**EDITOR'S NOTE:** Ron Goulart's story about Kefauver committee hearings originally ran in the August, 1967 edition of *The National Police Gazette*. Rudolph Halley parlayed his reputation as committee counsel into a brief but stormy political career that included an unsuccessful run for New York mayor in 1953. He died just three years later at the early age of 43. Tennessee Sen. C. Estes Kefauver swept the 1952 Democratic presidential primaries but lost at the convention to Illinois Gov. Adlai Stevenson. Kefauver as also a serious contender in 1956, only this time he was selected as Stevenson's running mate. Kefauver remained an influential lawmaker until his sudden death at age 60 in 1963. His advisor, Nat K. Perlow, who suggested showing only Frank Costello's nervous hands on television, resumed the editorship of the *Police Gazette* and other magazines with considerable success, dying at age 72 in 1988. Costello's would-be assassin in 1957 was none other than Vincent "The Chin" Gigante, who by the 1980s was boss of New York's Genovese crime family. Gigante died in 2005 at age 77, while serving a 12-year federal sentence for racketeering. Frank Costello survived the gang wars and settled into a comfortable role as the mob's elder statesman. He was finally felled by a heart attack at age 82 in 1973. Although the character of Don Vito Corleone in "The Godfather" is said to have been based on several mafia bosses, the resemblance to Costello is hard to overlook. Marlon Brando is said to have listened to Kefauver hearing tapes in order to mimic Costello's raspy voice.

## ... Headed for Hollywood and Vine

Bob Hartford's profile of Veronica Lake starting on page 5 originally ran in *The National Police Gazette's* edition of August 1960. It was also around this time that Lake began a long relationship with the *Police Gazette's* managing editor, Nat K. Perlow, that lasted until her death in 1973. Although Lake's movie career was essentially over, she published a well-received autobiography in 1969. In it she described Perlow as "one of the sweethearts of the western world," suggesting that the cigar-chomping newspaperman had his softer side. Lake's memoirs were the one clear accomplishment of her final years. Most of the money from the book went toward financing her last movie in 1970. The low-budget shocker "Flesh Feast" attracted little attention. Lake played a mad scientist attempting to clone Adolf Hitler. Perhaps Perlow, famed for publishing the headline "Hitler Is Alive!" in a 1951 *Police Gazette*, influenced Lake's screenwriters. In any event, Perlow was with Lake until the end. The official version of Lake's passing is that she died in Burlington, Vt., from kidney failure brought on by years of drinking. Perlow maintained that Lake actually died in Montreal but that he drove her body across the border in order to fulfill her final wishes. Many published sources dismiss Perlow's account but the fact remains that he stood by this story until his own death in 1988.

The Queen of *Film Noir* Says ...

# YOU GOTTA GET A GIMMICK

## Veronica Lake’s Blonde Tresses Became Silken Ladder to Stardom

By BOB HARTFORD

Lovely Veronica Lake, once the hottest heartthrob for millions of movie fans, crossed her shapely legs, puffed elegantly and said: “It’s the gimmick that makes a movie star. Talent has nothing to do with it. Today, practically any attractive girl with a 38-inch bust and a seductive wiggle to her walk has most of the equipment necessary for stardom.”

Nobody is better qualified to judge the potent power of a gimmick than Veronica, who parlayed a trim, attractive figure and a hank of silky blonde hair dangling over one eye into a fabulous legend.

“Frankly, darling,” she said, in her soft sophisticated voice, “if it hadn’t been for that hair-do I would never have become a movie star.”

Veronica —Ronnie to her friends—and I were dining at Albert’s French Restaurant, one of the swank bistros in New York’s Greenwich Village. If you think the former movie queen is a forgotten star you’re wrong—our interview was constantly interrupted by excited fans asking the glamorous star for her autograph.

“You see what I mean?” said Ronnie, as she graciously signed her name for an admirer who looked like a prosperous stock broker. “Very few people remember any of the pictures I have been in — but they all remember the peek-a-boo-bang.”

### Accident Made Her a Star

And they still recognize Ronnie, although she no longer wears her hair in that seductive peek-a-boo-bang. She now wears it combed sleekly back and tied in a pony tail.

“Actually I became a star by accident,” she told me, in between the interruptions. “Just for curiosity I went to a studio casting office with a girl friend who wanted a job as an extra—and while they were giving her a screen test one of the eager beaver talent scouts said:

“Hey, honey, why don’t you take a test?”

“I didn’t really think I stood a chance — but the next thing I knew I was signed up.”

Ronnie daintily lit up a fresh cigarette, and smoked for a moment in silence, thinking of those exciting days when she first broke into show business.



### A Classic Beauty in Full Bloom

*Veronica Lake is still fondly remembered by film buffs as one of the most glamorous stars of Hollywood’s most glamorous era. This pinup from the height of her 1940s fame shows the “peek-a-boo” hairstyle that became her trademark. Lake rose to stardom in 1941’s “Sullivan’s Travels,” the classic Great Depression drama directed by Preston Sturges. Other career highlights included the crime story “This Gun for Hire” in 1942, the first of four collaborations with Alan Ladd. But Lake developed a reputation for being unreliable on the set, and her film career was basically over after 1949. She died at age 50 in 1973, after a long decline into physical and emotional problems.*

“It was while I was posing for some publicity shots that the gimmick came,” She said. “My hair fell over one eye—and before I could brush it back the cameraman had caught it. The photo was so interesting — ‘different’ they called it — that it was published in newspapers and magazines all over the world. Arthur Hornblow, the producer, saw the picture and recognized the potential for developing a box-office

personality with that hair style as the gimmick. And that was that. Almost overnight I became a star.”

“But you were great as an actress,” I said. “It wasn’t all just a gimmick.”

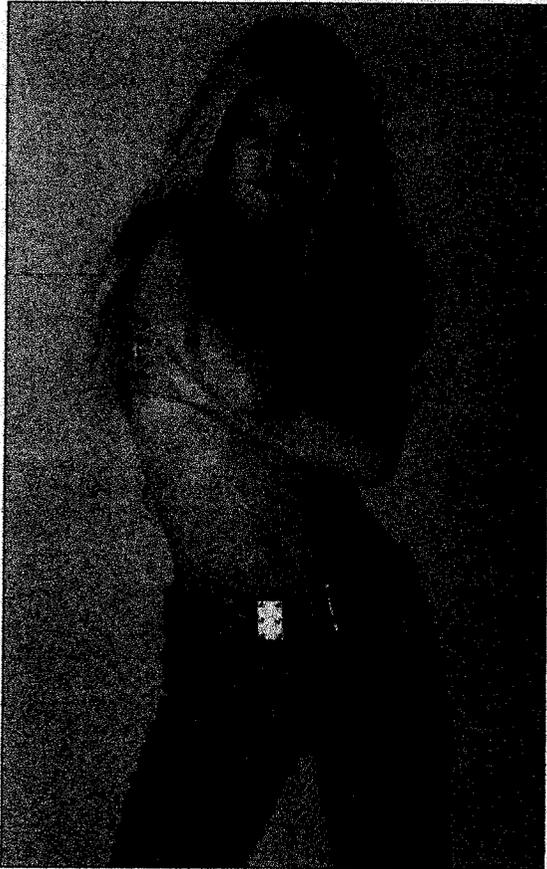
“It’s sweet of you to say so,” Ronnie smiled. “I guess I was quick learning the tricks of the trade. But it was still the hair-do gimmick that gave me the first big break and made me famous. Without it I might have

struggled for years and never have gotten to be a star.”

### Fame Came Early

Ronnie recalled her embarrassment when she got her first big role.

“Remember,” she said, “I was just a 17-year-old kid, with absolutely no acting experience, just a knack of wearing my hair in a new



*Brigitte Bardot and Sophia Loren could be Exhibits A and B in supporting the middle-aged Veronica Lake's argument that Hollywood's ideal of glamour changed — big time — during the 1950s and beyond. During Lake's rather short film career in the 1940s, the emphasis was on trim figures and photogenic faces — which certainly helped the petite Lake, who stood just shy of 5 feet. Only during the prosperity of the post-war years did spectacular curves a la Bardot and Loren become the preferred look.*

## Glamour Rounds a Curve

way — half over my face. Like most girls of that age I had my own screen idol — and he was Joel McCrea.

"And who do you think my first leading man was? No less a star than Joel! I wasn't so much thrilled as terrified. After we started shooting the picture, 'Sullivan's Travels,' Joel began to resent me and deliberately avoided me off the set.

"I was hurt. I didn't understand — until the director told me that Joel was humiliated because the studio was giving me top billing over him.

"It was ridiculous. I was an inexperienced Miss Nobody, and he was a talented star, but that illustrates the box office appeal of a gimmick."

### Subtle Sex Appeal

According to Miss Lake, today's top stars—such as Marilyn Monroe, Brigitte Bardot and Sophia Loren — would never have made the big league in Hollywood in the early '40s when Veronica, Betty Grable, Lana Turner and Ann Sheridan were the sex boats of the screen.



*Marie Wilson was one of the few Golden Age stars to anticipate the voluptuous look that Marilyn Monroe perfected in the 1950s. Her many film performances starting in 1934 helped create the "dumb blonde" comic image. The peak of Wilson's career was the title role of "My Friend Irma" from 1947 to 1954. Wilson starred as scatter-brained secretary Irma Peterson first on radio, then in two movies — which also introduced Dean Martin and Jerry Lewis to audiences — and finally a brief television run.*



*Marilyn Monroe redefined movie glamour in the 1950s. Veronica Lake speculated that Monroe couldn't have risen to stardom without a gimmick. If Lake had her stray blonde locks, Monroe had her "sexy open-mouth stare." Both stars had difficult personal lives and reputations for unreliability on the set. While this destroyed Lake's career, Monroe managed to pull herself together sufficiently to give many great performances until her drug-induced death in 1962.*

*Marie McDonald first achieved stardom as a singer with Tommy Dorsey and other swing band leaders. She also became one of the more popular wartime pinup models, earning the nickname "The Body" after displaying her curvaceous figure in movies like 1942's "Pardon My Sarong." But her personal life was, if anything, even more troubled than Monroe's, with no less than six husbands. She died of a suspected drug overdose in 1965.*

## Monroe: 'A Certain Charming Naiveté'

"In those days the public wasn't ready for big busts and curves," Ronnie explained. "The sex appeal of stars had to be subtle. When I first got into films, the entire Paramount lot was cluttered with gimmicks. There was Dorothy Lamour and her sarong, Paulette Goddard with her sweater and me with the peek-a-boo bang, just to name a few. It was very profitable for the studios, but I don't know that it did much for raising the standards of acting."

Veronica gives Marilyn Monroe credit for pioneering the new vogue in sex appeal.

"She was the first girl with an above average figure to break the jinx," she explained.

"Tell me how Marilyn Monroe made it," I asked.

"Well, during the war years, when I hit the peak in Hollywood, there were plenty of good-looking girls with extraordinary physical measurements, but even those who managed to break into pictures never really became top flight stars. There was Marie Wilson, who had more than Monroe and Loren rolled into one, but producers only cast her in dumb blonde roles. Even Marie McDonald, who billed herself as 'The Body' never really caught the public's imagination.



*Veronica Lake's first starring role was as a struggling actress called simply "The Girl" in 1941's "Sullivan's Travels." Directed by Preston Sturges, "Sullivan's Travels" was selected by the Library of Congress in 1990 for National Film Registry preservation. Lake was cast as the love interest for the title character, an idealistic film director played by Joel McCrea. Burned out after years of making escapist comedies, the director decides to research the underside of Depression-era life by taking to the road as a hobo. McCrea's character gets more than he bargained for, ultimately ending up in prison and only getting sprung when "The Girl" comes forward to unravel a case of mistaken identities. Fine as their on-screen chemistry was, the two stars got along so poorly that McCrea declined a chance to play opposite Lake in 1942's "I Married a Witch." Fredric March took the part – and also tangled with Lake.*



Veronica Lake is forever linked with another star who burned out early. She played opposite Alan Ladd in four movies, starting with "This Gun for Hire" and "The Glass Key," both from 1942. In this shot from their third collaboration, 1946's "The Blue Dahlia," Lake sports a shorter hairstyle than the famous "peek-a-boo" that had become her trademark. Hollywood legend has it that Ladd and Lake were partnered mainly because they were both short — Ladd is said to have stood no more than 5 feet, 6 inches. After three solid hits, they reunited in 1948's disappointing "Saigon," after which Paramount refused to renew Lake's contract, effectively ending her career. Ladd had some of his best work ahead of him, notably the 1953 western classic "Shane," but died suddenly in 1964, likely from alcohol poisoning.

## Variations on the 'Peek-a-Boo'

"I think the reason Marilyn made it where others failed is that she has an appealing personality — a certain charming naiveté that caught the movie goers' fancy.

To every man she looked attainable, the average man's opinion of a swell girl, and to every girl she was an example of femininity.

But if she didn't exploit her figure and the gimmick of posing for pictures with a sexy-open mouth stare, Marilyn would never have reached the top."

I for one wasn't going to argue with Miss Lake. When you first meet Veronica you realize that it takes more than just a gimmick to make a top flight actress.

At 37, she is radiantly beautiful. Her blue eyes look at you with a frank appeal, and she carries her slim, shapely figure with a polished pose.

Veronica lives today in a comfortable, two and a half room apartment in New York's Greenwich Village. She is planning a new career in television and is once again looking for the right gimmick.



Even with short hair, Lake looked every inch the femme fatale, as in this publicity shot opposite comedy star Eddie Bracken. Lake had a knack for alienating her co-stars that can't be explained away, considering her detractors included pros like Bracken, Joel McCrea, and Fredric March. Bracken won fame in the Preston Sturges-directed "Hail the Conquering Hero" and "The Miracle of Morgan's Creek," both 1944 hits. He appeared with Lake in three lesser movies in 1945. Bracken's film career stalled after 1953, but he found plenty of work on stage and television over the next 40 years. He died in 2002 at 87.

# EXHIBIT F



# **EXHIBIT G**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 14, 2014.

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**Selected Entity Name:** POLICE GAZETTE SALES INC.

**Selected Entity Status Information**

**Current Entity Name:** POLICE GAZETTE SALES INC.

**DOS ID #:** 1362138

**Initial DOS Filing Date:** JUNE 19, 1989

**County:** NASSAU

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Dissolution by Proclamation / Annulment of Authority (Sep 29, 1993)

Information to reinstate a corporation that has been dissolved by proclamation or annulment of authority by proclamation is available on the New York State Department of Taxation and Finance website at [www.tax.ny.gov](http://www.tax.ny.gov) keyword TR-194.1 or by telephone at (518) 485-6027

**Selected Entity Address Information**

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

POLICE GAZETTE SALES INC.

55 A MOTOR AVE

FARMINGDALE, NEW YORK, 11735

**Registered Agent**

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## Entity Information

name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
JUN 19, 1989	Actual	POLICE GAZETTE SALES INC.

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# EXHIBIT H

# NYS Department of State

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### Entity Information

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**Selected Entity Name:** WILLIAM B. DANA COMPANY

**Selected Entity Status Information**

**Current Entity Name:** WILLIAM B. DANA COMPANY

**DOS ID #:** 60988

**Initial DOS Filing Date:** MAY 31, 1894

**County:** NEW YORK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Dissolution by Proclamation / Annulment of Authority (Oct 28, 2009)

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**Selected Entity Address Information**

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

WILLIAM B. DANA COMPANY

25 SPRUCE ST.

NEW YORK, NEW YORK, 10038

**Registered Agent**

NONE

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name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

### \*Stock Information

# of Shares	Type of Stock	\$ Value per Share
100	Par Value	1
1382	No Par Value	

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAY 31, 1894	Actual	WILLIAM B. DANA COMPANY

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Once upon a time,  
 there was a magical publication called the *National Police Gazette*



RICHARD K. FOX

EDITOR AND PROPRIETOR OF THE "POLICE GAZETTE," NEW YORK

(Photo - Photographed by Stephen M. Brown)

A century before Howard Stern hit the airwaves, there was a man who not only recognized the appeal of quasi-lesbian imagery, but—like Stern—knew how to make it an acceptable part of popular culture. Five generations before Stephen Colbert and Sacha Baron Cohen blurred the distinction between the real and fictional news correspondent, there was a man who populated his real-news publication with fictional editors and their semi-real exploits. Before there was the celebrity gossip column, he invented it. Before there was a sports page, he created it. Before the advent of the girlie magazine, he provided it. When the sport of boxing was illegal and widely considered immoral, this man championed, promoted, and popularized it all the way into legal and public acceptance. The heads of "respectable" publications looked down on him, but then raced to imitate him when his success became undeniable. Hugely popular, even across the ocean, the publication made an appearance in James Joyce's masterpiece *Ulysses*. At a time when the barbershop was not just a place to get your hair cut, but served as the de facto gentlemen's club for the working class, it was known as the "bible of the barbershop." Its recipe mixed the titillating and funny with the informative and serious in just the right proportion, in a way that had never been thought of previously, in a way that led directly to what we know as today's tabloid journalism, sports reporting, skin magazines, shock jocks, and quasi-news programs such as the "Daily Show." The purveyors of these current forms of entertainment, as well as the professional sport of boxing, can address their gratitude to one Richard K. Fox and his publication the *National Police Gazette*.

## Homicidal Horrors

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Aguilera*



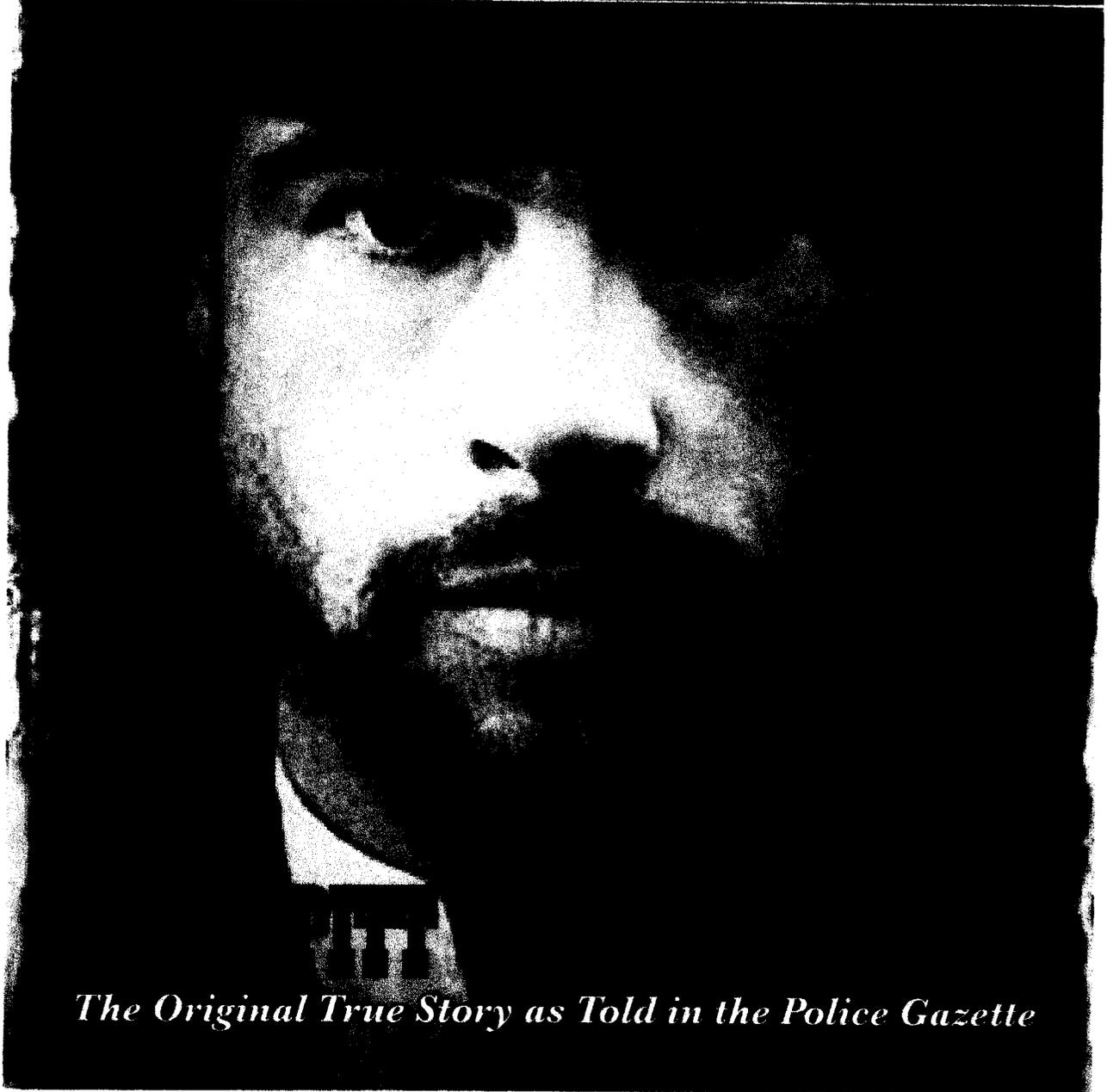
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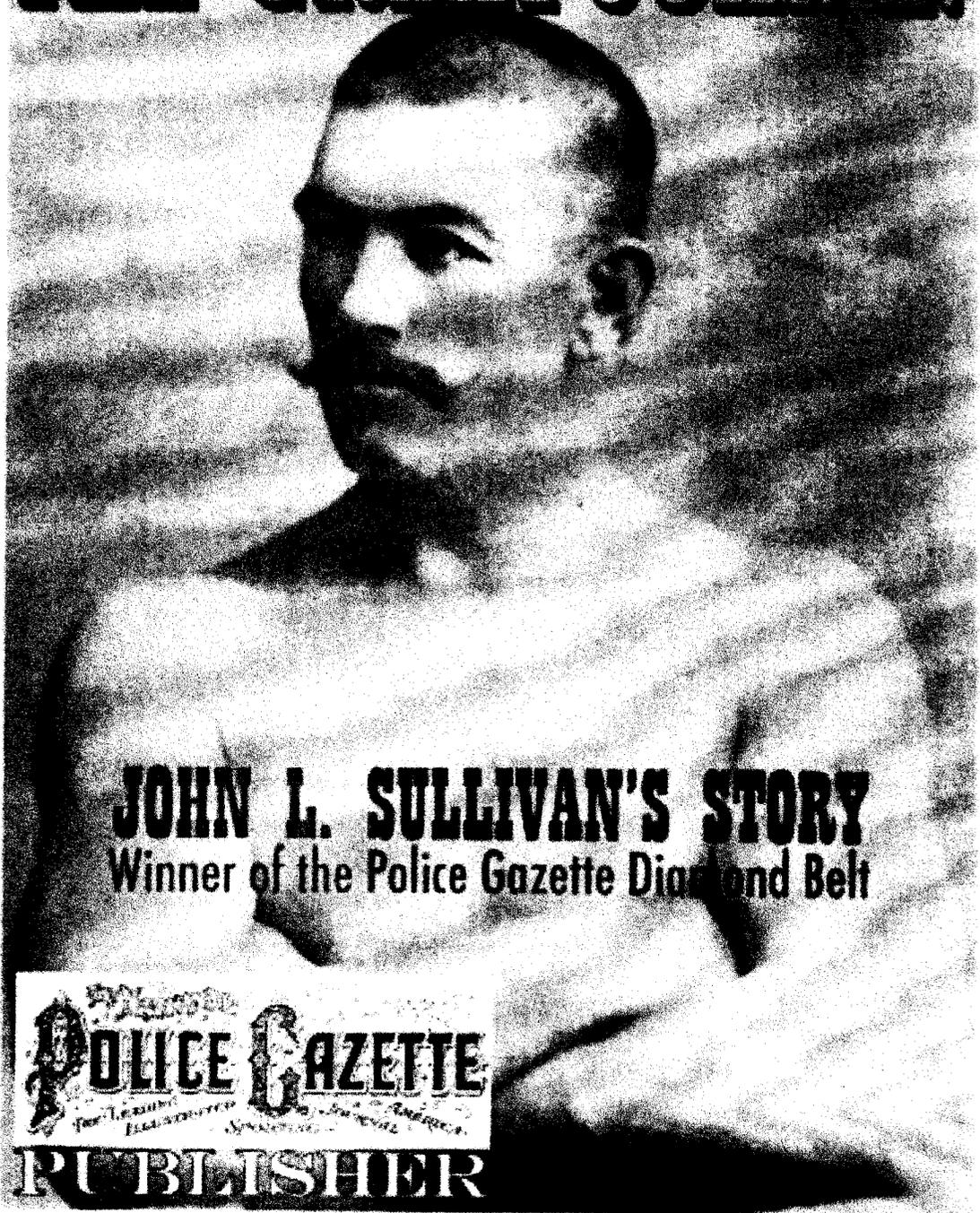
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Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and 107

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### Entity Information

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**Selected Entity Name:** NATIONAL POLICE GAZETTE ENTERPRISES, LLC

**Selected Entity Status Information**

**Current Entity Name:** NATIONAL POLICE GAZETTE ENTERPRISES, LLC

**DOS ID #:** 2934043

**Initial DOS Filing Date:** JULY 23, 2003

**County:** BROOME

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

**Selected Entity Address Information**

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

NATIONAL POLICE GAZETTE ENTERPRISES, LLC

PO BOX 372

BINGHAMTON, NEW YORK, 13902

**Registered Agent**

MR. STEVEN WESTLAKE

61 SCHUBERT STREET

BINGHAMTON, NEW YORK, 13905

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**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
MAR 26, 2010	Actual	NATIONAL POLICE GAZETTE ENTERPRISES, LLC
JUL 23, 2003	Actual	WESTLAKE PROPERTIES, LLC

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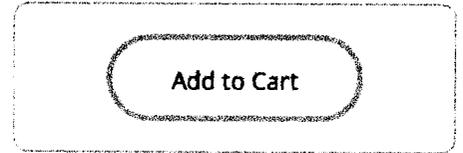
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<b>Published</b>	March 21, 2012
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<b>Pages</b>	241
<b>Binding</b>	Perfect-bound Paperback

## Keywords

assassination, barack obama, life insurance

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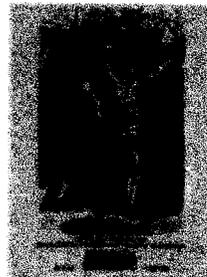
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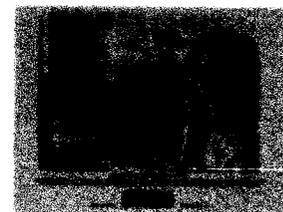
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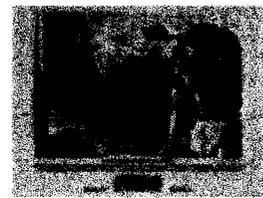
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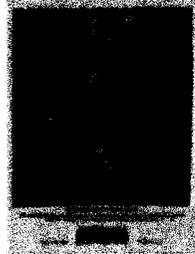


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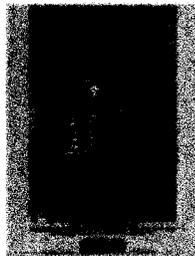
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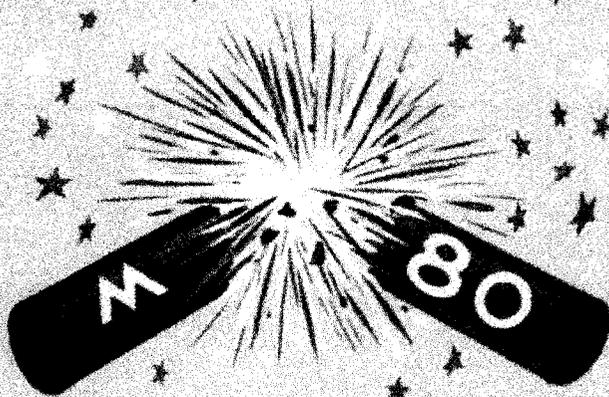
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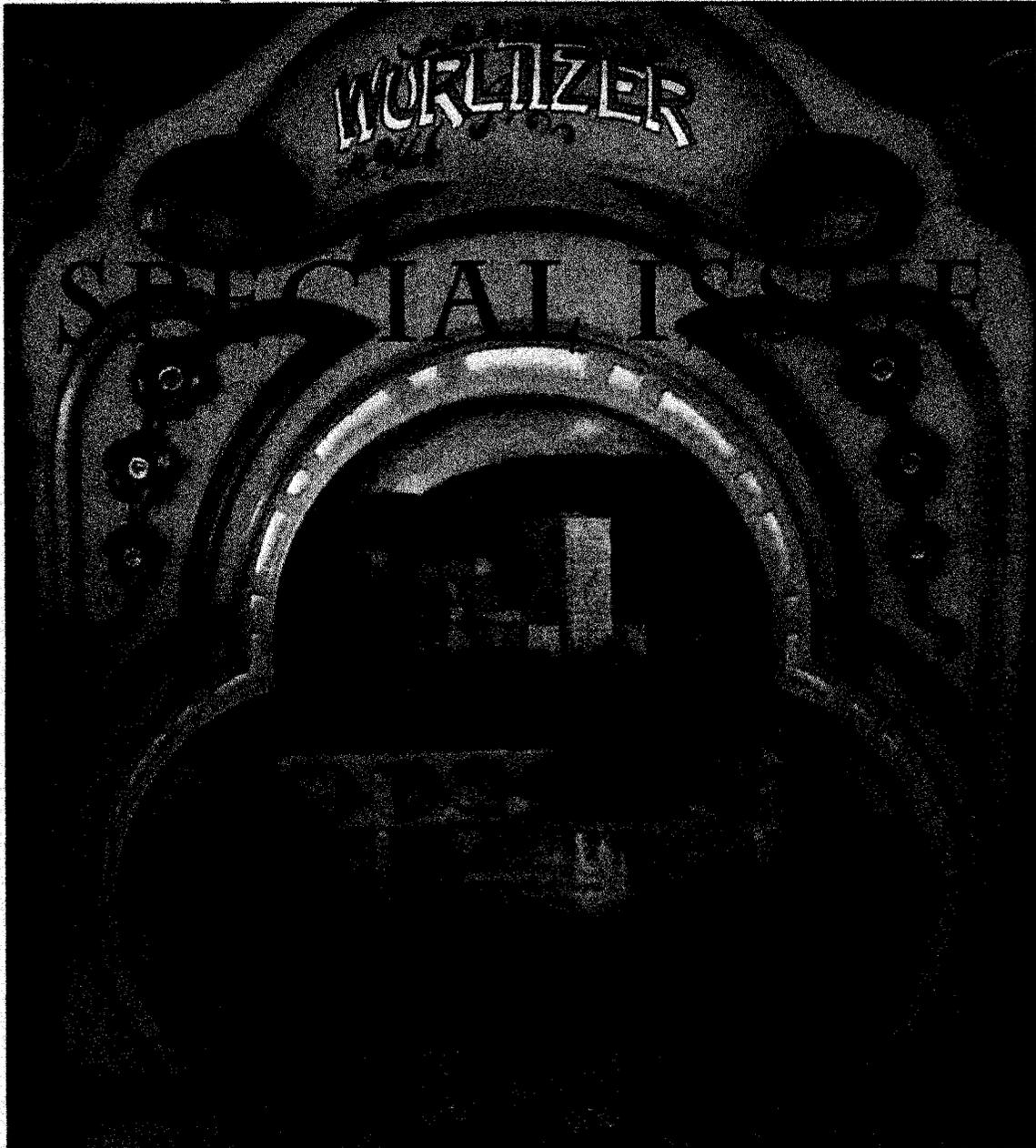
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