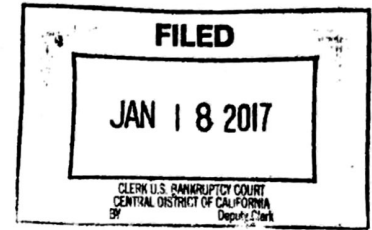


United States Bankruptcy Court

Central District of California
Roybal Federal Building & Courthouse
255 East Temple Street, Suite 1534
Los Angeles, California 90012



Sheri Bluebond
Chief Bankruptcy Judge



Ph: 213-894-8980
Fax: 213-894-1336

January 18, 2017

VIA FACSIMILE; ORIGINAL BY FIRST CLASS MAIL

Eileen M. Decker, Esq.
United States Attorney
United States Attorney's Office
Central District of California
312 North Spring Street, Suite 1200
Los Angeles, California 90012

Re: Referral of Clark Warren Baker for Investigation for Witness Tampering

Dear Ms. Decker,

I recently encountered a situation in one of the adversary proceedings pending before me that I want to bring to your attention for further investigation and possible criminal prosecution. The action, entitled James Murtagh v. Clark Warren Baker, adversary proceeding number 2:15-01535-BB (the "Action"), currently pending in the United States Bankruptcy Court for the Central District of California, Los Angeles division, was commenced on October 5, 2015. The plaintiff, James Murtagh, is currently represented by John B. Wallace, Esq., of Rosen & Associates, P.C. in Los Angeles. The defendant, Clark Warren Baker, is currently represented by Baruch Cohen, Esq., of the Law Office of Baruch C. Cohen, also in Los Angeles. (Addresses and contact information for these attorneys appears below.)

Plaintiff Murtagh alleges in the complaint that commenced the Action that Baker engaged in a variety of improper conduct (e.g., stalking, defamation, hacking, etc.) and that the damage that Murtagh suffered as a proximate result of this conduct should be excepted from Baker's discharge in bankruptcy. (Baker filed a voluntary chapter 7 bankruptcy petition on June 29, 2015.) Baker disputes these allegations and has been vigorously defending the Action.

One of witnesses in the Action is a gentleman who currently resides in Baltimore, Maryland, named [REDACTED] (His contact information appears below as well.) [REDACTED] had signed a declaration in connection with an earlier state court action between Murtagh and Baker in Los Angeles Superior Court (Case No. BC527716) (the [REDACTED] Declaration"). According to a declaration filed in this Action by Lisa Hiraide of Rosen & Associates (a copy of which is attached hereto), when she interviewed [REDACTED] in this Action, he reported that he had been "'totally pressured' and 'extorted'" by Baker into signing the [REDACTED] Declaration,

Eileen M. Decker, Esq.
United States Attorney
January 18, 2017
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that Baker makes a habit of contacting him approximately monthly to ensure that he does not intend to recant his earlier testimony and that he [REDACTED] is afraid to retract his earlier, false testimony for fear that Baker will reactivate the damaging and embarrassing content about [REDACTED] that Baker had previously posted on the internet.

During the course of a hearing held November 15, 2016 in the Action, in the presence of counsel for both parties, I telephoned [REDACTED] at a phone number provided by counsel for Baker and inquired as to [REDACTED]'s willingness to appear for a continued examination by Murtagh's counsel in Los Angeles on December 12, 2016. [REDACTED] had previously been examined at a deposition by counsel for Baker but had left before Murtagh had been able to cross-examine him.) Although [REDACTED] agreed during that conversation to appear at the continued deposition, he subsequently failed to appear. Instead, he sent a fax to my chambers, on or about December 7, 2015, forwarding copies of correspondence complaining that he had not received a formal deposition notice in a timely manner and therefore would not be appearing for his deposition on December 12, 2016. At approximately the same time, however, he telephoned my chambers and spoke to one of my law clerks, Jennifer Wolfberg, advising her that the real reason that [REDACTED] would not be appearing for his deposition was that he was afraid of Baker and what Baker had threatened to do to him if he gave truthful testimony at the continued deposition.

I docketed [REDACTED] fax to me and related the substance of my law clerk's conversation with him to the parties on the record at a hearing held January 10, 2017 in the Action. Thereafter, I entered an order barring either party from relying on testimony from Mr. [REDACTED] in the Action, but I believe that further investigation is warranted into the manner in which Baker has behaved with regard to [REDACTED]. I have not made any factual findings on this issue, but it seems likely to me that, if what [REDACTED] has told Ms. Hiraide and Ms. Wolfberg is true, Mr. Baker may well have engaged in conduct that amounts to witness tampering within the meaning of 18 U.S.C. § 1512(b). Accordingly, I would appreciate your taking whatever steps you deem appropriate in this matter.

Thank you very much for your consideration in this matter.

Very truly yours,



SHERI BLUEBOND

Enclosures

cc: Baruch C. Cohen, Esq.
John B. Wallace, Esq.

CONTACT INFORMATION

Counsel for plaintiff James Murtagh, M.D.:

John B. Wallace, Esq.
Rosen & Associates
444 S. Flower Street, Suite 3010
Los Angeles, CA 90071
Telephone: (213)362-1000
Telecopier: (213)362-1001
Email: mail@rosen-law.com

Counsel for defendant Clark Warren Baker:

Baruch C. Cohen, Esq.
Law Office of Baruch C. Cohen
A Professional Law Corporation
4929 Wilshire Boulevard, Suite 940
Los Angeles, CA 90010
Telephone: (323)937-4501
Telecopier: (323)937-4503
Email: BCC4929@gmail.com

Debtor/Defendant:

Clark Warren Baker
2645 Greenvally Road
Los Angeles, CA 90046

Witness:

