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NEW YORK; NEW JERSEY;
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U.S. COURTS OF APPEALS FOR THE
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DISTRICT OF CONNECTICUT,
NORTHERN DISTRICT OF FLORIDA,
NORTHERN DISTRICT OF ILLINOIS,
DISTRICT OF NEW JERSEY, AND
NORTHERN, SOUTHERN & EASTERN
DISTRICTS OF NEW YORK; U.S.
COURT OF INTERNATIONAL TRADE;
U.S. COURT OF FEDERAL CLAIMS.

JAMES M. MALONEY
ATTORNEY AT LAW
PROCTOR IN ADMIRALTY



P.O. Box 551
33 BAYVIEW AVENUE
PORT WASHINGTON, NY 11050

TEL: (516) 767-1395
FAX: (516) 767-1326

E-MAIL ADDRESS:
maritimelaw@nyu.edu

August 4, 2015

The Honorable Pamela K. Chen
United States District Judge
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Maloney v. Singas*, CV-03-0786

Via ECF

Dear Judge Chen:

For the reasons stated in my email dated August 2 to the Court's ECF Support office (attached as **Exhibit 1**), which, for the sake of brevity, will not be restated here, it is respectfully requested that an order be issued removing Tatum J. Fox, Esq., of the Nassau County Police Department from the Notice of Electronic filing ("NEF" or "bounce") distribution on this case.

Ms. Fox has apparently remained on this distribution for some time, but because there was little or no activity in the case at this level for much of that time, and because the domain "pdcn.org" did not catch my attention (I would have assumed it to be a not-for-profit organization rather than a police department), I have not made this request until doing so the other day as indicated in Exhibit 1. That request was ineffective.

Upon "Googling" the telephone number shown for Ms. Fox on her NY State Attorney database listing (516-573-7210) this past weekend, I noticed two other names that were familiar to me. A true copy of those search results is attached as **Exhibit 2**. The first such familiar name is Israel Santiago. Ten years ago, I was instructed to make contact with Sergeant Israel Santiago, also of the Nassau County Police Department, to arrange for return of some of the huge amount of personal property that had been seized from my home. Attached as **Exhibit 3** is a true copy of a letter documenting same, noting at page 1 that "a myriad of items were seized [including] a high school ring, documents and weapons." On page 2 of that letter, Sergeant Santiago is mentioned as my "go to" person.

The other familiar name in the Google® search results attached as Exhibit 2 appears as the eighth in the list ("Upcoming Events . . .") and is Lesli Hiller. A true printout of Ms. Hiller's LinkedIn page, which I accessed this past weekend after discovering the 516-573-7210

connection, is attached as **Exhibit 4**. Under “Experience,” it indicates that Ms. Hiller has been an attorney at “NCPD” from 2006-present, was before that (2006-2010) a Deputy County Attorney for the County of Nassau, and before that (1999-2005) an Assistant District Attorney in the Nassau County District Attorney’s office.

But I also have *personal* knowledge as to Ms. Hiller’s employment as an Assistant District Attorney in the Nassau County District Attorney’s office. She was one of the Assistant District Attorneys who, in or about 2002, was assigned to prosecute me for, among other things, possession of “chuka sticks” in my home in violation of New York Penal Code section 265.01, the provision of law and application thereof that I have been challenging in this civil constitutional-rights case since 2003.

Given the foregoing, especially in combination with other recent developments in this case, it is my opinion, for what it is worth, that it is improper for a federal court to continue to provide NEFs and corresponding “free looks” (i.e., access to documents filed without payment of PACER fees) to the Nassau County Police Department.

Respectfully,

 /s

James M. Maloney

cc: all counsel via ECF

EXHIBIT 1



James Michael Maloney <jmm257@nyu.edu>

Re: Request re: 2:03-cv-00786-PKC-AYS

1 message

Support@nyed.uscourts.gov <Support@nyed.uscourts.gov>

Mon, Aug 3, 2015 at 6:48 AM

To: maritimelaw@nyu.edu

Cc: dorothy.nese@ag.ny.gov, "Ben-Sorek, Liora M" <lben-sorek@nassaucountyny.gov>

If the attorneys in question no longer wish to receive NEFs from this case, they can file a Notice on the case with the request to be terminated from the case.

Support

U.S. District Court, Eastern District of New York
<https://www.nyed.uscourts.gov>

-----James M Maloney <maritimelaw@nyu.edu> wrote: -----

To: support@nyed.uscourts.gov

From: James M Maloney <maritimelaw@nyu.edu>

Date: 08/02/2015 01:47PM

Cc: dorothy.nese@ag.ny.gov, "Ben-Sorek, Liora M" <lben-sorek@nassaucountyny.gov>

Subject: Request re: 2:03-cv-00786-PKC-AYS

Dear EDNY ECF support personnel:

I am the *pro se* plaintiff (and also an attorney admitted to this court) in the referenced case. As the below "bounce" indicates, two attorneys who have moved on and are no longer representing actual or interested parties to this litigation are continuing to receive "bounces." Liora M. Ben-Sorek, Esq. and I are the only remaining attorneys representing actual parties. Dorothy O. Nese, Esq. of the State Attorney's General's office, is an interested party in that the constitutionality of a state statute is being challenged in this litigation. In the interest of transparency and to avoid the appearance of *ex parte* communication with the court, I have copied both on this email.

David Adam Tauster, Esq. and Tatum J. Fox, Esq., both former Nassau County Attorneys who appeared in this litigation at that time, have long since moved on to other positions. As their email domains indicate, and as I have today corroborated via the State's OCA database, Mr. Tauster is now at a private firm, while Ms. Fox is with the Nassau County Police Department.

Accordingly, it would not appear that either Mr. Tauster or Ms. Fox should still be receiving "bounces." I have no particular concern about Mr. Tauster's receiving them, but the fact that the Nassau County Police Department, via Ms. Fox, is continuing to receive them concerns me greatly. Although this litigation is, of course, public, giving the police automatic notice and a "free look" in a case that challenges the constitutionality of a state criminal statute that has been enforced against me, especially now that issues about potential further enforcement have come to the fore

(see Document 148, to which the below "bounce" relates), seems an inappropriate perquisite for the federal courts to provide.

Thank you for addressing this concern promptly by removing Ms. Fox from the distribution.

Yours,

James M. Maloney

----- Forwarded message -----

From: <ecf_bounces@nyed.uscourts.gov>

Date: Fri, Jul 31, 2015 at 4:46 PM

Subject: Activity in Case 2:03-cv-00786-PKC-AYS Maloney v. Rice Letter

To: nobody@nyed.uscourts.gov

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered by Maloney, James on 7/31/2015 at 5:46 PM EDT and filed on 7/31/2015

Case Name: Maloney v. Rice

Case Number: [2:03-cv-00786-PKC-AYS](#)

Filer: James M. Maloney

Document Number: [148](#)

Docket Text:

[Letter responsive to July 23 conference by James M. Maloney \(Attachments: # \(1\) Appendix Slip Opinion \(Nuccio v. Duve\)\) \(Maloney, James\)](#)

2:03-cv-00786-PKC-AYS Notice has been electronically mailed to:

David Adam Tauster dtauster@kdvlaw.com

Dorothy O. Nese dorothy.nese@ag.ny.gov

James M. Maloney maritimelaw@nyu.edu

Liora M. Ben-Sorek lben-sorek@nassaucountyny.gov, ncao@nassaucountyny.gov

Tatum J. Fox tfox@pdcn.org

2:03-cv-00786-PKC-AYS Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=7/31/2015] [FileNumber=9956065-0]
[461ff058f09664c872ad39c203b47d5dc2c1ccd49284f54c80c9bcee40d06e50c09ff
cbd906879796c5239ecb4f6814add0d0b838d76d2c61fd815bf9c8cc9cd]]

Document description:Appendix Slip Opinion (Nuccio v. Duve)

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=7/31/2015] [FileNumber=9956065-1]
[58743b653b1e2caf8dc120400ca63c465ab2e0e1145f6a9e1ed1d3fda8c4f939c956c
f3a86e81a70b7c6924bd294a2980363dfb26e00a106d48a4ccdb71330d4]]

EXHIBIT 2



"516-573-7210"



Web [Maps](#) [Images](#) [Videos](#) [More](#) ▼ [Search tools](#)

About 227 results (0.39 seconds)

[Israel Santiago in Mineola, NY - 516-573-7210 - Whitepages](#)

www.whitepages.com/business/israel-santiago-mineola-ny ▼
Find Israel Santiago at 1490 Franklin Ave, Mineola, NY 11501-4801. Call them at **(516) 573-7210**.

[Karen Lynn Taggart in Mineola, NY - 516-573-7210](#)

www.whitepages.com/business/karen-lynn-taggart-mineola-ny ▼
Find Karen Lynn Taggart at 1 West St, Mineola, NY 11501-4813. Call them at **(516) 573-7210**.

[Tatum J. Fox in Mineola, NY - 516-573-7210 - Whitepages](#)

www.whitepages.com/business/tatum-j-fox-mineola-ny ▼
Find Tatum J. Fox at 1490 Franklin Ave, Mineola, NY 11501-4801. Call them at **(516) 573-7210**.

[\[PDF\] WINTHROP PO](#)

www.policeunitytour37.com/uploads/3/3/4/.../police_memorial_app.pdf ▼
Aug 11, 2014 - For more Information contact: Lesli Hiller @ **516-573-7210** or Lhiller@pdcn.org or Alan Hirsch @ 516-573-7500. NCPD POLICE OFFICER ...

[Tatum J. Fox in Mineola, NY - 516-573-7210 - Switchboard](#)

www.switchboard.com/business/tatum-j-fox-mineola-ny ▼
Find Tatum J. Fox at 1490 Franklin Ave, Mineola, NY 11501-4801. Call them at **(516) 573-7210**.

[Lawyer Tatum Fox - Mineola, NY Attorney - Avvo.com](#)

www.avvo.com » [Rated Lawyers](#) » [New York](#) » [Mineola](#) ▼
Nassau County Police Department. 1490 Franklin Ave Mineola, NY, 11501-4818. Office **(516) 573-7210** · Call. Resume. License. State, Status, Acquired ...

[Run in Seaford to Honor Three Fallen Police Officers ... - Patch](#)

patch.com/new-york/.../run-in-seaford-to-honor-three-fallen-police-officers
Sep 25, 2012 - ... featuring raffle prizes will be held at Mulcahy's Pub & Concert Hall in Wantagh. For further information, call **516-573-7210** or 516-573-7150.

[Upcoming Events NCPD PO MEMORIAL 5k | Cool Running](#)

www.coolrunning.com/eventcal/event/ncpd-po-memorial-5k/ ▼
Aug 11, 2014 - Organizer: Lesli Hiller; Phone: **516-573-7210**; Email: LHiller@pdcn.org. Venue: Eisenhower Park. East Meadow, East Meadow, NY 11554 ...

[+1 516-573-7xxx Reverse phone lookup for free in Floral Park](#)

lookup.chatminister.com/New-York/Floral-Park/516-573-7/n52 ▼
516-573-7210. 516-573-7211. 516-573-7212. 516-573-7213. 516-573-7214. 516-573-7215. 516-573-7216. 516-573-7217. 516-573-7218. 516-573-7219.

[239-573-7210 | 2395737210 | Whitepages](#)

yp.nwsourc.com/phone/1-239-573-7210 ▼
1-909-573-7210 · 1-920-573-7210 · 1-561-573-7210 · 1-832-573-7210 · 1-**516-573-7210** · 1-352-573-7210 · 1-404-573-7210 · 1-203-573-7210 · 1-360-573- ...

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EXHIBIT 3

THOMAS R. SUOZZI
County Executive



LORNA B. GOODMAN
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
One West Street
Mineola, New York 11501-4820
PHONE: 516-571-3056 FAX: 516-571-3058
Writer's Direct Line: 516-571-3014

July 1, 2005

Hon. Sandra L. Townes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: James Maloney v. County of Nassau, et al.
CV-03-4178 (SLT) (MLO)

Dear Judge Townes:

This office represents the County of Nassau, the Nassau County Police Department, Deputy Police Chief Joan Yale and District Attorney Denis Dillon, several of the defendants in the above-referenced action.

At Oral Argument on defendants' respective motions, held June 24, 2005, this Court directed the undersigned to ascertain the procedure by which plaintiff can reclaim his personal property and to provide such information, in writing, to the Court by this date.

Before explaining the procedure, it is necessary to delineate what property is involved. A review of the Property Bureau Invoices completed by Port Washington Police Officers on August 24, 2000, reveals that a myriad of items were seized. Included among them, a high school ring, documents and weapons. It is counsel's understanding that Port Washington Police transferred the weapons to the Nassau County Police Department while retaining the remaining property. Hence, this letter will address two categories of property: personal (held by Port Washington) and weapons (held by Nassau County Police at the behest of the Port Washington Police).

Personal Property

Pursuant to this Court's directive last Friday, the undersigned contacted the Port Washington Police Department and spoke with Sergeant Commander and Lieutenant Fuss. At the time of our telephone conversations they did not have copies of the Invoices in front of them and did not have a recollection as to whether their Department still has possession of any of Mr. Maloney's property.

(Copies of the Port Washington Property Invoices were subsequently faxed to the Lieutenant's attention). In the event they do, they instructed me that the procedure for return of such items would be for Mr. Maloney to simply appear at their office and present photo identification to claim his property. Counsel is informed that Lieutenant Fuss is in charge of the Property Bureau in Port Washington and can be reached by calling (516) 883-0500.

Weapons

At the outset, the issue of plaintiff's seized weapons is twofold; these weapons consist of three unlawfully-possessed handguns and a set of nun-chuck sticks to which plaintiff has relinquished any claim, according to his plea and sentencing minutes. Remaining are four .22 caliber rifles, one shotgun (collectively referred to as the "long guns") and one cross-bow. These latter items are the subject of plaintiff's claim of withheld weapons.

The long guns and cross-bow were invoiced by Port Washington Police Officers but are being held by the Nassau County Police Property Bureau at their request. Counsel has communicated with Detective Sergeant Santiago of the Nassau County Police Department Legal Bureau who has agreed to contact the Port Washington Police Department and seek a release in order that the long guns and cross-bow be made available for Mr. Maloney to claim them. Thus, Mr. Maloney must make arrangements with Sergeant Santiago (who can be contacted at (516) 573-7210) to meet a representative of the Nassau County Police Department. Upon showing proof of identity the long guns and cross-bow will be returned to Mr. Maloney.

Request for Court Endorsement

The transcript from Mr. Maloney's plea and sentencing does not explicitly state that all personal property, except the illegal handguns, nun-chucks and contraband, be returned. Thus, defendants are relying upon plaintiff's representation of the criminal disposition and a vague letter from Assistant District Attorney Camille Russell, dated October 1, 2003, wherein the ADA instructed the Port Washington Police Department to release all invoiced property to Mr. Maloney (with the exception of the aforementioned handguns, nun-chuck sticks and contraband (i.e.drugs)). In the absence of a clear directive, then, and in light of plaintiff's representations to this Court, it is respectfully requested that Your Honor issue an order to release the long guns and cross-bow within two weeks' time.

It is hoped that the above provides this Honorable Court with the requested outline of the method by which plaintiff may recover his seized property.

Very truly yours,

Liora M. Ben-Sorek (LMB 1971)
Deputy County Attorney

cc: Victor Serby, Esq.
Stanley Fischer, Esq.
Lori Pack, Esq.

EXHIBIT 4

Lesli Hiller

Attorney at NCPD

Greater New York City Area | Law Practice

Previous County of Nassau, Nassau County District Attorney

Education Saint John's University School of Law

375 connections

Search by name

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Internal Medicine and Cardio



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David Rocker



Jeanne Marie Beckmann
NASSAU & SUFFOLK COUNTY TRAFFIC LAWYER (Hempstead, NY)



Margaret Weber
Sales Account Manager for Medical Device at Hill-Rom



Andy Perni
USCG Licensed Captain at US Coast Guard



Maureen Dougherty
Founder at Dougherty Media Group



Paul Yakaitis
Owner, Bader, Yakaitis et al



Ben Barnes LAT, ATC, UIC
CSCS, CDSS
Head Athletic Trainer at San Francisco State University

Experience

Attorney

NCPD

2006 – Present (9 years)

Deputy County Attorney

County of Nassau

2006 – 2010 (4 years)

ADA

Nassau County District Attorney

1999 – 2005 (6 years)

Skills

Courts | Litigation | Enforcement | Hearings | Municipal Law | Criminal Law

Prosecution | Legal Research | Legal Writing | Lecturer | Law Enforcement...

Commercial Litigation | Civil Litigation | Criminal Defense | Personal Injury

See 35+

Education

Saint John's University School of Law

JD

1997 – 1999



Saint Lawrence University



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