

5/12/70

Mr. B. Stuart Cunningham
Chief Deputy Clerk
U.S. District Court
Northern District of Illinois
U.S. Court House
Chicago, Ill. 60604

Dear Mr. Cunningham,

I regret causing you to take time for correspondence and appreciate the fact that you do. However, your letter of the 11th and the enclosed forms leave me with further questions.

First, you do not tell me how I can arrange to make bond within Illinois, which the forms require. I own property in Maryland but not in Illinois. Is there a company you can recommend that does this for a fee? I know someone in Chicago who I will ask who may own property there.

Rule 7 presents a different problem. I presume that under the law I will be recognized as my own attorney. However, if it were possible for me to make arrangements with a Chicago attorney I'd not have to be my own. Does this rule apply to non-attorneys who act for themselves? Through others who have Chicago acquaintances I did make an effort to locate an attorney. They all seem to fear what they regard as inevitable harassment from Sherman Skolnick. From my experience I can understand this. Can this rule be waived as it applies to a non-lawyer acting as his own lawyer? Otherwise, it effectively denies me access to the protection of the law, unless I can file such a suit in my own jurisdiction, which I have been told I cannot.

Executing the "Category of the Cause" form likewise presents problems. Here, perhaps, you can help with little trouble. The complaint I filed seeks two things above all: it is a motion to dismiss what it alleges is a spurious action filed by Skolnick and it seeks an injunction against his further unauthorized use of my property, which is protected under both the copyright and common laws. In addition, it contains a prayer for the assessment of such damages as the court may, after hearing, see fit to award. As a layman, I would assume in part this could be included in the first two items under "CIVIL", perhaps the third also if copyright is equated with patent, under "pending". But I see no place that with a layman's understanding fits either motion to dismiss or injunction.

May I ask this question also: I think, within the meaning of the law, I am an indigent. I do own property, but I have neither income at the moment nor cash or available resources. Are there, under your rules, special provisions for indigents? Can the court, for example, waive the bond requirement for an out-of-state indigent, or can he waive the rule 7 requirement or assign local counsel to comply with this rule? I'd appreciate either or both if it is possible.

Until these things can be worked out, I hope you can keep the complaint on file and alive, for I do not believe it is the purpose or intent of the law and the rules that they be used to deny citizens of other states access to the protection of the law and the courts. Thank you very much. Sincerely,

Harold Weisberg

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
UNITED STATES COURT HOUSE
CHICAGO 60604

ELBERT A. WAGNER, JR.
CLERK

11 May 1970

OFFICE OF THE CLERK

Mr. Harold Weisberg
Coq d'Or Press
Route 8
Frederick, Md. 21701

Dear Sir:

Your complaint and check in the amount of \$15 were received in this office on 8 May 1970. Before the complaint may be filed it will be necessary for you to present a non-resident cost bond as required by Rule 2 of the General Rules of this Court (copy enclosed).

May I also draw your attention to General Rule 7 of this Court which states:

"(a) An attorney not having an office within this district shall appear before this court only upon having designated at the time of filing his initial notice or pleading, a member of the bar of the court having an office within this district upon whom service of papers may be made.

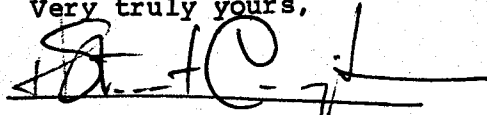
(b) Documents tendered without the required designation shall be filed, but the clerk shall write non-resident counsel that the designation must be made within 30 days. Upon non-compliance, the documents may be stricken by the Court."

I am enclosing for your convenience copies of the following forms:

- a) Security for costs bond;
- b) Designation form (used to indicate the type of case being filed);
- c) Summonses.

I will hold your complaint and check until such time
as I hear further from you.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'H. Stuart Cunningham', written over a horizontal line.

H. Stuart Cunningham,
Chief Deputy Clerk

HSC:jh
Enclosures