

Dec. 8, 2009

VIA CERTIFIED MAIL

Mr. Steve Krivit
369-B Third Street, #556
San Rafael, California 94901

Re: Computer Harassment under 18 U.S.C. § 2261A(2)(A) and 47 U.S.C. § 223(a)(1)(E)

Dear Mr. Krivit:

I am writing this letter to document a period of harassment where you have sent several unwanted emails to our client, Holly Adams, in the past few weeks. The dates of the email communications in question include:


- November 20, 2009 – You sent three (3) emails to Ms. Adams.
- November 23, 2009 – You sent one (1) email to Ms. Adams.

Ms. Adams has informed us that the email communications and the inaccurate statements therein have caused her to suffer substantial emotional distress.

Please let this correspondence serve as notice that our client, Holly Adams, does not wish to receive any further communications from you. This includes telephone, email and any other form of communication with a telecommunication device. As you may know, failure to comply with this request, i.e., sending emails to Ms. Adams despite her request that you do not do so, can lead to criminal liability on your part. Specifically, 47 U.S.C. § 223(a)(1)(E), makes it a criminal act for a person to make “repeated telephone calls or repeatedly initiate[] communication with a telecommunication device . . . solely to harass any person at the called number or who receives the communication.” Additionally, 18 U.S.C. § 2261A(2)(A) prohibits any communication that serves to “harass...or cause substantial emotional distress to a person in another state.” A person who violates the named statutes, 47 U.S.C. § 223(a) and 18 U.S.C. § 2261A, is subject to a fine and/or imprisonment. *See* 47 U.S.C. § 223(a) (person who violates this statute “shall be fined under Title 18 or imprisoned not more than two years, or both”); 18 U.S.C. § 2261(b) (person who violates section 2261 or section 2261A shall be fined under this title and imprisoned for no more than 5 years in a case where a victim is harassed but the harassment does not result in death, permanent disfigurement or life threatening bodily injury to the victim).

In sum, I demand that you refrain from contacting Ms. Adams via telephone, email and any other form of communication. Please call me if you have any questions or if you are in any way unclear about this demand.

Sincerely,


Adam Augustine Carter



Dec. 17, 2009

Mr. Adam Carter
Employment Law Group
888 17th Street NW, Suite 900
Washington, DC 20006-3307
Fax: 202.261.2835
Phone: 202.261.2803 (2883)
E-mail: acarter@employmentlawgroup.com

Dear Mr. Carter:

I received your Dec. 8, 2009, certified letter in which you state that four e-mails transmitted from me to Holly Adams contain "inaccurate statements" which have "caused her to suffer substantial emotional distress." You also demand that I refrain from contacting Adams.

Attached to this letter are four e-mails that I sent to Adams in the time during the time you specified. Are these the e-mails, and the complete content of the e-mails, to which you refer?

Sincerely,

Steven B. Krivit
Editor, New Energy Times

Date: Fri, 20 Nov 2009 13:40:54 -0800

Nov. 20, 2009

Issue #33

Purdue University professor Rusi Taleyarkhan has been debarred by officials in the U.S. Navy's Office of Naval Research and Acquisition Integrity Office. He is prohibited from participating in any federally funded research or contracts for 28 months, as of May 2009.

The Navy ordered the debarment in great part because an attempted science replication, which the Navy funded, failed to produce positive results.

The project was an attempt to replicate the Taleyarkhan group's "bubble fusion" experiment that had been performed at Oak Ridge national laboratory. The replication attempt was made at University of California, Los Angeles.

Full story at New Energy Times

Date: Fri, 20 Nov 2009 14:22:27 -0800

From: Steve Krivit <@newenergytimes.com>

Subject: New Energy Times Special Issue #33

February 5, 2009 3:42 a.m.

Transcript of Phone Message from Holly Adams, Inspector General of the Office of Naval Research to Steven B. Krivit, Editor of New Energy Times

"Hi, this is Holly. I'm calling from my cell phone for probably obvious reasons. There are new developments. I am still under a gag. I can give you a little information. You'll need to get the specifics though from somebody else and I can tell you who, how and when and what will be available to you.

You can call me on my work phone or my cell. I'll have my cell with me in my office and my work phone is 703.696.0989, my cell phone is 703.582.0002.

I wanted to - out of courtesy to you because your due diligence, want to make sure you've got a heads-up and had first crack at getting the information that went that I'm sure you'll find valuable.

You may give me a call, I'm limited, so again, it might be cryptic responses but I'm hoping that you'll understand, that you'll be able to access the person that you need to help you with your research. I guess that's probably...anyway I know this is very, very early, I'm calling on my way to work and I'll probably hear from you later.

Date: Fri, 20 Nov 2009 16:45:03 -0800

From: Steve Krivit <@newenergytimes.com>

Subject: New Energy Times Special Issue #33 (Corrected Version)

Nov. 20, 2009

Issue #33

Purdue University professor Rusi Taleyarkhan has been debarred by officials in the U.S. Navy's Office of Naval Research and Acquisition Integrity Office. He is temporarily prohibited from participating in any new federal procurement activities, such as receiving new contracts, through September 2011.

The Navy ordered the debarment in great part because an attempted science replication, which the Navy funded, failed to produce positive results.

The project was an attempt to replicate the Taleyarkhan group's "bubble fusion" experiment that had been performed at Oak Ridge national laboratory. The replication attempt was made at University of California, Los Angeles.

The inspector general's office in the Department of Defense recently ordered an investigation into the actions of the Navy's Office of Naval Research and Acquisition Integrity Office.

Full story at New Energy Times

Date: Mon, 23 Nov 2009 13:02:48 -0800

Subject: Bubble Fusion Pioneer Taleyarkhan Debarred from Federal Funding

Nov. 20, 2009

New Energy Times story by Steven B. Krivit

<http://www.newenergytimes.com/v2/news/2009/NET33Cdfkj5.shtml>

And for another perspective...

Nov. 23, 2009

Nature Story by Eugenie Samuel Reich

<http://www.nature.com/news/2009/091123/full/news.2009.1103.html>

Date: Wed, 13 Jan 2010 13:04:18 -0800
To: acarter@employmentlawgroup.com
From: Steve Krivit <@newenergytimes.com>
Subject: Fwd: In re: Holly Adams

Mr. Carter,

I spoke with you on 5 January. You confirmed to me orally that the e-mails I transmitted to you were the e-mails and the complete content of the e-mails to which you had referred in your Dec. 8 letter.

You also stated during that phone call that you were intending to also follow up with a written response to me. Thus far, I've received nothing from you. Can you give me an idea of when I might expect such response from you?

Thank you,

Steven B. Krivit

Date: Wed, 16 Dec 2009 22:08:58 -0800
To: acarter@employmentlawgroup.com
From: Steve Krivit <@newenergytimes.com>
Subject: In re: Holly Adams

Letter enclosed: Krivit to Carter Dec. 17 2009.doc

At 01:20 PM 1/13/2010, Adam Augustine Carter wrote:
Mr. Krivit:

Yes, as I confirmed for you on the telephone, I am referring to the email communications that you identified in your December 17, 2009 letter and any other email communications that you have sent to my client, Ms. Holly Adams. The December 8, 2009 letter that I sent to you speaks for itself, you are on notice, and I expect that you will refrain from contacting my client.

Sincerely,

Adam Augustine Carter

Date: Wed, 13 Jan 2010 14:20:09 -0800
To: "Adam Augustine Carter" <>
From: Steve Krivit <@newenergytimes.com>
Subject: Re: Adams: In re: Holly Adams
Cc: "R. Scott Oswald" <SOswald@employmentlawgroup.com>, "Tadena Simpson" <tsimpson@employmentlawgroup.com>

Dear Mr. Carter,

Thank you for confirming the source of communications on which you base this statement: "Ms. Adams has informed us that the email communications and the inaccurate statements therein have caused her to suffer substantial emotional distress."

I am not aware of any inaccurate statements in my transmissions to Ms. Adams. Would you be so kind as to explicitly identify all alleged inaccurate statements within these referenced communications?

Thank you,

Steven B. Krivit

Date: Mon, 01 Feb 2010 08:55:10 -0800
To: ACarter@employmentlawgroup.com
From: Steve Krivit <@newenergytimes.com>
Subject: In re: Holly Adams
Cc: SOswald@employmentlawgroup.com, tsimpson@employmentlawgroup.com

Dear Mr. Carter,

I have not heard back from you since my Jan. 13 e-mail to you.

Have you abandoned your allegation of "inaccurate statements" within my communications to Ms. Adams or do you need more time to look into the matter?

Thank you,

Steven B. Krivit

At 07:13 AM 2/10/2010, Tadena Simpson wrote:
SENT ON BEHALF OF ADAM CARTER:

Mr. Krivit,

The factual inaccuracies are rampant throughout your earlier correspondences to our client, Ms. Adams. Most of the information that you transmitted about the conversation that you had with our client was taken out of context and served as a complete misrepresentation of the telephone conversation that she had with you. It is because of these inaccuracies and misrepresentations that you cannot be trusted and that we and our client wish to have no further contact with you, and you should govern yourself accordingly.

Again, the December 8, 2009 letter that I sent to you speaks for itself. Regardless of the content transmitted in your email communications, the statutes referenced in the December 8, 2009 letter make it clear that it is a criminal act for a person to make "repeated telephone calls or repeatedly initiate[] communication with a telecommunication device...solely to harass any person at the called number or who receives the communication" and that any communication that serves to "harass...or cause substantial emotional distress" a person is prohibited. The point is that our client felt harassed, experienced emotional distress, and does not wish to receive communications from you. For these reasons, I expect that you will refrain from contacting our client as well as our firm.

Sincerely,

Adam Augustine Carter

Date: Wed, 10 Feb 2010 22:27:03 -0800
To: "Tadena Simpson" <tsimpson@employmentlawgroup.com>
From: Steve Krivit <@newenergytimes.com>
Subject: RE: In re: Holly Adams
Cc: "R. Scott Oswald" <SOswald@employmentlawgroup.com>, "Adam Augustine Carter" <ACarter@employmentlawgroup.com>

Dear Mr. Carter,

The statements made by Ms. Adams are the full, complete and recorded statements that she made on Nov. 20, 2009 to my voice mail. Contrary to your statement below, the referenced statements did not occur in a telephone conversation with me.

In summary, you have failed to identify a single factual inaccuracy in the specific communications that you identified were the source of your alleged factual inaccuracies. What is one to make of such behavior?

Despite the inadequacies of your allegations, your letter, as have your previous letters, abounds with saber-rattling and character insinuation.

I agree to cease communications with your firm on this matter and hope that your firm will do likewise with me.

Sincerely,

Steven B. Krivit