

Honorable Judge George J. Hazel
6500 Cherrywood Lane
Greenbelt, MD 20770

June 17, 2014

Re: Kimberlin v. National Bloggers Club,
No, PWG 13-3059

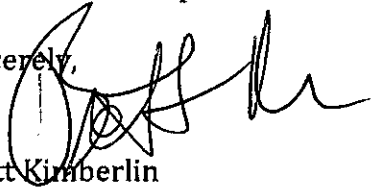
Dear Judge Hazel:

I want to bring to the Court's attention a new Ninth Circuit decision that has relevance to the matter pending before the Court regarding my Motion to Amend my Complaint. *United States v. Osinger*, No. 11-50338 (9th Cir. 2014).

On June 4, 2014, the Ninth Circuit in *Osinger*, relying on a Fourth Circuit case, *United States v. Shrader*, 675 F.3d 300 (4th Cir.), cert. denied, 133 S.Ct. 757 (2012), held that harassing and stalking conduct, which included the disclosure of private and personal information, was not protected by the First Amendment because they involved speech plus criminal conduct. ("Osinger designed a false Facebook page and sent emails to V.B.'s co-workers containing nude photographs of V.B. Any expressive aspects of Osinger's speech were not protected under the First Amendment because they were "integral to criminal conduct" in intentionally harassing, intimidating or causing substantial emotional distress to V.B.").

As in *Osinger*, I allege that the Defendants engaged in widespread, multi year criminal *conduct* that is not protected by the First Amendment: i.e., assault, mail and wire fraud, extortion, money laundering, stalking, harassment, false statements to FBI and Congress, and conduct involving the invasion of my privacy through various means including the creation of websites targeting me through a course of conduct in order to cause my false arrest and substantial emotional distress. A few of the Defendants have argued that their speech is protected. But the *Osinger* Court makes clear that when speech is combined with criminal conduct, it is not protected.

Sincerely,



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