

Exhibit D

**Reporting of Judicial
Misconduct of
Fisher
Dollinger &
Rosenbaum**



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DIVISION OF REGIONAL OFFICES
ROCHESTER REGIONAL OFFICE

September 20, 2018

Dr. Michael Markham
1010 Front Street, B101
Lahaina, Hawaii 96761

Re: Complaint about State Judiciary

Dear Dr. Markham:

I know you are quite concerned that your litigation, specifically the case of Markham v. Markham (as expressed in your letter to me dated September 14, 2018), has not been handled appropriately. You indicate your belief that wrongful activity on the part of the judiciary has obstructed your ability to have your concerns addressed by the courts. With your letter, you enclose materials that you have previously forwarded to the U.S Attorney's Office and the Office of the FBI. You ask our office to intervene on your behalf, as well.

When a claim is made against sitting New York State Supreme Court Justices, the judges are entitled to representation of our office, pursuant to NYS CPLR §7804(i). Accordingly, working for you on this matter would constitute a conflict of interest for us. We are not able to review this matter on your behalf.

Very truly yours,

Ted O'Brien
Assistant Attorney General

TO/



U.S. Department of Justice

Civil Rights Division

JFF:mh:rc
DJ 144-21-0
1071689

*Criminal Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

SEP 13 2018

Dear Sir/Madam:

Thank you for your correspondence. The Civil Rights Division relies on information from community members to identify potential civil rights violations. The Federal Bureau of Investigation and other law enforcement agencies conduct investigations for the Division. Therefore, you may want to contact your local FBI office or visit www.FBI.gov.

The Criminal Section is one of several Sections in the Civil Rights Division of the U.S. Department of Justice. We are responsible for enforcing federal criminal civil rights statutes. The Criminal Section prosecutes criminal cases involving:

- Civil rights violations by persons acting under color of law, such as federal, state, or other police officers or corrections officers;
- Hate crimes;
- Force or threats intended to interfere with religious activities because of their religious nature;
- Force or threats intended to interfere with providing or obtaining reproductive health services and
- Human trafficking in the form of coerced labor or commercial sex.

We cannot help you recover damages or seek any other personal relief. We also cannot assist you in ongoing criminal cases, including wrongful convictions, appeals, or sentencing. For more detailed information about the Criminal Section or the work we do, please visit our web page: www.justice.gov/crt/about/crm/.

We will review your letter to decide whether it is necessary to contact you for additional information. We do not have the resources to follow-up on or reply to every letter. If your concern is not within this Section's area of work, you may wish to consult the Civil Rights Division web page to determine whether another Section of the Division may be able to address your concerns: www.justice.gov/crt. Again, if you are writing to report a crime, please contact the federal and/or state law enforcement agencies in your local area, such as the Federal Bureau of Investigation or your local police department or sheriff's office.

Sincerely,

/s/

The Criminal Section

SEVENTH JUDICIAL DISTRICT
ROCHESTER

CHIEF COUNSEL
GREGORY J. HUETHER

CHAIRPERSON
STEVEN V. MODICA



PRINCIPAL COUNSEL
DANIEL A. DRAKE

PRINCIPAL COUNSEL
ANDREA E. TOMAINO

INVESTIGATOR
KELLY A. PAGE

September 24, 2018

CONFIDENTIAL

Michael D. Markham, M.D.
1010 Front Street, B101
Lahaina, HI 96761

Re: Complaint against Several Attorneys, Esq.

Dear Dr. Markham:

This will acknowledge receipt of your correspondence dated September 14, 2018, regarding several attorneys.

Please be advised that our confidentiality rules require a separate complaint concerning each individual attorney, rather than a joint complaint concerning several attorneys. Moreover, your individual complaint letters must explain in detail the alleged improper conduct engaged in by that particular attorney.

Also, please be advised that we do not have the authority to investigate matters concerning judges.

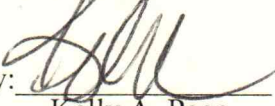
However, if you feel you have a complaint concerning a judge you may wish to contact the **State Commission on Judicial Conduct at 277 Alexander Street, Room 710, Rochester, New York 14607.**

I am sorry we are unable to assist you, but the jurisdiction of the Attorney Grievance Committee is extremely limited.

Based upon the foregoing, Staff Counsel has directed me to advise you that this file will be closed pursuant to 22NYCRR 1240.7(d)(1).

Very truly yours,

GREGORY J. HUETHER
Chief Counsel

By: 
Kelly A. Page
Investigator

KAP/clp

SEVENTH JUDICIAL DISTRICT
ROCHESTER

CHIEF COUNSEL
GREGORY J. HUETHER

CHAIRPERSON
STEVEN V. MODICA

State of New York
Attorney Grievance Committees

PRINCIPAL COUNSEL
DANIEL A. DRAKE

PRINCIPAL COUNSEL
ANDREA E. TOMAINO

INVESTIGATOR
KELLY A. PAGE

September 28, 2018

CONFIDENTIAL

Michael D. Markham, M.D.
1010 Front Street, B101
Lahaina, HI 96761

Re: Complaint against Several Attorneys, Esq.

Dear Dr. Markham:

This will acknowledge receipt of your letter dated September 21, 2018. Staff Counsel has reviewed your correspondence and has determined that no action is warranted.

Please refer to our prior letter sent to you dated September 24, 2018, advising that our confidentiality rules require a separate complaint concerning each individual attorney. Your most recent letter does not set forth a sufficient basis to initiate an investigation.

Based upon the foregoing, Staff Counsel has directed me to advise you that this file will be closed pursuant to 22NYCRR 1240.7(d)(1).

Very truly yours,

GREGORY J. HUETHER
Chief Counsel

By: 

Kelly A. Page
Investigator

KAP/kp

415 Dairy Road, STE E-334

Kahului, Hawaii 95732

October 25, 2016

NYS Commission on Judicial Conduct

400 Andrews Street, Suite 700

Rochester, NY 14604

Re: Markham V. Markham

Index No. 2015/9826

Dear Commission on Judicial Conduct,

I feel it necessary to bring to your attention the gross Judicial corruption and repeated violations of my own and my children's civil rights due to overt gender discrimination in Judge Fisher's court. In addition, I believe Judge Fisher has colluded with the Plaintiff's attorney Mark Bezinque and made his rulings based on his relationship with Mr. Bezinque and his ridiculous misapplication of case law rather than any standards of fairness or justice.

Please find attached a copy of my most recent correspondence with Judge Fisher regarding my dissatisfaction with the integrity of the proceedings over the past year in his court. The following is just the highlights of the misapplication of Justice I have had to endure in Judge Fisher's Court.

In December of 2015 I was unlawfully evicted from my home via an ex-parte motion giving exclusive use and occupancy of our marital home to the Plaintiff. The case law the Judge used to justify his decision did not apply. There was never any history of domestic issues of any kind nor did the Judge ever suggest that there was, making his use of an ex-parte motion suspect. His decision was rather justified by him citing a false affidavit submitted by the Plaintiff's attorney Mark Bezinque stating that I, the Defendant left the marital property voluntarily and set up a residence elsewhere. When the Judge was notified that the Defendant was evicted without clothing or even a toothbrush he arrogantly ignored the protest and refused to give any additional consideration to the fact that his initial ruling was based solely on false testimony. It should be noted that this not only left the Defendant, a disabled veteran homeless it left him without notice with no access to his personal possessions or his beloved children.

Judge Fisher's rulings regarding the imputing of financial resources reeks of gender bias and has left the Defendant without the ability to meet even his most basic needs. The financial

obligations imputed by the Judge exceed by a considerable measure the income realized by the disabled Defendant while the responsibility imputed to the able-bodied Plaintiff is minimal. Funds have been overtly stolen out of the Defendant's bank accounts by the Plaintiff's attorney Mark Bezinque and the Judge has refused to take any action. Presently all of the Defendant's accounts are frozen by the Judge (in collusion with the Defendant's attorney Mark Bezinque) leaving the Defendant with no accommodation to take care of his most basic needs of himself, or his children. This has most recently resulted in the family Excellus BC/BS health care plan being cancelled for nonpayment leaving the Defendant's dependant children without health care coverage. Again the checks were written and mailed by the Defendant but were not paid by the bank because ALL of the Defendant's financial resources have been restricted by an order issued by Judge Fisher.

The circumstances regarding the custody arrangement can be found in the attached Defendant's correspondence with the court. The Defendant would like to note however the ridiculous amount of overt gender bias in the Judge's rulings. The Judge has repeatedly showed extreme favoritism to the Plaintiff and her attorney and done so without any justification. At one point in May of 2016 when the Plaintiff refused to comply with the court ordered visitation the Defendant's asked that the Plaintiff be held in contempt of court. At the court hearing for the Plaintiff's contempt the Judge bewilderingly never even addressed the Plaintiff's contempt and again showing an extreme amount of gender bias further restricted the Defendant from access to his children. This left the Defendant with no visitation with one of his children and only a paltry four hours per week with the other. Again the Judge showed an alarming amount of gender bias in the ruling and gave no explanation for such an extreme Judgment. Presently the Defendant has no access to his dependant children at all due to actions of Judge Fisher and his court.

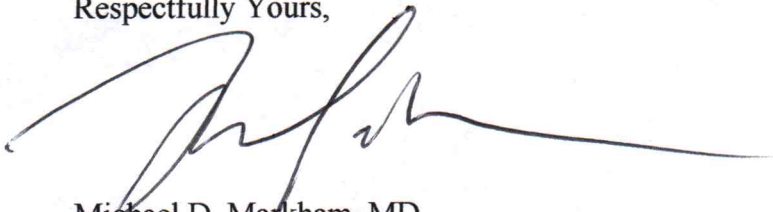
After the Defendant fired his attorney Jonathan Trotto for incompetence and collusion (see attached) Judge Fisher at the prompting of the Plaintiff's attorney Mark Bezinque issued an arrest warrant for the Defendant for Contempt of Court. You will find the details of the contempt charge in the attached but again I do not believe there was any legal basis for the incarceration order and I believe it was purely punitive rather to attempt to force compliance with any order. The Judge neither established defiance of any order or the ability of the Defendant to comply before issuing the order again pointing to his overt collusion with the Plaintiff's attorney Mark Bezinque.

Perhaps most damning of all of the Judges corruption is an order issued by the Judge on August 22, 2016. At the urging of the Plaintiff's attorney with full knowledge that the Defendant was now without representation Judge Fisher issued a order (#6) 'precluding the Defendant from offering any proof on any disputed issue of fact and resolving all factual issues in favor of the Plaintiff'. For any sitting American Judge to write such an order that virtually ensures to deprive a citizen of any fairness, justice or due process is profoundly disturbing on many levels. It represents the unapologetic level arrogance and corruption the Defendant and his children have been victimized by throughout these proceedings.

The Defendant is a permanent resident of the State of Hawaii (as are the Plaintiff and dependants), however he will make himself available to this Commission at any time for the purpose of deposition or testimony. In addition the Defendant will make every effort to provide supporting documents requested to support the factual basis of these allegations.

Thank you for your attention to this matter. Find enclosed attached supporting documents.

Respectfully Yours,

A handwritten signature in black ink, appearing to read 'M. Markham', with a long horizontal flourish extending to the right.

Michael D. Markham, MD



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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DEPUTY ADMINISTRATOR
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DAVID M. DUGUAY
SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

November 2, 2016

Michael D. Markham, MD
415 Dairy Road
Suite E-334
Kahului, Hawaii 95732

Re: File No. 2016/R-0308

Dear Dr. Markham:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated October 25, 2016.

Your complaint will be presented to the Commission, which will decide whether or not to inquire into it. We will contact you after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction, and its limitations.

Very truly yours,

Kathryn Trapani
Assistant Administrative Officer

Enclosure



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
PAUL B. HARDING, VICE CHAIR
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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CONFIDENTIAL

January 4, 2017

JEAN M. SAVANYU, CLERK

Michael D. Markham, M.D.
415 Dairy Road
Suite E-334
Kahului, Hawaii 95732

Re: File No. 2016/R-0308

Dear Dr. Markham:

The State Commission on Judicial Conduct has reviewed your letter of complaint dated October 25, 2016. The Commission has asked me to advise you that it has dismissed the complaint.

Upon careful consideration, the Commission concluded that there was insufficient indication of judicial misconduct to justify judicial discipline. The Commission is not a court of law and does not have appellate authority to review the merits of matters within a judge's discretion, such as the rulings or decision in a particular case. Judges by law have broad discretion in such matters, and the law precludes the Commission from interfering in that discretion.

The Commission cannot provide legal advice or otherwise assist you with respect to your case. Only an attorney can advise you as to your legal rights and the remedies available in a court of law.

Very truly yours,

Jean M. Savanyu

JMS/ja



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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SENIOR ATTORNEYS
STEPHANIE A. FIX
STAFF ATTORNEY

CONFIDENTIAL

August 30, 2018

Dr. Michael D. Markham
1010 Front Street, B101
Lahaina, Hawaii 96161

Re: File No. 2018/R-0276

Dear Mr. Markham:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated August 22, 2018.

Your complaint will be presented to the Commission, which will decide whether to inquire into it. We will contact you after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction, and its limitations.

Very truly yours,

Kathryn Trapani
Senior Administrative Assistant

Enclosure