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December 26, 2006

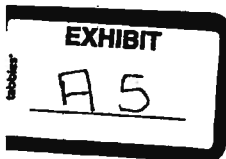
Ms. Nancy Dolly, Deputy Clerk
United States Court of Appeals, 5th Circuit
600 S. Maestri Place
New Orleans, LA 70130
VIA FACSIMILE 504-310-7580

REF: 06-30768 Bell v. Sandoz
USDC No. 6:05-CV-2008

Dear Ms. Dolly:

I'm am very concerned that my supplemental record would be denied. In furtherance to my earlier fax to you of Friday and per my conversation with Ms. Rene in your office yesterday and in reference to the 5th Circuit notice of denial of my supplemental record, and in hopes of correcting this error, please review the attached history:

1. Recently it became known to me that although I requested and designated my entire record to the District Court in support of my appeal, (for which I paid \$250.00) a bankruptcy judicial error happened and the bankruptcy Clerk only transmitted the pacer electronic file and not the entire record. See attached exhibit I, II, III. Please note that copies of the Notice of Appeal, Designation of the entire record and Laura' (bankruptcy clerk's) transmittal were attached to our Motion to Supplement the record to the 5th Circuit, to indicate the judicial error of the missing record.
2. The pacer electronic file Laura transmitted lacked all my record. Per her conversation with me, and my then attorney Allan Durand, Laura related that my trial bench book and other exhibits were via judicial error never scanned onto the bankruptcy pacer record. Thus, the pacer electronic file she presented to the district level was missing all of those records.
3. My designation of record request as filed with the District Court (See exhibit IV), again requested the entire record, for which I paid \$450.00 for the entire record to be transferred to the 5th Circuit. The entire record we thought had been transmitted as required per that bankruptcy designation.
4. Mr. Joffrion indicated to both Mr. Durand and myself that he only provided approximately 436 pages of the record to the 5th, (which was another judicial error.) My designation to the District level requested the entire record to be transferred to the 5th Circuit, not just certain pleadings (See exhibit V). Mr. Joffrion then forwarded the 5th 1 volume of record, no exhibits and no transcripts. (See exhibit VI). Mr. Joffrion in recent weeks notified us that the bankruptcy court needed to provide the "paper" record to him for his district certification and stamping.



5. Recently learning that my record was not at the District level, I noticed my attorney, it was not my intention to have another appeal process without my record before the court for review.
6. Allan Durand, my then attorney, contacted Laura, Clerk at the bankruptcy court and advised her of the judicial error and omission of my entire record to the District level.
7. To make certain we got it right Mr. Durand also contacted Judge Davis, who according to Mr. Durand did call him back and advised the 5th Circuit needed a paper record.
8. I then paid \$963.00 for Laura and bankruptcy Court to prepare the entire record that was omitted from my District Court Appeal for submittal to the 5th Circuit.
9. It is my understanding that Laura then shipped the record to Mr. Barry Joffrion the clerk for the District court for the certification and dat stamping process.
10. Mr. Joffrion then shipped the record to my then attorney Allan Durand. See attached exhibit VII, VIII indicating (2) fed ex shipments the first on 11/6/2006 for 33.0 lbs and the 2nd on 11/6/2006 being 18.0 lbs.
11. Mr. Durand advised me that he was finishing the process of dat stamping, because Mr. Joffrion's office only dat stamped 1,000 pages when their machine broke.
12. I was advised by Mr. Durand he was completing the dat numbering process, then bonded (8) volumes, prepared a Motion to Supplement the record, which I retyped in proper person for my signature as I had then terminated him.
13. Mr. Durand also advised via email, that both our motions to the 5th to extend deadlines so that the corrected entire file would be before the 5th Circuit were granted.

In furtherance:

14. On 10/19/06, the 5th Circuit pacer record entry states:
Appellant Sue Bell Holdings [558564-1] to suspend briefing schedule pending completion of supplemental record in district court.
15. On 10/24/06 the pacer entry states:
Clerk order filed granting appellants motion to suspend briefing notice pending completion of supplemental record in district court.

* **The supplemental record was being prepared for the 5th Circuit, via the submittal by Laura of the record to Mr. Joffrion who then forwarded Mr. Durand the uncompleted dat stamp record. Mr. Durand who completed the numbering process. All the dat numbering issues are stated to the 5th Circuit court in my appeal by Mr. Durand.**

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16. On 11/6/06 the pacer entry states:
Supplemental notice received from District Court. -2 boxes

* **Since Mr. Joffrion did not complete the dat stamp process, if the (2) boxes came to the 5th Circuit from Mr. Joffrion the record is "not" numbered for the purpose of pointing in an appeal.**

17. On 12/8/06 the pacer entry states:
Record on appeal filed, electronic pleadings

18. On 12/11/06 the pacer entry states:
Supplemental record on appeal filed
(1) volume paper pleadings
8 Exhibits (8 supplemental volumes as prepared by Allan Durand)
1 flat file
(2) volumes of record excerpts

* **The portion of my 5th Circuit appeal as I filed on 12/11/06 that Mr. Durand prepared and the portions I added in the appeal all pointed to the numbered pages as completed by Mr. Durand.**

17. On 12/11/06 I fed ex to Melissa an omitted cassette tape and video tape

The trail of events supports:

1. Via judicial error my record was not transferred to the District level from the Bankruptcy Clerk.
2. As a result of that initial judicial error my unavailable record was not transferred from the District level to the 5th.
3. Durand filed motions and extensions were granted by the 5th in order to rectify the missing record and make certain that the entire record was before the 5th for my appeal process.
4. I was advised by Mr. Durand that the dat stamping equipment broke in Shreveport and that Shreveport had shipped the record to Durand who then completed the dat stamping process and provided the 8 volumes to me for submittal to the 5th which I did on the 12/11/06.

I also have all the electronic emails between myself and Allan Durand verifying the aforementioned process in efforts to make certain my entire record was before the 5th Circuit. Laura and Mr. Joffrion can also attest to the missing record problem and the process as indicated above that all parties took actions to correct the judicial error.

* **A denial of the 8 supplemental record volumes I filed into record on 12/11/06, effectually moots my appeal as I understand it, because my entire appeal points to pages in the "supplemental" record that via the denial will not be before the Court.**

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So, to date I have paid \$250.00, \$450.00, \$963.00 (for my evidence that should have been scanned into pacer at no additional cost) and shipping cost of \$121.95. I am still dealing with a missing record or the denial of my entire record, that needs to be properly numbered as my appeal references.

I certainly hope this is an error that will be corrected, and I look forward to speaking to you today to hopefully cure this problem. Thank you for your time and considerations in this matter.

Best regards,



Sue Bell

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