

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CHAMBERS OF
HAROLD A. ACKERMAN
SENIOR JUDGE**

**UNITED STATES DISTRICT COURT
POST OFFICE BOX 999
NEWARK, NEW JERSEY 07101-0999**

July 10, 2007

The Honorable Garrett E. Brown, Chief Judge
United States District Court
District of New Jersey
Clarkson S. Fisher Building and U.S. Courthouse
402 East State Street, Room 2020
Trenton, New Jersey 08608

Re: *Royale Luau Resort, LLC v. Kennedy Funding, Inc., Jeffrey Wolfer, Joseph Wolfer*, Civil
Action No. 07-1342

Dear Chief Judge Brown:

Pursuant to Local Civil Rule 104.1(e)(2), “[w]hen misconduct . . . which . . . would warrant discipline of an attorney, shall come to the attention of a Judge of this Court . . . that Judge shall refer the matter in writing to the Chief Judge.” Loc. Civ. R. 104.1(e)(2). Such misconduct has come to my attention and that is why I write to you today.

On June 26, 2007, this Court received a letter from counsel for plaintiff in the above entitled matter. That letter, and its accompanying affidavit, suggested actions on the part of defense counsel Damian Albergo, Esq., David Kohane, Esq., Michael Leighton, Esq. of Cole, Schotz, Meisel, Forman & Leonard, P.A., and their clients Kennedy Funding, Inc., Jeffrey Wolfer, and Joseph Wolfer, that I believe warrants notifying you.

I will not attempt to explain all the facts as I understand them. Suffice to say that plaintiff’s counsel and the above-named defense counsel all agree that Mr. Albergo, with Messrs. Kohane and Leighton’s approval, called Donald Campbell, Esq. of Pamrapo Savings Bank and inquired, on behalf of the above-captioned defendants, about purchasing the notes and mortgages of plaintiff’s counsel Gregg D. Trautmann, Esq.

The contours of these facts are partly revealed in the transcript of two hearings held before this Court on June 28, 2007 and July 2, 2007. I have attached those transcripts, along with the relevant letters, affidavits, and certifications pertaining to this matter. If you have any questions or require any additional documents, please do not hesitate to contact me.

Respectfully,

s/Harold A. Ackerman
U.S.D.J.

HAA:amb