

**RE: Settlement Purposes Only**

Monday, January 4, 2010 1:45 PM

From: "Tanya E. Milligan" <tmilligan@messner.com>**To:** "Rick Martin" <rickpattm@yahoo.com>

Rick, your "basis" for seeking recusal is not supported by Colorado law and your arguments below are mere reiterations of arguments that were rejected by the Court and found frivolous. It is improper to base a motion to reconsider on the same arguments rejected previously. I urge you to consider your actions in light of the Civil Rules of Procedure and our ethical standards. I cannot advise you because I am not your attorney. Nevertheless, it would be wise if you discussed this strategy with an attorney specializing in attorney ethics before proceeding. I believe the CO bar has a hotline you may be able to call.

From: Rick Martin [mailto:rickpattm@yahoo.com]**Sent:** Monday, January 04, 2010 1:29 PM**To:** Tanya E. Milligan**Subject:** RE: Settlement Purposes Only

The basis in part for the Recusal Motion is my negative summary of the Judge in my Book Democrat Justice which I told Mr. Barnett about. The separate Rule 59 Motion to Reconsider is based on your misread of "reliance" into 38-40-105 without any case law that cites this statute, the statute says "to entice", thus the appraisal was US Bank's material misrepresentation and it was used as an enticement. Also newly found bankruptcy cases completely contradict the issue of reformation, and the Judge's cite to 38-10-111 is not relevant because I do not refute my personal debt, only the bank's right to execute ownership while committing blatant lender fraud which clearly requires a jury to decide. The judge ignores reading the Complaint in Plaintiff's favor and in fact rewords the Complaint in US Bank's favor on the issue of what I knew about real estate values at the time of loan. In summary this email confirms your objection to both these motions to be filed forthwith.

--- On **Mon, 1/4/10, Tanya E. Milligan** <tmilligan@messner.com> wrote:

From: Tanya E. Milligan <tmilligan@messner.com>

Subject: RE: Settlement Purposes Only

To: "Rick Martin" <rickpattm@yahoo.com>

Date: Monday, January 4, 2010, 12:27 PM

You have no basis for filing such a motion and if you do, you will be violating Rule 11 by causing unnecessary cost and expense. I urge you to read and consider that Rule carefully. Your motion will become part of the appellate record and will not be viewed favorably by the Court of Appeals. Thus far, your actions have resulted in payments to the IRS, loss of assets, and now a personal judgment against you (the amount of which is to be determined). If you continue down this road, the judgment against you will only increase. You have it within your power to better your situation, but not like this -- filing this motion is more of the same bad acts and will only lead to a deeper hole. Put down your shovel, Mr. Martin.

From: Rick Martin [mailto:rickpattm@yahoo.com]**Sent:** Monday, January 04, 2010 12:08 PM**To:** Tanya E. Milligan**Subject:** RE: Settlement Purposes Only

Judge Bailin, along with a Motion to reconsider by a new judge. Even if these motions are denied then

during the Appeal, Judge Bailin would be the judge unless she recuses. So do you oppose my motion to be filed today to recuse Judge Bailin?

--- On **Mon, 1/4/10**, **Tanya E. Milligan** <tmilligan@messner.com> wrote:

From: Tanya E. Milligan <tmilligan@messner.com>
Subject: RE: Settlement Purposes Only
To: "Rick Martin" <rickpattm@yahoo.com>
Date: Monday, January 4, 2010, 9:50 AM

Motion to Recuse whom?

From: Rick Martin [<mailto:rickpattm@yahoo.com>]
Sent: Saturday, January 02, 2010 6:09 PM
To: Tanya E. Milligan
Subject: RE: Settlement Purposes Only

Do you oppose my Motion To Recuse /Rule 97 to be filed 1/4/10?

--- On **Thu, 12/17/09**, **Tanya E. Milligan** <tmilligan@messner.com> wrote:

From: Tanya E. Milligan <tmilligan@messner.com>
Subject: RE: Settlement Purposes Only
To: "Rick Martin" <rickpattm@yahoo.com>
Date: Thursday, December 17, 2009, 3:10 PM

Rick, we are happy to stipulate to a protective order. Feel free to send me a draft order to review.

From: Rick Martin [<mailto:rickpattm@yahoo.com>]
Sent: Thursday, December 17, 2009 3:05 PM
To: Tanya E. Milligan
Subject: RE: Settlement Purposes Only

You are correct on timing. You have published my social security number, please file an immediate stipulated protective order over your Exhibit 1, my GMAC loan modification application. Please respond today on this issue to prevent irreparable harm via identity theft.

--- On **Thu, 12/17/09**, **Tanya E. Milligan** <tmilligan@messner.com> wrote:

From: Tanya E. Milligan <tmilligan@messner.com>
Subject: RE: Settlement Purposes Only
To: "Rick Martin" <rickpattm@yahoo.com>
Date: Thursday, December 17, 2009, 12:33 PM

Rick, the Reply brief was not late. Please refer to C.R.C.P. 6 regarding how the days are counted and note the three-day mailing rule. Also please refer to CRE 408 regarding settlement communications, and call me if you have

any questions.

Thank you,
Tanya Milligan

From: Rick Martin [mailto:rickpattm@yahoo.com]
Sent: Thursday, December 17, 2009 12:10 PM
To: Tanya E. Milligan
Subject: RE: Settlement Purposes Only

Regarding today's US Bank reply filed after the 10 day deadline , do you oppose my motion to strike for lateness and for violating settlement correspondence?

--- On **Thu, 12/10/09, Tanya E. Milligan <tmilligan@messner.com>** wrote:

From: Tanya E. Milligan <tmilligan@messner.com>
Subject: RE: Settlement Purposes Only
To: "Rick Martin" <rickpattm@yahoo.com>
Date: Thursday, December 10, 2009, 4:11 PM

Rick, it looks like you sent me an application. My client will need a document demonstrating *approval* to consider your representation below:

"GMAC just approved my President Obama loan modification with payments lowered from 1800 to 1250 a month, making 3 months on time payments sets monthly at 1250, at about 4% for 30 years. Unfortunately the Jan1 2010 payment requires a form be checked that no ownership change has been made. This is a box I cannot check without a quickclaim deed. Therefore unless a settlement is reached my damages include a difference from \$180,000 mortgage at 4% (GMAC modified) to what I now qualify for with a new loan which is 15% hard money or more. I could not afford that monthly cost. Thus, US Bank's trial exposure now includes destroying my ability to own a house, the dollars over 30 years between 4% and 15%, downsizing with 3 kids (Alex is 16 with joint custody who needs a 4th bedroom), over 100k equity loss in house, punitives and attorney fees. Rick Martin."

From: Rick Martin [mailto:rickpattm@yahoo.com]
Sent: Thursday, December 10, 2009 4:05 PM
To: Tanya E. Milligan
Subject: Fw: Settlement Purposes Only

Per your request

--- On Thu, 12/10/09, Xeroxscanneddocument@patentlaw.com
<Xeroxscanneddocument@patentlaw.com> wrote:

From: Xeroxscanneddocument@patentlaw.com
<Xeroxscanneddocument@patentlaw.com>
Subject:
To: "Rick" <rickpattm@yahoo.com>
Date: Thursday, December 10, 2009, 4:01 PM

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