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Sender's email: sschrag@morrislaing.com

March 7, 2006

VIA E-MAIL

Honorable Donald W. Bostwick
U.S. District Court
Room 403
401 N. Market
Wichita, KS 67202

Re: *Balboa Threadworks, Inc., Keith W. Caroselli, an Individual, and Lee R. Caroselli, an Individual vs. Ronald A. Stucky, an Individual, Sherry J. Stucky, an Individual, Stucky Farms and Designs by Sher*
Case No. 05 CV 1157-JTM

Dear Judge Bostwick:

Concerning the issue of inspection of Ron Stucky's computers, I have consulted with Ron and Sherry Stucky and have attached an Affidavit from Sherry. The communication in question is an unsent email message appearing under Ron's header. See, documents attached to Sherry Stucky's Affidavit, Bates No. S41-S42. In March, 2005 Darlene Dando, at Lee and Keith Caroselli's behest, induced Sherry Stucky to copy designs onto a CD and send the disk to Darlene Dando. For this Darlene Dando promised to pay Sher the sum of \$1,000 by means of Sher's PayPal account. Her promise notwithstanding, Darlene Dando had no intention of making such payment. Immediately after receiving the disk, she sent it to the Carosellis and, with their complicity, instituted proceedings to stop payment on the PayPal transaction.

In April, 2005, Sher received inquiry from PayPal concerning the transaction. That e-mail message is dated April 15, 2005 and appears on the bottom of Bates No. S41. At that point, Sher asked Ron for help in drafting a response and forwarded the message to his computer. Ron worked on a response and then printed the draft for Sher to look at. That explains why the unsent message at the top of S41 appears under Ron's header. See, attached Affidavit. As has been represented to the Court and counsel, both informally

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and in pleadings filed, Ron Stucky had no involvement in the matters giving rise to Plaintiffs' lawsuit. It is Mr. and Mrs. Stucky's firm belief that Mr. Stucky was named as a party defendant suit without a reasonable basis in fact and only for purposes of harassment and intimidation. An inspection of Mr. Stucky's computers would result in undue burden, disruption and expense and is not reasonably calculated to lead to the discovery of admissible evidence.

Sincerely,


Susan R. Schrag
For the Firm

SRS:sac
Enclosure

cc: Joan Archer *via e-mail*
Ron and Sherry Stucky

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BALBOA THREADWORKS, INC.,
KEITH W. CAROSELLI, an Individual,
and LEE R. CAROSELLI, an Individual,

Plaintiffs,
Counterclaim Defendants,

vs.

Case No. 05-1157-JTM

RONALD A. STUCKY, an Individual,
SHERRY J. STUCKY, an Individual,
STUCKY FARMS, and DESIGNS BY
SHER,

Defendants and
Third Party Plaintiffs,

vs.

DARLENE DANDO,

Third Party Defendant.

AFFIDAVIT OF SHERRY J. STUCKY

STATE OF KANSAS

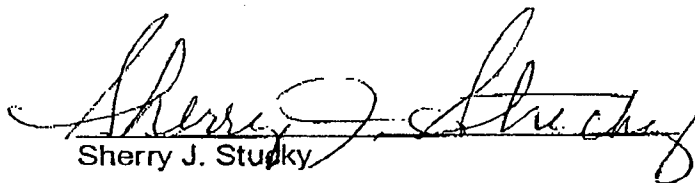
COUNTY OF SEDGWICK

)
) ss:
)

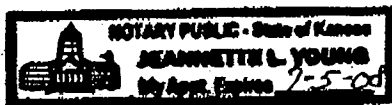
My Name is Sherry J. Stucky. I am a party in the above-referenced lawsuit. I make this Affidavit concerning the document labeled Bates ##S41-S42, a copy of which is attached. The top part of this document is on Ron Stucky's header because, when I was notified from PayPal that Darlene Dando was challenging the transaction concerning the CD which forms the basis of this lawsuit, I asked my husband Ron to help me with drafting a response. I e-mailed the bottom message (Friday April 15, 2005) to his computer from

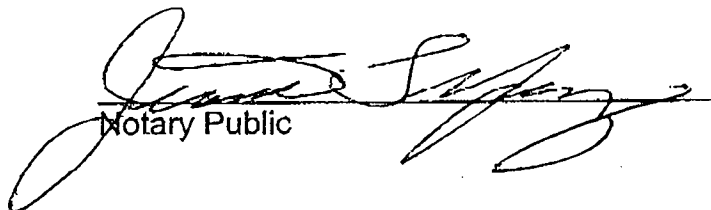
mine. He drafted a response and printed it out for me to look at. That is why this document concerning Balboa Threadworks appears under his e-mail header.

Further Affiant Saith Not.


Sherry J. Stucky

SUBSCRIBED AND SWORN to before me, a Notary Public, on this 6 day of
March, 2006.




Notary Public

My Appointment Expires:

July 5, 2008

Ron Stucky

Subject: FW: Third Request for Information About Buyer Complaint: Case #PP-076-135-019

Here is my official response to Darlene Dando's subject complaint.

I FERVENTLY, ADAMANTLY AND ABSOLUTELY DISPUTE DARLENE DANDO'S COMPLAINT!!!

I have a series of emails which my legal staff has reviewed which demonstrate how Darlene Dando, a business associate of mine over the last 14 months, has repeatedly asked me to obtain some specific Balboa designs for a Cocker & Rotweiler. I repeatedly responded with instructions on how she could download what she wanted. She continued to badger me to download subject designs & send them to her. She continued to claim her fear was that she would get an Internet Virus and she was scared to try. Finally, out of desperation & to get her off my back, I burned a copy of subject designs which I got from the Industry News Groups & sent it to her. These copies of "Share-Ware" have NEVER had anything showing or displaying ANYTHING which would indicate they were copywrited materials. Plus, I never, ever claimed the copy which I sent to Darlene gave her any rights to use for reproduction or any otherwise capacity in her business.

All that I ever did here was, after continuous persistence & constant harassment from Darlene, was to provide a requested SERVICE to Darlene, one of my business associates. It is for that SERVICE that I required a \$1,025.00 service fee. To date, she has not returned my merchandise & CONTINUES TO IGNORE MY EMAIL ATTEMPTS & PHONE CALLS. All along, my only request has been, "If you don't like my merchandise, simply return it in a timely manner for a full refund."

To date, Darlene has not returned subject merchandise in exchange for the \$1,025 fee which I charged. She merely stated I did not have permission to share this copywrited material with her & has turned a damage claim to you, PAYPAL, for this amount. Right now, Darlene owes me the returned merchandise or I KEEP the \$1,025!

Sincerely,

Sher Stucky
Designs by Sher

-----Original Message-----

From: Designs By Sher [mailto:sher@designsbysher.net]

Sent: Friday, April 15, 2005 9:27 PM

To: ron@stuckyfarms.com

Subject: Fw: Third Request for Information About Buyer Complaint: Case #PP-076-135-019

----- Original Message -----

From: <service@paypal.com>

To: <sher@designsbysher.net>

Sent: Friday, April 15, 2005 10:16 PM

Subject: Third Request for Information About Buyer Complaint: Case #PP-076-135-019

> Dear Sherry Stucky,
>
> We recently notified you of a complaint we received from a buyer
> regarding merchandise that either was never received or did not match
> your original description. Please review the details of the
> transaction below
>

> Please understand that until our investigation is complete, we may
> place a hold on the funds associated with this transaction. For more
> information, please review our User Agreement.

>|

> _____
> Details of Disputed Transaction

> _____
> Transaction Date: Mar 25, 2005
> Transaction Amount: -\$1,025.00 USD
> Transaction ID: 0TV68098VP216174V
> Case Number: PP-076-135-019
> Buyer's Name: Darlene Dando
> Buyer's Email: ddando@comcast.net

>

>

>

> _____
> What to Do Next

> _____
> To help us resolve this case quickly and fairly, please provide
> additional information by following these steps:

> - Log in to your PayPal account
> - Click the Resolution Center link at the top of the page
> - Click the Resolve button next to this case

>

> _____
> Due Dates

> _____
> Provide additional information within 10 calendar days from the date
> this case was filed.

>

> If you do not respond within 10 calendar days, we will resolve this
> claim in favor of the buyer.

>

> _____
> Other Details

> _____
> To review the PayPal User Agreement, visit the PayPal site and click
> the "User Agreement" link on the bottom of any page. Thank you for
> your patience and cooperation in this matter.

>

> Sincerely,

>

> PayPal
> Protection Services Department

>

> Please do not reply to this email. This mailbox is not monitored and
> you will not receive a response. For assistance, log in to your PayPal
> account and click the Help link located in the top right corner of any
> page. If your inquiry is regarding a claim, log in to your PayPal
> account and go to the Resolution Center.

>

> BC:PP-076-135-019:R2:USD1025.00:04082005:0TV68098VP216174V

>

>

>

>

> -

> No virus found in this incoming message.

> Checked by AVG Anti-Virus.

> Version: 7.0.308 / Virus Database: 266.9.11 - Release Date: 4/14/2005

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