February 18, 2004

Corbin R. Davis
Supreme Court Clerk
Michigan Supreme Court
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909

Re: Mishkoff v Attorney Grievance Commission, Supreme Court #125466

This is in response to the "Brief in Support of Answer to Complaint for Superintending Control" submitted to the Court on February 12, 2004, by Grievance Administrator Robert L. Agacinski.

In Mr. Agacinski's brief, he notes:

> "Plaintiff states that he never had substantive discussions with Attorney Sprinkle."

However, although Mr. Agacinski *notes* my statement, he fails to consider its inescapable ramifications, yet another instance of a frustrating pattern that has been repeated throughout these proceedings.

It is an uncontested fact that I have *never* engaged in any kind of substantive discussion with Mr. Sprinkle. I have pointed this out repeatedly during these proceedings. Not only has Mr. Sprinkle never disagreed with this observation, he has assiduously avoided addressing it in any way whatsoever. And yet this simple fact is inescapably in direct conflict with these statements that Mr. Sprinkle made during the appeals hearing:

> [Judge Boggs] Correct me if I'm wrong. My understanding of the facts is that the website had been in operation for at least a year, maybe nearly two years. You began by making a sort of standard trademark demand letter and ratcheted it up to, you know: "We're going to sue you." It didn't quite say: "You know, you've got a nice business there, shame if you had to litigate against us forever." And then you offered the thousand dollars, right? I mean, so the thousand dollars only came up as your offer as –
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> [Mr. Sprinkle] There were telephone discussions, Your Honor.
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> [Judge Boggs] Okay.

> [Mr. Sprinkle] There were telephone discussions between me and my partner, Julie Greenberg, and Mr. Mishkoff.

Mr. Sprinkle's statements were unequivocally false. **There were no telephone discussions about this issue between me and Mr. Sprinkle, not at the time that he claimed they occurred, not at any time whatsoever.** Mr. Sprinkle's false statements were not caused by an error in timing. Mr. Sprinkle's false statements were not caused by the fact that his partner had been more heavily involved in the case than he had been. Mr. Sprinkle was claiming to remember conversations that simply never took place at all.

In Mr. Agacinski's brief, he notes:

> "There is no evidence that Attorney Sprinkle knowingly misrepresented the timing of the $1,000 offer."

Even assuming that this statement is accurate, it has absolutely nothing to do with my Complaint. The timing of the conversation is a red herring. The clear and uncontested fact is that Mr. Sprinkle misrepresented the fact that any conversation took place at all. The conversations to which Mr. Sprinkle referred at the appeals hearing were entirely fictitious. There is no possible way that a claim to have engaged in conversations that never happened could be accidental; there is no possibility that Mr. Sprinkle's false statements could have been anything other than deliberate.

By refusing to even address the uncontested fact that Mr. Sprinkle related fictitious (not mistimed) conversations to the United States Court of Appeals, the Commission has palpably and grossly violated both fact and logic and has thereby abused its discretion. I urge the Court to redress this situation via the exercise of superintending control.

Henry C. Mishkoff

cc: Douglas W. Sprinkle
Attorney Grievance Commission