

September 10, 2013

Honorable Larry R. Hicks

RE: HARVEY WHITTEMORE CASE# 3:12CR58

Dear Judge Hicks:

I am a research scientist who has dedicated my entire life's work of more than 30 years to cancer research and most recently that of Chronic Fatigue Syndrome. As an educator and professor at UNR from 2007-2012, I have struggled each day to instruct my students the importance of integrity in the scientific process and the responsibility of researchers to honor promises made to study participants. It is important for future scientists to recognize that their actions have enormous power to impact public opinion and public health. Today those students, millions of study participants in NIH research world-wide and the scientific community are watching the Whittemore case to learn whether the ethical and honest execution of duties entrusted to the federally funded scientific community will be upheld.. Simply put will lying or telling the truth determine the survival of future scientists and their careers. The fate of my students is uncertain. Unfortunately, my own fate for telling the truth has already been determined. My entire life-savings lost and my reputation irreparably damaged to the point where I am unemployable by the illegal actions of Harvey Whittemore. Unfortunately, for me Harvey Whittemore had a habit of calling in favors from public officials to whom he had given "gifts" and shown a complete disregard for the spirit and letter of the law.

In April of 2012, Dennis Jones filed a motion to reconsider a December 19, 2011 ruling by one such official stating:

Judge Adams recently confirmed the existence of an appearance of bias, because: 1) he accepted substantial campaign donations from Harvey Whittemore – co-founder of the Whittemore-Peterson Institute and President of its several affiliated companies, from Whittemore's family members and from a company with which Whittemore is or was closely affiliated, 2) Mr. Whittemore is the target of an FBI probe and a Grand Jury investigation into illegal campaign contributions, 3) The criminal investigation of Mr. Whittemore, as well as a fraud suit filed recently by Thomas and Albert Seeno, alleging that Mr. Whittemore converted and improperly disbursed funds from the same corporation that contributed \$5,000 to Judge Adams' re-election campaign, has garnered intense media scrutiny, 4) two Congressmen recently called upon everyone who accepted campaign contributions from Mr. Whittemore, including Judge Adams, to donate those contributions to charity; and 5) Judge Adams is unable to donate the money he received from Mr. Whittemore and his affiliates to charity.

None of the foregoing facts were disclosed to Dr. Mikovits or her counsel until the day before Judge Adams recused himself, even though Judge Adams knew about the donations and their impropriety the very first day this case was assigned to him. Judge Adams also admitted to imposing against Dr. Mikovits the most severe sanction he has ever imposed in a civil case – the striking of her answer – because she attempted to assert her Constitutionally protected right against self-incrimination in response to a preliminary injunction issued by Judge Adams. Significantly, at the time of the hearing on Plaintiff's motion for preliminary injunction, Dr. Mikovits was in custody in California, on a bail hold imposed by the Washoe County District Attorney, presumably at Mr. Whittemore's request.

Harvey Whittemore's political influence is so well known that the Court can judicially notice it, but it is allegedly based in part upon illegal campaign donations that may soon result in Federal Indictments.. His political influence allowed him to orchestrate Dr. Mikovits' arrest and a bail hold at the same time she was attempting to oppose Plaintiff's motion for preliminary injunction. Then, Judge Adams struck Dr. Mikovits' answer, denied her motion to stay this action pending

resolution of the criminal case and denied all other requested relief - thereby handing Plaintiff a win by default.

This case and the companion criminal case stink of undue influence and bias. Judge Adams' belated recusal does not restore the scales of justice to an equal balance, because he has already irreparably damaged her case by ordering her answer stricken, entering her default, granting a permanent injunction and ordering that she cannot not take any discovery or even introduce evidence at the damages hearing.

Bringing in a new Judge to merely hear a damages prove up does not restore the parties to an even playing field. Not even close. Dr. Mikovits deserves an opportunity to present her defenses on the merits.

Harvey Whittemore was convicted by a jury of his peers on three felony counts of making contributions in the name of another and caused a false statement to be made to the Federal Election Commission. I was never given a single day in court nor were my constitutional rights honored because of undue influence of Harvey Whittemore on the legal system not the least of which the influence of Senator Harry Reid. Despite my attorney's passionate plea for reconsideration, there was no reconsideration or leniency for me, an innocent victim of a desperate man being questioned by the FBI as I was being held in jail without constitutional rights. I was driven to bankruptcy, fighting two false accusations at both the civil and criminal levels both conveniently engineered by Harvey Whittemore

I was a witness to and unwitting participant in a second conduit campaign scheme to Senator Reid conducted by Harvey Whittemore in 2010. My testimony would have proven a pattern by Harvey Whittemore and nullified any argument of a simple mistake. Harvey Whittemore succeeded once with this strategy in 2007 and thus he simply did the exact same thing in a fundraiser for Harry Reid conducted in his home in which employees of the Whittemore Peterson Institute (WPI) were given reimbursement by Mr. Whittemore for writing checks and told to contribute. Senator Reid was in the room and fully aware of what was happening. We were told by Harvey Whittemore "if Harry Reid does not win this election the WPI will not exist"

Mr. Whittemore carefully designed these schemes scheme to skirt this country's campaign finance laws. Now he calculates that by having his friends and relatives mount a letter writing campaign to you to attest to his upstanding character he can win leniency or a "slap on the wrist." This is not a crime without victims. I am a victim. My students are victims prevented from furthering their careers by the actions of Harvey Whittemore. The study participants are victims. The damage done to the victims of these crimes cannot be overstated.

During the time between Mr. Whittemore's conviction and his sentencing, he has shown no remorse for his actions. As recently as Jul 30th 2013, Mr Whittemore has filed a false claims in my bankruptcy cade asking for damaging in excess of five million dollars. Mr Whiitemore has not shown an y leniency towards those people he has ruined. He should get no leniency for his actions

Harvey Whittemore, and anyone in our country who tries to buy power and influence with elected officials, deserves to spend time in jail commensurate with the crimes committed against the victims. Only imposing the maximum sentence will show others like him that what Mr. Whittemore knowingly did is a serious crime and will be punished to the extent of the law

Please Honorable Judge Hicks honor the victims including me who had the courage to do the right thing and were subjected to the vindictiveness of Harvey Whittemore Show the world that the United States Constitution is honored in Reno Nevada just as it is in every state in the union. Give Harvey Whittemore the maximum sentence possible.

Sincerely
Judy A. Mikovits, PhD