

Transcript of conversation between Kathy Thaut and Eleanore Piwoni, judicial assistant to Chief Judge A. Joe Fish of the United States District Court, Northern Texas, Dallas Division on October 25, 2005.

Person answering the phone: **Good Morning, Judge Fish's chambers.**

Kathy says: **Yes, my name is Kathy Thaut and I have been requested by Mr. Lonnie Schmidt to call Judge Fish's office and verify if he has received a letter written by Mr. Schmidt. Can you help with that?**

Woman who answered the phone: **Hold on.**

Woman, later identified as Eleanore, Judge Fish's judicial assistant: **What letter is that?**

Kathy says: **Mr. Schmidt had me prepare and mail a letter to Judge Fish on October 11 and we have the certified, return receipt card back that it was signed by an Aimee Blanchard on October 17. It was a letter directed directly to Judge Fish.**

Eleanore says: **She is a law clerk in our chambers.**

Kathy Says: **Ok. So...**

Eleanor says: **What is the letter about?**

Kathy says: **The letter is regarding a situation with Mr. Schmidt that he wanted to make the chief judge aware of and so I was just asked to verify if Judge Fish did receive it or not.**

Eleanor says: **Well if she signed for it, he did, yes.**

Kathy says: **He did?**

Eleanor says: **Of course he did, if she signed for it, yes he did.**

Kathy says: **Ok, and...**

Eleanor says: **Is this on a – does he have a case before us or what?**

Kathy says: **Mr. Schmidt is currently incarcerated under very, extremely unusual situation and he wanted Judge Fish to be aware of that, he is the chief judge and he is hoping Judge Fish will respond to his letter and...**

Eleanor says: **Is this a case before Judge Fish?**

Kathy says: **It is not directly before Judge Fish, no.**

Eleanor says: Well, he can't do anything if it is not before him. He just would have automatically sent – which judge is it before?

Kathy says: Mr. Schmidt is being held illegally by Judge Buchmeyer. And on a...

Eleanor says: Well, Judge can't - first of all, let me tell you something. Judge Fish and Judge Buchmeyer are equal so if you have something that you are objecting to regarding another judge you need to go to the court of appeals, not to the district chief judge. He can't do anything.

Kathy says: Ok. Just so I can report back...

Eleanor says: There is a citing out there. There was... Judge Fish cannot overrule anything another judge in this district – one of his peers does. So if you are objecting or filing something regarding Judge Buchmeyer did then you need to file that in the court of appeals. They are the only judges that can have anything say over that, not Judge Fish.

Kathy says: And I appreciate that information and I will pass that on to Mr. Schmidt. Can I just ask you two questions that I need to pass on to him?

Eleanors says: Uh huh.

Kathy says: First of all, who am I speaking to? Is this Eleanor, his assistant?

Eleanor says: Yes.

Kathy says: And second of all, if it is a letter that is being sent and not a filing, do you believe Judge Fish will not respond to that either?

Eleanor says: Well he would forward that on, that filing back on to Judge Buchmeyer. Yeah we're not – he can't respond to – I don't – I shouldn't say that...

Kathy says: I understand what you are saying.

Eleanors says: Let me double check with – I don't know.

Kathy says: It is in a letter format, it is not a filing.

Eleanor says: It is just a letter?

Kathy says: It was a letter, yes.

Eleanor says: Ok, hold on a second.

Eleanor says: Yes, it would have been forwarded on to Judge Buchmeyer.

Kathy says: You believe the letter would be forwarded to Judge Buchmeyer?

Eleanor says: Yes, yes

Kathy says: Ok, thank you very much Eleanor.

Eleanor says: Your welcome.

Kathy says: I appreciate the information.

Eleanor says: Uh huh. Bye.

Kathy says: Good-bye.

End of phone conversation between Kathy Thaut and Eleanor Piwoni, judicial assistant to Chief Judge A. Joe Fish of the United States District Court, Northern Texas, Dallas Division.