

2013-CA-197

To the Honorable Judge Wicks:

From Roy Cook:

Please consider this a motion to dismiss the indictment against me for extortion. The reasons to dismiss are multiple Brady violations by the Prosecution as well as the alleged extortion was only an attempt to collect a valid debt. Included is evidence of both. If you will notice the original motion for the State to produce all of the withheld evidence was served on 8/24/2015. The prosecution has had over 6 months to produce all previously withheld evidence and has failed to do so. In the process of investigating this case I have discovered the existence of other evidence the prosecution has chosen to conceal. This new evidence includes but is not exclusive to the results of a forensic examination of computers seized from my home by Lt. Dan Schneider, and the actual Vonage phone records provided by the plaintiff to Jeff Vittatoe. Both of these items would prove contradictory statements were made by the plaintiff and that the plaintiff doctored or altered the evidence presented to the grand jury.

Roy Cook

EVIDENCE OF BRADY VIOLATIONS

1. Bill of Particulars requested 5/2015 not supplied til 2/15/16 and is not very particular. If you notice the date Edwards emailed it the afternoon of 2/15/16 which was the morning I showed up in court complaining about Hedrick. The failure of the prosecution to timely supply a Bill of Particulars has hindered my ability to prepare a defense. Evidence that may have existed prior to 2016 may not be retrievable today.
2. Redacted emails I've been requesting for 18 months; ordered by Judge Eblen 11/16/15 still not produced. Prosecution claims Vittatoe's Yahoo email account doesn't exist anymore but I sent 2 test emails to that account and they did not come back. Edwards has failed to produce any evidence of his attempt to request this email from Yahoo.
3. Page 2 of typed phone logs missing.
4. Plaintiff provided prosecution with Vonage call logs that have never been turned over. Evidence plaintiff supplied Vonage logs to prosecutor is as follows.
 - a. Plaintiff's posting on www.fogbow.com
 - b. Email dated 1/30/13 from Plaintiff to Vittatoe; Plaintiff states "the excel spread sheet"
 - c. Affidavit for Search Warrant Vittatoe states "Andrew Cook also provided his telephone records to support recorded calls from Roy Cook."

These Vonage phone logs are relevant as evidence that the plaintiff altered the call logs to try to match his time stamp of doctored recordings. The Vonage records that I received that were actually subpoenaed do not match the recorded phone calls that the plaintiff actually submitted as evidence to the grand jury. By not producing these the prosecution has aided the plaintiff in hiding his perjury.

5. There was no investigation conducted. Even after Vittatoe discovers Andrew was deceptive by not disclosing he found PC boards in March. Prosecution did not examine any evidence confiscated from my home. They had almost 20 months to examine 3 computers and cell phone and the evidence never left the evidence room per the Evidence Receipt Log. However, a statement on the log by Vittatoe claims on 5/23/14 the "items highlighted have been released to Lt. Dan Schneider for forensic analysis." If this is a true statement, the prosecution has failed to release the results of the analysis. This is another attempt by the prosecution to conceal exculpatory evidence. One can only come to two conclusions. First, the prosecution failed to investigate or two, they have withheld exculpatory evidence. Both of these conclusion are examples of Brady violations and are valid reasons to dismiss this indictment.

The evidence that the forensic analysis would have discovered is that the emails the plaintiff supplied the prosecution that he alleges are from the defendant would not have painted the same picture as the ones retrieved by the forensic analysis as they would not have been altered or redacted. By not returning the computers for 20 months and by not even turning over any evidence till 16 months after the computers were seized the prosecution has again allowed the plaintiff to conceal his perjury. Although I was able to retrieve some of the emails most were not retrievable. Two of the computers were the property of Thomas Cook who died on 6/12/2014 and without his passwords I am unable to retrieve any information from his computers. The forensic analysis also

would have revealed the likelihood of Thomas Cook sending the emails presented by the prosecution as evidence.

6. Actual subpoenaed Vonage logs reveal the existence of a statement made by plaintiff to FBI agent. FBI agent has written statement and evidence supplied by plaintiff that contradicts statements plaintiff made to Jeff Vittatoe. The prosecution tried to hide this and other exculpatory evidence by not turning over the Vonage call logs provided by plaintiff. What makes this even more disturbing is the evidence of the prosecution's knowledge of the FBI agent's existence. At the Brady hearing on 11/16/15 prosecutor Edwards makes a statement saying that it would not matter if the redacted name in the email is the "FBI or other law enforcement agency." When Edwards says this I can only come to one of two conclusions. 1. Edwards has known of the plaintiff's statement to the FBI and has concealed this exculpatory evidence. Or 2. Hedrick violated attorney/client privilege and revealed my discovery to Edwards. What is even more disturbing is Hedrick's refusal to obtain the statement or even to investigate my discovery. I have multiple emails where Hedrick is very excited to obtain this and other evidence that has been subpoenaed and on 2/10/16 Hedrick refuses to follow thru with subpoenas that have already been served; that he prepared.
7. Finally, the indictment should be dismissed because the plaintiff states to the prosecution that he initiated contact with the defendant to "negotiate" the safe return of his property. The defendant then proceeded to negotiate what he believed to be a valid debt. Emails from plaintiff to defendant that were not provided to the prosecution clearly show this was a negotiation of a valid debt. More evidence of this is the judgement obtained by plaintiffs deceased brother in the labor courts of Costa Rica. Plaintiff failed to supply prosecution with this information. Plaintiff also failed to inform investigators that 6 weeks prior to the search warrant being issued he had discovered the missing merchandise in his own home. Evidence of this is present in a March 8, 2013 email plaintiff sent to defendant. More evidence of this exists in an email exchange between investigator where Vittatoe asks if it's true that he found the missing boards. It is the defenses position that these emails were discovered during the forensic analysis of the computers but has been concealed by the prosecution.

In conclusion, I would request the indictment against me be dismissed for the multiple Brady violation as well as the evidence of a valid debt in the form of a judgement obtained in Costa Rica's labor courts. Also, if the prosecution had actually investigated they would have never brought this indictment against me. If the prosecution had turned over all evidence against me including the Vonage logs and the forensic analysis of the computers, I would be able to discredit the evidence provided by the plaintiff even more and would have had enough evidence to obtain a dismissal of this indictment last year. Now most, if not all of that evidence is not retrievable. The prosecution should not be allowed an advantage because of its refusal to abide by the rules. The pure arrogance and disregard by the prosecution for a judge's order is evident in a Feb. 9, 2016 email to Hedrick where Edwards states "Is it so you can complain you never got a Bill of Particulars"?

Roy Cook

IN THE CRIMINAL COURT FOR ROANE COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

ROY COOK,

Defendant.


Docket No. 2013-CR-197

MOTION FOR BILL OF PARTICULARS

COMES NOW THE Defendant, Roy Cook, by and through counsel, and moves this Honorable Court to direct the State to file a written Bill of Particulars pursuant to T.R.Crim.P. Rule 7(c), and thereby specify the following:

1. The nature of the alleged coercion used by the Defendant upon the alleged victim;
2. The property, services, advantage, or immunity sought from the alleged victim (if applicable);
3. In what way the Defendant is alleged to unlawfully have restricted the alleged victim's freedom of action (if applicable);

Respectfully submitted this the 11th day of May, 2015,

Joshua D. Hedrick
BPR # 025444
Whitt, Cooper, Trant & Hedrick
607 Market St.
Suite 1100
Knoxville, TN 37902
(865) 524-8106

Attorney for Mr. Cook

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was forwarded to the District Attorney General for the Ninth Judicial District of the State of Tennessee, or to his assistants, by placing same in the US Mail with sufficient postage to reach his office address of PO Box 703, Kingston, TN 37763 on this the 11th day of May, 2015,

Joshua D. Hedrick,
Attorney for Mr. Cook

Joshua D. Hedrick

From: Joshua D. Hedrick <hedrick@knoxdefense.com>
Sent: Tuesday, February 09, 2016 4:06 PM
To: 'Robert C. Edwards'
Subject: RE: Roy Cook

I can't do either 2-16 or 2-22. Anything early March?

--Josh

Joshua D. Hedrick
Whitt, Cooper, Trant & Hedrick
607 Market St.
Suite 1100
Knoxville, TN 37902
(865) 524-8106

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From: Robert C. Edwards [mailto:roedwards@ndagc.org]
Sent: Tuesday, February 09, 2016 1:30 PM
To: hedrick@knoxdefense.com
Subject: RE: Roy Cook

Is it so you can complain you never got a Bill if Particulars? There are several coming up in Roane. 2-16 or 2-22 are good?

Are you interested in picking up any of Vogel's cases? We have quite a few to find lawyers on

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: "Joshua D. Hedrick"
Date: 02/09/2016 1:08 PM (GMT-05:00)
To: "Robert C. Edwards"
Subject: Roy Cook

Bob -

We need to get a motion day on Mr. Cook. When is good for you?

--Josh

Joshua D. Hedrick
Whitt, Cooper, Trant & Hedrick
607 Market St.
Suite 1100
Knoxville, TN 37902
(865) 524-8106

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LEGAL CONFIDENTIAL: The information in this e-mail and in any attachment may contain information that is privileged either legally or otherwise. It is intended only for the attention and use of the named recipient. If you are not the intended recipient, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message.

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IN THE CRIMINAL COURT FOR ROANE COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

ROY COOK

)
)
)
)
)

No. 2013-CR-197

BILL OF PARTICULARS

Comes the State of Tennessee and does hereby submit the following Bill of Particulars concerning the charges in the above captioned matter.

1. That on or about January 16, 2013 Andrew Cook became aware that several very valuable circuit boards that were designed by his company, Merlin Embedded", and offered for sale to the public were missing.
2. That Andrew Cook suspected that the boards were taken by his brother, Thomas Cook, who was an employee of his company for a period of time but had been terminated prior to the disappearance of the boards.
3. That Andrew Cook attempted to contact Thomas Cook about the missing boards but was unable to recover them. He then reached out to his other brother, defendant Roy Cook, to ask for assistance in communicating with Thomas Cook. Roy Cook was thereby made aware that the boards were missing.
4. That instead of helping Andrew Cook communicate with Thomas Cook about the missing boards Roy Cook undertook a campaign of harassment against Andrew Cook. The state alleges that in this manner Roy Cook used coercion against the alleged victim for the purpose of obtaining property from Andrew Cook. The harassment included the following:

- a. Claims that Roy Cook was in possession of the boards.
 - b. Demands that Andrew Cook pay him \$30,000.00 in order to persuade Roy Cook to return the boards to Andrew Cook. He also demanded that Andrew Cook gift a \$15,000.00 vehicle to Thomas Cook as a condition of the return of the boards.
 - c. Threats to contact family, personal and business associates of Andrew Cook for the purposes of damaging family, personal; and business relationships, unless the demands were met.
 - d. Roy Cook attempted to make good on many of the threats he had made or, in any event, sent numerous email messages, made many phone calls, and conducted other means of communication to Andrew Cook in an ongoing effort to force Andrew Cook to pay the money to Roy Cook and gift the car to Thomas Cook.
5. That copies of numerous email messages and telephone call recordings obtained by the State from Andrew Cook have been provided to the defense. Reference is made to this discovery material to provide additional detail concerning the offense that Roy Cook is alleged to have committed.

RESPECTFULLY SUBMITTED:

Russell Johnson
District Attorney General

By: /s/ RCE
Robert C. Edwards
Senior Assistant District Attorney General

CERTIFICATE OF SERVICE

I, Robert C. Edwards, do hereby certify that a true and exact copy of the foregoing motion has been forwarded to the office of the Honorable Josh Headrick, ~~counsel for the~~ defendant, by deposit of same in the United States Mail to his last known address with sufficient postage to warrant delivery thereof on this the 15th day of February, 2016.

15/ RCE
Robert C. Edwards



Office *of the* District Attorney General
Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

February 15, 2016

Joshua D. Headrick, Esq.
607 Market Street, Suite 1100
Knoxville, TN 37902

#1

Re: State vs. Roy Cook

Dear Mr. Headrick:

Enclosed please find a copy of the Bill of Particulars filed by the State in the above captioned matter. As you will see the nature of the accusations against Roy Cook were already detailed in the discovery material that I understand has been furnished to the defense in this case. Nonetheless, the Bill of Particulars has been prepared and filed with the court as ordered.

Please let me take this opportunity to speak to the defense about discovery. I have a multitude of emails in my file that purport to be messages sent by the defendant to Andrew Cook or sent by the defendant to others about Andrew Cook. I also have a number of recorded telephone conversations that purport to be recordings of Roy Cook made by Andrew Cook. It is my understanding that all this material has been disclosed to the defense and that copies have been made available to the defense as part of the discovery process. However, this case existed prior to my assumption of the position of assistant district attorney in this office and the discovery was accomplished before my involvement. With the trial date approaching I would like to make certain that you have all of this discovery and that no discovery remains outstanding. Please make arrangements to meet with me and review the file for this purpose.

You inquired about possible future motion dates. I mentioned a couple of possibilities but they did not suit your current schedule. The following is a list of possible dates:

Office *of the* District Attorney General
Ninth Judicial District

Serving Loudon, Meigs, Morgan and Roane Counties
Russell Johnson, District Attorney General

J. Headrick
February 15, 2016
Page Two

February 16, and 22, 2016

March 4, 7, 14 and 21, 2016.

#12

Please select a date and advise as to what matters you would like to have heard on that date and I would be happy to ask the court to place it on the docket.

Lastly, I would like to verify the status of our ongoing dispute concerning emails. It is my belief that as of our last conversation you had received the most current copies I was able to obtain from Investigator Jeff Vittatoe and that you had an opportunity to speak with Mr. Vittatoe one morning outside of the Loudon County Courthouse. Mr. Vittatoe stated he would look for additional copies of messages to attempt to make certain that no improper redactions had occurred. He has advised me he has no additional copies of these messages and I have conveyed that statement to you. Are we on the same page in regard to that subject?

I am,

Sincerely,



Robert Edwards
Senior Asst. District Attorney General
865/376-2145, ext. 114

Cc:

72

INBOX CONTACTS

Compose

Inbox

Conversations

Drafts

Sent

Spam

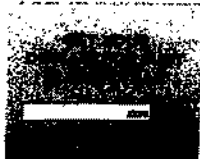
Trash (2)

POOLDERS

Do Not Disturb

Noise

APPLICATIONS



CALENDAR

File: extension attempt...

Delete

Move

Spam

Actions

File: extension attempt by Roy Cook from Andrew Cook to you + 1 more

Tue, 8:26 PM

I talked with Roy Cook to extend money from me in exchange for the return of my stolen property. Have you made any progress on the case?

He has recently started sending me harassing emails. He has also sent harassing emails to my son's school, my accountant, and my son's therapist. He is attempting to contact my customers and slander my company because I have refused to pay him any money.

To give you an idea of his rants, here is a sample from a recent email.

how'd that last piece of chicken see doing three days....7777 hear you say she dreams like a shit...is she yummy?? I heard you tried to lap that ass. actually the word is you claim to have lapped it but nobody believes you did. don't worry though. it wasn't her religion that made her say so. it was the fact that you're a disgusting pig.

did you cut your balls off yet?? or is she pulling a Roy and kicking herself in a room for 3 days??

tomorrow is fuck up Friday.... get ready for a big surprise....

and on 4/2 its going to get real special... 12 days and counting....shall we do the 12 days of xmas.

I don't think you can handle 12 days of shit.... the over under on you is 7 days before you finally break.

did you wipe your ass today??/hehehe

and again....why do you continue to not address what you did to Lorenz and BAE 77777 what's wrong?? well awareness is a terrible thing isn't it. HI MY NAME IS ANDREW AND I'M A FLAMING ASSHOLE

I'm not sure what he means by "fuck up Friday", but I assume he attempted to harass some of my customers. I have not received any feedback from them yet. This particular rant was sent to my accountant and my son's therapist.

Any help you can give would be greatly appreciated. I have asked that he stop sending me emails but he persists.

Andrew Cook
Merlin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.merlinembedded.com

Original Message:
From: Andrew Cook [mailto:andrew.cook@merlinembedded.com]
Sent: Wednesday, January 30, 2013 9:25 PM
To: jellvillatoc@yahoo.com
Subject: extension attempt by Roy Cook

Roy's phone numbers:
Cell: (888) 322-0884
Home: (888) 631-4887

I'm not sure about the home phone. He normally calls from the cell phone.

Last phone call is attached. I have also provided a document describing each phone call with approximate date and time.

The excel spreadsheet shows calls to and from my office numbers. It also shows calls to and from my home number 801.347.0425. I have marked the significant calls in purple and yellow.

It appears that the time stamp on some of the voicemail logs is off. I think it is because they were forwarded through a skype number. The document showing the description of the phone calls is more accurate on the time stamps.

I recorded the calls on my iPad using an app called QuickVoice. The application records the date and time of each call.

Let me know if you need anything else.

Andrew Cook
Merlin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.merlinembedded.com

Search Mail Search Web

Hi, Jeff



IN THE CRIMINAL COURT FOR ROANE COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

ROY COOK,

Defendant.

Docket No. 2013-CR-197

**DEFENDANT'S MOTION FOR THE STATE TO PRODUCE
JOHNSON V. STATE/BRADY-KYLES DISCLOSURES**

COMES NOW THE Defendant, Roy Cook, by and through counsel, and moves this Honorable Court for an order requiring the State to produce all materials and information that may aide the defendant as defined in *Johnson v. State/Brady-Kyles*¹.

This motion is filed to require the State to comply with the current standard of production of favorable evidence announced by the Tennessee Supreme Court in *Johnson v. State*, 38 S.W.3d 52 (Tenn. 2001).

This motion seeks any and all information which would be covered under the *Johnson/Brady-Kyles* framework, including specifically, but not limited to, the identity of the witness redacted from the email provided as part of discovery in this matter. This email is attached to this motion as an exhibit.

Prosecutors and the Courts often refer to State's "Brady" obligations to be to produce "exculpatory" evidence. It is obvious that there is not a clear consensus between Tennessee prosecutors, courts and defense counsel as to what is and what is not "exculpatory" evidence. Rarely does the State go beyond a definition of "exculpatory" to include anything other than that

¹ *Johnson v. State*, 38 S.W.3d 52 (Tenn. 2001); *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), *Napue v. Illinois*, 360 U.S. 264 (1959), *Giglio v. United States*, 405 U.S. 150 (1972), *United States v. Bagley*, 473 U.S. 667 (1985), *Kyles v. Whitley*, 115 S.Ct. 1555 (1995).

which tends to prove the defendant did not commit the crime. In the process the State ignores or rationalizes away evidence that discredits witnesses or otherwise weakens the State's case.

In Tennessee the State's requirement to produce evidence to the defense has been defined by our Tennessee Supreme Court in *Johnson v. State*, 38 S.W.3d 52 (Tenn. 2001). In *Johnson* the Court did not rely on the traditional "exculpatory" definition of the State's obligation but adopted an "aid to the defense" standard.

The *Johnson* obligation applies in Tennessee to both to the factual trial and sentencing.

Johnson describes information favorable to the Defendant as follows:

Information that is favorable to the accused may consist of evidence that "could exonerate the accused, corroborate the accused's position in asserting his innocence, or possess favorable information that would have enabled defense counsel to conduct further and possibly fruitful investigation regarding the fact that someone other than the appellant killed the victim." *Marshall*, 845 S.W.2d at 233. As the Massachusetts Supreme Court has articulated the standard, "[t]he *Brady* obligation comprehends evidence which provides some significant aid to the defendant's case, whether it furnishes corroboration of the defendant's story, calls into question a material, although not indispensable, element of the prosecution's version of the events, or challenges the credibility of a key prosecution witness." *Commonwealth v. Ellison*, 376 Mass. 1, 379 N.E.2d 560, 571 (1978); see also *Mazzan v. Warden, Ely State Prison*, 993 P.2d 25, 37 (Nev.2000) (stating that evidence is favorable under *Brady* if "it provides grounds for the defense to attack the reliability, thoroughness, and good faith of the police investigation, to impeach the credibility of the state's witnesses, or to bolster the defense case against prosecutorial attacks").

Johnson v. State, 38 S.W.3d 52, 56-57 (Tenn. 2001)

WHEREFORE, the defense moves the State produce materials and information that may aide the defense as described in *Johnson v. State/Brady-Kyles* to Mr. Cook through his undersigned Counsel within thirty (30) days.

Respectfully submitted this the 24th day of August, 2015.

Joshua D. Hedrick
BPR # 025444
Whitt, Cooper, Trant & Hedrick
607 Market St.
Suite 1100
Knoxville, TN 37902
(865) 524-8106

Attorney for Mr. Cook

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing has been sent to the District Attorney General for the Ninth Judicial District by hand-delivery to his office on the date this motion was filed with the clerk.

Joshua D. Hedrick,
Attorney for Mr. Cook

•

Where 14678

[illegible]

#3

perfect example of this. She almost has a love affair going with Fitzpatrick. And Fitzpatrick can't seem to go a single week without creating drama. These two are driven by their hatred of Barrack Obama, a man who has done nothing to harm them. Their hatred blinds and drives them at the same time.

My brother Roy is the same way. Every perceived offense requires a nuclear response. And he has gotten worse over the years. I was confused when I discovered that the plea bargain that was offered to him required that he undergo a mental evaluation. That came from the prosecutor, not me. I only suggested restitution and a no-contact order. I had always thought Roy was a bit off, but not mentally ill. After meeting Sharon and reading about Fitzpatrick, I am not sure there is much difference between my brother and these two crazy people.

When you look at Fitzpatrick's history, you see a slow escalation of activities as he ages. Classic symptoms of anti-social personality disorder. I see the same trend with my brother. When he fired from a job in 2002, he was charged with harassment after he sent threatening faxes to his former office. Charges were dropped after 1 year due to insufficient evidence. Since then he has filed multiple lawsuits against various people with whom he has had business dealings. In one lawsuit, he had hired the cheapest contractor to install a hot tub knowing that the guy could not do it for the quoted amount. He hired a second contractor to finish the job and sued the first contractor for the amount paid to the second contractor. He bragged about it. When he found out that I was flying to Tennessee for Thanksgiving in 2010, he called in an anonymous tip to the airport to report people coming in from Costa Rica with drugs in their anal cavities. He was hoping that they would give me a full body cavity search. Nothing happened but he still bragged to my mother about it. He harassed his wife's former employer and filed a lawsuit against them that was eventually dismissed.

The deposition that he gave to the state insurance commission when he was trying to get his former insurance agent's license revoked was an eye opener for me. I had no idea he had gone that far off the reservation. The agent's attorney introduced multiple threatening emails that my brother had sent to the agent demanding money even though he had already been made whole. He sent emails to everyone he knew trying to destroy the man's reputation and expressed pride in his actions. Roy proudly admits that even if the agent had met his demands, he would still have gone after his license.

Writing this makes me think that Roy Cook does indeed need his own thread.

[Jump to post](#)

by **insanity**
Sat Sep 12, 2015 2:43 pm
Forum: Miscellaneous
Topic: The Post and Email
Replies: 8393
Views: 348412

Re: The Post and Email

Thanks for the soutpark clip. It does adequately describe the situation. It gets even more bizarre.

When the police dropped the search warrant on Roy Cook's home, they were surprised to find Thomas Cook there as well. It seems he had traveled back to Tennessee to try and find employment. They seized the company computer he had taken with him when he was terminated. Both of my brothers were freaked out by the search warrant. They really did not expect the police to get involved. But I had everything they needed to make the extortion case. All they had to do was match Roy Cook's cell phone logs with the phone calls.

I had provided the DA with the phone logs from my VoIP provider Vonage. The logs show the calls coming from an anonymous number to my company's toll free number. When they looked at Roy Cook's cell phone they found my toll free number on his speed dial preceded by a *67. The logs from his cell phone also line up

Andrew says cops have my records

with the Vonage logs.

Thomas ended up returning to Costa Rica in May 2013 because his wife did not want to move to the US. Unknown to me at the time was that in February 2013, Thomas and his wife had consulted an attorney about suing my company for unlawful termination. In Costa Rica, an employer is required by law to pay severance to any employee that is terminated without proper cause, such as a layoff. The Costa Rican Labor Court is notoriously pro-employee. An employer is considered guilty and must present evidence of proper cause whenever a former employee files a complaint.

Thomas however was not covered under Costa Rican labor law. When he started working for my company, I gave him the choice of being treated as either a full time Costa Rican employee or a full time US consultant. As a Costa Rican employee he would be entitled to severance, aguinaldo (state mandated Christmas bonus of 1 month's salary), and state medical benefits. However, his salary would be adjusted downward to cover the cost the company incurred for those benefits.

As a US consultant his take home pay would be higher. He did not need the state medical benefits since the company provided a private health insurance policy. He would not pay any income taxes in the US due to living outside the US for 330 days of the tax year. He would only pay social security and medicare taxes of 7.65% and the company would pick up the other 7.65%. Of course he chose to be treated as a US consultant.

However, after he was terminated he went to the labor court claiming that I had not paid him the aguinaldo for 3 years and that he was owed severance. He also asked for money for "pain and suffering" because I was such a bastard to work for.

The labor court attempted to serve the legal papers on the company on May 2 and May 3 of 2013. I had already laid off all my employees due to a downturn in business and I was working from home most of the time. The process server did not leave a note on the door and we were completely unaware of the lawsuit.

The labor court sent a letter to Thomas Cook and his attorney asking for more information on how to serve a legal representative of the company. They lied and said they had no more info other than the office location. They had my home address, cell phone number, home phone number, and 3 business phone numbers. They had two email addresses for me. They also had the home address, cell phone number, and 2 email addresses for my accountant who was a legal rep for the company. Thomas could have informed my parents (I think he did and then swore them to secrecy.)

Thomas Cook also lied when the court asked for contact information on current and past employees. They wanted the employees to testify at the hearing. He had email addresses and phone numbers for at least 4 employees but stated that he did not know how to contact anyone.

With no way to serve the company, the court appointed a "curator attorney" to represent the company. The curator attorney was paid \$400 and did nothing. Even though my name, phone numbers, and email addresses were in the legal file (email exchanges between Thomas and I were submitted as evidence) she never made any attempt to contact me. She could have gone to the company office and left a note on the door but made no attempts.

The labor court sent a letter to the Costa Rican social security office asking for any records showing how much Thomas Cook was paid during the 3 years he worked for my company. They replied that there was no records showing that Thomas Cook had ever worked for anyone in Costa Rica.

A hearing was held in December 2013 with Thomas Cook being the only witness to offer testimony. Based on

Hi Jeff Newest version of Y!Mail Help

Make Y! My Homepage

☐ Mail My Y! Yahoo!

Search

Search Web

**THE EPA ESTIMATED 38-MPG-HWY
2013 HYUNDAI ELANTRA**
Starts at \$12,999Safety
Fuel Economy
Check out the new
Hyundai Elantra

Mail Contacts Calendar Notepad

What's New? Mobile Mail Options

Check Mail New

Mail Search

Get the newest Yahoo! Mail

3 Bureau
CREDIT REPORT

Previous | Next | Back to Homepage

Back to Inbox | Exit

Delete Reply Forward Spam Move...

RE: extortion attempt by Roy Cook

Thursday, January 31, 2013 4:00 AM

From: "Andrew Cook" <andrew.cook@morfinembedded.com>

To: "Andrew Cook" <andrew.cook@morfinembedded.com>, jell@hawaii@yahoo.com

2 Files (130KB) | Download All



Name Description

Roy's phone numbers:
Cell: (888) 822-0884
Home: (888) 681-4887

I'm not sure about the home phone. He normally calls from the cell phone.

I tried to attach the last phone call but the attachment is too big and it bounced back. I will try to break it down into two smaller files tomorrow.

I have provided a document describing each phone call with approximate date and time.

The excel spreadsheet shows calls to and from my office numbers. It also shows calls to and from my home number 801 347 0425. I have marked the significant calls in purple and yellow.

It appears that the time stamp on some of the voice logs is off. I think it is because they were forwarded through a skype number. The document showing the description of the phone calls is more accurate on the time stamps.

I recorded the calls on my iPad using an app called QuickVoice. The application records the date and time of each call.

Let me know if you need anything else.

Andrew Cook
Morfin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.morfinembedded.com

Delete Reply Forward Spam Move...

Previous | Next | Back to Homepage

Select Message Grouping

Full Headers

Check Mail New

Mail Search

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JHC
GEP-2

**AFFIDAVIT FOR SEARCH WARRANT
STATE OF TENNESSEE
ROANE COUNTY**

I, Jeff Vittatoo, being duly sworn do hereby state the following:

I am a criminal investigator with the 9th Judicial Drug and Violent Crimes Task Force. I have worked in the field of law enforcement for approximately 18 years. I have worked as a patrol officer, a patrol supervisor, detective, detective supervisor and narcotics investigator. During this time I have received training from the Cleveland State Law Enforcement Training Academy, United States Department of Justice, and other specialized schools in the area of criminal investigation, homicide, narcotics related investigations and others. During the time I have spent as a detective, I have conducted numerous investigations involving narcotics, burglaries, theft, violent crime, sexual assault, child sex abuse and homicides. I have kept myself abreast of new investigative techniques and as a result of my experience and training in investigating and prosecuting violent crime and property crime, I have become aware of various techniques and methods utilized by these offenders within the Roane County, East Tennessee area, and elsewhere. The information contained herein was derived from my own investigation, information from a concerned citizen, conversations with other law enforcement officials and/or information received from a confidential informant who has proved to be reliable to your affiant and other agencies in the East Tennessee area regarding this investigation.

This affidavit is being submitted in support of an application for search warrant of a two story, single family residence located at 141 Twin Oaks Drive, Rockwood, Tennessee, in Roane County. (Hereinafter referred to as the Cook residence)

1. In February of 2013 I was contacted by Andrew Cook, a U.S. citizen living in Puerto Rico. Mr. Cook stated that he owns and operates a computer hardware and software related business called Merlin VME S.A. that is based in Puerto Rico. Andrew Cook described to me how he has a brother named Thomas Cook, who also lives in Puerto Rico and a brother named Roy Cook, who lives in Rockwood Tennessee. Andrew stated that his brother Thomas worked for his company until November of 2012 when he was forced to terminate him.
2. Andrew Cook stated that on January 11, 2013, he received an order for merchandise and thus discovered that someone had stolen approximately \$80,000 worth of computer boards from the Merlin office building. Andrew said that an investigation revealed that his brother Thomas was depicted on surveillance video footage leaving the office with a box in his hands at approximately 5:00 a.m. on the morning after he was terminated. He stated that Thomas was not suppose to be in the building anymore and believes that Thomas was carrying the stolen merchandise out of the building at that time. Andrew Cook stated that he reported the theft to the Puerto Rico Police to investigate.
3. Andrew stated that after numerous failed attempts to contact Thomas regarding the theft, he called their other brother Roy in Rockwood, TN, to see if he would assist in contacting Thomas regarding the return of the stolen property. According to Andrew Cook, Roy then attempted to extort \$30,000 from Andrew for a safe return of the stolen property. After the first two telephone conversations with Roy demanding money, Andrew began recording the telephone calls and forwarded a copy of the recordings to this affiant. The recordings did in fact relate to the theft of the stolen computer boards and a voice described by Andrew Cook to be that of Roy Cook is clearly attempting to extort money

11
Dec 11/12

from Andrew Cook by using the return of the stolen property as leverage. The voice, identified by Andrew Cook to be that of his brother Roy Cook, was also clearly interested in clearing himself and Thomas Cook from any criminal liability in relation to the stolen boards and there was also an attempt to get Andrew to "give" a company vehicle to Thomas for personal use. The eleven audio recorded telephone conversations are included in the criminal investigative file maintained by this affiant and will be made available during discovery if a New Bill is returned against Roy Cook in the future in relation to extortion. Andrew Cook also provided his telephone records to support the recorded calls from Roy Cook. Andrew Cook never paid any money to Roy or Thomas and accepted the loss of the stolen computer boards.

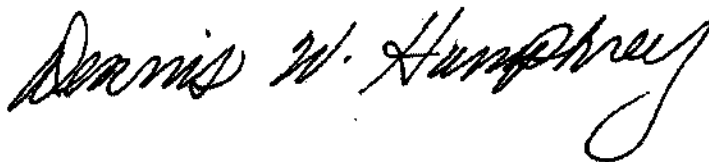
Proof of loss
Dec 11/12
Wife to
led

4. Andrew Cook then contacted this affiant in recent days to report that Roy Cook has been contacting his company's clients and threatening to destroy Andrew's business. Andrew Cook stated that he is now receiving multiple harassing emails from an anonymous email address that contain the same type threats to disrupt his business and his family. The emails were also forwarded to this affiant and contain graphic harassing content related to Andrew Cook's wife and others. Andrew Cook stated that he has asked Roy to stop communicating the harassment and threats towards him but that it continues. Although the email address is listed as Anonymous0040@gmail.com, the content of the emails are consistent with the verbiage used by Roy Cook on the telephone recordings.
- Who
Initiated?
5. Based upon my experience and training, individuals who participate in unlawful acts such as theft, extortion, and email harassment, often use their home computer, laptop computer, smart phone or Ipad to create and/or maintain the harassing or threatening emails, as well as other email communication with any co-conspirators in relation to the offense of extortion or harassment. These documents are sometimes found at their residence on their computer as data files, on external data storage devices or in paper files hidden inside their residence, property, outbuildings, vehicles, laptop computers, I pads, CD's, flash drives, and/or other appurtenances. Your affiant, asks that a search warrant be issued and that your affiant be allowed to search the residence and property of Roy Cook for the following items: Computers, word processors, tablets, smart phones, or any other instrument that could be used to manufacture harassing or threatening emails, any communication whether written or electronic between Roy Cook and Andrew Cook or Roy Cook and Thomas Cook in relation to felony interstate extortion and harassment; as well as all computer data files, external data storage devices and/or any other documents related to the manufacturing of such correspondence. Your affiant requests to be allowed to take possession of any suspected electronics, including computers, and be allowed to have them searched and analyzed later by an expert as soon as reasonably possible.
6. Your affiant requests to be allowed to search for all of the aforementioned items listed in this affidavit and due to the facts contained in this affidavit, your affiant prays that a search warrant be issued for the residence, person and property of Roy Cook, all vehicles, outbuildings, locked containers, computers and property as well as any person that is present at the time the warrant is executed at 141 Twin Oaks Drive, Rockwood, TN, Roane County. Specific directions are as follows: From the intersection of Hwy 70 and Hwy 58 in downtown Kingston, begin traveling west on Hwy 70 towards Rockwood City. Travel approximately 8.4 miles to the intersection of Hwy 70 and Delozier Street. Turn left onto Delozier Street and travel approximately .1 mile to the intersection of Delozier Street and Old Kingston Hwy. Turn right onto Old Kingston Hwy and travel

approximately .4 miles to the intersection of Old Kingston Hwy and Webster Drive. Turn left onto Webster Drive and travel approximately .5 miles to the intersection of Webster Drive and Foothill Drive. Turn left onto Foothill Drive and travel approximately .4 miles to the intersection of Foothill Drive and Twin Oak Drive. Turn right onto Twin Oak Drive and travel approximately .3 miles to 141 Twin Oak Drive, which is located on the left hand side of the road. The Cook residence will be a tan, two story residence with a long uphill driveway. 141 will be posted on a black mailbox and there are two metal wagon type wheels at the end of the driveway with one on either side.


Agent Jeff Vittatoe
9th Drug Task Force

Sworn and subscribed before me this 24th day of April, 2013 8:38 a.m.



RETURN

Came to hand same day issued. Executed as commanded by delivering a copy of the warrant to
Roy Cook And by searching the within described residence and the defendant,
and by reason of such search I found the following described contraband: See Attached

This the 24 day of April, ~~2012~~ 2013

[Signature]

(Deputy) Sheriff / Agent

Investigative Summary

Offenses – Attempted Extortion and Harassment

Victim – Andrew Cook

Defendant – Roy Cook (brother)

Investigator – Jeff Vittatoe

In February 2013 I was asked by Attorney General Russell Johnson to investigate the allegation of an extortion attempt on Andrew Cook by his brother, Roy Cook. Andrew Cook owns a U.S. company that is mainly operated out of an office in San Jose, Costa Rica by the name **Merlin Embedded**. This is an electronics design firm that builds and distributes computer software and hardware.

Andrew Cook stated that in November of 2012 he had to terminate his brother Thomas Cook, who was a production manager for the company and lives in Costa Rica as well. Andrew stated that in January of 2013 he discovered approximately \$80,000 worth of merchandise was missing from his companies supply room and began to investigate. He stated that after reviewing surveillance video of the area and key code access to the office building he realized that his brother Thomas had stolen the items approximately 2 days before being terminated. Andrew Cook filed a theft report with the San Jose, Costa Rica authorities and they were conducting an investigation into the theft. Andrew Cook stated that the police did not appear to be investigating very aggressively and that he did not believe they would be filing any charges against Thomas Cook for the theft.

Andrew Cook stated that when Thomas would not return any phone calls, he then contacted his other brother, Roy Cook, who lives at 141 Twin Oaks Drive in Rockwood, TN to see if Roy would talk to Thomas about returning the stolen property. Andrew states that Roy Cook then began to "negotiate" the safe return of the stolen property if Andrew would pay approximately \$30,000 to a neutral account of Roy's choosing.

After speaking to Roy a couple of times on the phone and realizing that he was really trying to extort money from Andrew, Andrew began to record the telephone conversations. Andrew Cook provided numerous recordings in which Roy Cook was trying to extort money for the return of the property, speaking of how to keep from getting arrested and also trying to make Andrew Cook sign over a company vehicle to Thomas Cook as part of the extortion. These calls were made from both Roy's home phone and cell phone leading me to believe that the extortion was being communicated from Roane County, TN, making the jurisdiction of the crime in the 9th Judicial District. A summary of each call is included in the case file along with the recorded calls. Andrew Cook refused to pay any money and accepted the loss of the product.

On or about April 19, 2013 I received an email from Andrew Cook informing me that Roy Cook had been continually harassing him by email. Andrew Cook stated that Roy had sent emails to his business associates, buyers and family members, as well as Andrew's son's school teachers. Andrew Cook forwarded me a copy of each mail. The emails were sent from an anonymous email account, but were consistent with the tone and threat that Roy had been verbalizing on the recorded calls indicating that Roy most likely was responsible for them.

On April 24, 2013 I executed a search warrant on the residence of Roy Cook, located at 141 Twin Oaks Drive in Rockwood, TN. The purpose of the search was to seize and analyze the electronic communication devices owned and possessed by Roy Cook. Numerous items were seized including multiple computers, telephones, external hard drives and other items that will be forensically analyzed by a forensic expert looking for evidence of the extortion and harassment by Roy Cook.

At the time the search warrant was executed both Roy Cook and Thomas Cook were present at Roy Cook's home in Rockwood. Both Roy and Thomas Cook were Mirandized and neither wanted to speak about the investigation.

I am submitting this case file to the district attorney's office to be presented before the next Grand Jury in Roane County Criminal Court and seeking indictments against Roy Cook for attempted extortion and harassment. I have found no evidence to support Thomas Cook's involvement in the extortion except through the recorded calls with Roy and believe there is insufficient evidence to proceed with charges against Thomas at this time.

Andrew Cook later reported to me that he discovered the stolen items at his residence in Costa Rica but insisted that he had never taken them to his house. Andrew Cook maintains that Thomas had access to his house and schedule, and most likely returned the items while he was not at home to avoid prosecution. If the items were returned to Andrew Cook or even misplaced by Andrew Cook, the elements of the offense of attempted extortion and harassment are still present and valid against Roy Cook. Andrew Cook will be asked to come to Roane County, TN from Costa Rica and participate in the presentment of this case before a Grand Jury.

Existing evidence in this case is the emails, the recorded telephone calls, the telephone records and testimony of Andrew Cook. Additional evidence may be discovered as the items recovered from Roy Cook's home is analyzed and evaluated. The forensic analysis will not be completed by the time this case is presented before the Grand Jury.


Criminal Investigator Jeff Vittatoe
District Attorney General's Office
9th Judicial District

#4

#5



**District Attorney General
Ninth Judicial District**

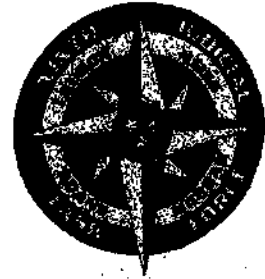
Evidence Room Receipt Log

Case Number <u>20130201-01</u>		Case Agent <u>J. Vittorio</u>				
Defendant <u>Roy Cook</u>		Offense <u>ATT. Extortion / Harassment</u>				
Evidence In						
Shelf #: _____		Date Received: <u>8/25/13</u> Time Received: <u>9:00</u> (am/pm)				
Description of Evidence: <u>See Attached 2 page Search Warrant</u> <u>return and inventory. All items highlighted have been</u> <u>released (8-21-13) to LT Dan Schneider for forensic</u> <u>analysis.</u>						
Received By: <u>J. Vittorio</u> Print Evidence Custodian Name		<u>[Signature]</u> Evidence Custodian Signature				
Received From: _____ Print Submitting Agent Name		<u>[Signature]</u> Submitting Agent Signature				
Evidence Out Chain of Custody Log						
	Custodian Initials	Agent Initials	Date	Time	Purpose	Return Y/N
Out						
In						
Out						
In						
Out						
In						
Out						
In						
Final Disposition of Evidence						
To Court – Docket No. _____						
To _____ Lab						
To Other Jurisdiction (Specify) _____						
To Be Destroyed – Destruction Order Attached Y / N						
Returned to Owner						
Other (Specify) _____						

562-3383



Ninth Judicial District
Drug & Violent Crimes Task Force
1008 Bradford Way
Kingston, TN 37763
(865) 376-2145 phone



Property Receipt

Roy Cook Search

Location: 141 Twin Oaks Drive Case Number: _____ Date: 4-24-2013

Quantity	Description of Items	Location Found	Serial Number (if applicable)
1	Samsung Flip phone	Person at Roy Cook	Unknown
1	HTC Smart phone AT&T	Sofa downstairs	Unknown
1	RV-SIS Samsung Laptop computer	Downstairs living area	HRQA916C70107E
1	Notebook PC model - M5-1656	Downstairs living area	16561-005 BUSK1004000 294
1	HP Pavilion a1209n desktop	Downstairs living area	MXF5480845
1	Netgear thumb drive	Downstairs living area	6091F55305 96
1	Brown Day Planner	Downstairs living area	—
1	Dell Laptop computer	Thomas' Bedroom	removed
2	External Hard Drives	Thomas' Bedroom	—
	End		ABC

From: Roy Cook

To: [Signature]
Drug Task Force Agent

Witness: [Signature]



Ninth Judicial District
Drug & Violent Crimes Task Force
1008 Bradford Way
Kingston, TN 37763
(865) 376-2145 phone



Property Receipt

Returned to Andrew Cook

Location: D.A.'s office, Kingston Case Number: 20130115-01 Date: 4-24-2013

Quantity	Description of Items	Location Found	Serial Number (if applicable)
1	HTC Smartphone AT&T		No Known
1	Samsung laptop computer		HR0A916C7010776

From: Jeff V. Trotter *[Signature]* To: Andrew Cook *[Signature]*
Drug Task Force Agent

Witness: _____

Search Mail Search Web

Hi, Jeff

INBOX CONTACTS CALENDAR Rec: Extor... Fw: Res... Fw: Res... Fw: Res... Fw: Res... Fw: Res... Fw: Res...

RE: Extor... Compose

Delete Move Spam Actions

Inbox

Conversations

Drafts

Sent

Spam

Trash

VOICEMAILS

Do Not Delete

Notes

MESSAGE

APPLICATIONS

RE: Extortion Case

From: Andrew Cook

To: 'Jeff Vittatoe'

Wed, Apr 24, 2013 at 7:46 PM

Roy's email addresses are:

kevin@cs.com
andrewm0040@gmail.com
cmnn7@cs.com

Thomas Cook's email addresses are:

thomascCook.merlin@merlin.com
cookaradwan@merlin.com

There might have been a third person involved but I am not sure. His name is Athanasios Pagonis. He was a former sales manager that I terminated in January 2012. If he exchanged any emails with Roy or Tom his address would be tpagonis12@yahoo.com.

I will send you the emails that I have received from Roy since February separately.

Andrew Cook
 Merlin Embedded
 10415 Willow Ridge Loop
 Orlando, FL 32825
 Toll Free: (866) 700 7704
 Direct: (650) 292 0887
www.merlinembedded.com

—Original Message—
 From: Jeff Vittatoe [mailto:jeffvittatoe@yahoo.com]
 Sent: Wednesday, April 24, 2013 10:34 AM
 To: andrew.cook@merlinembedded.com
 Subject: Extortion Case

Mr. Cook,
 Just wanted to shoot you and email to keep you up to date. I executed a search warrant this morning at Roy's residence in Rockwood. To my surprise, your other brother Thomas was also present. I seized Roy's phone, his laptop, his desktop, some thumb drives, Thomas' laptop and some other items for analysis. Neither of them wanted to discuss the case with me but Roy was really worried about me taking his computers. I also told Roy that if he contacted you any more it would be additional charges so let me know if he does. It will take a while for our forensic computer guy to search the computers and get me a response but our next Grand Jury meets the first week of June. I am planning to indict Roy (and possibly Thomas) at that time. I will keep you posted. One more thing. Thomas and Roy both told me individually that you located the missing computer boards at your home but I haven't heard that from you. Although it would not effect the extortion case I am wondering if it is true?

Thanks,
 Jeff Vittatoe

HS
 47

Re: my product

From: andrew cook <andrew.cook@merlinembedded.com>

To: jekyl9 <jekyl9@cs.com>

Date: Fri, Mar 8, 2013 10:43 am

HS 57

I left you voicemail on this but decided to give you and Tom more details. Of course I am not allowed to contact Tom because his wife filed a restraining order against me. So please forward this to him.

First let me say to Tom "WELL PLAYED." He had me going for a couple of hours.

I have my circuit boards. I found them yesterday morning. I had moved out of the condo and into a new place last week. I still have some boxes to unpack and I was looking for my coffee pot when I came across two boxes containing the missing circuit boards. I was surprised. I wondered how they ended up here. Clearly they were in the old condo and the movers had simply packed them with the rest of the stuff. I had many questions. How did they end up in my condo? Where were they in the condo? When did they get there? Did Tom come into my condo while I was gone and put them there or did I somehow forget that I had them? Many questions and yet within a couple of hours I had my answers.

The circuit boards consist of two different types: video receivers and fiber bypass. These two products were not manufactured at the same time. The contract assembler here in Costa Rica requires that the person picking up the boards sign a packing slip. The serial numbers on the boards told us when they were manufactured. The contract assembler emailed me 5 packing slips associated with these two production runs. The signatures were either Gerardo or Helmer. I never picked them up at the contract assembler. The Fiber Bypass boards were done in a production run of 24 units. If I had picked them up there would be 24, not just 4. Same for the Video Receivers. Production run of 20 and yet there are only 14 in the box. So clearly Gerardo and Helmer brought the boards back to the Merlin office.

The boards in the two boxes are finished goods ready to ship. The Video Receivers are missing the front panels but there are test data sheets that are signed and dated. Same with the Fiber Bypass boards. These boards are in anti-static bags with data sheets. They are conformally coated. They were in the Merlin stock room ready to ship as shown by the finished goods inventory file maintained by Tom. The location in the stockroom is even noted in the file. There would have been no reason for me or anyone else to take these boards out of the stock room unless we had an order to fill.

So from this info I was able to determine that I never had possession of the boards. Furthermore, my engineer Brian remembers having the video receiver cards in his office in November when Tom asked him to cut the front panels. Within a couple of hours I had concluded that Tom put the boards somewhere in my condo after he stole them.

This morning, the maid confirmed when the boards first showed up and where they were in my old condo. She said she first saw the box in the closet under the stairs in either late December or early January. She thought it odd that I would store circuit boards at home, but never said anything to me because she just assumed that I put them there.

I normally left my front door to the condo unlocked, as well as the door to the side gate. Tom knew that I kept a spare key under the bonsai tree in the front. At some point in either December or January Tom entered my condo and put the boards in the closet under the stairs. He had plenty of time and easy access. Although the maid is there every morning, she is normally gone by noon. Every Tuesday I take Christopher to Escazu for his appointment with the therapist. I don't get home until 4pm. I spent 10 days at the beach in late December and early January. Tom had access to my condo and plenty of opportunity to hide the circuit boards in my condo. I'm guessing Tom did this while I was at the beach.

So well played for Tom. But I have my boards. And what did Tom gain from all of this. He lost the car. He lost his severance.

On another note, I discovered that Tom had taken the registration out of the car when he gave up the keys. Fanny had set it up with her sister-in-law who has a car rental business to rent the Suzuki out for \$250/week. It took Jenny about 3 or 4 hours to obtain the new registration. The sad thing is that Tom had paid for the annual registration and six months of insurance (with zero deductible) in December. When I made the decision to rent the car out, I was going to reimburse him for the cost of the insurance and registration since I was using the car. However, once I discovered this petty bullshit, I decided against it.

This entire bullshit ordeal has cost me very little. It has cost Tom thousands of dollars. Was it really worth it?

Andrew Cook

Merlin Embedded

10415 Willow Ridge Loop

Orlando, FL 32825

(866) 700 7704

(650) 292 0887

On 1/18/2013 1:14 PM, jekyl9@cs.com wrote:

I have told you on more than one occasion.....STOP EMAILING ME!!!

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

From: Andrew Cook <andrew.cook@merlinembedded.com>

To: 'Thomas Cook' <thomasc@merlinvme@gmail.com>; cookaredwarpig <cookaredwarpig@gmail.com>

Cc: jekyl9 <jekyl9@cs.com>

Sent: Fri, Jan 18, 2013 9:12 am

Subject: my product

Gentlemen,

I need my circuit boards. I have to give Kollmorgan a tracking number today.

At this point I believe that Roy has been bullshitting me about being in contact with Tom. This morning he changes the story and says he has the circuit boards in Tennessee. When I pointed out that it would have been impossible for Tom to get the product out of Costa Rica, he then claims that someone else in Costa Rica has the product. He was very vague when asked about whether he had contacted Tom the prior night.

If you two want the money then I will need a photo of at least one of the boards emailed to me to show that Roy is actually working with "the person" who has my circuit boards. Otherwise there will be no money.

I am ready to make the transfer as soon as I have evidence that Roy has "control" of the circuit boards. I will also need to be informed how and when the boards will be delivered to me.

If I do not get the boards today then the order will most likely be cancelled and Kollmorgen will move on with their Plan B. At that point I might as well proceed with criminal charges as all is lost for me. The police indicated yesterday that it would take a couple of months for them to actually get an arrest warrant. That is why I have been willing to work with you two. I need those boards to survive.

I will be out of the office until 1pm today.

Andrew Cook
Merlin Embedded
10415 Willow Ridge Loop
Orlando, FL 32825
Toll Free: (866) 700 7704
Direct: (650) 292 0887
www.merlinembedded.com

Vonage

Call Detail Records

Subject Telephone No.: 650.292.0887, 702.987.5017

76

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1002596519	18652236342	19013470425	1/20/2013 20:44	1/20/2013 20:44	1m 09s	69.59.230.106	Inbound	Domestic

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Call Detail Records

Subject Telephone No.: 650.292.0887, 702.987.5017

1002596519	19013470425	18004633339	1/21/2013 14:25	1/21/2013 14:25	1m 06s	201.191.4.175	Outbound	Free call
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1002596519	19013470425	18659330411	1/21/2013 22:40	1/21/2013 22:47	8m 17s	201.191.4.175	Outbound	Domestic
1002596519	19013470425	18659330411	1/21/2013 23:13	1/21/2013 23:14	2m 29s	201.191.4.175	Outbound	Domestic
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1002596519	18659240066	19013470425	1/22/2013 14:16	1/22/2013 15:30	75m 01s	201.191.4.175	Inbound	Domestic
1002596519	18659240066	19013470425	1/22/2013 22:19	1/22/2013 22:19	1m 28s	14079652626	Forward	Domestic
1002596519	18009880004	19013470425	1/23/2013 15:47	1/23/2013 15:49	2m 41s	14079652626	Forward	Domestic
1002596519	19013470425	18656027021	1/23/2013 16:45	1/23/2013 17:10	26m 46s	us government	Outbound	Domestic
1002596519	13039713590	19013470425	1/23/2013 17:43	1/23/2013 18:02	19m 19s	201.191.4.175	Inbound	Domestic
1002596519	19013470425	14133871644	1/23/2013 19:02	1/23/2013 19:09	7m 39s	201.191.4.175	Outbound	Domestic
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Vonage

Call Detail Records

Subject Telephone No.: 650.292.0887, 702.987.5017

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1002596519	Anonymous	19013470425	1/30/2013 14:38	1/30/2013 14:40	2m 27s	216.115.28.202	Inbound	Domestic
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1002596519	19013470425	18004633339	1/30/2013 17:53	1/30/2013 17:53	1m 10s	201.202.66.203	Inbound	Domestic
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OFFICIAL NOTICE OF JUDGEMENT

Recipient: COOK RONALD THOMAS

The judgment of the thirteenth hour, December 20, 2013 of the J. HEREDIA WORK delivered by written notification

File: 13-000183-0505-LA Means of Notification: FAX 22365127

Copies: NO

To wit:

JUDGMENT

FILE: 13-000183-0505-LA-4
PROCEDURE: OR.S.PRI. DISCRIMINATORY TERMINATION
PLAINTIFF: RONALD THOMAS COOK
RESPONDANT: MERLIN VME LLC

GENERAL SESSIONS COURT Number 101273

HEREDIA LABOR COURT, at the thirteenth hour, December twenty, two thousand thirteen -

Civil Labor proceedings of **RONALD THOMAS COOK**, adult, married, resident of Heredia, with a United States of America Passport 466976038 versus **MERLIN VME LLC**, business identification 3-101-321847, represented by its President and Treasurer with unlimited powers of attorney Andrew Cook, passport 057093100 and Kay Elph Cook, passport 057093101. The listed plaintiff's attorney is Licensed Carlos Salazar Velásquez, attorney, card 8130.

FACTUAL BASIS

1. Based on the evidence set forth and the references of the law cited, the plaintiff petitions a judgment against the company for the following: 1) Year end bonuses for



the periods 2010, 2011 and 2012 which he estimates at four million five hundred thousand colons; 2) Severance pay which it estimates at 61.5 days for an amount of four million six hundred twelve thousand five hundred exact colons. 3) Advance notice which it estimates at one month for an amount of two million two hundred fifty thousand exact colons, 4) Vacation which he estimates at seven days for an amount of five hundred twenty five thousand exact colons. 5) Damages for unjustified termination which he estimates at ten million colons 6) he petitions that the respondent pay the social benefit contributions to the Costa Rican Social Security Fund 7) That the respondent be forced to pay the labor capitalization fund and pension savings plan which he estimates at four million two hundred four thousand one hundred twenty five colons. 8) The payment of interests in the amount owed 9) payment of court costs in the present procedure.

II.- That the respondent answered the lawsuit represented by the procedural curator Catalina Rivera Sanabria yielding to the judicial decision of the lawsuit.

III.- During the procedure limitations of liability due to passage of time have been observed and there have been no flaws noted capable of generating nullity or lack of defense.

Legal Basis (Whereas)

1.- PROVEN FACTS: The following are considered proven and material for the resolution of the case: 1).- That the plaintiff worked for the respondent company since October fifteen of two thousand nine (fact one is incontrovertible); 2) That the average salary that the plaintiff received during the last working semester was the monthly salary of the plaintiff. It was a total amount of three thousand two hundred fifty dollars legal tender in the United States of America (see pages 14, 24-31) 3) That the plaintiff was terminated with employer's liability on the twenty seven of November of two thousand twelve (see note on page 31 and page 25).-

II. FACTS NOT PROVEN: The following are considered unproven and material for the resolution of the case:) 1) The respondent company did not demonstrate, either before, or during the proceedings, to have paid the plaintiff employee the extra labor bonuses, vacations, advance notice and severance pay for his termination with employer's liability. (there is no proof).



III. ABOUT THE BACKGROUND: The plaintiff turns to the judicial arena and indicates that he was dismissed with employer's liability, notwithstanding the company sued did not pay him any benefits at the moment the work relationship ended. The respondent company answered the lawsuit by acquiescing to the judicial decision of the lawsuit. A. **About the acquiescence and the burden of proof:** the procedural curator of the respondent party acquiesced to the judicial decision of the lawsuit. The consequence according to the disposition in article 304 of the Civil Criminal Code that the judgment is pronounced, this should be done according to the rules of healthy criticism and abiding by the labor legislation, which means that the judging person will evaluate all the evidentiary elements on record since while in labor subject matter it is indicated that the proof will be evaluated according to conscience, this does not mean that the person judging is able to not back up the resolution, observing reasonability. This way of evaluating the proof has not been endorsed by the Second Chamber which has indicated:

"(...) Article 493 of the Labor Code indicates that unless a contrary disposition is expressed, the proof will be appreciated according to conscience, without being subject to the norms of Common Law; but in each concrete case the reasons that sustain the resolution will be indicated. Accordingly the person that judges must evaluate the elements of the conviction alleged to the warrant; and, furthermore, must apply the rules of healthy criticism and reasonability, for this norm does not contemplate a regimen of intimate or of free conviction. The Constitutional Chamber has thus established in vote N° 4448, at 9:00 o'clock, August 30, 1996. In this way, this specific system of evaluation of evidence, must be understood in light of the constitutional parameters exposed in the judgment cited; for, in some way one could think that it is about a regimen that allows the one judging to do so arbitrarily. Related to this system it has been explained that: "The legislator has not arbitrated a novel procedure of evaluation. Far from this, the formula "according to conscience" is a return to the ideas of classic theory of proof. The law is based on the assumption that the truth is, above all, a "state of mind" of someone that appreciates it, a reflection of the exterior world on conscience. Man possesses an innate aptitude to access the truth, an internal light that allows him to distinguish real from falsehood. The "conscience" to which the law refers to includes two meanings of the word. The person judging must thus act according to habitual methods of accessing the truth, the only ones known and used by man. He will not dispense or do without adequate use of the principles of logic, nor underestimate reason. If this is the case, the judgment according to conscience--as well as healthy criticism- is nothing more than one of the denominations adopted by the evaluation system of rational



persuasion. The use of the formula "according to conscience" tends, never-the-less, to concede a greater autonomy to the judge that involves it with the words "healthy criticism". (AMILCAR BAÑOS), HEBERTO. The appreciation of the proof in the labor proceedings. The judgment according to conscience. Buenos Aires, Arayú Publishing. **Second Chamber Vote N° 13, at 9:45, January 24, 2003.**

On the other hand it is of fundamental importance to recall that the burden of proof in labor matters apply in a different way than those concerning civil matters, judicial criteria reiterated in the Second Chamber which has established that as consequence of the protective principle of article 56 of the Constitution, the principle of the burden of proof is not applied in civil matters with the sentiment that when someone forms an assumption he must also prove it (article 317 of the Civil Proceedings Code), as in labor matters. The rules of the burden of proof are different than the ones established for common law and that the greater responsibility corresponds to the employer to bring proof in the proceedings. This sentiment is found in vote n°2003-00792 at 14:35 on December 18, 2003.

Notwithstanding this does not exonerate the plaintiff from the burden of proof, for in the cases of damages, the claimant must demonstrate the existence of damages.

Once having analyzed the burdens of proof, an analysis of each and every one of the allegations of the lawsuit will be carried out.

B).- About the salary earned by the claimant: In order to determine the real salary of the complainant one must bear in mind that the plaintiff indicates that his base salary consisted of three thousand dollars plus an additional fifty per cent in kind.

Once again the burdens of proof are relevant, for while the base salary is not being disputed and since this is an ordinary contractual benefit, the burden of proof belongs to the employer, the same is not true concerning the salary in kind, for this is a burden of proof that behooves the plaintiff, that is the payment of a telephone, the payment of trips, the payment of medical insurance and the payment of a vehicle are the plaintiff's burden of proof.

A reading of the documental burden of proof visible in pages 24-31 shows that the plaintiff used to receive



a medical insurance payment of three thousand annual dollars (see page 26 on copy of the electronic mail), and that the plaintiff took care of the expenses of the vehicle Suzuki Jimny even when the vehicle was registered to the company. There is however no proof that the company paid him the expenses of the vehicle with license plate s 771948, for in fact the certification on page 14 shows that this vehicle is a Suzuki Jimny.

As for the telephone, there is no proof whatsoever that the respondent paid such a listing, and since it can't be proven in any way, and the burden of proof lies on the plaintiff, then it must be considered as a payment that the employer did not make.

As for the trips, if indeed the reading of the electronic mail found on pages 27 and 28 shows that the company paid some of the trips of the plaintiff, it can't be deduced that this was the habitual practice of the company, for the same company denies it to be a salary benefit and it alleges that it is a courtesy, and for this reason it refers to the burden of proof whereby the plaintiff must demonstrate that it was not a gift but a benefit for his functions. Thus there being no proof whatsoever that protects the statements of the plaintiff, then it follows that the same must be rejected.

Thus, since the plaintiff indicates that his base salary is three thousand dollars and that his medical insurance payment that was paid for him was three thousand annual dollars, it must follow that the monthly salary of the plaintiff was the sum of three thousand two hundred fifty dollars United States of America legal tender.

C.- As for the reason for dismissal and the consequences: The evidence considered proven indicates that the employer decided to dispense with the services of the plaintiff with employer's liability since based on an integral reading of the electronic mail visible on page 31 it can be deduced that it is the decision of the employer, with no responsibility whatsoever on the part of the plaintiff. In fact the employer indicates that he acknowledges that he owes damages for the dismissal as is indicated on the electronic mail on page 25. This type of termination of a work contract is established on article 85 section d of the Labor Code which provides that

"These are causes that terminate with the work contract without responsibility on the part of the employee and without extinguishing the rights of the same or of his assignees

to claim and obtain the payment of the benefits and the damages to which they would be entitled by virtue of that which is ordained by the present Code or by special dispositions

a... b... c...

d) by the employer's free will

In light of the facts, and since the dismissal occurred at the will of the employer, the latter must pay the employee the benefits provided by law, which arise from a dismissal. **WITH EMPLOYER'S RESPONSIBILITY**, which means the benefits of advance notice, severance pay, vacations and prorated salaries.

Since the employer has failed to show proof of payment whatsoever of bonus benefits, vacations, advance notice, and severance pay, a burden of proof that he bears according to article 317 of the Civil Procedure Code and according to that decree on articles 28, 29, 20, 153 and 157 of the Labor Code and 1 and 2 of the Bonus Law, in the private sector, and bearing in mind that with a seniority of three years and one month, the plaintiff is entitled to advance notice of one month with a total amount of **THREE THOUSAND TWO HUNDRED AND FIFTY DOLLARS LEGAL TENDER OF THE UNITED STATES OF AMERICA**, to severance pay of sixty one point five days, for a total amount of **SIX THOUSAND SIXTY TWO DOLLARS AND FIFTY CENTS**, to a seven day vacation (which is what the plaintiff claims) with a sum of **SEVEN HUNDRED FIFTY EIGHT DOLLARS AND THIRTY THREE CENTS** and bonuses for the years 2010, 2011 and 2012, with a total of **NINE THOUSAND SEVEN HUNDRED FIFTY DOLLARS**, for a general total of **TWENTY THOUSAND FOUR HUNDRED TWENTY DOLLARS** legal tender of the United States of America.

D).- **AS FOR THE CLAIM OF PAYMENT FOR DAMAGES** the plaintiff states that damages should be paid, without having to demonstrate the amount of damages suffered.

In work related subject matter, the laws of burden of proof, as was explained earlier, are different than the ones established for common law and that correspond to the employer, the greater responsibility to demonstrate the burden of proof in the process. This nevertheless does not

imply an absolute exoneration of the burden of proof on the part of the employee. Thus by explicit disposition of article 317 of the Civil Procedure Code, the party that makes claim or files a suit bears the burden of proof, a circumstance that in case of damages has been recognized by the jurisprudence of the Second Chamber which has indicated that in those cases in which the person stating the claim alleges having suffered damages must prove the existence of the same.

On the other hand and since there is no concrete fact related to that presumption, and there being in our ordinance the possibility that the payment of lost wages for the purposes of damages in article 82 of the Labor Code, the same will be analyzed in order to verify if the factual basis fits.

Damages established in article 82 of the Labor Code, were established by the legislator in order to sanction an arbitrary conduct of the employer at the time of the dismissal when he alleges a causal and then at the moment when he is questioned of the same he is unable to prove the existence of the same, that is that in those cases in which the employer states a cause that allows for a justified dismissal and yet such motive does not exist, then the Second Chamber has declared that:

2(...) Considering that the drafting in article 82 of the Labor Code it is not entirely clear, this Chamber, in the course of time, has expressed various arguments for the purpose of clarification. In its most recent opinion, part of the premise is that when the legislator drafted it, the intent was to additionally sanction, an arbitrary and abusive conduct of the employer at the time of the dismissal of the worker. Thus it is established, that the lost wages are sustained in those dismissals in which the employer shows: i) bad faith, ii) arbitrariness and iii) abuse of rights.(...) Vote 291-2004 at the 10:40 hours on April 28 of 2004.

In the concrete case, no causal is attributed to the plaintiff with the purpose of avoiding the payment of benefits that correspond to a person dismissed with which bad faith would show evidence, but rather as was stated before, by the own will of the employing party, the same authorized by law pursuant to what is stated on article 85 paragraph d) of the Labor Code.

In view of the above the claim of damages made by the plaintiff is denied.

E) CONCERNING THE BENEFITS RELATED TO SOCIAL SECURITY:

the plaintiff requests a judgment against the defendant for payment of social benefit contributions to the Costa Rican Social Security Fund and payment of the Labor Capitalization Fund and pension savings which it estimates at four million two hundred thousand twenty five colons. Concerning the specific claims the plaintiff lacks legitimacy to act conforming article 104 of the Civil Procedure Code, any time that the legitimacy in this matter pertains to juridical persons that operate as collectors of said benefits, for this reason the claim is denied in this way.

F.) **INTEREST:** the defendant must pay the plaintiff legal interest on the sum of the judgment pursuant to article 1163 of the Civil Code, starting on the date of the termination of the contract (November 27 of 2012) until the effective payment of the debt.

IV. **COURT COSTS:** The defendant must cover the court costs of both parties in the present lawsuit fixing the personal ones at fifteen per cent of the total amount of the judgment, pursuant to the statements of articles 221 and 223 of the Civil Code of Procedure.

Pursuant to the above the defendant must pay the plaintiff **Advance Notice** of one month in the amount of **THREE THOUSAND TWO HUNDRED FIFTY DOLLARS LEGAL TENDER IN THE UNITED STATES OF AMERICA**, sixty one point five days severance pay, in the amount of **SIX THOUSAND SIX HUNDRED SIXTY TWO DOLLARS AND FIFTY CENTS**, seven days vacation (which is the claim of the plaintiff) in the amount of **SEVEN HUNDRED FIFTY EIGHT DOLLARS AND THIRTY THREE CENTS** and wages for the years 2010, 2011 and 2012, in the total amount of **NINE THOUSAND SEVEN HUNDRED FIFTY DOLLARS**, for a grand total of **TWENTY THOUSAND FOUR HUNDRED TWENTY DOLLARS** legal tender in the United States of America.

THEREFORE

By virtue of the provisions set forth in article 59 of the Political Constitution, article 82, 85

153 and 157 of the Labor Code, 1163 of the Civil Code, 1 and 2 of the Year End Bonus Law of private Enterprises and 317, 221 and 223 of the Civil Procedure Code, the ordinary lawsuit of **RONALD THOMAS COOK** is **PARTIALLY SUSTAINED** against **MERLIN VME LLC**, with a judgment against the defendant company to pay the plaintiff the following benefits: **Advance notice** of one month for an amount of **THREE THOUSAND TWO HUNDRED FIFTY DOLLARS LEGAL TENDER IN THE UNITED STATES OF AMERICA**, a severance pay of sixty one point five days, for an amount of **SIX THOUSAND SIX HUNDRED SIXTY TWO DOLLARS AND FIFTY CENTS**, a seven day vacation (which is what the plaintiff claims) in the amount of **SEVEN THOUSAND FIFTY EIGHT DOLLARS AND THIRTY THREE CENTS** and wages for the years 2010, 2011 and 2012, in the total amount of **NINE THOUSAND SEVEN HUNDRED FIFTY DOLLARS**, for a grand total of **TWENTY THOUSAND FOUR HUNDRED TWENTY DOLLARS** legal tender in the United States of America. The defendant will also be responsible for payment of legal interest on the sum pursuant to article 1163 of the civil Code, starting with the date of termination of contract (November 27 of 2012) until the effective payment of the debt. Judgment against the defendant company for the payment of both court costs in the present lawsuit fixing the personal ones at fifteen per cent of the total in the judgment. The claim concerning the request of payment for damages will be **denied**, and judgment against the defendant, the payment of social benefit contributions to the Costar Rican Social Security Fund and furthermore that the defendant must make a payment to the Labor Capitalization Fund and savings pension which it estimates at four million two hundred four thousand one hundred twenty five colons as the plaintiff claims. Let the parties be on notice that this judgment may be appealed, and the same must be filed before this Court in a three day term. In the same period of time and under this Jurisdictional authority, the parties must declare either orally or in writing the basis of fact or the rights upon which the claimant supports his grievance at the notice of declaring the appeal unworthy of consideration (article 500 and 501 paragraph c) and d) of the Labor Code), Vote of the Constitutional Chamber Number 5798, at 16:21 hours on August 11, 1998 and 1306, at 16:27 hours, on February 23, 1999 and Vote of the Second chamber Number 386 at 14:20 hours on December 10, 1999). Be it so notified.

Msc. XIOMARA ARIAL MADRIGAL

Madame Judge

.-Xarias



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OFICIAL NOTICE OF JUDGEMENT

Recipient: COOK RONALD THOMAS

By way of a card, the judgment of the thirteenth hour, December 20, 2013 of the J. HEREDIA WORK

File: 13-000183-0505-LA Means of Notification: FAX 22365127

Copies: NO

To wit:

JUDGMENT

FILE: 13-000183-0505-LA-4
PROCEDURE: OR.S.PRI. DISCRIMINATORY TERMINATION
PLAINTIFF: RONALD THOMAS COOK
RESPONDANT: MERLIN VME LLC

INTERESTS SETTLEMENT # 15-2014

HEREDIA LABOR COURT, at the fifteenth hour, February three, two thousand fourteen-

As was ordered at the General Sessions Court, the payment of corresponding interests is ordered and

WHEREAS

I-) **INTERESTS:** The time period considered starts on November 27 of 2012 (Date of termination of contract) to February 3 of the year 2014. The principal debt of twenty thousand four and twenty dollars (\$20,420), and is calculated in the following manner:

Start Date: 11/27/2012
End Date: 02/03/2014
Legal Tender: Dollar
Bank: National Bank of Costa Rica

Observations:

-- Itemized Cost --

Start date	End Date	Annual %	Daily %	Number of days	Interest
11/27/2012	03/13/2013	2.3	0.006	107	137.68
03/14/2013	04/17/2013	3	0.008	35	58.74
04/18/2013	05/01/2013	2.5	0.007	14	19.58
05/02/2013	05/22/2013	2.25	0.006	21	26.43
05/23/2013	05/29/2013	1.95	0.005	7	7.64
05/30/2013	11/06/2013	1.9	0.005	161	171.14
11/07/2013	02/03/2014	1.65	0.005	89	82.16

Total Days: 434
 Total Interest: \$503.37
 Balance: 20,420
 Balance plus Interest: \$20,923.37

TOTAL

Initial Date	Final Date	Total Days	Total Interest
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11/27/2012		424	\$503.37

They will be approved in the sum of five hundred dollars and thirty seven cents (\$503.27)

II.) PERSONAL COST.- The costs will be paid by the defendant and will be fixed at fifteen per cent to wit the sum of seventy five dollars and fifty cents (\$75.50).

THEREFORE

The items mentioned above are approved in: INTERESTS on the sum of five hundred three dollars and thirty seven cents (\$503.37). The personal Costs in the sum of seventy five dollars and fifty cents (\$75.50) for a grand total of **FIVE HUNDRED SEVENTY EIGHT DOLLARS AND EIGHTY SEVEN CENTS (\$578.87)**. NOTIFIED.- Msc. Xiomara Arias Madrigal.- Madame Judge. PSANCHEZC

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OFFICIAL NOTICE OF JUDGEMENT

Recipient: COOK RONALD THOMAS

By way of a card, the judgment of the thirteenth hour, December 20, 2013 of the J. HEREDIA WORK

File: 13-000183-0505-LA Means of Notification: FAX 22365127

Copies: NO

To wit:

JUDGMENT

FILE:	13-000183-0505-LA-4
PROCEDURE:	OR.S.PRI. DISCRIMINATORY TERMINATION
PLAINTIFF:	RONALD THOMAS COOK
RESPONDANT:	MERLIN VME LLC

HEREDIA LABOR COURT, at the thirteenth hour and ten minutes, February seventeen, two thousand fourteen-

The payment of interest is fixed, the defendant is ordered to make a bank deposit within **THREE DAYS** of the resolution of this case. An automatic bank deposit will be made to bank account Number **13000183055-4** at the Costa Rica Bank, in the amount of twenty thousand nine hundred twenty dollars and thirty seven cents (**\$20,923.37**) thereby paying **principal and interests**, plus the sum of three one hundred thirty eight dollars and fifty cents (**\$3,138.50**) for personal costs, for a grand total of **TWENTY FOUR THOUSAND SEVENTY ONE DOLLARS AND EIGHT SEVEN CENTS (\$24,406.87)**, with the notice that in case of omission, his goods will be confiscated pursuant to article 582 of the Labor Code. Msc. Xiomara Arias Madrigal. Madame Judge. - PZANCHEZC