

Summary of US District Court Opinion and Order

[Case 2:11-cv-03695-RDP-TMP Document 417 Filed 12/07/15](#)


Drummond wants to make there is awareness of a United States District Court Opinion and Order implicating the attorney who has filed serial lawsuits against Drummond for over a decade

The Court found there was probable cause to believe Terrence Collingsworth, an attorney, and his law firm Conrad & Scherer, committed a “crime or fraud” that vitiated the sacrosanct attorney privilege, making previously withheld documents discoverable by Drummond. Specifically, the Court held “the court has no hesitation in finding that there is (at least) probable cause to believe that Collingsworth, while prosecuting lawsuits on behalf of his firm, engaged in witness bribery and suborning perjury.”

The Court also held there was probable cause to believe Collingsworth engaged in fraud on the court by concealing the payments to witnesses against Drummond: “It is hard to imagine a set of facts that could more clearly establish the first prong of the *prima facie* case for piercing the privilege. Collingsworth repeatedly made knowingly false representations in pleadings, affidavits, correspondence, and open court.” In the fifty page opinion, the Court recited over twenty false representations during Collingsworth’s litigation with Drummond. Most were false representations made to the Court involving payments to “key witnesses” who allegedly implicated Drummond.

In coming to its conclusion, the Court, among other things, found:

After submitting numerous false representations to the Court, “Collingsworth and his team took this laundry list of written misrepresentations a step further” by representing in open Court that all responsive documents had been produced “knowing full well that all documents related to payments had *not* been produced.”



“In fact, all of the people who were giving letters rogatory testimony in what was designated the *Balceró lawsuit* had been paid; those payments were not revealed to Drummond until after the paramilitaries gave their trial testimony.”

“On April 21, 2014, Defendants [Collingsworth and Conrad & Scherer] kicked the level of falsities up another notch” by giving a false response to the Court’s direct question about the scope of their witness payments. “As of the date Collingsworth made that statement (April 21, 2014), *every* witness who had testified in letters rogatory proceedings in *Balceró* had received payments.”

“This ongoing fraud operated not only at the relevant time in this case, but continued in this Court in what was designated the *Melo lawsuit* ... and before both the Eleventh Circuit and the Supreme Court of the United States in *Balceró*” as “the record presented to these various courts is devoid of evidence of the payments made to witnesses.”

“This alleged witness bribery continues to this day as to some of these former paramilitary witnesses as they continue to receive ‘security’ payments.”


“[B]y all indications, virtually every witness who testified against Drummond in *Balceró* was paid in some form or fashion.”

With respect to Collingsworth’s claim that many of the witness payments were for “security,” the Court noted, “But what is puzzling is that the testimony of these threatened witnesses appeared posted on the IRAdvocates website.... These facts certainly run counter to any suggestion that these individuals needed to be secreted and moved for safety reasons.”

“Drummond has presented sufficient evidence that, if believed by a trier of fact, would cause a reasonable person to find that Defendants’ [Collingsworth and Conrad & Scherer’s] witness payments were not for security, but rather were intended to operate (or, for that matter, actually operated) as bribes.”

“In reality, we now know that several (if not all) *Balceró* witnesses who testified against Drummond received payments.”

For example, with respect to paramilitaries El Tigre and Samario, “Between June 2011 and present day, Defendants have sent monthly payments of \$2700 via international bank wire from Conrad & Scherer’s Operating Account to Ivan Otero.... While the



descriptions of these payments vary, Defendants knew and intended that these monthly payments would be delivered to El Tigre and Samario by Ivan Otero.”

With respect to witness Jaime Blanco, “Blanco refused to sign his declaration against Drummond until he received the \$60,000 payment” and “[t]he month after receiving the \$60,000 payment, in October 2011, Blanco signed a declaration for Defendants to be used in the civil cases against Drummond.”

“Once again, it is hard to imagine a set of facts that could more clearly establish the first prong of the *prima facie* case for applying the crime-fraud exception to allegations of witness bribery and suborning perjury.”

See full text of the US Court Opinion and Order at:

<https://www.scribd.com/mobile/doc/293357993/Drummon-v-Collingsworth-Order>).

Drummond stands ready to provide further details to anyone that may be interested or have any questions.