

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

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ST. MICHAEL’S MEDIA, INC.,

INDEX NO. 2022-50880

Petitioner,

v.

MICHAEL ARCHER,

Respondent.

**REPLY IN SUPPORT OF
PETITION FOR ORDER
COMPELLING COMPLIANCE
WITH SUBPOENA AND FOR
FEES AND COSTS**

**REPLY IN SUPPORT OF PETITION FOR ORDER
COMPELLING COMPLIANCE WITH SUBPOENA**

St. Michael’s Media, Inc. (“Petitioner”) served a subpoena on Michael Archer for records related to a lawsuit pending in the State of Michigan. Mr. Archer was personally served with the subpoena. *See* Proof of service, attached to Petition as Exhibit C. The subpoena sought communications between Mr. Archer and the defendant in the Michigan case and evidence of payments made to Mr. Archer by that party. *See* Subpoena, attached to Petition as Exhibit A. When Petitioner did not receive any documents from Mr. Archer, its counsel reached out to Mr. Archer, who assured her the documents were sent. He did not make any objection to the subpoena. *See* Email, attached to Petition as Exhibit D.

Weeks passed and Petitioner did not receive the documents Mr. Archer claimed he mailed. Counsel for petitioner again reached out to Mr. Archer, and offered to provide him with a federal express number so he could “resend” them free of charge. Mr. Archer refused and accused counsel of harassing him, necessitating the instant action. *See* Emails attached to Petition as Exhibits E and F.

Mr. Archer's response to a straightforward petition to compel compliance with a subpoena contains many misstatements of fact and is not supported by evidence. For example:

1. "All of the documents sought are already in the possession of the Petitioner and were gained in the Michigan Discovery process [sic] from a party to the action." *See* Response at introductory paragraph. This is not true. *See* Affidavit of K. Klaus at ¶6, attached as Exhibit 1.
2. "Petitioners [sic] was so desperate to get Respondent under subpoena in Michigan they [sic] concocted a ruse and absurdly attempted to induce him with free airfare to Detroit [...] under false pretenses." *See* Response at ¶1. This is not true. *See* Klaus Aff. at ¶7. Petitioner offered to pay for the documents to be federal expressed to Michigan, not for Respondent to fly to Michigan for this case. *Id.*
3. "The fact of the matter is, Petitioner simply did not like the Respondent's response and chose to commence this action in conspiratorial collusion with the Plaintiffs in the Michigan Action for the sole purpose of intimidating and tampering with a witness." *See* Response at ¶6. This is not true. Petitioner did not receive any documents in response to the subpoena. If it had, it would not have gone through the considerable expense of initiating this action. *See* Klaus Aff at ¶ 6.
4. "Respondent previously complied with and then, in light of new information, asked that the deficient subpoena be withdrawn." *See* Response at ¶9. Respondent did not comply with the subpoena and Petitioner is not aware of any "new information" that would allow Petitioner to ignore the subpoena. *See* Klaus Aff at ¶ 8.
5. "Shockingly, this abuse of process is perpetrated despite Petitioner knowing exactly how Parrott spent the monies. Petitioner commenced this fraud upon this Honorable Court solely for the hopes of intimidating and muzzling a witness." *See* Response at ¶12. Petitioner does not want to "intimidate and muzzle" Respondent. It wants Respondent's relevant documents. *See* Klaus Aff. at ¶9.

There are other statements in the Response that are bizarre, untrue and irrelevant. Petitioner will not burden the Court with its defense of the *ad hominem* and false attacks on it and its counsel. The Petition is supported by competent evidence showing that Mr. Archer was served with a lawful subpoena, that Mr. Archer did not respond to the lawful subpoena and that there is no valid objection to the lawful subpoena. If Mr. Archer mailed the records, as he claims, there is no reason

why he cannot simply produce them again, because any objection would have been waived. An order compelling Mr. Archer to comply must be entered.

Date: April 28, 2022

Bingham Farms, MI

Respectfully submitted,
Silverstein Legal

/s/ Corey D. Silverstein
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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS**

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ST. MICHAEL’S MEDIA, INC.,

INDEX NO. [NUMBER]/2022

Petitioner,

v.

**AFFIDAVIT IN SUPPORT OF
PETITION FOR ORDER
COMPELLING COMPLIANCE
WITH SUBPOENA AND FOR
FEES AND COSTS**

MICHAEL ARCHER,

Respondent.

AFFIDAVIT OF KATHLEEN H. KLAUS

I am over the age of 18 years and make this affidavit based on my personal knowledge of the facts set forth.

1. I am an attorney licensed to practice law in the State of Michigan and the State of Illinois.

2. I am the attorney for St. Michael’s Media, Inc., a plaintiff and counter defendant in a lawsuit pending in the State of Michigan.

3. Among the matters at issue in the lawsuit is defendant Michael Parrott’s practice of raising funds under the guise of a charitable cause and then using the funds to benefit himself.

4. One of the fund raising schemes at issue in the Michigan case involved collecting money to pay for an “independent investigation” of the circumstances surrounding a priest accused of trafficking in child pornography through the use of his computer. Mr. Parrott claims to have retained Respondent Michael Archer to perform this investigation, although Mr. Archer has no relevant experience.

5. We therefore subpoenaed records from Mr. Archer related to his communications with Mr. Parrott and the payments he received.

6. We have never received any documents from Mr. Archer. We do not have Mr. Parrott's communications with Mr. Archer. We therefore are not in the possession of the records sought in the subpoena. Mr. Archer is simply wrong when he asserts that we received the records and are not satisfied with the production.

7. We never asked Mr. Archer to appear in Michigan, let alone attempted to induce him to travel to Michigan. We served a subpoena for records, only. I have no idea why Mr. Archer would state that my clients attempted to lure him to come to the State of Michigan for this case. We have no reason to want him to come to Michigan for this case.

8. I do not know of any "new" information that would cause Mr. Archer to ask that the subpoena be withdrawn and he did not share any "new information" with me.

9. Until he filed his vitriolic and bizzare Response, we did not believe Mr. Archer was a material witness in our dispute with Mr. Parrott. We have no reason to want to muzzle or intimidate him. We just want the records called for in the subpoena.

Further the affiant sayeth not.

Kathleen H. Klaus

Subscribed and sworn to before me on
the 28th day of April, 2022.

Susan J. Beyer, Notary Public
Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires: 8/24/2023