

June 19, 2009

John H. Lewis
Lewis and Wilkins LLP
20 North Meridian Street, Suite 400
Indianapolis, IN 46204

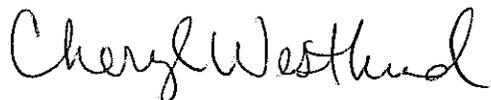
Re: Cause No.: Cause No.: 79D01-0803-CC-222

Dear Mr. Lewis:

As the Public Records Administrator for Purdue University, I am in receipt of your Order to Release the Police Report for Cause No.: 79D01-0803-CC-222 in which you requested the police report involving of **Darla Mize**. Enclosed, please find the responsive records.

Please call me at (765) 494-9218 if you have any questions.

Sincerely,



Cheryl Westlund
Public Records Administrator

Enclosures

PURDUE

UNIVERSITY

RECORDS REQUEST - SUBPOENA DUCES TECUM

INVOICE

June 19, 2009

John H. Lewis
Lewis and Wilkins LLP
20 North Meridian Street, Suite 400
Indianapolis, IN 46204

| Item | Copies (\$0.10 each) | Total |
|--|-------------------------|----------------|
| Re: Taleyarkhan v. Tsoukalas Cause No.: 79D01-0803-CC-222 | 10 | \$1.00 |
| Retrieval Fee | | \$25.00 |
| Shipping | | \$1.22 |
| Total Invoiced | | \$27.22 |

To ensure proper credit of your payment:

- 1.) Include a copy of this invoice with your check.
- 2.) Make check payable to Purdue University.
- 3.) Mail to:

Cheryl Westlund
Purdue University
Freehafer Hall of Administrative Services
401 South Grant Street

Incident Report Additional Name List

Purdue University Police Department

OCA: 2008-001273

Additional Name List

Page 2

| NameCode/# | Name (Last, First, Middle) | Victim of Crime # | DOB | Age | Race | Sex |
|------------|---|-------------------|----------------------|------------|------|-----|
| 1) IO 2 | TALEYARKHAN, RUSI P Address [REDACTED] Empl/Addr <i>Purdue University</i> | | [REDACTED] | [REDACTED] | | M |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |
| 2) IO 3 | DUNN, PETER E Address [REDACTED] 6- Empl/Addr <i>Purdue University</i> | | [REDACTED] | [REDACTED] | W | M |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |
| 3) IO 4 | JENKINS, JERE H Address [REDACTED] Empl/Addr <i>Purdue University, 465 Northwestern, B87 Ee</i> | | [REDACTED] | [REDACTED] | W | M |
| | | | H: [REDACTED] | | | |
| | | | B: 765-496-3573 | | | |
| | | | Mobile #: [REDACTED] | | | |
| 4) IO 5 | TIMMERMAN, ERICA A Address [REDACTED] Empl/Addr <i>Purdue University</i> | | [REDACTED] | [REDACTED] | W | F |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |
| 5) IO 6 | LOPEZ-DE-BERTODANO, MARTIN A Address [REDACTED] Empl/Addr <i>Purdue University</i> | | [REDACTED] | [REDACTED] | | M |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |
| 6) IO 7 | JEVREMOVIC, TATJANA Address [REDACTED] 6- Empl/Addr <i>Purdue University</i> | | [REDACTED] | [REDACTED] | W | F |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |
| 7) IO 8 | LOPEZ-BERTODANO, ANCA M Address [REDACTED] Empl/Addr | | [REDACTED] | [REDACTED] | W | F |
| | | | H: [REDACTED] | | | |
| | | | B: [REDACTED] | | | |
| | | | Mobile #: [REDACTED] | | | |

INCIDENT/INVESTIGATION REPORT

On 8-28-08 it was discovered that her statement was published on a website called "New Energy Times" (<http://newenergytimes.com/blog/>).

MIZE advised that at that time she was not physically threatened; however, she was very concerned. She stated that she closed her office door and shut the blinds, and began attempting to call other individuals within the Nuclear Engineering Department to come to her office. MIZE stated that she informed Dean JAMIESON of the incident and a short while later she received a call from Human Resources informing her to go home for the rest of today and not to come back until they spoke with her.

Sergeant Costello and this officer informed MIZE of the ability of Dean JAMIESON to possibly assist her with obtaining a workplace violence restraining order, utilizing 911, and other safety suggestions.

Attempts to contact ISHII at both his office and his residence were met with negative results.

Investigation to continue.

cc: Dr. Olsen (1)/J. Norberg (1)/

Incident Report Suspect List

Purdue University Police Department

OCA: 2008-001273

| | | | | | | | | | | | | | | | |
|---|--|-------------------|------------------|-----------------|-----|---------------|-----|------|-----|------|---|--|--|--|--|
| 1 | Name (Last, First, Middle) <i>Hibiki, Takashi</i> | | | | | Also Known As | | | | | Home Address [REDACTED] <i>WEST LAFAYETTE, IN</i> | | | | |
| | Business Address <i>PURDUE UNIVERSITY,</i> | | | | | | | | | | | | | | |
| DOB. [REDACTED] | | Age [REDACTED] | Race <i>A</i> | Sex <i>M</i> | Eth | Hgt | Wgt | Hair | Eye | Skin | Driver's License / State. | | | | |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|--------------------------------|--|---------|-------------|-------|--|-------|--|--------|--------|--|---------|---------------|--|----------------|--|
| <i>Reported Suspect Detail</i> | | | Suspect Age | | | Race | | Sex | Height | | | Weight | | SSN | |
| Weapon, Type | | Feature | | Make | | Model | | | Color | | Caliber | Dir of Travel | | Mode of Travel | |
| Veh Yr/Make/Model | | | Drs | Style | | Color | | Lic/St | | | VIN | | | | |

Notes _____ Physical Char _____

| | | | | | | | | | | | | | | | |
|---|--|-------------------|------------------|-----------------|-----|---------------|-----|------|-----|------|---|--|--|--|--|
| 2 | Name (Last, First, Middle) <i>Ishii, Mamoru</i> | | | | | Also Known As | | | | | Home Address [REDACTED] <i>WEST LAFAYETTE, IN</i> | | | | |
| | Business Address <i>PURDUE UNIVERSITY,</i> | | | | | | | | | | | | | | |
| DOB. [REDACTED] | | Age [REDACTED] | Race <i>W</i> | Sex <i>M</i> | Eth | Hgt | Wgt | Hair | Eye | Skin | Driver's License / State. [REDACTED] | | | | |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | | | | | | | | | | | |

| | | | | | | | | | | | | | | | |
|--------------------------------|--|---------|-------------|-------|--|-------|--|--------|--------|--|---------|---------------|--|----------------|--|
| <i>Reported Suspect Detail</i> | | | Suspect Age | | | Race | | Sex | Height | | | Weight | | SSN | |
| Weapon, Type | | Feature | | Make | | Model | | | Color | | Caliber | Dir of Travel | | Mode of Travel | |
| Veh Yr/Make/Model | | | Drs | Style | | Color | | Lic/St | | | VIN | | | | |

Notes _____ Physical Char _____

CASE SUPPLEMENTAL REPORT

Printed: 06/14/2009 10:21

Purdue University Police Department

OCA: 2008001273

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: PENDING PROSECUTOR

Case Mng Status: PENDING PROSECUTOR

Occured: 08/28/2008

Offense: THREATS/INTIMIDATION

Investigator: ROSENBERGER, M. J. (P44)

Date / Time: 09/02/2008 09:20:00, Tuesday

Supervisor: ROSENBERGER, M. J. (P44)

Supervisor Review Date / Time: 09/02/2008 09:20:00, Tuesday

Contact:

Reference: Supplement Reports

INTIMIDATION

On 9-2-08 at 0920 hours this officer along with Lieutenant Davis arrived to 3409 Cheswick Court Apartment G-3, West Lafayette where our knocks to the door were answered by TAKASHI HIBIKI. After identifying ourselves verbally and through our departmentally issued identification, HIMIBKI invited us into his apartment.

This officer explained to HIBIKI the basis for our presence, that being a report from MIZE of a confrontation over an affidavit by MIZE. After we were speaking for a short while, HIBIKI asked if he could record our conversation, which was agreed.

HIBIKI advised that last Thursday (8-28-08), he was asked to lunch by MARTIN A. LOPEZ-DE-BERTODANO (hereinafter referred to as BERTODANO) and MAMORU ISHII. While at lunch, BERTODANO informed HIBIKI and ISHII of MIZE's affidavit appearing on the internet. According to HIBIKI, BERTODANO stated that the "contents shocking."

According to HIBIKI, he went back to his office and searched the internet and found and read the affidavit and he "really got shocked." HIBIKI advised he printed out a copy of the affidavit and went to MIZE's office and gave her a copy of said affidavit. HIBIKI asked MIZE "why you characterized me mafia camp?" According to HIBIKI, MIZE spoke for about five minutes or so and did not answer his question. He also asked MIZE to "please show me the reason" for which MIZE classified him in the "mafia." HIBIKI advised that he was "upset" that MIZE would say such things.

When asked as to the feelings of BERTODANO or ISHII, HIBIKI declined to describe their feelings, saying that question should be posed to them. HIBIKI avoided discussing the content of the lunch conversation after several attempts to ascertain this information.

HIBIKI was informed not to speak with MIZE about the affidavit or any other like topics and he agreed to comply. HIBIKI was thanked for his cooperation and was asked for a copy of the recording and he agreed to provide this officer with a copy.

A copy of the conversation was later provided to this officer and subsequently a CD was made and will be placed in the case folder under this case number.

Attempts to contact ISHII at his residence and at his office at the Nuclear Engineering Building were again negative. A business card was left on the office door of ISHII requesting he contact this officer.

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Case Mng Status: PENDING PROSECUTOR

Occured: 08/28/2008

Offense: THREATS/INTIMIDATION

Investigator: ROSENBERGER, M. J. (P44)

Date / Time: 09/04/2008 00:00:00, Thursday

Supervisor: ROSENBERGER, M. J. (P44)

Supervisor Review Date / Time: 09/04/2008 00:00:00, Thursday

Contact:

Reference: Supplement Reports

INTIMIDATION

It should be noted earlier in this report, while speaking with DARLA MIZE, she provided to this officer an email purportedly sent by the wife of MARTIN A. LOPEZ-DE-BERTODANO, ANCA. The email was sent to MIZE's University email account from [REDACTED] on 8-28-08 at 1405 hrs.

The contents of said email are as follows:

"Darla Mize,

I am the wife of Martin Bertodano. I happened to come across your affidavit today, at <http://newenerbytimes.com/BubbleTrouble/2008MizeDarlaJ.AffadavitFeb2.pdf>

I would like to inform you that my husband is not part of any "Mafia" in the department, and that if you had bothered to just ask him, he would have told you a very simple truth: my husband was involved in reproducing Taleyarkhan's experiment, but in spite of his best efforts Taleyarkhan's claims could not be confirmed; when, in spite of that, Taleyarkhan and his team tried to turn a negative result into a positive confirmation, my husband simply could not sit back and even let himself be dragged into a lie. We also did not know, even though I am a scientist too, that nowadays scientists should report to secretaries, whose jobs exist because of them in the first place, and who apparently keep infamous journals about them behind their backs.

My husband, and we as a family, paid dearly for his standing up and, it appears, we will never stop paying, because people like you, who have no idea what they are talking about, continue to tarnish his name. I could not help but notice that you "Mafia" is mostly made up of foreigners, which I believe was your only reason to drop in my husband's name along with the other. Yet, it is those very people, whose names you carelessly drop, that you accuse of discrimination! However, what pushed me to write this letter to you is that whatever else may or may not have happened in the department simply has NOTHING to do with my husband's long standing for scientific honesty- and I am simply outraged that auxiliary people like you would attempt, in such a vicious way, to mix things as it serves them, completely oblivious to the consequences. Without honesty journals and affidavits like yours will keep being written... but science will never advance, which is exactly the beauty of it that people like you, sadly, will never understand!

I would also like to add that I did not appreciate your endless phone calls to our home whenever you assumed that my husband was not at the office! EACH AND EVERY of those times he was NOT at home, but at the office or elsewhere in Purdue, yet you hurries to assume he was at home and continued to taunt us... again, on the basis of some idea you must have had that was completely unfounded. Actually, many a time I came very close to picking up that phone and letting you know exactly what I thought of it... Even when my husband is not at work, including weekends, afternoons, evenings, nights, vacations, even honeymoon!, he is still working, he still takes his work along and never disconnects from it. He must have missed mentioning that to you as well....

Last but not least, I would say I am not sure we met, but in fact I am sure we did, I cam once to the department to look

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Purdue University Police Department

OCA: 2008001273

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Case Status: *PENDING PROSECUTOR*Case Mng Status: *PENDING PROSECUTOR*Occured: *08/28/2008*Offense: *THREATS/INTIMIDATION*Investigator: *ROSENBARGER, M. J. (P44)*Date / Time: *09/04/2008 00:00:00, Thursday*Supervisor: *ROSENBARGER, M. J. (P44)*Supervisor Review Date / Time: *09/04/2008 00:00:00, Thursday*

Contact:

Reference: *Supplement Reports*

for Martin, it was an emergency... one time I will never forget, given the exhaustive interview I had to literally suffer through when we did meet, in spite of my making it clear I was in great hurry. I hope it made for a somewhat friendlier journal entry...

Sincerely,
Anca Bertodano"

A copy of said email will be placed in the case file under this case number.

On 9-3-08 this officer received an email from JERE JENKINS advising that he had discovered that his affidavit was now posed on the New Energy Times website, <http://newenergytimes.com/blog/?p=35>. A copy of said affidavit will be placed in the case file under this case number.

On 9-2-08 and 9-3-08 attempts to contact MAMORU ISHII at his office and residence were met with negative results. This officer left a business card at ISHII's office requesting he contact this officer.

On 9-4-08 at 1250 hours this officer along with Lieutenant Davis arrived to ISHII's office where our knocks to the door were answered by an unknown individual who was visiting with ISHII in the office. After identifying ourselves verbally and through our department issued identification, ISHII invited us into his office and agreed to speak with us concerning this investigation.

When asked about the incident with DARLA MIZE, ISHII advised that "somebody said somebody wrote something ridiculous." After being asked who told him about the affidavit, ISHII went on to advise that MARTIN A. LOPEZ-DE-BERTODANO (BERTODANO) met with he and TAKASHI HIBIKI at lunch on Thursday (8-28-08) and informed them of what he found on the internet. According to ISHII, he initially declined to read MIZE's affidavit; however, BERTODANO informed him that they (HIBIKI and ISHII) should read it because it involves them. ISHII advised that he read the first page of the affidavit and felt "she (MIZE) is just a mere head secretary and doesn't have knowledge of the faculty." ISHII went on to state "I'm a Distinguished Professor that has brought in \$10 to \$20 million to this University and she is a little fish."

This officer asked ISHII what exactly he said to MIZE and he initially said he could not specifically recall. When pressed for additional information ISHII advised that he had some letters for MIZE to mail and went to her office to have her conduct said task. Upon arriving to MIZE's office, he saw and heard HIBIKI speaking with MIZE about her affidavit and according to ISHII, HIBIKI's tone was unhappy.

ISHII asked MIZE "how can you do something like that, this brings us a lot of problems." MIZE did not answer him, instead said she did not wish to speak about it (the affidavit). ISHII admitted stating to MIZE "this is a big problem for

CASE SUPPLEMENTAL REPORT

Printed: 06/14/2009 10:21

*Purdue University Police Department*OCA: **2008001273**

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Case Status: *PENDING PROSECUTOR*Case Mng Status: *PENDING PROSECUTOR*Occured: *08/28/2008*Offense: *THREATS/INTIMIDATION*Investigator: *ROSENBARGER, M. J. (P44)*Date / Time: *09/04/2008 00:00:00, Thursday*Supervisor: *ROSENBARGER, M. J. (P44)*Supervisor Review Date / Time: *09/04/2008 00:00:00, Thursday*

Contact:

Reference: *Supplement Reports*

you, this is terribly bad things you wrote, this is a big trouble." ISHII continually referred to MIZE as a "little fish" and "insignificant mere secretary." When asked what his intention was concerning his statements, ISHII advised that by MIZE making such allegations in her affidavit, her ability to work in the Nuclear Engineering department could be compromised. ISHII stated that MIZE often handles confidential paperwork for the faculty of the department and that by such statements; some of the faculty members would have less trust for her.

ISHII said that he firmly believes that MIZE did not write her affidavit, rather a faculty member wrote it for her. He based this statement in that he did not believe MIZE possessed the information she placed in her statement.

On further conversation, ISHII advised that he believes that he and HIBIKI could work with MIZE if she apologized or said she was sorry for what she said; however, he does not believe that BERTODANO and TATJANA JEVREMOVIC (another Professor in the school of Nuclear Engineering) could work with MIZE because of the accusations.

Upon completing our conversation with ISHII he agreed to have only professional conversations with any individuals who have written, or may have written affidavits. He was thanked for his cooperation and we departed his office at 1330 hours.

Name: Martin Bertodano

URL of News Article:

<http://news.newenergytimes.net/2014/01/21/federalinvestigations-reveal-academic-backstabbing-at-purdue-university-documentrelease-1/>

Phone number (will not be published):

Comment or Question: My wife's full name and e-mail address appear in this article in the police report at

<http://newenergytimes.com/v2/bubblegate/2008/20080828MizePoliceReport-Redactions-by-NET.pdf>

She has nothing to do with this case, her e-mail letter contained no threats or intimidation and the police did not pursue any investigation as the reader would be led to believe based on your report. There is nothing "pending" and never was. Google returns your site as a top search result on her name, and it unnecessarily and illegally hurting her. Please remove her name and e-mail address as they have nothing to do with anything you are publishing on your website.

Time: September 15, 2014 at 1:32 am

Date: Mon, 15 Sep 2014 09:09:24 -0700

To: "Martin Bertodano"

From: Steven Krivit

Subject: Re: Contact New Energy Times - Web Site Response

Dear Professor Bertodano,

Thank you for your letter. It is no problem to redact your wife's e-mail address. Our online copy of the police report has been updated. Our publication of her full name, however, is protected by the First Amendment. Your e-mail message (below) has been appended to the file, as will any and all future communications from you.

Thank you,

Steven

At 06:18 AM 9/26/2014, Anca B. wrote:

Mr. Krivit,

On January 21st, 2014, you published a police report, which is returned as a top google search result on my name, at

<http://news.newenergytimes.net/2014/01/21/federal-investigations-reveal-academic-backstabbing-at-purdue-university-document-release-1/>

This INCOMPLETE police report, dating from more than five years ago, states that:

1. I was accused of the offense of threats and intimidation, and
2. the police investigated me because of it.

My email to Darla Maize did not contain any threats or intimidation, therefore:

1. The accusations against me were groundless and, as a result,
 2. the police never contacted me, much less investigated me.
- However, this information is conveniently excluded from your article.

You have been informed of all of the above on September 15, 2014, yet you failed to make any significant changes. Anyone can bring any accusations against any person without them necessarily being true. The false accusations against me, which I had had no knowledge of until I found your article, had been obviously long dismissed, and continuing to perpetuate them is illegal.

Anca Bertodano

Date: Fri, 26 Sep 2014 08:59:31 -0700
To: "Anca B."
From: Steven Krivit
Subject: Re: New Energy Times police report
Cc: [JAMIESON], "Martin Bertodano"

Prof Jamieson,

I see that Mrs. Bertodano has cc'd you on this e-mail. Is this a Purdue University matter or is it a personal matter of Mrs. Bertodano's, or both?

Thank you,

Steven

Dear Mrs. Bertodano,

I am not sure what legal advice you have been given to support your assertion that our publication of this police report is illegal.

Note that the cover page of this police report states that the document was provided by the "Purdue University **Public Records** Administrator."

I am adding these messages of our conversation to the online document.

Thank you,

Steven

Date: Fri, 26 Sep 2014 11:14:01 -0700
To: "Anca B."
From: Steven Krivit
Subject: Re: New Energy Times police report
Cc: [JAMIESON], "Martin Bertodano"

Dear Mrs. Bertodano,

In case there is any confusion about your husband's involvement, note that in the *New Energy Times* Bubblegate Master Timeline <http://newenergytimes.com/v2/bubblegate/BubblegateMasterTimeline.shtml> there are three relevant records:

Sept. 12, 2006 - Purdue/Bertodano: [Letter to Purdue/Dunn, Accuses Taleyarkhan of Misconduct](#)
Jan. 13, 2006 - Purdue/Bertodano: Writes Letter to Ishii with [Accustations Against Taleyarkhan](#)
Sept. 29, 2003 - Purdue/Bertodano: [E-mail to Lahey announcing first independent replication by Tsoukalas Group](#)

Thank you,

Steven

At 11:18 AM 9/26/2014, Anca B. wrote:

It is illegal to perpetuate baseless accusations by publishing incomplete information. You are illegally linking my name to the offense of threats and intimidation. You are publishing a partial report, wrongly and illegally giving the impression that there was/is a "pending" investigation of me.

Once more, I only found out from your article that I was accused of such an offense. No one from the police ever contacted me about it as there were obviously no grounds to the false allegations brought against me.

You continue to refuse to make any changes to your article, because your sole purpose is to hurt my husband's name and reputation by hurting the name and reputation of the members of his family. My husband was only ever "guilty" of refusing to be dragged into and made part of a fraud. What you are doing and have been doing for years is vendetta and intimidation against him and anyone associated with him, and you extended it to the members of his family that have nothing to do with it. You will have to stop, and we will find the way to stop you, because enough is enough and we have the truth and the law on our side.

Date: Fri, 26 Sep 2014 11:42:33 -0700
To: "Anca B."
From: Steven Krivit
Subject: Re: New Energy Times police report
Cc: [JAMIESON], "Martin Bertodano"

Dear Mrs. Bertodano,

Kindly state your request.

Thank you,

Steven

At 12:44 PM 9/26/2014, Anca B. wrote:

Mr. Krivit,

As stated before, the police report linked to your article published at <http://news.newenergytimes.net/2014/01/21/federal-investigations-reveal-academic-backstabbing-at-purdue-university-document-release-1/> is incomplete and outdated, and it misrepresents the truth.

I hereby request that you remove any and all references to my name, physical address, e-mail address, telephone number(s), and any other information pertaining to my person.

Thank you.
Anca Bertodano

From: Steven Krivit
To: Anca B.
Cc: [JAMIESON], "Martin Bertodano"
Sent: Friday, September 26, 2014 3:53 PM
Subject: Re: New Energy Times police report

Dear Mrs. Bertodano,

Your physical address, e-mail address, and telephone number are already redacted.

Kindly make a specific and accurate request.

Thank you,

Steve

At 01:15 PM 9/26/2014, Anca B. wrote:

June Mr. Krivit,

I only have one telephone number that ends with the digit "[digit removed]". I only have one e-mail address that starts with "[letters removed]" and ends with "[domain name removed]". I also have only one name, which you publish in full in an article which links it to the offense of threats and intimidation.

The information contained in the report is incomplete and outdated and therefore it misrepresents the truth. I request that you remove this information, which contains my name, and any reference to my name in your article and attached reports.

Anca Bertodano

Date: Fri, 26 Sep 2014 16:36:01 -0700
To: "Anca B."
From: Steven Krivit
Subject: Re: New Energy Times police report
Cc: [JAMIESON], "Martin Bertodano"

Dear Mrs. Bertodano,

Your e-mail address has always been partially redacted in the version of this document on our Web site, making it unlikely that someone would be able to

figure out your full e-mail address. I have now fully redacted your e-mail so there is no ambiguity.

As far as your phone number, I am confused. To my knowledge, your phone number has never appeared in this document on our Web site. I cannot find your phone number anywhere on this document. If I have missed it, I deeply apologize and will redact it immediately. Can you please tell me where your phone number is displayed?

Is there any personal information visible on this document besides your name?

Thank you,

Steven

At 08:08 PM 9/26/2014, you wrote:

My e-mail address has appeared in full, unredacted, until September 15, 2014, when the first request was made through your website to remove my information See police report .pdf file, page 4 (H: redacted followed by [digit removed])

Date: Fri, 26 Sep 2014 21:23:27 -0700
To: "Anca B."
From: Steven Krivit
Subject: Re: New Energy Times police report
Cc: [JAMIESON], "Martin Bertodano"

Dear Mrs. Bertodano,

Based on a request from your husband on Sept. 15, I immediately redacted the e-mail address so it would not be usable, but would still show the fact that it was an e-mail address. Based on your request today, I fully redacted the e-mail address.

The last digit of your phone number appeared until now and was the result of an incomplete initial redaction. To my knowledge, the remaining nine digits of your phone number have never appeared. Here is what was visible until now.

[image removed]

Per your concern, the "[digit removed]" has now been redacted.

Aside from the digit "[digit removed]" that we have just discussed, and which I have now redacted, is there any personal information visible on this document besides your name?

Thank you,

Steven

At 08:25 AM 9/27/2014, Anca B. wrote:

Mr Krivit

For the last time:

On January 21st, 2014, you published a retaliatory and derogatory article

<http://news.newenergytimes.net/2014/01/21/federal-investigations-reveal-academic-backstabbing-at-purdue-university-document-release-1/>

that stayed on your front page from January to September. This article is linked to an incomplete and outdated police report which states that I was investigated for the offense of threats/intimidation. I did not know I had been accused of any such offense and I was never investigated, therefore I request that you remove immediately all references to this and to my name on pages 10 and 11 of the .pdf document attached to your article, as well as my name and any references to it and to my person anywhere else in your article and attached documents.

Anca Bertodano

Dear Mrs. Bertodano,

I will do my best to specifically address your concerns and respond to you.

You are writing to me about our publication of the Purdue University Police Department Incident/Investigation Report, case number 2008001273. This incident was described in the police report as a threat with the intent to intimidate. The alleged victim was Darla Mize. According to the police report, officer Matthew J. Rosenbarger responded to a phone call from Dean Leah Jamieson on August 28, 2008, about an incident that took place at the Purdue School of Nuclear Engineering building.

The report states "Dean Jamieson advised [officer Rosenbarger] that she was informed by Darla Mize that two professors in the nuclear engineering building

approached [Mize] earlier [that day] and made comments she felt were threatening." The report identifies those two professors as Mamoru Ishii and Takashi Hibiki.

In your recent e-mail, you wrote that we have published "an incomplete and outdated police report." Does this mean that you know of a more current and complete police report on this matter? If so, kindly advise me so we may publish a more current and complete report.

I could be mistaken, but I see no place in the police report that "states that [you were] investigated for the offense of threats/intimidation." Specifically, I see no place in the police report that states that you were "investigated." The only relevant text I see is the section header "INTIMIDATION" preceding the copy of your e-mail. Apparently, officer Rosenbarger perceived your e-mail to be a possible example of intimidation, and included it in his report.

I am not aware of your name appearing anywhere else in our news article or on other attached documents. If this is not the case, kindly advise me.

However, I should make clear to you that you are part of this story, and the fact that your name does not appear anywhere else in our publications thus far does not mean that it won't appear in a future publication. The fact is, you elected to get involved in this controversy when you sent your e-mail to Darla Mize on Aug. 28, 2008. She gave your e-mail to the police, the police recorded it, it is part of a public record. You are part of this history.

The fact that you are sending this set of e-mails to me now (September, 2014) in an attempt to remove traces of your actual involvement in this history, may in fact, be part of a future publication. Your accusations of our publication of the June 14, 2009 printout of the police report which includes your name and e-mail to Darla Mize as "illegal" are potentially relevant because they are an aspect of the day-to-day work that journalists must face.

You seem to have two requests:

1. Remove all references to "this." You were not specific.
2. Remove your name from the police report where it appears on page 10 and 11.

Until you get more specific about request #1, I don't know how to respond.

As far as request #2, I will immediately redact your name if you can convince me of the legal basis for doing so.

New Energy Times has the objective to provide factual, contextual and accurate news and information to our readers. The police report was lawfully obtained in

the context of reporting the relevant news story. We made no attempt to seek you out or to intrude into your private life. We take pride in the professionalism of our work and if there are significant errors or omissions, I welcome you to bring them to our attention so we may correct the record. If we have misinterpreted our rights as a news service operating in the United States under protection of the First Amendment, or if we have misinterpreted your rights as an individual, I welcome your explanation.

Thank you,

Steven
