

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUNIZ,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

**Civil Action No. 3:17-cv-00072-NKM**

v.

JASON KESSLER, et al.,

Defendants.

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN SUPPORT OF  
THEIR RESPONSE REGARDING CHRISTOPHER CANTWELL'S  
ECF FILINGS 1062, 1063, 1064, 1065, 1066, 1077, 1078, 1084, 1085, 1086,  
1087, 1088, 1089, 1090, 1096, 1097, 1098, 1099, 1102, 1103**

Plaintiffs previously brought to the Court's attention that Defendant Christopher Cantwell appears to be using another inmate, William A. White, to participate in this litigation as a "ghostwriter" on his litany of recent filings. *See* ECF No. 1108 at 5-7. As Plaintiffs have explained, ghostwriting violates legal rules and reinforces the improper and harassing nature of Cantwell's conduct. *See id.*

On the single day of September 27, 2021, Cantwell made another eight submissions to the Court, all of which were docketed yesterday. *See* ECF Nos. 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126. Plaintiffs file this supplemental brief to alert the Court that, like the filings identified in Plaintiffs' previous submission, Cantwell's recent filings appear to be similarly ghostwritten. Indeed, like those other recent filings—and very much *unlike* the filings that Cantwell made before the last several weeks—they are typewritten and contain formal, Bluebook-formatted legal

citations to cases, the Federal Rules of Civil Procedure, and Virginia statutes. *See id.*; *compare id. with, e.g.*, ECF No. 1057 (informal handwritten submission, containing no legal citations, written in first person on lined paper).

Cantwell's apparent use of a ghostwriter is "considered the unauthorized practice of law." *see Greene v. U.S. Dep't of Educ.*, No. 4:13cv79, 2013 U.S. Dist. LEXIS 143678, at \*26-27 (E.D. Va. Oct. 1, 2013); *see Sejas v. MortgageIT, Inc.*, No. 1:11CV469 JCC, 2011 WL 2471205, at \*1 (E.D. Va. June 20, 2011) ("the practice of ghost-writing legal documents to be filed with the Court by litigants designated as proceeding *pro se* is inconsistent with the procedural, ethical and substantive rules of this Court" (quoting *Laremont-Lopez v. Se. Tidewater Opportunity Ctr.*, 968 F. Supp. 1075, 1080-81 (E.D. Va. 1997))). Ghostwriting also undermines Cantwell's simultaneous claims to be an unsophisticated *pro se* litigant lacking the necessary resources to meaningfully defend himself in this litigation. *See, e.g.*, ECF No. 939 at 11 (asserting that "[r]epresenting myself in this case from this correction facility would be completely impossible"); ECF No. 1062 at 2-3 (referring to himself as "*pro se*" and alleging "unavailability of legal resources to help [Cantwell] articulate his case"); *see Greene*, 2013 U.S. Dist. LEXIS 143678, at \*27 ("Those who proceed *pro se* are afforded certain amounts of leniency that are not afforded represented parties. Ghost writing inexcusably abuses this leniency."); *Laremont-Lopez*, 968 F. Supp. 1075, 1078 (E.D. Va. 1997) (ghostwriting by *pro se* litigants "unfairly exploits the Fourth Circuit's mandate that the pleadings of *pro se* parties be held to a less stringent standard than pleadings drafted by lawyers").


Indeed, since September 13, 2021, when Cantwell apparently began using a ghostwriter, he has made no fewer than **32 filings** (including ten filings styled as motions *in limine* making various legal arguments)—more than some represented Defendants have made in four years of litigation on this case. *See* ECF Nos. 1062, 1063, 1064, 1065, 1066, 1077, 1078, 1084, 1085, 1086,

1087, 1088, 1089, 1090, 1096, 1097, 1098, 1099, 1102, 1103, 1109, 1110, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1132, 1133. Furthermore, as Plaintiffs also brought to the Court's attention, Cantwell's apparent ghostwriter (who was convicted of soliciting the commission of a violent federal crime against a juror) has himself been placed on a restricted communications list after sending various threatening messages. *See* ECF No. 1108 at 6-7.<sup>1</sup>

The arguments made in Cantwell's latest submissions—like his others—lack merit, and Plaintiffs intend to respond in a timely manner, to the extent they are not stricken. However, Plaintiffs respectfully submit that Cantwell's continued brazen use of a ghostwriter is an egregious violation that should be addressed now in the interest of avoiding further harassment of Plaintiffs and the Court and further waste of judicial resources. Plaintiffs therefore reiterate their request that the Court reject and summarily strike any filings that were written by or with the aid of White or any other ghostwriter and order that Cantwell is explicitly forbidden from using White or any other ghostwriter in his *pro se* filings.

Date: September 30, 2021

Respectfully submitted,



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<sup>1</sup> This is not the first time in this litigation that the issue of a Defendant using a ghostwriter has arisen. Indeed, in March 2018, in response to one of Plaintiffs' interrogatories, Defendant Michael Peinovich essentially admitted to using a ghostwriter (characterizing him as a "consulting attorney"). *See* ECF No. 330, Ex. B, at 7. When Peinovich refused to disclose the identity of his ghostwriter, contrary to binding authority, Plaintiffs moved to compel Peinovich's response. *See* ECF No. 330. In September 2018, the Court dismissed Plaintiffs' motion as moot after Peinovich was dismissed from the case. *See* ECF No. 352.

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### CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2021, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I hereby certify that on September 30, 2021, I also served the following non-ECF participants via mail and electronic mail:

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A handwritten signature in black ink, appearing to read "Michael L. Bloch".

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