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FILED
CLERK, U.S. DISTRICT COURT
JUL 17 2006
CENTRAL DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Dr. Nira Schwartz dba Jaffa OptroniX
Plaintiff(s),
v.
United States of America, et al
Defendant(s).

CASE NUMBER:
CV 06-4010 DDP (JCx)

**ORDER RE TRANSFER PURSUANT
TO GENERAL ORDER 224
(Related Cases)**

TRANSFER ORDER
CONSENT

DECLINED

I hereby consent to the transfer of the above-entitled case to my calendar, pursuant to General Order 224.

Date
Ronald S.W. Lew
United States District Judge

DECLINATION

I hereby decline to transfer the above-entitled case to my calendar for the reasons set forth:

Different case with different defendants and claims.

Date
7-14-06

United States District Judge

REASON FOR TRANSFER AS INDICATED BY COUNSEL

Case CV 96-3065 RSWL (RCx) and the present case:

- A. Arise from the same or closely related transactions, happenings or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

NOTICE TO COUNSEL FROM CLERK

Pursuant to the above transfer, any discovery matters that are or may be referred to a Magistrate Judge are hereby transferred from Magistrate Judge _____ to Magistrate Judge _____.

On all documents subsequently filed in this case, please substitute the initials _____ after the case number in place of the initials of the prior judge, so that the case number will read _____. This is very important because documents are routed to the assigned judges by means of these initials. The case file, under seal documents, exhibits, docket, transcripts or depositions may be viewed at the Western Southern Eastern Division.

Subsequent documents must be filed at the Western Southern Eastern Division.
Failure to file at the proper location will result in your documents being returned to you.

6

November 19, 1999

1
2 The Honorable Robert Kerrey,
3 Select Committee on Intelligence Vice-Chairman,
4 U.S Senate
5 DIRKSEN
6 Senator Office Building Room SH-211
7 Washington DC, 20510 Attn: Security
8
9 Mr. Charles Randow – Chief of Staff
10 DIRKSEN
11 Department of Defense
12 Ballistic Missile Defense Organization
13 7100 Defense Pentagon
14 Washington, DC 20301-7100 Attn: Security
15
16 Honorable William S. Cohen
17 DIRKSEN
18 Secretary of Defense
19 1000 Defense Pentagon
20 Washington, DC 20301-1000 Attn: SECURITY
21
22 Honorable John J. Hamre
23 DIRKSEN
24 Deputy Secretary of Defense
25 1010 Defense Pentagon
26 Washington, DC 20301-1010 Attn: SECURITY
27
28 U.S. ARMY Space and Strategic Defense Command
29 P.O. BOX 1500
30 ATTN: CSSD_PA
31 (Ms. Linda B. Gray ? Contracting Officer)
32 Huntsville, AL 35807-3801
33
34 PEO Missile Defense
35 P.O. BOX 1500
36 ATTN: **Mr. Bill Roberson and Mr. Don Buster**
37 SFAE-MD-NMD-GI
38 Huntsville, AL 35807-3801
39
40 Mr. Dennis Egan - Trial Attorney,
41 P.O. Box 261, Ben Franklin Station,
42 Washington, DC 20044
43 Tel: (202) 307-0240,
44 Fax:(202) 514-7361
45
46 Mr. Samuel W. Reed, Jr. – Special Agent –retired
47 US Department of Defense
48 Defense Criminal Investigation Service
49 26722 Plaza St. Suite 130
50 Mission Viejo, CA 92691
51
52 Mr. William S. Zanca - Deputy General Counsel,
53 BMDO,
54 7100 Defense Pentagon, D.C. 20301-7100

1 Tel: 703-693-1553 Ext., 6209
 2 Fax 703-614-5407
 3
 4 Ms. Ann Kanamine – Head Quarters of
 5 DOD IG – OGC Room 1076
 6 400 Army Navy Dr.
 7 Arlington, VA. 22202
 8 Tel: 703-604-8350, Fax: 703-604-8359
 9

10 Mr. Kerry Hadaway – Chief Inspector
 11 FBI 11000 Wiltshire Blowhard,
 12 On the Seventeen Floor
 13 Los Angeles CA. 90024
 14 Tel: 310-447-6565, Fax: 310-996-3359
 15

16 Ms. Mary Jo Marino – Supervisor
 17 On the Seventeen Floor
 18 FBI 11000 Wiltshire Blowhard,
 19 Los Angeles CA. 90024
 20 Tel: 310-447-6565, Fax: 310-996-3359
 21

22 Mr. LtCol. John B. Hoffman
 23 Department of the ARMY
 24 United States Army Service Agency
 25 901 North Stuart Street
 26 Arlington, VA 22203-1837
 27 Tel: 703-696-1543
 28 Tel: 703-671-6257
 29 Fax: 703-696-1559
 30

31
 32 SUBJECT: 1. Please Mr. Egan do not threaten me. I will be happy to go to jail if
 33 this is what need to protect our Nation from the evil created by
 34 your clients the ARMY/BMDO/DOD/GBI. Please remember that
 35 you and your clients approved the ‘alleged’ classified information
 36 to be in the public domain for the last eight month.
 37 2. I mailed you the 4th Amended complaint-rewording paragraph 17
 38 and 18 of the 3rd amended complaint that you and your clients
 39 alleged to be secret, but you and your clients not in good faith
 40 failed to response, and found excuses not to response.
 41 3. I am trying to settle the dispute between us out of court. You
 42 decline to declassify/redact the necessary documents needed for
 43 me to assert a claim of privilege. You decline base on cost and
 44 money, when your client did not read the EKV system
 45 performance for 13 years, and cause our nation to lose \$200
 46 million dollars and irreversible 13 years of development time.
 47 4. You claimed that paragraph 17 and 18 of the 3rd amended
 48 complaint are secret. Than my complaint is the truth, and your

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clients not in good faith elected not to intervene in my case, and conceal this paragraphs 17 and 18 that indicates that your clients did not read the EKV system performance reports for 13 years.

- 5. As I told you before I comply with the law and I will only obey the **Honorable Judge RAP** and his Orders.
- 6. Enclosed is an invoice for my working/consulting DOD/ARMY/NMD/BMDO/GBI/DCIS for 3000 hours. Please pay it within 60-days.

Dear Mr. Egan and Mr. Zybul,

On 11-17-99 I had to be in the hospital with Mr. Woods. I will need to take care of him today. When I come to it I will mail you a copy of the 4th amended complaint, probable tomorrow.

- 7. Enclosed is an invoice for my working/consulting DOD/ARMY/NMD/BMDO/GBI/DCIS for 3000 hours. Please pay it within 60-days.

Failure to pay it will cause me to ask the Honorable Court for protection of my rights and income.

Respectfully submitted
Dr. Nira Schwartz

Dr. Nira Schwartz –Plaintiff/Relator
2800-187 Plaza Del Amo
Torrance, CA. 90503
TEL: 310-787-8557,
FAX: 310-782-9074

April 19, 2002

- To:**
1. The Contracting Officer,
 2. Ms. Michal Tingle - Trial Attorney,
 3. Mr. Dennis Egan - Attorney
 4. The Department of Justice - DOJ
 5. The Attorney General
All addressed to:
Commercial Litigation Branch
Civil Division, Department of Justice
P.O. Box 261, Ben Franklin Station
Washington D.C. 20044
Tel: (202) 307-1381, Fax: (202) 616-3085
1. Department of Defense known as DOD
 2. The ARMY
 3. Ballistic Missile Defense Organization known as BMDO
 4. National Missile Defense known as NMD
 5. Mr. William S. Zanca - Deputy General Counsel, BMDO, 25
All addressed to:
7100 Defense Pentagon, D.C. 20301-7100 26
Tel: 703-693-1553 Ext., 6209, Fax 703-614-5407 27
1. Defense Criminal Investigation Service
 2. DOD IG – OGC
All addressed to:
Room 1076 400 Army Navy Dr. 31
Arlington, VA. 22202 32
Tel: 703-604-8350, Fax: 703-604-8359 33
1. Ms. Linda B. Gray – Contracting Officer - CSSD-CM-CD
 2. Contracting Officer
All addressed to:
Department of the Army
U.S. Army Space and Strategic Defense Command
Post Office 1500
Huntsville, AL 35807-3801

From: Mr. Richard Woods and
Dr. Nira Schwartz Woods
2800-187 Plaza Del Amo, Torrance, CA 90503
Tel: 310-787-8557, Fax: 310-782-9074
Email: nira7@aol.com , Email: dwoods33@aol.com

Reference: **UNITED STATES COURT OF FEDERAL CLAIMS**
Case no: **01-168 C** **Honorable Judge Lynn J. Bush**

Subject:

1. Submitting for final decision certified claims/invoices to the contracting officer, as required by the Contract Disputes Act, 41 U.S.C. 4 605(a); [attachment 1-8]
2. Requesting identification of the Contract Officer, and communication information and legal forms to submit claims/invoices.
3. Requesting Contract Disputes Act (CDA) certification of our attached claims/invoices.

Dear Contractor Officer, Ladies and Gentlemen,

Please accept our submittal of the attached claims/invoices to the Contracting Officer for National Missile Defense/ Exoatmospheric Kill Vehicle [NMD/EKV], and for the Department of the ARMY, U.S. Army Space and Strategic Defense Command.

Also, in the event the above address is inaccurate, and/or the submittal of our claims/invoices is not along Contract Dispute Act. 41 U.S.C. 4 605(a) and/or any requirements, please provide the Contractor Officer information so that we can communicate with him or her. Please provide the required forms and instructions to submit our claims to the Contractor Officer properly and in compliance with the law and to get a Contract Disputes Act [“CDA”] certification, and final decision.

We are hereby submitting, and in accordance with the eight attachments to this letter, claims and invoices to the Contracting Officer and state that:

Our claims and invoices are made in good faith and that the supporting data are accurate and complete to the best of our knowledge. Further, we believe that the amount requested accurately reflects the Expert Consulting Work performed for which we believe the government and those listed above are liable and that the certifier is duly authorized to certify the claims/invoices on behalf of the Consultant.

We request to be paid the amount of \$1.05 + \$0.56= \$1.61 million dollars as defined in the attachments. We have not been paid, even though we performed to the satisfaction of all parties. We request immediate payment.

Further, we request to be paid the amount of \$161.0 million dollars [0me hundred and sixty one million dollars] for the period of December 13, 1999 until today April 19, 2002, and/or the sum amount that the POET was paid for the same period of time. We have been carrying the load of the TRW/Boeing Qui-Tam Case, when the Government and the listed above parties breached the agreement made with us to intervene in this case, and fraudulently and not in good faith declined intervention. Since April 1, 1999 until today we carried the load of this Qui-Tam Case [See attachments] and performed the job that the Technical advisors of the Government should have done if the intervention agreement have not been breached. Our intellectual work and property was provided to the list above, who use made of it, as Honorable congressmen press release stated and as the GAO dated February, 2002 reported. We have not been paid, even though we performed our part according to the intervention agreement, and labor laws, and fairness in business, and fairness to Relators, and fairness to Experts consultants that working as a small company.

Not paying us or not guiding us with instructions and forms to allow us to file and be paid will cause us to seek relief through the **Honorable Judge Lynn J. Bush** and/or the Honorable Courts. You

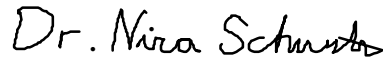
used our Expert Consulting products, and intellectual property, you caused us losses and it is NOT fair that you hide behind our alleged failing to submit the claims/Invoices to the Contractor Officer, and get CDA certification.

Please respond to this letter of submittal for final decision and CDA certification of our claims/invoices within 30 days.

Respectfully submitted on: April 19, 2001



Plaintiff Woods



Plaintiff Schwartz

This letter incorporates Proof Of Service for Certified and Register mail, which is attachment 8

Attached:

1. Invoice dated December 13, 1999
2. Invoice dated November 18, 1999
3. Case no: **01-168 C Honorable Judge Lynn J. Bush** complaint [dismissed without prejudice]
4. Order January 24, 2002 by **Honorable Judge Lynn J. Bush**
5. FOIA - Schwartz is working as a technical advisor for OIG DOD
6. FOIA - Schwartz has provided thousand of hours
7. Invoice Dated April 19, 2002.
8. Proof of Service



U. S. Department of Justice

Washington, D.C. 20530

July 11, 2002

Dr. Nira Schwartz
2800-187 Plaza Del Amo
Torrance, CA 90503

Dear Dr. Schwartz:

This letter responds to materials dated April 19, 2002, that you submitted to the Department of Justice in connection with your request for payment in the amount of \$162.61 million for services you claim you performed in connection with the **qui tam** action, *Dr. Nira Schwartz, et al. v. TRW, Inc., et al.*, Case No. CV 96-3065 (C.D. CA.).¹

You assert that a Department of Justice attorney made an oral agreement to compensate you for your expert services related to the case. You submitted invoices covering the following periods and amounts.

Invoice Date	Period Covered	Amount
Nov. 18, 1999	May 1996 - March 1999	\$ 1,050,000.00
Dec. 13, 1999	Apr. 01, 1996 - Dec 13, 1999	\$ 560,000.00
Apr. 19, 2002	Dec. 13, 1999 - Apr 19, 2002	\$ 161,000,000.00 ²

The compensation you seek appears to relate to the **qui tam** action you filed. The False Claims Act specifies the circumstances in which a relator may recover in a successful **qui tam** action. See 31 U.S.C. § 3730(d). As a Contracting Officer, I do not have authority to decide what amount if any you may be due under The False Claims Act.

¹ You apparently submitted the same request to the U.S. Department of Defense, the Defense Criminal Investigation Service, and the Department of the Army. This response is made only on behalf of the Department of Justice.

² Some of the invoice dates overlap, suggesting double billing. Your invoices also do not indicate what services were performed and on which dates. Ordinarily, a contracting officer must have more complete and accurate information in order to assess a claim. However, in view of my disposition of your request, those issues are immaterial.

As a Contracting Officer, it is my responsibility to determine whether your demand for payment is covered by the Contract Disputes Act, 41 U.S.C. § 601, et seq. In so doing I must first decide whether or not it is a claim arising under or related to a contract. After reviewing the pertinent facts, (1) I am satisfied that no written contract existed between you and the Department of Justice for which you have submitted invoices for payment. (2) I am further satisfied that there was no intent on the part of the Department attorney to contract for your services and that the Department of Justice did not agree to compensate you. Therefore, I conclude that no contract existed or exists between you and the Department of Justice. As such, your demand for payment is not subject to the Contract Disputes Act.

To the extent that your claim can be said to come within the Contract Disputes Act, it is denied. This constitutes the final decision of the Contracting Officer on your claim. If you elect to pursue your claim under the Contract Disputes Act, you may appeal this decision to the Department of Transportation (DOT) Board of Contract Appeals, 400 7th Street, S.W., Room 5101-S-20, Washington, D.C. 20590. If you decide to appeal, within 90 days of the date on which you receive this decision, you must mail or otherwise furnish written notice to the DOT Board of Contract Appeals, and provide a copy to the Contracting Officer from whose decision this appeal is taken. The notice must indicate that an appeal is intended, reference this decision, and identify the contract by number. Or, instead of appealing to the DOT Board of Contract Appeals, you may bring an action directly in the U.S. Court of Federal Claims within 12 months of the date on which you receive this decision.

Sincerely,

A handwritten signature in cursive script that reads "Pamela K Bible".

Pamela K Bible
Chief, Contracts and Procurement Branch
Civil Division
1100 L Street, N.W. - Room 9030
Washington, D.C. 20530

November 7, 2005

TO: 1) **Hon. George Bush** - The President of the United States
The White House, 1600 Pennsylvania, Avenue NW, Washington DC, 20500
2) **Mr. Paul D. Clement** - Counsel For Responded
Solicitor General of the United States
Department of Justice, Room 5614,
950 Pennsylvania Ave., N.W.
Washington, DC. 20530-001

To: 1. Inspector General Of The United States
2. The Department of Justice - DOJ
3. The Attorney General
Commercial Litigation Branch
Civil Division, Department of Justice
P.O. Box 261, Ben Franklin Station
Washington D.C. 20044
Tel: (202) 307-1381, Fax: (202) 616-3085

1. Department of Defense known as DOD
2. The ARMY
3. Ballistic Missile Defense Organization known as BMDO
4. National Missile Defense known as NMD
5. Mr. William S. Zanca - Deputy General Counsel, BMDO,
7100 Defense Pentagon, D.C. 20301-7100
Tel: 703-693-1553 Ext., 6209, Fax 703-614-5407 27

1. Defense Criminal Investigation Service
2. LtCol. John B. Hoffman and DOD IG – OGC
Room 1076 400 Army Navy Dr.
Arlington, VA. 22202 3
Tel: 703-604-8350, Fax: 703-604-8359

1. Ms. Linda B. Gray – Contracting Officer - CSSD-CM-CD
2. Contracting Officer
Department of the Army
U.S. Army Space and Strategic Defense Command
Post Office 1500
Huntsville, AL 35807-3801

From: Dr. Nira Schwartz and Richard Woods
2550 PCH # 68, Torrance, CA 90503
Tel: 310-787-8557, Fax: 310-782-9074
Email: nira7@aol.com, Email: dwoods33@aol.com

SUBJECT: Demand For Payments & Declassification of my 13 Intellectual Property Reports

Dear Hon. President George Bush, Mr. Paul D. Clement, and all listed above,

On 10-17-05 the Supreme Court of the United States denied my Petition in Accordance of Federal Court of Claims case 03-37C Dr. Nira Schwartz v. the United States. The Federal Court of Claims decision was that there was no valid Consulting Agreement between the US and me.

During 1996-2000 I have produced 13 Reports of Intellectual Property, which the Government Classified [Hereafter 13 IP Reports]. In December 2004, the Government continued classifying my IP, and an example is Trial Exhibit # 117 in case 96-3065RSWL US Dis. Court for the Central Dis. of California. On 2-9-04, in case 96-3065RSWL Hon. Judge Lew issued an Order recognizing my consulting work to the Government to be of the order of \$1.6 million dollar. This Order is based on 79 invoices I sent to the Government that are logged as trial Exhibits 106, 438, 440.

The government has used the 13 IP reports to their benefit (enrichment).

The government believes that they (and others such as Northrop Grumman Corporation, POET, NRC, and Aerospace Corporation) should be allowed to be enriched by my work [13 IP Reports] without compensating me in any way. Additionally, the government believes that only they (and those they desire to benefit from my work – i.e. Northrop Grumman Corporation, POET, NRC, and Aerospace Corporation) should be enriched by my work, and no one else, not even me (i.e. which is the effect of Classification). Indeed, the government further believes that not only should I be prevented from benefiting from my work, but that I should bear the cost associated with generating such work.

I demand that you declassify my 13 IP Reports in whole, and/or in part to allow me Patent/Copyright them, and/or be paid the amount of \$1.61 million for their use.

Respectfully submitted on: November 7, 2005



Plaintiff Woods



Plaintiff Schwartz

Attached Proof of Service.

PROOF OF SERVICE

We, Richard Woods and Nira Schwartz, do swear and declare that on this date April 19, 2002, as required by RCFC 5(e), have served by first class mail and Certified/registered mail the enclosed CIVIL ACTION Case no: **01-168 C ACTION Honorable Judge Lynn J. Bush**

Demand letter For Payments and Declassification of my 13 IP Reports dated 11-7-05

and others; Memorandum of Points and Authorities on each party to the above proceeding or party's counsel, and on every other person required to be served, by personally serving through their lawyers. The names and addresses of those served are as follows:

TO: 1) **Hon. George Bush** - The President of the United States
The White House, 1600 Pennsylvania, Avenue NW, Washington DC, 20500
2) **Mr. Paul D. Clement** - Counsel For Responded
Solicitor General of the United States
Department of Justice, Room 5614, 950 Pennsylvania Ave., N.W. , Washington, DC. 20530-001

To: 1. Inspector General Of The United States
2. The Department of Justice - DOJ
3. The Attorney General, Commercial Litigation Branch
Civil Division, Department of Justice
P.O. Box 261, Ben Franklin Station, Washington D.C. 20044
Tel: (202) 307-1381, Fax: (202) 616-3085

1. Department of Defense known as DOD
2. The ARMY
3. Ballistic Missile Defense Organization known as BMDO
4. National Missile Defense known as NMD
5. Mr. William S. Zanca - Deputy General Counsel, BMDO,
7100 Defense Pentagon, D.C. 20301-7100
Tel: 703-693-1553 Ext., 6209, Fax 703-614-5407 27

1. Defense Criminal Investigation Service
2. LtCol. John B. Hoffman and DOD IG – OGC
Room 1076 400 Army Navy Dr., Arlington, VA. 22202
Tel: 703-604-8350, Fax: 703-604-8359

3. Ms. Linda B. Gray – Contracting Officer - CSSD-CM-CD
4. Contracting Officer
Department of the Army
U.S. Army Space and Strategic Defense Command, Post Office 1500, Huntsville, AL 35807-3801

Dated: November 7, 2005



Richard Woods

Nira Schwartz