



United States  
Department of  
Agriculture

Office of the  
General  
Counsel

Washington,  
D.C.  
20250-14

March 9, 2011

**VIA CERTIFIED U.S. MAIL**

**7007 0710 0001 3859 3810**

Josephson & Associates

Attn: Joe Josephson

912 W. Sixth Ave.

Anchorage, Alaska

99501

Dear Mr. Josephson:

It has come to the attention of the U.S. Department of Agriculture (herein the "Agency") that your client, Dr. Cindy Bower's (herein "Dr. Bower") recent conduct places her in violation of the Settlement Agreement (herein the "Settlement Agreement") that she and the Agency entered into on August 19, 2010. A copy of the Settlement Agreement is attached to this letter as Exhibit 1.

Paragraph 9 of the Settlement Agreement provides:

**Content removed to comply with the  
confidentiality of the Settlement Agreement**

Paragraph 10 of the Settlement Agreement provides:

**Content removed to comply with the  
confidentiality of the Settlement Agreement**

Specifically, the website [www.justicesleeps.com](http://www.justicesleeps.com) (herein "justicesleeps.com") has been brought to the Agency's attention. Dr. Bower's LinkedIn page, attached to this letter as Exhibit 2 and located at [www.linkedin.com/pub/cindy-bower/24/81/4b5](http://www.linkedin.com/pub/cindy-bower/24/81/4b5), states that she is the webmaster of the website justicesleeps.com.

The website justicesleeps.com clearly contains disclosures that violate both Paragraphs 9 and 10 of the Settlement Agreement. First, in violation of Paragraph 9 of the Settlement Agreement, Dr. Bower has posted on justicesleeps.com provisions of the Settlement Agreement itself. See Document posted on justicesleeps.com titled "Letter to request unemployment benefits after my Constructive Discharge from the ARS", attached to this Letter as Exhibit 3.

Second, in violation of Paragraph 10 of the Settlement Agreement, posted on justicesleeps.com are documents regarding Dr. Bower's original claims of harassment, discrimination and retaliation against the Agency as well as additional documents regarding the ongoing harassment she alleges she received while employed by the Agency. Indeed, attached to this letter as Exhibit 4 are printouts from the website justicesleeps.com establishing that Dr. Bower has posted documents or internet links under the following descriptions:

1. Original claims of harassment, discrimination, and retaliation
2. More unlawful harassment, discrimination, and retaliation
  - transfer to Kodiak
  - ARS imposes unethical restrictions for journal authorship
  - ARS refuses justification for tech authorship
3. Conflict of Interest by my ARS supervisor at my annual appraisal
4. Injunctive Relief request filed with EEOC in December 2009, to halt unlawful retaliation
5. Continuing harassment, discrimination, and retaliation in 2010
6. EEOC-mediated settlement requests prepared for August 2010 meeting with USDA
7. Justifying unemployment insurance after "voluntarily" resigning from ARS in August 2010
  - Letter to request unemployment benefits after my Constructive Discharge from the ARS
  - Summary of discrimination and retaliation that led to my Constructive Discharge from the ARS
  - List of the discrimination claims sent to EEOC in January 2009
  - 2009 Request to EEOC for Injunctive Relief in a (failed) attempt to stop ARS's unlawful discrimination Ongoing discrimination despite years of grievances, EEO complaints, and filing with EEOC
8. Grievances and Complaints (2007 - 2010)
  - First Administrative Grievance Series
    - my first informal grievance to ARS (December 27, 2007)
    - response from ARS (January 24, 2008)
    - my first formal grievance to ARS (February 4, 2008)
    - response from ARS (March 14, 2008)

- my request to ARS Administrator Knipling for Final Agency Decision (March 26, 2008)
- final agency decision from ARS Administrator Knipling (May 27, 2008)
- 9. Second Administrative Grievance Series
- 10. Third administrative grievance series
- 11. Miscellaneous administrative communiqués (submitted to ARS)
- 12. Informal EEO complaint (submitted to ARS)
- 13. Formal EEO complaint (submitted to USDA)
- 14. EEOC complaint (submitted to the Equal Employment Opportunity Commission)
- 15. My EEOC discovery requests (submitted to the ARS) and their (inadequate and evasive) responses
- 16. ARS's EEOC discovery requests (submitted to me) and my responses
- 17. EEOC deposition: The USDA Agricultural Research Service believes that a woman filing an EEOC complaint should be deposed in the presence of the supervisor responsible for the discriminatory offenses.
- 18. My requests to my attorney to submit a Summary Judgment motion against the agency, (refused)
- 19. Agency's Summary Judgment against me (and my attorney's responses)

Documents posted on justicesleeps.com either reveal the terms of the Settlement Agreement between the parties or are documents related to the case of *Cynthia Bower v. USDA*, EEOC 551-2009-00074X, or claims made against the Agency in that case. By placing these documents on the internet, Dr. Bower is violating the terms of the Settlement Agreement

Pursuant to the Settlement Agreement, the Agency is hereby requesting that Dr. Bower immediately remove from justicesleeps.com any documents that reveal the terms of the Settlement Agreement between the parties or are documents related to the case of *Cynthia Bower v. USDA*, EEOC 551-2009-00074X, or claims made against the Agency in that case. Further, the Agency is hereby requesting that Dr. Bower cease and desist from posting on justicesleeps.com any additional documents that would cause her to be in violation of the agreed to terms of the Settlement Agreement.

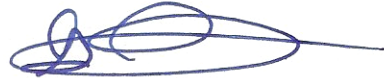
Finally, Dr. Bower is reminded that pursuant to the Settlement Agreement: 1) she

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The Agency has abided by all terms of the Settlement Agreement, including but not limited to, the payment of [redacted]. Therefore, the Agency expects that Dr. Bower will likewise honor the terms of the Settlement Agreement.

Thank you for your cooperation in this matter and should you have any questions, please feel free to contact me at 202-720-5326.

Very truly yours,



G. Brooks Liswell  
*Agency Representative*

Encl.

cc: Cindy Bower, via Certified U.S. Mail (7007 0710 0001 3859 3841)  
w/enclosures