



Pro Se Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In Re the Matter of:

Case No.: CV2021-052893

Plaintiff

**PLAINTIFF'S MOTION TO EXTEND
TIME TO FILE A RESPONSE TO THE
DEFENDANT'S MOTION TO
DISMISS/PARTIAL MOTION
FOR JUDGMENT ON THE
PLEADINGS**

v.

GREGORY GILLESPIE

Expedited Consideration Requested

Defendant

(Assigned to the Hon. Alison Bachus)

Plaintiff, [REDACTED] pro se, respectfully requests an order granting an additional 30 days in which to respond to the Defendant's Motion to Dismiss/Partial Motion for Judgment on the Pleadings, as Plaintiff's counsel filed a Motion to Withdraw with Consent on March 10th, 2022 leaving Plaintiff with *one business day* to hire new counsel and have them prepare a Response in order to meet the deadline that the Defendant gave the Plaintiff of March 14th. This is an impossible task and Defendant's counsel is unresponsive to the Plaintiff's efforts to come up with a resolution without the court's involvement. This is why the Plaintiff has requested expedited consideration. Plaintiff

also requests that a scheduling order is not created and that any discovery is put on hold until Plaintiff's new counsel is hired, which Plaintiff plans to do early next week (week of March 14th).

On February 25th, Plaintiff filed "Plaintiff's Motion to Extend Time to File A Response to the Defendant's Motion to Dismiss/Partial Motion for Judgment on the Pleadings". The Plaintiff requested thirty days beyond the Court's deadline of March 7th to respond to the Defendant's partial second Motion to Dismiss/Motion for Judgment on the Pleadings, so that Plaintiff could retain new counsel. On February 28th, Defendant filed a "Response/Objection to Plaintiff's Motion to Extend Time to File a Responsive Pleading" where Defendant agreed to an extension until March 14th, but not to the Plaintiff's requested date of April 14th. There has not been a ruling yet.

On March 1st, Plaintiff signed an agreement to hire attorney Zachary Mushkatel as counsel, and on March 4th, Mr. Mushkatel filed a Notice of Appearance. On March 7th, Plaintiff's now-former counsel spoke to Defendant's counsel and discussed whether Defendant's counsel would grant additional time to the Plaintiff's now-former counsel to catch up to the case and respond accordingly. Defendant's counsel readily agreed to this.

On March 10th, Plaintiff's now-former counsel, Zachary Mushkatel, filed a "Motion to Withdraw With Client Consent". On March 11th at 8:21AM, Plaintiff emailed Mr.

Mushkatel's office to see if he could speak to the Defendant's counsel regarding giving the Plaintiff an extension to respond. As of March 11th at 4:45PM, Plaintiff has not received a response from Plaintiff's former counsel. Plaintiff has now lost ten days that Plaintiff otherwise would have had to find new counsel or put together a Response to the Motion to Dismiss/Motion for Judgment on the Pleadings.

In an email sent to Defendant's counsel on March 11th at 11:00AM, Plaintiff stated, in part:

"I am writing to request an extension to respond to your motions to hire new counsel, and to ask that you create a scheduling order with him or her that is agreeable. "

"Even if I were to somehow find and hire an attorney today, they would not be able to obtain Mr. Mushkatel's notes, arrange a fee agreement and contract with me, file a notice of appearance into the case, and speak to you to request an extension within the course of a few hours. Obviously, no counsel would consider filing in if they knew that the Responses to your Motions were due on 3/14. "

"If you do not agree to this, I will file a Motion with the Court as I have clearly lost a considerable amount of time. I would prefer to handle this amongst ourselves, as I know that you would prefer to deal with counsel instead of me as a pro se litigant, and I'm sure you would like that as soon as possible. "

The Plaintiff has proof that the Defendant's counsel read the email **twenty two times** between 11:00AM and 5:00PM (**exhibit 1**). The Plaintiff resent the same email, adding that the Plaintiff was aware of Defendant's counsel opening the email and requesting a response no later than 4:30PM so that if needed, a Motion could be filed with the Court before the end of the day on March 11th. The Plaintiff is in possession of proof that Defendant's counsel read that email **six times** between 3:39PM and 5:00PM (**exhibit 2**). As of 4:45PM, there has been no communication from the Defendant's counsel whatsoever.

The Plaintiff is actively interviewing new counsel, who, after filing a Notice of Appearance, will need time to brief themselves on the 40+ docket entries. Plaintiff understands that attorney representation for both parties is the most efficient way to argue the merits of the case. The Defendant's counsel has shown that they are unwilling to extend courtesy to Plaintiff pro se, yet will if Plaintiff hires counsel. Plaintiff plans to hire new counsel and have him or her file a Notice of Appearance in the case next week.

Plaintiff is attaching a Good Faith Consultation Certificate as pursuant to ARS 7.1(h).

WHEREFORE, Plaintiff respectfully moves the Court to grant an extension until April 14th, 2022, within which to respond to the Defendant's Defendant's Motion to Dismiss/Partial Motion for Judgment on the Pleadings, and for the Court to

allow

A true and correct copy of the foregoing has been furnished via AZTurboCourt on
March 11th, 2022.

/s/ [REDACTED]

[REDACTED]

Pro Se Plaintiff

The screenshot displays the Mailtrack interface for a specific email request. The left sidebar contains navigation options under 'TRACKING ACTIVITY' and 'MANAGEMENT'. The main content area shows the email details for 'Request' sent to Gregg Woodnick. A table lists the tracking activity, showing that the email was opened 22 times by Gregg Woodnick on March 11, 2022, at various times between 14:22 and 18:20. The email was not opened by anyone else, and no links were clicked or documents downloaded.

Send date	Opens	Links clicked	Downloaded documents	
11 Mar, 2022 at 13:0	22 times	Not clicked yet	Not downloaded yet	Download Tracking Certificate

Action	When	URL
Opened by Gregg Woodnick	11 Mar, 2022 at 18:20	
Opened by Gregg Woodnick	11 Mar, 2022 at 18:20	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:51	
Opened by Gregg Woodnick	11 Mar, 2022 at 16:17	
Opened by Gregg Woodnick	11 Mar, 2022 at 14:56	
Opened by Gregg Woodnick	11 Mar, 2022 at 14:55	
Opened by Gregg Woodnick	11 Mar, 2022 at 14:22	

EXHIBIT 1

Defendant’s attorney has opened Plaintiff’s request for an extension to respond to Defendant’s Motions, sent on March 11th, 2022, at 11:00AM, *twenty two* times as of 5:00PM, yet has not responded to Plaintiff, which has necessitated the filing of this Motion.

The screenshot displays the Mailtrack interface. On the left is a dark sidebar with navigation options under 'TRACKING ACTIVITY' (All tracked emails, Unopened emails, Last opened emails, Click Report, Campaigns report) and 'MANAGEMENT' (CRM Integrations, Team). The main content area shows a 'Request' for Gregg Woodnick, sent on 11 Mar, 2022 at 17:40. It has been opened 6 times, with no links clicked or documents downloaded. A table below lists six individual opening events, all by Gregg Woodnick on the same date and time.

Send date	Opens	Links clicked	Downloaded documents	
11 Mar, 2022 at 17:40	6 times	Not clicked yet	Not downloaded yet	Download Tracking Certificate

Action	When	URL
Opened by Gregg Woodnick	11 Mar, 2022 at 17:48	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:46	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:45	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:44	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:44	
Opened by Gregg Woodnick	11 Mar, 2022 at 17:43	

EXHIBIT 2

Defendant’s attorney has opened Plaintiff’s request for an extension to respond to Defendant’s Motions, sent on March 11th, 2022, at 3:39PM, *six* times as of 5:00PM, yet has not responded to Plaintiff, which has necessitated the filing of this Motion.



Pro Se Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In Re the Matter of:



Plaintiff

Case No.: CV2021-052893

v.

**GOOD FAITH CONSULTATION
CERTIFICATE**

GREGORY GILLESPIE
Defendant

(Assigned to the Hon. Alison Bachus

The following issue exists between the parties and the applicable Arizona Rules of Civil Procedure requires “good faith consultation” to resolve the issue before presenting the issue to the Court: Plaintiff needs additional time to respond to Defendant's Motions, filed February 15th, 2022, as Plaintiff’s now-former counsel filed a Motion to Withdraw with Consent on March 10th at 4:12PM, leaving only one business day for the Plaintiff to hire new counsel and have them filed a Response by the Defendant’s proposed due date of March 14th. A good-faith attempt to resolve the issue was made with the Defendant's counsel to obtain this additional time. Defendants are unresponsive to emails sent by Plaintiff. The Plaintiff has requested an extension until April 14, 2022.

UNDER PENALTY OF PERJURY

By signing below, I declare to the Court that I read, understood, and completed this document, and the information I have provided is true and correct under penalty of perjury.

A true and correct copy of the foregoing has been furnished via AZTurboCourt on March 11th, 2022.

/s/ [REDACTED]

[REDACTED]

Pro Se Plaintiff