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 6 ORLY TAITZ, INC, "APPEALING DENTISTRY"

7 CHARLES LINCOLN,) CASE NO.: 8:10-CV-01573-AG
 8 PLAINTIFF,) DEFENDANTS, "DEFEND OUR
 9 VS.) FREEDOMS FOUNDATION, ORLY
 10 DAYLIGHT CHEMICAL, et al) TAITZ INC, AND APPEALING
 11 DEFENDANT) opposition to motion to
 12) extend time and for
 13) reconsideration of pro hac
 14) vice
 15) Date: April 18, 2011
 16) Time: 10 AM
 17 Hon Andrew Guilford
 18 Courtroom 10D

19 COMES NOW defendants "Defend Our Freedoms" Foundation, Appealing Dentistry and Orly
 20 Taitz, inc, hereinafter "Defendants" and oppose the Plaintiff's motion to extend deadlines and for
 21 reconsideration of pro hac vice based on the following memorandum of points and authorities
 22 and oral argument to be held on April 18, 2011, contemporaneous with the Defendant's motion
 23 hearing on motion to dismiss.

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 1. Plaintiff and his proposed counsel already requested extension of all missed and future
 26 deadlines and reconsideration of pro hac vice for Philip Berg on March 21, 2011 during oral
 27 argument. At that time the court gave Philip Berg an opportunity to address the Court yet again
 28 and denied his pro hac vice yet again and denied Plaintiff's motion for reconsideration. At the

1 same hearing Plaintiff requested extension of time and the court denied it, stating that the
2 Plaintiff filed this case without a counsel, that he knew that pro hac vice could be denied and he
3 had to have a plan B and be ready to roll. As the court already denied above motion, it is moot
4 and Plaintiff was supposed to withdraw it, as the court requested to withdraw motions, that are
5 moot. In his motion Plaintiff did not provide any new facts, which would support his motion for
6 reconsideration of pro hac vice or to extend deadlines.

7 2. Pursuant to FRCP 6(b)(1)(b) the court may extend time, if the Plaintiff shows excusable
8 neglect. Plaintiff did not show any excusable neglect. His only reasoning and proposed excuse, is
9 that pro hac vice was not granted to Pennsylvania attorney Philip Berg, however the Plaintiff is
10 himself an attorney, graduate of the university of Chicago, has nearly 20 years of experience and
11 has filed some 70 other legal actions in federal courts. The Plaintiff filed this legal action pro se,
12 he filed the first amended complaint pro se and clearly could file the second amended complaint
13 pro se. Philip Berg has filed his pro hac vice request only about four months after Plaintiff filed
14 this legal action, therefore there was no justifiable excuse.

15 3. Plaintiff has a local attorney on the case, Gary Kreep, who could assist him, if needed. While
16 Philip Berg was not allowed to represent Plaintiff in court, there was nothing preventing him
17 from assisting Plaintiff in drafting the second amended complaint, if that was really needed.

18 4. There are some 200,000 licensed attorneys in the state of CA, Plaintiff could hire another
19 attorney.

20 5. In his communication with counsel, Plaintiff repeatedly stated that he needed to go to New
21 Orleans to Mardi Gras and the meet and confer was done on the phone, as he was en-route from
22 New Orleans. If he could find time to go to Mardi Gras, he could find time to file a second
23 amended complaint.

24 6. Not only the plaintiff did not file his second amended complaint on March 16, as required, he
25 did not file Initial Disclosures and did not provide the court and opposing counsel with any
26 evidence supporting the remaining cause of action of quantum meruit.

27 7. This litigation caused severe emotional distress and financial damages to the defendants and
28 further extension of time will cause further distress and further financial damages.

1 Wherefore:

2 Defendants respectfully request the Court to deny Plaintiff's motion and to grant dismissal with
3 prejudice on Defendant's motion to dismiss, which was filed previously and which will be heard
4 simultaneously with Plaintiff's motion on April 18, 2011.

5
6 Respectfully submitted

7 /s/ Dr. Orly Taitz, ESQ

8 03.26.2011
9

10 **FEDERAL COURT PROOF OF SERVICE**

11 I certify under penalty of perjury and under the laws of CA that I served the Plaintiff and his
12 counsel via ECF and or mail on 03.26.2011

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14 Dated this 03.26.2011
/s/Orly Taitz

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