

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2013 AUG 26 PM 2:35

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

Randy A Scott, propria persona)	Case No.: 2:13-CV-157-FTM-38-DNF
)	
Plaintiff,)	
)	
vs.)	
)	
NATIONAL ASSOCIATION OF)	
PROFESSIONAL PROCESS SERVERS, etal)	
Defendant(s))	

PLAINTIFFS' LEAVE OF COURT TO REFUTE DEFENDANTS MOTION TO

STRIKE JUDICIAL NOTICE #97 and then use this as such

1. Notice is hereby given that pro-se plaintiff Randy Scott hereby requests this court an opportunity to refute defendants motion to strike.
2. The defendants attorney received notice of the request for extension of time on August 2, 2013.
3. The time for the defendants to respond was August 16, 2013
4. The defendants chose not to respond.
5. The court on its own volition supported a position favorable to the unbriefed defendants cause.

6. The court should also note the defendants have information relating to my filings and my notices a full three days or more before the court sees them. In this instant matter the defendants know an appeal was made to the magistrate judges denial of the extension of the amendment to the USDC Judge directly. Because the court deny access to electronic filing this is the timing of the events

7. The court is endorsing that the judicial process is a game of skill specifically contrary to Justice Black declaration. In *Conley v. Gibson*, 355 U.S. 41 at 48 (1957) "The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice."

8. This game of skill has no basis in constitutional law or rule.

9. The defendants are confused relating to the interlocutory appeal as titled by the court.

10. An interlocutory appeal is one that addresses issues relating to order that are not dispositive.


11. The fact the court waited patiently for the defendants to respond and then on the 21th of August, 2013 AFTER the court deadline was met issued their order favorably to the defendants regardless to the defendants unresponsive strategy. This matter appears to be a game of skill that should not further be endorsed with a granting of another motion to strike.

12. What they would like to strike is the idea they failed to respond, the idea the court told prose plaintiff he could request an extension and ultimately what the defendants would

like to strike is Justice Black declaration against the operative game of skill that is evident in so much of the case management of this case.

13. If the court rules completely for the defense in all these matters 100% please note the odds in the record and include these issues to the appellate court.

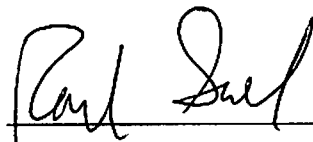
Dated this 23th day of August, 2013



Randy Scott
343 Hazelwood Ave S
Lehigh Acres, FL 33936
239-300-7007

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2013, I electronically mailed the foregoing To Richard Barton Akin, II, Henderson, Franklin, Starnes & Holt, P.A. (richard.akin@henlaw.com), Christopher A. Rycewicz christopher.rycewicz@millernash.com, Thomas J. Roehn at troehn@carltonfields.com and , Amanda Arnold Sansone to asansone@carltonfields.com. Further, I certify not being considered by the court to be an eligible participant in the CM/ECF system I must wait and appear at the Middle District of Florida court house at the next earliest hour of their opening and physically file this response for the court to be fully informed.



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