

Defendant Pro Se's Answer to "Notice of Designation under Local Rule 3.05" - Case 8:15-cv-11-T-17TBM

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

**Case number: 8:15-cv-11-T-17TBM**  
**(In response to Case number: 8:15-cv-00011-EAK-TBM)**

**UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA –  
LOCAL RULE 3.05 – Response Update of 18 February 2015**

OXEBRIDGE QUALITY RESOURCES  
INTERNATIONAL, LLC, and  
CHRISTOPHER PARIS, individually.

Plaintiffs,

Vs.

MARC TIMOTHY SMITH, individually,  
and d/b/a/ CAYMAN BUSINESS SYSTEMS

Defendant.

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Presiding Judge: Elizabeth A. Kovachevich  
Referring Judge: Thomas B. McCoun  
Court: Florida Middle District Court  
Office: Tampa Office  
County: Hillsborough  
Filed: January 5, 2015 (according to JUSTIA Dockets & Filings)

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Defendant Pro Se: Marc Timothy Smith, 8466 Lesourdsville-West Chester Road  
West Chester, Ohio 45069 Tel: 513 720-0600  
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FILED  
FEB 25 2015  
TAMPA, FLORIDA

FILED

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20 JANUARY 2015 - ADDITION I TO 13 FEBRUARY 2015 RESPONSE TO NOTICE  
OF DESIGNATION UNDER LOCAL RULE 3.05

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I

PLAINTIFF'S 20 JANUARY 2015 RESPONSE ADDITION

1. On 13 February 2015, I submitted evidence to the court that I have offered to settle this case out of Court per Plaintiff's public offer on Plaintiff's website.
2. Neither Plaintiff nor Plaintiff's attorney have contacted Defendant but Defendant assumes they wish to proceed with a meeting In Person (Defendant, Plaintiff and Plaintiff's attorney) as required by Local Rule 3.05 in order to Prepare a Case Management Report for the Court within 60 days of service of the Complaint to the Defendant. Defendant was served on 26 January 2015 and promptly answered the Complaint on 5 February 2015. A duplicate copy was sent by mistake on 5 February 2015. Defendant is responding to the Court in a Timely Manner. Served on 26 January 2015 plus 60 days requires this Local Rule 3.05 In Person meeting to be held by or before 25 March 2015.
3. Defendant has not been able to contact the Plaintiff's attorney by telephone.
4. Defendant requires Plaintiff's attorney to set a date and time and place for the required In Person meeting and to contact the Defendant stating the day, date, place and time for said meeting in a timely manner.
5. I will update this court should I hear from Plaintiff's attorney with a day, date, place and time so that all communications will be "on the record" with the Court.
6. If Defendant is not contacted by the Plaintiff's attorney in a timely manner, Defendant will, in a weekly "update", notify the Court just as Defendant is doing now so that Defendant can not be accused of not keeping the Court updated on the progress in trying to set up a meeting as required by Local Rule 3.05. Defendant will send a copy of anything Defendant sends the Court to Plaintiff's lawyer.

These will be sent as Defendant has sent all documents to the Court and Plaintiff's

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attorney – USPS Certified Mail AND signed Return Receipt as evidence that Defendant has done so.

THE LOCAL RULE 3.05 MEETING

Since Plaintiff's attorney will get a copy of this document, Defendant will not send a separate document to Plaintiff's attorney. Defendant wants Plaintiff's attorney, as well as the court, to know that the Defendant asks for a 2 week notice from the Plaintiff's attorney in a timely manner, preferably by Certified USPS mail, prior to the day, date, place and time the Plaintiff and his attorney determine the day, date, place and time of their choosing because of the following factors:

- a. This lawsuit was filed in the State of Florida so Defendant assumes Plaintiff and his attorney will want to meet In Person at a location in the State of Florida.
- b. Defendant is agreeable to the Plaintiff and Plaintiff's lawyer to "set the day, date time and place" for the In Person meeting as required by Local Rule 3.05.
- c. Defendant is in his 60's, retired, on Social Security, has poor night vision, is diabetic, and lives in the state of Ohio. Driving to Florida from Ohio will take Defendant 2 days minimum to be ready to meet In Person with the Plaintiff and Plaintiff's attorney on day 3.
- d. In able for Defendant to be able to appear on the day, date, time AND the place the Plaintiff decides upon, Defendant requests a 2 week notice of the day, date, time AND the place of the meeting from the Plaintiff's attorney so that the Defendant can arrange for lodging and make general arrangements for the trip to Florida for the required Local Rule 3.05 In Person meeting. In addition, the 2 day transit time to Florida is necessary in case of "bad" weather conditions which may occur, such as snow, seeing this is February – March, between Ohio and Florida which could cause the Defendant to have "Act of God" travel issues which could delay him or otherwise cause him to miss the meeting.


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- e. Defendant is writing this to assure the Court, Plaintiff and Plaintiff's attorney, that Defendant will go out of his way to meet with Plaintiff and Plaintiff's attorney to the point of agreeing to allow Plaintiff and Plaintiff's attorney to set the day, date, time AND place for the In Person meeting to prepare the Case management Report. Defendant will in no way try to make things difficult for the Plaintiff and Plaintiff's attorney, nor will defendant try in any way to delay the In Person meeting. Defendant wants the In Person meeting to take place as soon as possible.
- f. Defendant calculates the "Latest Date" for this In Person meeting to take place in order to satisfy the 60 day deadline required by Local Rule 3.05 to be: Defendant Served on 26 January 2015, plus 60 days, requires this In Person meeting to be held by or before 25 March 2015. For a 2 week Advance Notice, Defendant requests Plaintiff's attorney to contact Defendant by USPS Certified mail in a timely manner so that it arrives at Defendant's Ohio residence by or before 11 March 2015 LATEST.

I declare under penalty of perjury that the forgoing is true and correct.

Dated and respectfully submitted using the US Postal Service Certified Mail this 20th day of February 2015.

Marc Timothy Smith (Defendant pro se)

By: 

8466 Lesourdsville-West Chester Road

West Chester, Ohio 45069-1929

Tel: 513 720-0600

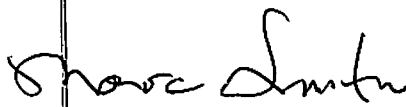
Email: marcsmith102@cinci.rr.com

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I certify that a copy of this document is being furnished by mail on the same date to the court and to William R. Wohlsifer, Attorney for Plaintiff at:

William R. Wohlsifer  
1100 E. Park Ave Ste B  
Tallahassee, Florida 32301  
(Attorney for Plaintiff)

  
Marc Timothy Smith (Defendant pro se)