

Defendant Pro Se's Answer to Document 41 filed by the Plaintiffs' attorney - 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 –
Response to Plaintiffs' Document 41**

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

Plaintiffs,

Vs.

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

Defendant.

Presiding Judge: Elizabeth A. Kovachevich
Referring Magistrate Judge: Thomas B. McCoun III
Court: Florida Middle District Court
Office: Tampa Office
County: Hillsborough

FILED
APR 21 2015
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

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I

**DEFENDANTS' 17 April 2015 RESPONSE TO DOCUMENT 41 FILED BY
PLAINTIFFS' ATTORNEY**

1. Defendant Pro Se has had less than three months to study the laws, unlike the Plaintiffs' attorney who is a licensed lawyer with years of experience. Defendant is studying and is learning about "leave of court" motions and how it applies so as to not make the same mistake in the future. As a Pro Se Defendant, Defendant requests some latitude from the Court.
2. Defendant filed Document 37 to counter the many totally false claims by the Plaintiffs' attorney in Document 21.
3. Defendant is not aware of any federal or local rule which *prohibits* a party from replying to a reply, nor has the Plaintiffs' attorney cited any law or statute to support Plaintiffs' attorney's statement. Defendant has done so (replied to a reply) to ensure the court has a record of rebuttal and/or disagreement with a filing by the Plaintiffs' attorney.
4. Defendant is reading Rule 7 and is attempting to fully understand its requirements (also see 1. Above) including the definition of what a "Pleading" is as opposed to replying to a document submitted to the Court by the Plaintiff.
5. Defendant has a copy of "Rules Of The District Court Of The United States For The Middle District Of Florida", "Florida Pro Se Handbook" and "Federal Rules of Civil Procedure" as well as numerous other legal documents, such as (partial list):

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15 U.S. Code § 1125 - False designations of origin, false descriptions, and dilution forbidden.pdf	308 KB
28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs.pdf	127 KB
Die Troll Die.webloc	842 bytes
Discovery (law) - Wikipedia, the free encyclopedia.webloc	681 bytes
Discovery & Duty to Disclose in a Civil Acton.pdf	222 KB
Federal Middle District of Florida.pdf	741 KB
Federal Rules of Civil Procedure - Wikipedia.pdf	186 KB
Federal Rules of Civil Procedure 20150131.pdf	1.4 MB
Filing a Motion Packet.pdf	422 KB
Florida CIVIL FILING REQUIREMENTS 20150204.pdf	1.8 MB
Florida Civil Legal Forms and Pleadings/ Motions to Dismiss.pdf	250 KB
Florida Federal Clerks 20150131.pdf	1.2 MB
Florida fsd.uscourts.gov-2014-03-14-03-12-Civil-Filing-Requirements.pdf.webloc	871 bytes
Florida Long-Arm Statute § 48.193.pdf	73 KB
Florida Pro Se Handbook 20150204.pdf	1.4 MB
Initial disclosure packet.pdf	546 KB
Initial conference - Wikipedia.pdf	64 KB
Legal Forms Examples URL Links and Misc	12.8 MB
PACER E Filing for non-attorneys 20150408.jpg	946 KB
Preliminary Injunction Wikipedia 20150303.jpg	847 KB
Pro Se Litigants The Florida Litigator.pdf	125 KB
Pro Se notification information 20150131.pdf	40 KB
Reporter's Handbook - The Reporter's Guide to a Civil Lawsuit.pdf	335 KB
Request for admissions - Wikipedia.pdf	77 KB
Rule 7. Pleadings Allowed Form of Motions a...rocedure LII / Legal Information Institute.pdf	100 KB
Rule 8. General Rules of Pleading Federal Rules of Civil Procedure .pdf	205 KB
Rule 8. General Rules of Pleading Federal Rules of Civil Procedure .pdf	186 KB
Rule 9. Pleading Special Matters Federal Rules of Civil Procedure .pdf	235 KB
Rule 9. Pleading Special Matters Federal Rules of Civil Procedure.webloc	737 bytes
Rule 11. Signing Pleadings, Motions, and Oth...presentations to the Court; Sanctions.webloc	740 bytes
Rule 12. Defenses and Objections When and...otions; Waiving Defenses; Pretrial Hearing.pdf	172 KB
Rule 18. Joinder of Claims.pdf	110 KB
Rule 19. Joinder - Wikipedia.pdf	77 KB
Rule 19. Joinder of Parties and Claims lawschoolhelp.com.pdf	126 KB
Rule 19. Required Joinder of Parties.pdf	121 KB
Rule 20. Permissive Joinder of Parties.pdf	138 KB
Rule 26 - IP 4 ways to avoid the Rule 26 trap.pdf	694 KB
Rule 26. Duty to Disclose; General Provisions Governing Discovery.pdf	401 KB
Rule 27. Motions Federal Rules of Appellate Procedure.webloc	728 bytes
Rule 408. Compromise Offers and Negotiations Federal Rules of Evidence.pdf	152 KB
Rules Of The District Court Of The United States For The Middle District Of Florida.pdf	799 KB
Section 230 of the Communications Decency Act - Wikipedia, the free encyclopedia.webloc	851 bytes
U.S. Code - Table of Contents.pdf	82 KB
U.S. Code - Table of Contents.webloc	746 bytes

Defendant has had only two and ½ months so far to learn proper procedure(s) and is making a serious and honest attempt to learn and abide by the Federal Rules of Civil Procedure and the Rules Of The District Court Of The United States For

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The Middle District Of Florida. Over the last two and ½ months Defendant has logged well over 120 hours studying these documents and writing replies starting with Defendants' Answer to the original complaint. Errors the Defendant has made would not be a problem if the Defendant had the resources to hire a competent attorney, however when a Defendant can not afford an attorney the Defendant has no choice other than to attempt to defend himself as best he can and can not be expected to become competent with all the laws in such a short time period. The Defendant has made attempts to find a competent attorney but can not afford the US\$100,000 which several competent attorneys have cited as their minimum fee to represent the Defendant in this case. The Defendant requests some leniency as the Pro Se Defendant is learning what the Plaintiffs' attorney learned in 3 years of law school and many years of practice. Without such leniency the Court would be denying the Pro Se Defendant a defense since the Defendant can not get court appointed representation in civil cases. Defendant is 65 years old and is not a fast learner.

6. Defendant asks the Court to deny Plaintiffs' motion to strike paragraphs 13-23 of Defendants' "Response to Plaintiffs' Motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM" [Dkt. #37] from the record.
7. See 5. Above. Pro Se Defendant is doing his best to learn and comply with "Rules Of The District Court Of The United States For The Middle District Of Florida" and "Federal Rules of Civil Procedure". Plaintiffs' attorney's expectations of the ability of a Pro Se Defendant to learn in two and ½ months what Plaintiffs' attorney has learned during his law school years and years of practicing law are unrealistic.
8. Defendant believes that the more than 120 hours Defendant has put in so far in learning the laws and responding to Plaintiffs' Complaint and all that is involved is also a cost to the defendant which more than offsets the cost of the Plaintiffs' attorney to file a 3 page motion such as Document 41.


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WHEREFORE, Defendant, Marc Timothy Smith, asks this Honorable Court to not enter an order to strike paragraphs 13 – 23 of “Response to Plaintiffs’ motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM” [Dkt. #37] filed by the Defendant, MARC TIMOTHY SMITH, as it is an attempt by Plaintiffs’ attorney to gut Defendants’ Answers to the Plaintiffs’ accusations and thus deny the Defendant a defense relying on Plaintiffs’ attorney’s expertise in the field of law to subjugate a Pro Se Defendant who has absolutely no background in law.

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 17th day of April 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

NOTE: Defendant does have access to the PACER portal but must submit written replies because Defendant has found that to submit a document in the CM/ECF filing system an old, unsecure version of Java is required on the computer. Defendant does not have a computer with the old version of Java, nor can the old version be installed on Defendants’ computer because the required version of Java is out of date, so Defendant has no option but to file documents by US mail. In addition, Defendant does not get an email

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notification of any new filing(s), so Defendant has to go to the portal daily to see if any new documents, such as Document 41, have been filed.

I certify that a copy of this document is being furnished by US 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)