

Gregory Simpson

From: Bob [bob@pickle-publishing.com]
Sent: Monday, April 19, 2010 11:03 AM
To: Gregory Simpson
Cc: G. Arthur Joy; John Pucci; Lizette Richards
Subject: RE: Conferring on a motion

Counselor Simpson:

Your response prejudices us because it is falsity in fact, it grossly represents the record of this case, and you seek sanctions against us for including an essential part of the record that prejudices your dismissal.

We will not stipulate to your proposed motion to extend the time after the fact.

The proper course for you to pursue is to file a notice of withdrawal of your response, and file a motion to take leave to file your response out of time.

We require your response by noon as to whether or not you will withdraw your response and file a motion to take leave, so that we may know whether we should file our motion to strike.

Bob Pickle, *pro se*

----- Original Message -----

Subject:RE: Conferring on a motion

Date:Mon, 19 Apr 2010 10:15:45 -0500

From:Gregory Simpson <gsimpson@meagher.com>

To:Bob <bob@pickle-publishing.com>

CC:G. Arthur Joy <g.arthur.joy@gmail.com>, John Pucci <pucci@fierstpucci.com>, Lizette Richards <Richards@fierstpucci.com>

Well, it appears I made a mistake and filed Doc. 249 on the day it was due, but 1 hour and 26 minutes after the 6:00 PM deadline for electronic filings under the local rule. Thank you for bringing it to my attention. I will endeavor not to make that mistake again.

Please advise whether you will agree to extend the time for filing Doc. 249 by 1 hour and 26 minutes such that it may be deemed timely filed.

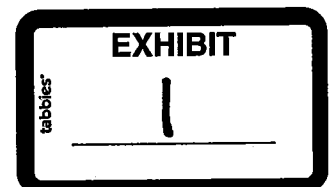
If you do not stipulate, please advise the legal basis for your position, and identify with specificity how you have been prejudiced on account of this document being filed 1 hour and 26 minutes after the 6 PM local rule deadline. Given that no reply is authorized by the rules and that no hearing has been requested, it is hard to see how you could have suffered any prejudice as a result of getting this filing a bit late. Nevertheless, if you can identify prejudice resulting from this late filing, we will agree to a reasonable accommodation.

This email is being sent pursuant to the local rule requirement that parties confer prior to bringing motions.

I require your response prior to your threatened deadline of Noon. I will then bring an appropriate corrective motion.

M. Gregory Simpson

4/19/2010



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From: Bob [<mailto:bob@pickle-publishing.com>]
Sent: Monday, April 19, 2010 6:31 AM
To: Gregory Simpson
Cc: G. Arthur Joy
Subject: Re: Conferring on a motion

Counselor Simpson:

I will try again, just to make sure there is no misunderstanding.

Local Rules required that you complete your filing by 6 pm in order to be considered timely filed that day. This you did not do. Therefore, you should have filed a motion seeking leave to file your response out of time, with your proposed response filed as an attachment to that motion as required. This you also did not do.

Therefore, will you be correcting this matter by filing notice withdrawing your response, and then filing a motion seeking leave to file your response, with your proposed response attached to that motion? If not, do you intend to take any corrective measures whatsoever? If so, what corrective measures will you be taking, and when?

The reason I suggest withdrawing your response until the court grants you leave to file it is that otherwise, we will be forced to reply to a document that may never be allowed to be filed.

We have prepared a motion to strike, and are seeking to narrow the issues pursuant to Local Rule 7.1 before filing it. We intend to wait until noon today to hear back from you as to what you do or do not intend to do before we file our motion, we decide that our motion is no longer necessary, or we decide that some other course is more prudent.

Bob Pickle, *pro se*

----- Original Message -----

Subject:Re: Conferring on a motion
Date:Sun, 18 Apr 2010 13:42:10 -0500
From:Bob <bob@pickle-publishing.com>

4/19/2010

To:Greg Simpson <gsimpson@meagher.com>
CC:G. Arthur Joy <g.arthur.joy@gmail.com>

P.S. By noon tomorrow we would need to hear back from you as to what you are or are not going to do regarding your untimely response, and when you would do it. We would then be able to evaluate your response to determine whether the issues are indeed be narrowed, and would then be able to determine how we are going to proceed.

Bob Pickle, *pro se*

----- Original Message -----

Subject:Re: Conferring on a motion
Date:Sun, 18 Apr 2010 10:56:09 -0500
From:Bob <bob@pickle-publishing.com>
To:Greg Simpson <gsimpson@meagher.com>
CC:G. Arthur Joy <g.arthur.joy@gmail.com>

Counselor Simpson:

To be more specific, you failed to comply with court rules before filing your untimely response, because you failed to first obtain leave of court.

If you make no effort to narrow the issues by noon tomorrow, we intend to file our motion to strike.

Bob Pickle, *pro se*

----- Original Message -----

Subject:Re: Conferring on a motion
Date:Sat, 17 Apr 2010 21:44:07 -0500
From:Bob <bob@pickle-publishing.com>
To:Gregory Simpson <gsimpson@meagher.com>
CC:G. Arthur Joy <g.arthur.joy@gmail.com>

Counselor Simpson:

Thank you for your reply, but you failed to give me any basis for understanding your position as to why a motion to strike your latest submission is "harassing, abusive, and frivolous." Based on similar statements you have made in the past, it sounds like you are bluffing.

Bob Pickle, *pro se*

----- Original Message -----

Subject:Re: Conferring on a motion
Date:Sat, 17 Apr 2010 13:30:26 -0500
From:Gregory Simpson <gsimpson@meagher.com>
To:Bob <bob@pickle-publishing.com>

Bob-

4/19/2010

I oppose it and will seek sanctions for your harassing, abusive and frivolous conduct.

On Apr 17, 2010, at 1:25 PM, "Bob" <bob@pickle-publishing.com> wrote:

> Counselors:

>

> We are preparing a motion to strike Attorney Simpson's filing last
> night, which was his response to our motion for leave to file two
> supplemental exhibits. Should I state that you support or do not
> support our motion?

>

> Bob Pickle

>

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