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FAX COVER

TO: Jill Clark, Esq.

TO FAX No.: 763-417-9112

FROM: Mark Anfinson

DATE: February 2, 2011

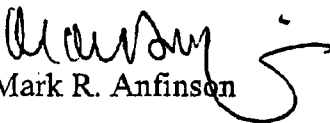
RE: Moore v. Allen, Hoff, et al.

Dear Ms. Clark:

Attached for your reference is a copy of a letter that I faxed to Judge Reilly this afternoon. To confirm, I do not represent John Hoff at this time, but am requesting the continuance simply as an accommodation to him.

If you should have any questions, simply let me know.

Yours truly,


Mark R. Anfinson

Encl

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February 1, 2011

Judge Denise Reilly
Hennepin County District Court
Hennepin County Government Center
Minneapolis, MN 55487

BY FACSIMILE TO: 612-317-6281

Re: *Moore v. Allen, Hoff, et al.*
Court File No. 27-CV-09-17778

Dear Judge Reilly:

I have been approached by John Hoff, who is of course a defendant in the above-captioned matter, about possibly representing him in conjunction with the impending trial, which is included on the Court's February trial block. I have told Mr. Hoff that I cannot represent him under the terms of the current trial schedule. I simply would not have sufficient time to either prepare, or conduct a trial in February.

I did however explain to Mr. Hoff that, if the Court would permit a continuance of the trial, then I would consider representing him, assuming that other factors could be worked out. This past Friday, I contacted your chambers, and talked with your law clerk to inquire about how I might approach requesting a continuance. She was helpful but candid concerning the status of the case, including the fact that it is one of the oldest matters on your docket, and that the trial has been continued before.

I write nonetheless because, despite my appreciation for what I suspect is your distinct reluctance to consider another continuance, I believe that there are strong and legitimate reasons for making such a request.

Prominent among them is that Mr. Hoff has been unable to arrange for an attorney to

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represent him since Mr. Goins withdrew last fall. Part of this failure to obtain representation appears to be attributable to Mr. Hoff's lack of financial resources, but also clearly contributing is the nature of the litigation—the libel claims in particular are somewhat esoteric and unfamiliar to most attorneys (by contrast, I have been involved in many libel suits, and have extensive familiarity with the governing law). Additionally, Mr. Hoff just recently learned of the Media Law Project at Harvard University, who he has contacted; he tells me that the Project staff is actively attempting to locate a qualified attorney who might be willing to represent him pro bono.

I know the Court cannot postpone the trial indefinitely, contingent solely on Mr. Hoff finding a lawyer. But it also seems problematic to force him to trial until every possible option for obtaining representation has been exhausted where the action involves important constitutional considerations.

In addition, I have some concern that no motion for summary judgment was apparently ever filed or argued in this case. That concern emanates primarily from the fact that libel claims are of course subject to a strict and demanding set of limitations arising under the free speech protections of the First Amendment, and many libel suits are therefore disposed of by means of such motions. At the very least, such motions allow the constitutional issues in particular to be focused and narrowed. I thus believe that the opportunity to consider such a motion before the case does go to trial may not only benefit Mr. Hoff, but the Court and its calendar as well.

Finally, Mr. Hoff serves as a member of the Minnesota National Guard. He informs me that he has recently been placed on active duty status for this entire week, and that his superiors have told him that there is a good chance that they will need to place him on active duty next week as well. Especially since he has no attorney, this obviously makes it almost impossible for him to adequately prepare for trial, to comply with the mandates of the Court's Trial Order, or to be in attendance should his case be called.

Again, I fully respect the demands that management of your calendar imposes on you, and the magnitude of what I am asking. However, I do believe that this is a rare if not unique set of circumstances, and that there is good reason to allow Mr. Hoff a continuance.

I appreciate your consideration. Please let me know if you or your staff should have any questions.

I have provided a copy of this letter to counsel for plaintiff.

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Yours truly,


Mark R. Anfinson

mra:dm
c: Jill Clark, Esq.