

February 2, 2011

VIA FACSIMILE

The Honorable Denise D. Reilly
Hennepin County District Court
300 S. 6th Street
Minneapolis, MN 55487

Re: Moore v. Hoff *et al* (27-CV-09-17778)

Dear Judge Reilly:

I have received Mark Anfinson's letter. Regardless of the words used, it is clear that Mr. Anfinson is using his status as attorney to move the Court for a continuance on Hoff's behalf. The motion is not timely, it is not accompanied by any affidavits, and it provides Plaintiff no opportunity to prepare to respond to it. Accordingly, the letter should be stricken and not considered.

Further, although the letter suggests that Mr. Anfinson will come on board as defense counsel if the continuance is granted, a close reading shows that there is no guarantee of that. The letter is, in reality, a request to delay without any real hope that there will be counsel at the end of the delay.

Should the Court consider the letter-motion, Plaintiff opposes any continuance.

First, it was Plaintiff who first approached the Court in November 2009, with concerns that there was a conflict of interest between Hoff and Allen. Fully apprised of the situation, those two defendants desired to go forward with Mr. Goins as their joint counsel. It came as no great surprise to Plaintiff that Mr. Goins eventually withdrew. And Plaintiff does not believe that he should be punished for a risk that Hoff knowingly took.

Second, Hoff already requested a stay of this litigation, while he indicated he was in the military. That further delayed this case. Surely, during that time, he could have been

searching for new counsel. We do not have any information that he was doing that. Now that we are on the verge of trial, Mr. Hoff wants time to look for counsel.

Third, because Mr. Hoff was unrepresented, there were some things that Plaintiff did not do, that we would have otherwise done. These include: 1) taking Mr. Hoff's deposition; 2) making a motion to have the Court force him to reveal his purported "sources" of information, those who he knew were calling the U of M to get Plaintiff fired; and 3) armed with the names of those sources, moving to amend the complaint to add additional defendants. It seems that Mr. Anfinson is seeking to go back and have a "do over" of the case. Plaintiff wants to let the Court know that if counsel comes on the case for Hoff, then Moore would be seeking to do, at least, the above. This would quite possibly make it the never-ending case.

Fourth, it is completely inappropriate for an attorney who is unwilling to take Hoff's case, to write to the court including substantive commentary about the case that might be designed to influence the Court on legal issues regarding the impending trial.

Fifth, Moore was dubious about Mr. Hoff's last request for a stay due to military status. This second time, we have even less than the first time, we have only Ms. Anfinson's letter, not even an affidavit signed by Hoff, in support of this motion for stay. Given Hoff's prior letter to the Court, Moore believes that, if a stay is being requested, that an evidentiary hearing is in order. Moore would want to call military personnel to question them about whether, for example, Hoff *requested* to be on active status this week. The pretrial conference is February 7, 2011, and Plaintiff requests that if Hoff is not present, that his answer be stricken.

Finally, Hoff could have settled the case long ago (I called chamber to state that Moore and Allen have come to terms on settlement). This is not a criminal case, but a civil case that Jerry Moore has been attempting to litigate since January, 2009. Moore is ready for trial.

For all of these reasons, Plaintiff Moore opposes the letter-motion for a continuance.

Sincerely,

Jill Clark

JEC/PMK

Enclosure

c: Original to civil filing; Client; Mark Anfinson, Esq.