

State ex rel. Peter Stephenson a/k/a
Peter Rickmyer, Peter Rickmyer,

Court File: 27-cv-11-11012

v.

Tom Roy,¹ et al,

Defendants.

*****AMENDED*****
NOTICE OF MOTIONS AND
MOTIONS: *AMENDED*
JANUARY 9, 2012

PLEASE TAKE NOTICE that Plaintiff amends his motions as follows:

I. Motion to Disqualify Hennepin County Bench.

This was presented on the paper to the Honorable James T. Swenson, Chief Judge of the Fourth Judicial District. Plaintiff understands an order and memorandum are forthcoming.

II. Motion to Disqualify David Schooler & Briggs & Morgan from representations.

Given the appearance of Paul Godfread for John Hoff in this case, this is moot.

III. Motion for Discovery.

Given the Court's order of December 23, 2011 permitting the case to go forward against non-Hoff defendants (and see motion to vacate filed 1/9/11), motion is moot.

IV. Default Judgment against Defendant Hoff.

Plaintiff is withdrawing this motion until such time as his motion to vacate is

¹ The habeas corpus action was bifurcated and litigated in Anoka County.

heard, and issues are resolved in the 10-case.

V. Motion to Strike and Anti-SLAPP Statute is unconstitutional as applied.

Plaintiff, upon reading the case law and responding to the motion to dismiss, has determined that this motion is unnecessary at this time, because: a) appellate courts have dealt with the constitutional issues when the party responds to the motion to dismiss; and b) this Court has not yet ruled on that motion, applying a statute that clearly intends to protect the plaintiff's constitutional rights.

VI. Anti-SLAPP motion violates Separation of Powers doctrine.

This is an argument that Plaintiff made in response to the motion to dismiss, so a separate motion is not necessary.

Dated: January 9, 2011

ATTORNEY FOR PLAINTIFF

s/jillclark

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² to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.