

STATE OF MICHIGAN

SUPREME COURT

TAMARA FILAS,

Plaintiff-Appellant,

Supreme Court No. 151198

Court of Appeals No: 317972

Circuit Court No: 13-000652-NI

-vs-

KEVIN THOMAS CULPERT, AND
EFFICIENT DESIGN, INC., A Michigan
Corporation.

Defendants-Appellees.

<p>TAMARA FILAS Plaintiff-Appellant 6477 Edgewood Rd. Canton, MI 48187 (734) 751-0103 e-mail redacted</p>	<p>MICHAEL C. O'MALLEY (P59108) Attorney for Defendant Efficient Design Vandever Garzia 840 W. Long Lake Rd., Suite 600 Troy, MI 48098 (248) 312-2940 momalley@vgpclaw.com</p>
<p>DREW W. BROADDUS (P64658) Attorney for Defendant Culpert Secret Wardle 2600 Troy Center Drive, P.O. Box 5025 Troy, MI 48007-5025 (616) 272-7966 dbroaddus@secretwardle.com</p>	<p>JAMES C. WRIGHT (P67613) Attorney for Defendant Efficient Design Zausmer, Kaufman, August & Caldwell, P.C. 31700 Middlebelt Rd., Suite 150 Farmington Hills, MI 48334 (248) 851-4111 jwright@zkac.com</p>

**PLAINTIFF-APPELLANT'S MOTION TO WAIVE 10-PAGE LIMIT ON
PL-AT'S REPLY TO DF-AE EFFICIENT DESIGN INC.'S ANSWER
TO PL-AT'S APPLICATION FOR LEAVE TO APPEAL TO THE MSC**

Dated: May 11, 2015

Now comes Plaintiff-Appellant (“PL-AT”), Tamara Filas, requesting a waiver of the 10-page limit on her Reply Brief e-filed with the Supreme Court on 5-11-15.

1. PL-AT is filing *pro se*.
2. On 5-11-15, PL-AT e-filed “PLAINTIFF-APPELLANT’S REPLY TO DEFENDANT-APPELLEE EFFICIENT DESIGN INC.’S ANSWER TO PLAINTIFF-APPELLANT’S APPLICATION FOR LEAVE TO APPEAL” with the Michigan Supreme Court.
3. PL-AT is unable to reduce her filing down to 10 pages without compromising her ability to properly address the arguments in DF-AE’s 3-23-15 Answer to PL-AT’s Application for Leave to the MSC.
4. As required by MCR 7.212(G), PL-AT did confine her arguments to rebuttal of the arguments in DF-AE’s brief.
5. DF-AE’s 3-30-15 Answer to PL-AT’s Application for Leave to the MSC was 31 pages, and contained numerous false statements in regard to the history of the case, and the events occurring at the 3-3-15 hearing on oral arguments that were related to the 11-25-14 Order which is the basis of this appeal. DF-AE’s “facts” section contained so many errors it took nearly 30 pages just to correct them. DF-AE then repeated these “facts” throughout the 3-30-15 Answer in other sections. PL-AT understands that is the normal procedure when writing legal filings not to be repetitive, but PL-AT had no choice here since the same erroneous claims were ubiquitous. To re-but them only in one section, and not the others, could render them lost in such a lengthy filing, and PL-AT could not take the chance of the truth getting lost.

6. PL-AT apologizes for the length of this filing, but PL-AT has never before encountered an Answer from a Defendant that required so many rebuttals and required such a detailed analysis to even determine all the content that needed to be addressed due to the sophisticated trickery involved in its writing. For example, dates of important filings are altered or omitted. Court rule numbers and IOP numbers are purposefully altered to give the appearance PL-AT did not already address them in her 3-13-15 Application. Quotations from pleadings are altered or important wording omitted to change the meaning.
7. To fail to rebut the statements and cite evidence for justification would indicate that PL-AT agreed with them. Because of the inaccurate history presented by the DF-AE and the associated arguments, to adequately reply required comprehensive responses from PL-AT, even though in regard to some arguments, she merely cited pages to reference in other filings.
8. Thereby, PL-AT's Reply required more than 10 pages to properly address the history, issues, and arguments presented by DF-AE.
9. Even if PL-AT's leave of appeal to the MSC is not granted, all filings in this case, including those in DF-AE's brief in opposition to her application for leave to appeal to the MSC that have erroneous information or statements made by the Defendants that will remain available in the public record for a considerable length of time, if they are not rebutted by PL-AT in her Reply Brief to DF-AE Efficient Design Inc.'s Answer to PL-AT's Application for Leave to Appeal to the MSC. These erroneous statements or information could cause harm to Plaintiff and/or others who consider them as fact, if not addressed as untrue or rebutted in PL-AT's Reply Brief.

10. PL-AT did her best to limit the number of pages without compromising the integrity of her brief. Reducing the number of pages will result in the elimination of important information and arguments from being taken into consideration that will clearly compromise her ability to have fair chance of having her leave of appeal to the Michigan Supreme Court granted.
11. PL-AT has no legal training or education which may have facilitated the reduction of pages in this filing. Preparing a brief is a more difficult and arduous task for anyone who is not an attorney who does not have the staff assistance or the experience of an attorney to prepare unfamiliar legal filings, but for Ms. Filas it is even more difficult due to the extent and volume of the numerous other legal issues she has to attend to as a result of being in an auto accident in which she suffered personal injuries.
12. PL-AT's resources are limited and PL-AT has other lawsuits and employment issues that require attention. It was not possible to devote any more time to the 5-11-15 Reply Brief without compromising other important matters that will also have a direct impact on PL-AT's future.
13. In the weeks preceding the due date of this Reply Brief, PL-AT had to reply to DF-AE Efficient Design's 3-30-15 Answer (filed 4-13-15), write two other Applications for Leave to Appeal to the MSC in regard to the 3-10-15 COA Opinion in this case (filed 4-21-15, MSC No. 151463) and a 3-4-15 Order in COA Case No. 325172 (filed 4-15-15, MSC No. 151429), and tend to issues related to her Office of Retirement Services case filed in the Ingham Circuit Court, Case No. 14-692-CZ including but not limited to filing an Application for Leave to Appeal to the COA, Motion for Peremptory Reversal and Motion for Immediate Consideration (filed 5-11-15).

Wherefore, PL-AT prays her Motion to Waive the 10-page limitation on her Reply to DF-AE Efficient Design Inc.'s Response to PL-AT's Application for Leave to Appeal to the MSC is granted, and her 93-page brief filed 5-11-15 is accepted as "effective."

Thank you for your consideration of this Motion.

Respectfully submitted on 5-11-15,

signature redacted

Tamara Filas
6477 Edgewood
Canton, MI 48187
(734) 751-0103

e-mail redacted