

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>
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**PLAINTIFF-APPELLANT'S MOTION FOR RECONSIDERATION
OF 5-20-15 ORDER OF A 20-PAGE LIMIT FOR
PL-AT'S REPLY TO DF-AE EFFICIENT DESIGN INC.'S ANSWER
TO PL-AT'S APPLICATION FOR LEAVE TO APPEAL TO THE MSC,
AND TO ACCEPT PL-AT'S 57-PAGE BRIEF AS FILED 6-10-15**

Dated: June 10, 2015

Now comes Plaintiff-Appellant (“PL-AT”), Tamara Filas, requesting that the MSC reconsider its 5-20-15 Order denying PL-AT’s 5-11-15 93-page Reply to Efficient Design Inc., requiring a re-written brief limited to 20 pages within 21 days of the 5-20-15 Order, and instead accept the 57-page Reply Brief as e-filed with the Supreme Court on 6-10-15.

1. PL-AT is filing *pro se*.
2. On 3-30-15, DF-AE Efficient Design Inc. (“EDI”) filed an Answer to PL-AT’s 3-10-15 MSC Application for Leave to Appeal the 11-25-14 COA Order, to which PL-AT is resubmitting a shortened Reply.
3. PL-AT had 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 were altered or omitted. Court rule numbers and IOP numbers were purposefully altered to give the appearance PL-AT did not already address them in her 3-13-15 Application. Quotations from pleadings were altered or important wording omitted to change the meaning of the quotation.
4. 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 for the MSC to reference in other filings.

5. Even if PL-AT's leave to 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 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, these erroneous statements or information could cause harm to Plaintiff and/or others who consider them as fact, if not addressed as untrue and rebutted.
6. It was very difficult and stressful for PL-AT to adequately respond to DF-AE's 3-30-15 Answer in even the 93-page Reply PL-AT she filed on 5-11-15 along with a Motion to Waive the 10-page limit on the 5-11-15 Reply Brief.
7. On 5-20-15, PL-AT's 5-11-15 Motion to Waive the 10-page limit on her 5-11-15 Reply was denied, and her 93-page Reply Brief was stricken. PL-AT was ordered to file a new Reply limited to 20 pages within 21 days. PL-AT has tried very hard to comply with the new page limit to the point to where it has adversely affected PL-AT's sight.
8. As required by MCR 7.212(G), PL-AT *did* confine her arguments to rebuttal of the arguments in DF-AE's brief. To truly, adequately respond to DF-AE's Answer could not have taken much less than 93 pages, since nearly every sentence of its 31 pages contains errors, lies and/or misrepresentations about the case.
9. Logistically speaking, if every sentence of a 31-page document must be addressed to make corrections to the record, the sentence either needs to be quoted or restated in order to deny it. That alone would take up 31 pages, which is more than the 20-page limit ordered by the MSC on 5-20-15.

10. In order to present an argument, some of DF-AE's statements had to be directly quoted in PL-AT's Reply Brief, with PL-AT's real quotation presented next, so that the alterations and falsifications that DF-AE made to the original could be observed by the reader. This would take 2 sentences, one for DF-AE's altered quote and one for PL-AT's correct quote, plus a short explanation of at least one sentence to explain the comparison. Hence, three sentences are required to be written by PL-AT for each one of DF-AE's erroneous quotations.
11. Considering the abovementioned factors, and that nearly every sentence required a rebuttal, PL-AT's 93-page reply was not unreasonable at all---one sentence to state what it is the PL-AT disagreed with, and two sentences to support her disagreement. Or, as explained in the preceding item, one sentence for DF-AE's quote, one for PL-AT's, and a one sentence comparison. In any case, 31 pages X 3 sentences for each sentence needing correction = 93 pages. The mathematical computations indicate the original 93-page filing would have been a very reasonable length to answer a brief packed full of so many erroneous statements.
12. By the 5-20-15 MSC Order requiring PL-AT to shorten her 93-page reply, PL-AT has now lost her right to rebut *all* of the statements made by DF-AE, since as stated, she could not even have stated all the items for which she was in disagreement in 31 pages, by writing one sentence to cover each item, let alone state *why* she was in disagreement with the DF-AE's statement.
13. Since everything PL-AT wrote about in her Reply *was* a direct response to a statement made by DF-AE, there was nothing that could be removed without compromising the Reply. This forced PL-AT to pick and choose what statements to re-but, and she

therefore had to leave erroneous statements unrebutted, which is unjust, as a plaintiff should be able to provide rebuttals for *all* statements made by a Defendant, which was not possible in less than 93 pages in this case, when the DF-AE purposely fills a brief with so many untruths and deceptive statements.

14. In order to shorten her Reply to the 57 pages she has resubmitted to the MSC via e-filing on 6-10-15, PL-AT had to remove rebuttals to almost all circuit court events discussed by DF-AE. Although the circuit court events are irrelevant to the decisions the MSC must make in regard to the Court of Appeals' actions to uphold dismissal by its 11-25-14 Order based on the doctrine of collateral estoppel, DF-AE's erroneous statements present PL-AT in a negative light, and present countless errors in the history of the case, in particular that PL-AT refused to release her medical records, when she clearly did, using MC 315 as permitted under MCR 2.314(C)(1)(d), a form name and court rule that the COA and DF-AEs avoid mention of like the plague.
15. With great regret, due to the 20-page limit, PL-AT was required to remove a large section of her rebuttals to the "Counterstatement of Facts" section, as DF-AE's presentation was largely composed of irrelevant circuit court events, albeit falsely portrayed. To adequately address them took nearly 30 pages of her original 93-page brief. In a diligent attempt to comply with the MSC's 5-20-15 Order, PL-AT has shortened this section to just over 9 pages, obviously compromising her Application, as the MSC will be presented with a very skewed representation of circuit court events composed of the DF-AE's untruths, since PL-AT could no longer re-but DF-AE's claims due to the ordered shortening of her Reply.

16. DF-AE repeated these erroneous “facts” throughout the 3-30-15 Answer in other sections besides the “Counterstatement of Facts” section. PL-AT's prior 93-page brief addressed all of the errors as they occurred in the different sections of DF-AE's Brief, so that the truth would not get lost, but now, having to remove many of PL-AT's rebuttals, and only being able to include them in one section of the Brief, or not at all, the truth certainly stands a substantial chance of being lost.
17. 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. These injuries have resulted in changes in her abilities to live her life and perform tasks the same way as she did before the auto accident.
18. PL-AT's resources are limited and PL-AT has other lawsuits and/or claims that require attention. To devote more time to the 6-10-15 Reply Brief would (have) compromise(d) the amount of time available to write her 6-9-15 Reply to DF-AE Culpert's 4-28-15 Answer in MSC Case No. 151463, to write her Reply to DF-AE Efficient Design's 5-12-15 Answer in MSC Case No 151463, to write her Reply to Dearborn Heights School District 7's Answer in MSC Case No. 151429, and to attend other current legal matters in other current cases that have deadlines for filings that must be met or require additional investigation, and other claims or issues that need

- attention or require legal filings in matters regarding employment, benefits and health care providers, all of which have a commonality with the auto accident.
19. All of the legal issues PL-AT has had to deal with take an extensive amount of research and reading and place PL-AT under a great deal of stress. Reducing pages in her replies to answers from DF-AEs in a case such as this case, that has gone on for so long and has had so many filings, is very difficult, and, due to the fact that DF-AE's answers contain numerous pages in which DF-AEs continuously, relentlessly and repeatedly fill their answers with irrelevant, erroneous and false information from previous filings, already answered and rebutted by PL-AT, which PL-AT now has a right to rebut again, takes up so many pages that it is literally impossible to stay within the restricted page limit.
20. These lengthy answers submitted by the DF-AEs are designed to confuse the court and make it more difficult for PL-AT to respond to this and other in kind filings by the DF-AEs. Reducing the pages in this reply and another reply in the case, has been especially difficult for Plaintiff and has created vision issues due to severe eye strain which had made it even more difficult for PL-AT to reduce the pages down any further in this reply.
21. To refuse to accept the 57-page Reply and/or require it to be further shortened would be an even greater injustice to PL-AT, as the reduction of pages already resulted 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.

Wherefore, PL-AT prays her Motion to Reconsider the Order to limit PL-AT's Reply Brief to 20 pages is granted and her 57-page "Reply to DF-AE Efficient Design Inc.'s Response to PL-AT's Application for Leave to Appeal to the MSC" e-filed 6-10-15 is accepted as "effective."

Thank you for your consideration of this Motion.

Respectfully submitted on 6-10-15,

signature redacted

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