

**STATE OF MICHIGAN**  
**SUPREME COURT**

TAMARA FILAS,

Plaintiff-Appellant,

-vs-

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

Defendants-Appellees.

Supreme Court No. 151463

Court of Appeals No: 317972

Circuit Court No: 13-000652-NI

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**PLAINTIFF-APPELLANT'S MOTION TO WAIVE 10-PAGE LIMIT ON  
PLAINTIFF-APPELLANT'S REPLY TO DEFENDANT-APPELLANT EFFICIENT  
DESIGN'S ANSWER TO PLAINTIFF-APPELLANT'S  
APPLICATION FOR LEAVE TO APPEAL**

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Dated: June 23, 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 6-23-15.

1. PL-AT is filing *pro se*.
2. On 5-12-15, DF-AE Efficient Design Inc. (“EDI”) filed an Answer to PL-AT's 4-21-15 MSC Application for Leave to Appeal the 3-10-15 COA Opinion, to which PL-AT has filed a 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. 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. As required by MCR 7.212(G), PL-AT *did* confine her arguments to rebuttal of the arguments in DF-AE's brief.
  7. 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.
  8. Since the MSC already issued a 5-20-15 Order requiring PL-AT to shorten her 93-page reply to EDI's previous 3-10-15 Answer, PL-AT lost her right to rebut *all* of the statements made by DF-AE within the brief itself since it originally took 93 pages to reply to the 3-30-15 filing and had to include nearly all her rebuttals to the irrelevant circuit court events into exhibit Y, that was attached to the 6-10-15 resubmitted reply brief.
  9. 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 not,

- 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.
10. PL-AT assumed the MSC would also not accept the lengthy brief required to respond to EDI's 5-12-15 Answer, which is almost the same as its 3-30-15 Answer except for the absence of two arguments. Therefore, she again separated out rebuttals to be irrelevant circuit court events into exhibit Y, which is attached to the 6-23-15 reply brief. Exhibit Y is 37 pages, so already, PL-AT's reply brief has been shortened by 37 pages.
  11. Everything PL-AT wrote about in her Reply and Exhibit Y *was* a direct response to a statement made by DF-AE, so there was nothing that could be removed without compromising the Reply.
  12. 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.
  13. PL-AT's resources are limited and PL-AT has other lawsuits and legal issues that also require timely attention. To devote more time to the 6-22-15 Reply Brief would (have) compromise(d) the amount of time available to write her Reply to Dearborn Heights School District No. 7's 5-13-15 Answer in MSC Case No 151429, write a

Motion for Reconsideration of PL-AT's MEEMIC Case MSC Case No. 150510, write a Motion for Case No. 15-002158-NM in the Wayne County Circuit Court, and answer to actions taken by other state agencies or private entities and to initiate new court actions necessary to resolve other legal issues.

14. 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.
15. 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.
16. To refuse to accept the 38-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 performed 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 Waive the 10-page limit for her Reply Brief is granted and her 38-page “Reply to Defendant-Appellee Efficient Design Inc.’s Answer to Plaintiff-Appellant’s 4-21-15 Application for Leave to Appeal to the MSC” e-filed 6-23-15 is accepted as “effective.”

Thank you for your consideration of this Motion.

Respectfully submitted on 6-23-15,

signature redacted

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