

BidZirk, LLC, Daniel  
G. Schmidt III, and Jill  
Patterson

Plaintiffs,

VS

Philip J. Smith  
Defendant. (& Counter)

Civil Action No: 6:06-CV-109-HMH  
Response to Plaintiff  
Amended Proceedings

The following is:

A response to all amended motions and proceedings filed by  
Plaintiff attorney (Elwell).

A plea of the court to proceed in a timely fashion with dismissal  
so as to give reprieve to Defendant (Smith)

Statements concerning proceedings thus far

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Response to Arguments filed by Plaintiff (Schmidt) on 6/28/06 and before entry # 55 (amended motions):

Oposing party (Schmidt/Elwell) has sent so many amendments, redundant claims, and unnecessary paperwork to the courts and to my front door that it is hard to know what I have responded to and what I have not. Schmidt/Elwell are accustomed to harassing defendants in large, drawn out court cases. A matter of public record indicates that a recent trial was protracted relentlessly until the opposing party could stand no longer. Oposing party had offered on several occasions to settle with full restitution with interest, yet Schmidt insisted on a court verdict.

Even an experienced attorney would not be able to understand or comprehend the non sequitur arguments Plaintiff attorney (Elwell) makes. The continued distortion of the law and public record, plus exemplified unrelated cases should illustrate to the court that no single argument Bidzirk/Schmidt indicate in filings and amendments have any merit.

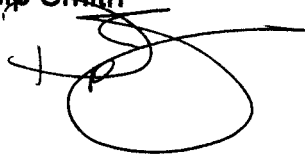
Plaintiff attorney (Elwell) is counting on my *Pro Se* litigation as a defense, not as a hinderance to due process. Elwell, knows full well, that by inundating the courts and myself with paperwork and procedure that there is cause to win, appeal, or otherwise delay and draw out this verdict. Plaintiff attorney is counting on my *Pro Se* litigation to sway the court based on technicality or some missed paperwork.

Oposing attorney (Elwell) has filed a motion that I retype and reword my arguments in my countersuit and all documents filed thus far. I am a professional writer; with many awards. My arguments, while possibly more emotional than "legalese" are concise and also have physical affidavit and actual circumstance to back it up as previously presented.

Plaintiff Attorney (Elwell) deluges my mailbox and the courts with amendments and arguments that have no denials, no proof of damage, and expect me not to report this harassment on my website. Proof exists that Schmidt hired a "Reputation Management" firm called Converseon to bury my articles within search engines, even though the court ruled against the removal in an injunction hearing.

The court has allowed (without ruling in a timely manner) this charade to ruin my social and business life.

Philip Smith

A handwritten signature in black ink, appearing to be 'Philip Smith', written over the printed name. The signature is stylized and somewhat illegible.