

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

Plaintiffs,

VS

**Philip J. Smith
Defendant. (& Counter)**

**Civil Action No: 6:06-CV-109-HMH
Motion for hearing to request
restraining order on Plaintiff**

The following is:

A motion/request for a hearing regarding cesure/restraining order to be granted to Defendant for repreive from financial, social, and physical harm

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Request of the court to grant hearing regarding undue social, mental, and financial stress.

Opposing 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. Opposing 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.

Opposing 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.

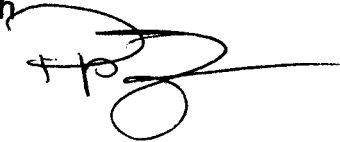
Plaintiff Attorney (Elwell) is "cyberstalking" me on a daily basis ... my IP trackers (read as a signature for your home or business internet access similar to a phone number/ caller ID) and Google search tools account indicate Plaintiff attorney is doing daily searches for "dirt on me". Every time opposing counsel clicks on a link within Google it raises its page rank, thereby making the very "articles" they want removed even more visible. I post regularly on the internet. I do so with the freedom that the constitution grants me and by the ethics of an upstanding American and Christian. It is my belief that the attorney and opposing party are "making anonymous comments" about me in forums around the internet. Further, unnecessary and unrelated discovery of "evidence" by contacting other subjects of my editorials is causing me immense embarrassment and occasional threat for

"enjoining" with the Bidzirk case.

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

I make enough money to live on comfortably, but not to defend a case as large as this at this point in my life. I am having to waste my time searching for an attorney who is both experienced in this very technical issue and at the same time not a "good ole boy" of the local system.

Philip Smith

A handwritten signature in black ink, appearing to be "Philip Smith", written over the printed name. The signature is stylized with a large loop and a horizontal line extending to the right.