

FILED BY 

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-60817-~~CIV~~-Williams/Selter
2012 JUL 11 AM 9:49

GEORGE R. SIMPSON

VS.

D. J. GROTHE, PRESIDENT OF JAMES RANDI
EDUCATIONAL FOUNDATION, JAMES
HAMILTON ZWINGE, AKA JAMES RANDI,
JAMES RANDI EDUCATIONAL FOUNDATION

FRAUD; MISREPRESENTATION AND
BREACH OF CONTRACT; FTL
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS;
MISFEASANCE; MALFEASANCE;
CONSPIRACY (SECT 1985 AND 1986);
ACTION FOR DAMAGES; AND
ACTION FOR SPECIFIC
PERFORMANCE

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF COURT'S ORDER
(DE 21) DENYING PLAINTIFF'S MOTION FOR DEFAULT (DE 19)**

Here comes Plaintiff George R. Simpson, Pro Se, and files this motion for reconsideration of the Court's Order (DE 21) denying Plaintiff's motion for Default (DE 19)

Defendants' motion in opposition to Plaintiff's motion for default was a lie. In that motion, Defendants' attorney Holtmann refused to acknowledge his own words from his email to Plaintiff Simpson, in which attorney Holtmann admitted he had not served Plaintiff Simpson (email exchange attached hereto as Exhibit 1, and was attached to Plaintiff's motion for Default Judgement).

This email is indisputable evidence of Defendants' default. Attorney Holtmann did not serve Plaintiff Simpson with three Documents, *and his own words proved it.*

Defendants' refusal to acknowledge the key evidence from Plaintiff's motion for Default was against the FRCivP rules requiring complete responses and specificity, and attorney Holtmann knows it.

The Court ruled (DE 21) without reading Plaintiff's response to Defendants' opposition (DE 22). Plaintiff's response to Defendant's disingenuous opposition arrived at the Courthouse by FedEx at 9:49 AM July 9, 2012, but was not posted on the docket, until after the Court issued their Order. It would seem that Judge Williams did not read Plaintiff's pleading before issuing the Order.

The simple reading of Defendants' motion in opposition (DE 20) might lead a Judge to rule in Defendants' favor on the basis of the absolute denials contained therein. Who would have expected that an attorney subject to disbarment (for just one lie) file an opposition motion, which is entirely lies?

Plaintiff filed the response as soon as he found out about the Defendants' motion, but the Court ruled before they could read Plaintiff's response.

Since the key evidence and arguments contained in Plaintiff's response were not available to the Court at the time the Order was considered and decided, Plaintiff requests that the Court reconsider its Order (DE 21).¹

NOW THEREFORE: For the above stated reasons, Plaintiff requests that the Court reconsider the Order (DE 21) denying Plaintiff's motion for Default Judgement, considering the information contained in Plaintiff's response motion (DE 22)

Defendants have broken the rules regarding service, and they have tried to lie their way out of their actions. They have done so in a very obvious way. It is clear by a simple reading of the record, that they are LYING.

Lying in a Court pleading is a very serious matter. The American Bar Association Model Rules of Professional Conduct specify disbarment as the appropriate punishment for just one such lie.

DATED July 10, 2012

Respectfully submitted:

GEORGE R. SIMPSON, PROSE

By: 

George R. Simpson
PO Box 775
Hampton Bays, NY 11946
631-357-9502

¹ Authority for requesting a Reconsideration is Rule 60 – Follows:
Relief from a Judgment or Order
(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the Court may relieve a part or its legal representative from a final judgment, order, or proceeding for the following reasons:
(1) mistake, inadvertence, surprise, or excusable neglect;
(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
(4) the judgment is void;
(5) the judgment has been satisfied, released or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
(6) any other reason that justifies relief.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading was served by mailing the same, postage prepaid, by hand delivery or by facsimile on the 10th day of July, 2012.









To: Wicker, Smith, O'Hara, McCoy & Ford, P.A.
Attorneys for the Defendants
2800 Ponce de Leon Boulevard
Suite 800
Coral Gables, FL 33134
Phone: (305) 448-3939

Via: Mail Fax Hand

A handwritten signature in black ink, appearing to be 'R.R.', is written over a horizontal line.

Exhibit I

File Edit View Tools Message Help

 Reply
  Reply All
  Forward
  Print
  Delete
  Previous
  Next
  Addresses

From: info
Date: Saturday, June 30, 2012 2:36 PM
To: Holtmann, Michael
Subject: Re: No service of your papers

Read your own proof of service. Last part -- I am Pro Se, and "not authorized to receive electronically Notices or Electronic Filing" -- also read the FRCivP on Pro Se. Please rrspond after cking this out.
 George Simpson

----- Original Message -----

From: Holtmann, Michael
To: 'info'
Sent: Saturday, June 30, 2012 1:34 PM
Subject: RE: No service of your papers

Mr. Simpson,

The service of papers in Federal Court is through the electronic filing system. Once a pleading or motion is filed in that system, it automatically is sent, via e-mail, to all individuals or entities in the system. I will be sending you a letter and proposed motion for sanctions and will use this e-mail as the requirement under the rules is that I give you notice before a motion for sanctions is filed with the court.

Michael A. Holtmann | Attorney at Law

From: info [mailto:info@suffolkresearch.com]
Sent: Saturday, June 30, 2012 11:26 AM
To: Holtmann, Michael
Subject: No service of your papers

Attorney Holtmann

This is to advise you that I did not receive service of both of the two pleadings you filed in the Simpson v Randi lawsuit. Your pleadings attached a proof of service, but I got no pleadings. Our mail is very reliable. Please acknowledge your receipt of this email.

George Simpson

No virus found in this message.