

1 JOHN FRIEDEMANN, P.C. (#3607)
5103 E. Thomas Road
2 Phoenix, Arizona 85018
(602) 840-0314
3 e-mail: john@friedeman.com
On behalf of Exeter Trinity Properties

4 **IN THE UNITED STATES DISTRICT COURT**
5 **DISTRICT OF ARIZONA**

<p>7 UNITED STATES OF AMERICA,</p> <p>8 Plaintiffs,</p> <p>9 vs.</p> <p>10 JOSEPH J. LIPARI, EILEEN H. LIPARI and EXETER TRINITY PROPERTIES, 11 L.L.C.,</p> <p>12 Defendants.</p>	<p>No. 3:10-CV-08142 JWS</p> <p>MOTION FOR LEAVE TO MAKE SPECIAL APPEARANCE and MOTION TO CONTINUE TRIAL</p> <p>Honorable John W. Sedwick</p>
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13 The Defendant Exeter Trinity Properties, L.L.C., respectfully requests that the
14 Court grant leave for John Friedeman to appear as attorney for Exeter for the limited purpose
15 of negotiating a settlement with the Plaintiff and executing such documents as may be
16 required to effectuate a settlement.

17 In the event this Motion is granted, then Exeter also requests that the Court
18 continue/extend the trial and related deadlines for not less than 120 days.

19 These Motions are supported by the attached Memorandum.

20 Dated: October 10, 2012.

21 RESPECTFULLY SUBMITTED,

22 /s/

23 John Friedeman
5103 E. Thomas Road
24 Phoenix, AZ 85018
25 On behalf of Exeter Trinity Properties, LLC
26

JOHN FRIEDEMANN, P.C.
5103 East Thomas Road
Phoenix, Arizona 85018-7914
(602) 840-0314

MEMORANDUM OF POINTS AND AUTHORITIES

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2 Exeter has made a cash settlement offer to counsel for the Plaintiff and counsel
3 for the Plaintiff has informally indicated that if details can be worked out the offer is not
4 unreasonable and he is inclined to recommend it to his superiors. However, the Plaintiff is
5 reluctant to pursue settlement negotiations while Exeter is unrepresented, since a settlement
6 could not be put on the record, nor could a stipulated judgment be entered, while Exeter is
7 unrepresented.

8 The undersigned was formerly attorney of record for Exeter, but was granted
9 leave to withdraw so that he did not need to devote uncompensated time to the trial of this
10 matter. It is still the position of the undersigned that he will not participate in a trial.
11 However, to facilitate settlement discussions as attorney of record, the undersigned requests
12 that he be permitted to appear for the limited purposes of negotiating and completing a
13 settlement. If negotiations are unsuccessful, the undersigned would be permitted to withdraw
14 prior to trial. The undersigned will not pursue discovery, file dispositive motions or
15 participate in trial preparation.

16 Exeter represents that it lacks the funds to employ counsel, and this Court has
17 already ruled that Exeter may not participate in this case except through counsel. The
18 undersigned is willing to devote, without compensation, the limited time necessary to
19 negotiate and stipulate to a judgment, but is not willing to go beyond that time commitment.

20 Permitting the undersigned to appear specially would seem to be the only way
21 to potentially settle this case and avoid a trial.

22 It is recognized that special appearances are generally used when a party wishes
23 to contest a court's jurisdiction or authority. Thus, if a special appearance is not be the
24 appropriate vehicle for this Motion, then it is requested that the Court enter such Orders as
25 may accomplish the purpose of the Motion.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this October 10, 2012, I electronically filed the foregoing and the [Proposed] Order with the Clerk of Court and served the following attorney of record using the CM/ECF system:

Charles M. Duffy
P.O. Box 683
Ben Franklin Station
Washington, D.C. 20044-0683

I further certify that on the same day I mailed by U.S. Postal Service the foregoing and the [Proposed] Order to the following party who is not represented by counsel.

Joseph Lipari
156 Johnson Hill Drive
Waynesville, NC 28786
Defendant, pro per

/s/

John Friedeman

JOHN FRIEDEMANN, P.C.
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