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AUG - 9 2012	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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1 Terry I. Major, Trustee
 2 Fox Group Trust
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 6 (928) 634-7023

7 IN THE UNITED STATES DISTRICT COURT
 8 DISTRICT OF ARIZONA

9 UNITED STATES OF AMERICA,
 10 Plaintiffs,

Civ. No. 11-0698-PHX-FJM

11 v.

12 **EMERGENCY MOTION TO
 13 STAY PROCEEDINGS
 14 PENDING INTERLOCUTORY
 15 APPEAL**

16 JAMES LESLIE READING, CLARE L.
 17 READING, FOX GROUP TRUST,
 18 MIDFIRST BANK, CHASE,
 19 FINANCIAL LEGAL SERVICES,
 20 STATE OF ARIZONA,
 21 Defendants.

Hon. Frederick J. Martone

22 Terry I. Major, Trustee of Fox Group Trust, hereby moves this court for an
 23 order staying proceedings until resolution of an appeal seeking to vacate the
 24 portion of the Court's July 3rd, 2012 order which denies the Trustees of Fox Group
 25 trust from representing defendant, Fox Group Trust, *in pro per* in this case.

ARGUMENT

On July 3, 2012 the Court entered an order (Document 79) striking a notice
 of appearance filed by Terry I. Major, Trustee of the Fox Group Trust. Further,
 the order stated that "Fox Group Trust may appear in this action only through a
 lawyer who is admitted to practice before this court" and that Fox Group Trust is
 ordered to have a lawyer file such notice of appearance on or before August 6,
 2012.

1 Plaintiff United States has filed a Motion for Summary Judgment on May
2 11, 2012 (Document 52) and Defendants James Reading, Clare Reading and Fox
3 Group Trust requested and were granted a 45 day extension of time within which
4 to retain new counsel and file a response to plaintiff's extensive Motion for
5 Summary Judgment. In the order (Document 73) filed on June 20, 2012, the
6 Court stated that "Defendants' response to plaintiff's motion for summary
7 judgment is due on or before August 6, 2012."

8 Pursuant to the Court's Order dated July 3, 2012 (Document 79) Defendant
9 Fox Group Trust is required to appear through a admitted lawyer on or before
10 August 6, 2012 and the Defendant Fox Group Trust, through the Court's June 20,
11 2012 Order (Document 73) is required to file a response to Plaintiff's motion for
12 summary judgment on August 6, 2012. It is not feasibly possible for Defendant
13 Fox Group Trust to comply with both orders, i.e., retaining admitted counsel and
14 having that counsel prepare and file a response to a motion for summary
15 judgment on or before the same deadline (August 6, 2012).
16
17

18 Therefore, the Court, in essence, has denied Defendant Fox Group Trust the
19 ability to respond and defend against a dispositive motion that, if granted,
20 Plaintiff will obtain a judgment against Defendant Fox Group Trust.


21 Defendant Fox Group Trust simply asks that this court enter an order
22 staying this case until such a time that the appellate court can determine whether
23 Terry I. Major may represent Defendant Fox Group Trust *in pro per* in this case.
24
25

1 Fox Group Trust is a contract in the form of a trust. It was created by the
2 right of contract identified in the United States Constitution under Article I,
3 Section 10. In addition, property rights are a state issue. The property is located in
4 the State of Arizona and Arizona statutes declare a Trust may be represented by
5 the trustee. In addition, the Trustees of the Fox Group Trust are parties to the
6 contract.

7
8 For the Court to preclude the trustee from representing the issues of the
9 trust when there is a motion for summary judgment at issue, leaves Defendant
10 Fox Group Trust in this proceeding without any means of defense.

11 A stay of these proceedings is warranted and respectfully requested.

12
13 Submitted this 8th day of August, 2012


Terry I. Major, Trustee
in Pro Per
Fox Group Trust