

RECEIVED
USDC CLERK, GREENVILLE, SC

2008 FEB 19 A 11:27

**Bidzirk, LLC Daniel Schmidt III
& Jill Patterson**

Plaintiffs

VS

Philip J Smith

Defendant

**Civil Action #
6:06-0109-HMH-WMC**

*Motion for hearing
with Judge Heirlong*

Judge Herlong,

In December, 2007 I sent you a letter and hoped that you would respond.

In this letter I discussed gross misconduct on the part of the Plaintiff attorney for Bidzirk in Bidzirk vs Smith.

I requested consideration for further sanctions regarding this attorney's actions - which included: Placing a private investigator on me, sending letters to unrelated third parties to dig up dirt on me, further sanctions for the lis pendens, and a gross and demeaning blog article written about me on Kevin Elwell's website.

I have awaited a response from you and now and in a dire situation where I may not be able to file a new suit for defamation, breach of contract, and malicious litigation because I am past the statute of limitations.

I also hereby request a consideration for :

IN FORMA PAUPERIS - Someone who is without the funds to pursue the normal costs of a lawsuit or criminal defense. Upon the court's granting of this status the person is entitled to waiver of normal costs and/or appointment of counsel (but seldom in other than a criminal case).

I would also **KINDLY** request a first opportunity **BRIEF 15 - 20 minute hearing with you in your court room.**

Here's what I posted on my website this morning.

Out For Lunch ... Be Back Soon

Hi Everyone,

Seems that I have two developments in my life that require attention.

Looks like the Bidzirk attorney isn't responding to any request for being served papers in a countersuit or for information requests. So ... I've got to dedicate a few days to paper work and filing misconduct reports with the court.

Furthermore ... someone who wished to remain *anonymous* contacted me [through this website] back in early January 2008 and told me that he had proof that would

break my case wide open with Bidzirk. He mentioned recorded phone conversations that included death threats against me by the owner of Bidzirk and also mentioned that the Bidzirk facility was breaking fire code. Turns out that the building is perfectly within its fire code requirements. This source has failed to contact me a second time and has caused me immense amounts of stress wondering what I should do about it.

3) My 34th birthday is Saturday ... I'm giving myself the gift of a mostly stress free week (well not really because of the stuff above).

So (and I don't mean this jokingly) if I don't return by Monday of next week ... be concerned.

Till then ... have a good week.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

2/19/08