# PLAINTIFF'S REPLY to REQUEST for SUR-REPLY

## Kenneth Frank Irek, Plaintiff

### <u>V.</u>

New Jersey Lawyers' Fund

For Client Protection, Defendant

#### and

The Supreme Court of New Jersey, Defendant

Superior Court of New Jersey Mercer County Law Division Docket No. MER-L-002022-20 File Date: 12/15/2020

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December 15, 2020

The Honorable Douglas H. Hurd, P. J. Cv. Mercer County Superior Court 175 S Broad St., PO Box 8068 Trenton, NJ 08650-0068 Email: <u>Laurie.Conway@NJCourts.gov</u> Filed via ECourts, Served by Email

> Re: KENNETH FRANK IREK vs: NEW JERSEY LAWYERS' FUND FOR CLIENT PROTECTION and THE SUPREME COURT OF NEW JERSEY Docket # MER-L-002022-20 MOTION FOR INJUNCTIVE RELIEF TEMPORARY RESTRAINTS

Dear Judge Hurd:

Please allow this letter to serve as a response to Defendants counsel's, in the abovecaptioned matter, request for discretionary permission to file a sur- reply to Plaintiff's Reply to their Cross-Motion to dismiss, which was filed yesterday.

R. 1:6-3 (a) authorizes the filing of motions and replies to motions, and that 'No other papers may be filed without leave of court.' Plaintiff's understanding of this section is that the court must retain control of motions and not allow unfettered filing of replies and responses to replies and responses to replies, etc.

Defendants initiated the Cross-Motion and had the opportunity to clearly state their position and support it with existing materials contained in Plaintiff's Verified Complaint and Motion for Injunctive Relief, and proffer their legal conclusions.

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Defendants' state that Plaintiff 'misconstrues New Jersey law and procedures, which warrants correction.' But that is exactly why the motions and pleadings are brought before the Mercer County Superior Court; to have an experienced, neutral Judge decide what facts are true and relevant and apply the appropriate New Jersey laws and regulations. To allow Defendants to file a sur-reply would only present the Court with additional opinions and positions seen through their eyes, and, could induce Plaintiff's to request a reply to the sur-reply to put on the record, their additional opinions and positions, ad infinitum.

Further, allowing Defendants to file a response to Plaintiff's Reply would provide them with an additional, 'last word', without the time-constrained opportunity for Plaintiff to address those issues.

Additionally, Plaintiff's pleadings and motions contain a number of important issues that may relate to New Jersey attorneys in general, that can only be properly adjudicated by a proceeding on the merits.

Finally, it is Plaintiff's understanding that Defendants request oral arguments if the request to file a sur-reply is denied. Plaintiff waives oral arguments in light of the ample record presented by the Verified Complaint and Plaintiff's and Defendants' motion papers, and will rely on the moving papers submitted. If the Honorable Douglas H. Hurd requires oral argument or clarification of any item contained in the moving papers, Plaintiff will consent and comply therewith.

For the reasons stated above, Plaintiff respectfully requests that Defendants' request to file a sur-reply to Plaintiff's Reply, be denied.

I thank your Honor for your time and attention to this matter. Respectfully submitted,

<u>/s /</u> Kenneth Frank Irek Plaintiff, Pro Se