

PRELIMINARY STATEMENT: EASY READER VERSION

JUSTICE DELAYED, HOWEVER INADVERTENTLY, IS STILL JUSTICE DENIED¹

1. All legal roads lead to an impermissible lower court Decision on No Notice (DONN).
2. Movant moved to have the case dismissed as abandoned based on the public docket.
3. Plaintiff then produced proofs² of Movant and others appearing informally by attorney that Plaintiff withheld from court when filing first motion in the case more than three years prior.
4. The lower court based its decision to uphold the case as not abandoned on those proofs.
5. Appellate court did not disturb that finding, implying the same in leaving use of informal appearance intact, that Plaintiff interacted with an attorney for Movant prior to first motion.
6. If withheld from the court proofs of appearance are allowable, one of these must apply:
 - a. Attorney communications are always part of the record whether or not on docket.
 - b. The court retroactively altered the docket incorporating informal appearance it was not aware of that was not on docket when decision on 1st motion was made.
7. Both 8a and 8b lead to this motion as there is no proof of service anywhere on the docket of first motion in case on the attorney informally appearing for multiple defendants.
8. 8b also requires this court to address substantial rights of Movant impacted by doing so.
9. With Plaintiff attorneys swearing no appearance by any Defendant in the supporting papers for the first motion but presenting proofs otherwise three years later to keep the case from being dismissed as abandoned, the wheels come off the legal bus in a judicial Catch-22³
10. Justice having been delayed, nay thwarted, by an officer of the court attorney's⁴ procedural shell game, the time for procedural due process and justice under the law is now.⁵

¹ **Justice delayed is justice denied:** if legal redress or equitable relief to an injured party is available, but not forthcoming in a timely fashion, it is the same as having no remedy at all.

² Multiple written extensions of time to answer the complaint, multiple oral extensions of time to answer the complaint and service and rejection of an answer, between counsels for Plaintiff and Defendants.

³ Catch-22 - what you get when Plaintiff swears to one thing to get a decision and to the opposite to defend it.

⁴ Attorney since suspended from the practice of law for withholding evidence from 1st Dept. disciplinary committee.

⁵ Thus avoiding the need to deal with this court finding October 17, 2012 came after October 26, 2012.