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6
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 Charles Rodrick,) Case No.: CV2016-052228
10 Plaintiff)
11 v.) **MOTION TO EXTEND TIME**
12) **BEFORE DEFAULT FILING PURSUANT**
13) **RULE 6(b)(1)(A) ARIZONA RULES OF**
14) **CIVIL PROCEDURE**
15)
16)
17) (Assigned to Hon. Aimee Anderson)

18 Pursuant to Rule 6(b)(1)(A) of the Arizona Rules of Civil Procedure, Plaintiff Charles
19 Rodrick (hereinafter, “Rodrick”) hereby moves this Court for an extension of time before filing
20 a Motion for Default as Defendant Barri Grossman (hereinafter, “Grossman”) has not filed an
21 Answer to the Complaint since being served by publication on January 9, 2017 (*See*, Exhibit A,
22 Charles Rodrick Affidavit of Service by Publication).

23 **FACTS**

24 On May 10, 2016, Rodrick filed the complaint naming Grossman and Adam Galvez as
25 Defendants making claims of Defamation-Trade Libel, False Light Invasion of Privacy, Aiding
26 and Abetting, Conspiracy, and Intentional Infliction of Emotional Distress.

27 On May 29, 2016, Rodrick filed a Notice of Voluntary Dismissal of Adam Galvez
28 Without Prejudice pursuant Ariz. R. Civ. P., Rule 41(a)(A).

1 the request is made, before the original time or its extension expires. Rodrick is requesting an
2 extension of time in order to obtain relief from the prerequisites of Rule 38.1 deadlines;
3 continuances on inactive calendar. For good cause the assigned judge may extend time for
4 dismissal or continue the action on Inactive Calendar to an appropriate date.
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6 It is due to newly discovered evidence that justifies this Court's Order granting the
7 requested extension of time. By recently published articles with WashingtonPost.com authored
8 by Professor Volokh of the UCLA School of Law (*See*, Exhibit B) and USAHerald.com (*See*,
9 Exhibit C), it has been called into question whether Barri Grossman is a real person or another"
10 fake" identity made up for alleged nefarious purposes by the Kelly/Warner Law firm. Due to
11 the seriousness of the allegations along with the corroborating evidence provided by the
12 articles, the Arizona State Bar (hereinafter, "SBA") was compelled to take an interest in the
13 situation and provide their Communication Liaison Rick Dibrul (Rick.Dribul@AZBar.org) for
14 additional media concerns and interested citizens as the contact point. Rodrick does not wish to
15 submit a Motion for Default Judgment onto this Court requesting an Order declaring a legal
16 victory against an imaginary person.
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19 **I. NEW EVIDENCE THAT GROSSMAN MAY BE A "FAKE" PERSON AND A**
20 **RELEVANT DOCUMENT TO THIS CASE MAY HAVE BEEN FORGED**
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22 The relevance of the recent articles is the very detailed with irrefutable evidence
23 supporting the claims that the Kelly/Warner Law firm engaged in filing fraudulent lawsuits that
24 involved naming completely fabricated Defendants who did not exist. There were also some
25 cases involving Plaintiffs who did not exist. These allegations are supported with the
26 documentation obtained via the public records that are court filings. It has also been
27 documented that in order to circumvent discovery of this scheme, it was a proven practice to
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1 submit filings wherein the signatures of the non-existent litigants would be validated by
2 notarized seal by a Notary. However, when back tracking the Notaries used to validate these
3 signatures of the named litigants, it was found that the state departments in Colorado, Florida,
4 Georgia and Texas did NOT have such person's as being licensed in their state. In fact, the
5 articles investigators could NOT find any of the Notaries to be people who existed at all. Also,
6 with a cursory examination of the seals used for the documents, it was easy to ascertain that
7 they had been forged replicas of a real notary stamp. The sloppy work can be highlighted with
8 an inspection of an alleged Colorado notary stamp which list's "Samantha Pierce Notary
9 Public, State of Colorado, Notary ID 20121234567" (See, Exhibit D). This Colorado notary
10 seal example was found to be a presumed photo shopped version inserting the "fake" name of
11 "Samantha Pierce" into the one displayed version as "John Q Public" on the State of Colorado
12 website FAQ describing the notary seal online which is located online for anyone to access
13 here: <https://www.sis.state.co.us/pubs/notary/FAQ/seals.html/#seal> (See, Exhibit E). It has
14 been confirmed that due to the allegations of fraudulent lawsuits being filed by the
15 Kelly/Warner Law firm, an investigation has been initiated by the State Bar of Arizona against
16 both Daniel Warner and Aaron Kelly, the principal partners and identified as the attorneys of
17 record for the lawsuits in question.

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22 The irony of the current development is these alleged Kelly/Warner Law firm schemes
23 were a function of the firm's specialty of Internet Defamation Law offering what is referred to
24 as "Reputation Repair Services." The basis of the complaint before this Court is an article
25 posted on the Kelly/Warner Law firm's website claiming Rodrick had engaged in an "Extortion
26 Racket" and had been "arrested," among other fabricated defamatory assertions (See, Exhibit
27 F).
28

1 How this convoluted entanglement affects the complaint against Grossman was being
2 identified by Daniel Warner as his employee who was responsible in overseeing the
3 Kelly/Warner Law firm’s website. As a response to the SBA complaint filed by Rodrick, it
4 would be claimed Grossman both authored and posted the defamatory article about Rodrick
5 without the knowledge and/or approval of Daniel Warner or the firm. This defense would be
6 supported with an alleged “employee contract” wherein Grossman admitted to full
7 responsibility for the defamatory posting (*See*, Exhibit G). This was the main evidence needed
8 to file this complaint. Even at the time in November 2015, Rodrick had reservations to the
9 veracity of this depiction of events, believing Grossman appeared to be an obvious patsy for the
10 misconduct of Daniel Warner. In a supplemental letter to the SBA complaint, Rodrick detailed
11 some obvious inconsistency found in the Daniel Warner rendition claiming Grossman was
12 responsible for the posting (*See*, Exhibit H). Such contradictions as the “employee contract”
13 mentioning Grossman thirty (30) different times in the three (3) page document, yet the
14 statements requiring initials are clearing “BW” and NOT “BG” and the signature is clearing
15 NOT “Barri Grossman.” Another example pointed out to the SBA was that Warner’s response
16 at different points refers to Grossman as “her” and another as “his” involvement. Further, why
17 was the document NOT notarized as a means to validate its authenticity? Although even if it
18 had been notarized, there are serious allegations supported by substantial evidence provided by
19 the recent articles that it likely would have been forged by the Kelly/Warner Law firm. When
20 the law firm had been contacted asking to speak to Grossman, the receptionist answering the
21 phone on a several occasions claimed that no such person named Grossman had worked at the
22 firm. Never the less, inexplicitly it was the State Bar of Arizona’s determination that neither
23 Daniel Warner nor the Kelly/Warner Law Firm had any responsibility for the actions of their

1 employee for whatever egregious false allegations concerning previous client Rodrick were
2 disseminated over the Internet. Based on the decision of the SBA, it was believed the complaint
3 filed would be most appropriate naming Grossman as the Defendant.
4

5 Although the past accusations levied against the Kelly/Warner Law firm to the SBA
6 were not examined with the proper due diligence, due to the recent discoveries detailed by
7 media outlets pointing to the gravity of the new disclosures of this pattern of unethical conduct
8 by Daniel Warner, Aaron Kelly and the Kelly/Warner Law firm, it has been confirmed that a
9 extensive investigation has been opened by the SBA with Bar Counsel Bradley Perry
10 (Bradley.Perry@staff.azbar.org) handling the matter.
11

12 **II. DANIEL WARNER IS A “BUSINESS ASSOCIATE” WITH RICHART RUDDIE**

13 Another example of similar fraudulent legal filings of false claims using “fake”
14 Defendants and Plaintiffs to obtain Court Order Judgments in a scheme to get targeted online
15 content either removed from a website or “de-indexed” by Google is the case adjudicated in the
16 U.S. District Court of Rhode Island (Providence) before the Honorable Chief Judge William E.
17 Smith, Case No. 16-cv-00144-S-LA, Bradley Smith v. Deborah Garcia with Intervenor
18 Myvesta Foundation. It would be proven that the claims of Pro Se Plaintiff Bradley Smith
19 were completely fabricated and knowingly named a “fake” Defendant in Deborah Garcia. The
20 unraveling exposure of the fraud committed upon the U.S. District Court of Rhode Island
21 would be by attorney Paul Alan Levy of the Public Citizens Litigation Group out of
22 Washington, DC representing the Myvesta Foundation as an Intervenor. The Myvesta
23 Foundation is the owner of the website that content had been targeted for removal and/or “de-
24 indexing.” Due to Myvesta Foundation NOT being included in the litigation, it had been
25 unaware that its content was being censored as an Order had been issued by the Court in favor
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1 of the Pro Se Plaintiff Bradley Smith. When the effects to Internet traffic to the website due to
2 the unknown ruling by Judge William E. Smith were discovered, attorney Paul Levy was
3 retained to address the multitude of legal issues associated with the case. Through attorney
4 Levy's investigation he was able to uncover that the lawsuit was filed on behalf of Pro Se
5 Plaintiff Smith in Rhode Island without his knowledge and documents were filed that included
6 his forged signature. It was filed by Richart Ruddle who operates a nationwide business
7 claiming to offer Internet "Reputation Repair Services" with "guaranteed" results. Such
8 services garner fees in the amounts of tens of thousands of dollars. When this lawsuit was
9 exposed for its brazen fraudulence, the Court's Ruling would be reversed and some heavy
10 sanctions would be levied against Mr. Ruddle. The settlement arrived at required a complete
11 admission of exactly how Mr. Ruddle perpetrated his assault upon the U.S. District Court of
12 Rhode Island, Myvesta Foundation website and the judicial system in general and he also
13 accepted responsibility for other similar lawsuits he filed in Maryland and Florida. Federal
14 Judge William E. Smith was not at all pleased that his Court had been duped in such a legal
15 strategy scheme and he acted accordingly, including requesting an immediate criminal
16 investigation by the U.S. Attorney General's Office into Mr. Ruddle business dealings and any
17 business associates engaged in similar fraudulent court filings. This in fact has occurred and is
18 an active ongoing FBI investigation today. Attorney Paul Levy has documented many of the
19 details to this sordid tale with articles he has posted online (*See*, Exhibit I) as he is also a
20 frequent contributor to the Volokh Conspiracy blog published on the WashingtonPost.com. The
21 story has also been extensively covered by Defiantly.net that lists all the online media coverage
22 (*See*, Exhibit J).

1 The tie in of the Rhode Island lawsuit to the case currently before this Court is it was
2 established in the admissions and discovery provided by Richart Ruddle that one of his
3 identified business associates engaging in similar “Reputation Repair Services” was Daniel
4 Warner of the Kelly/Warner Law firm. This business relationship is under investigation.
5

6 **III. WARNER IS CONNECTED TO A LAWSUIT THAT FRAUDULENTLY**
7 **SUPPRESSED RODRICK’S CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH**

8 The tortuous layers to the circumstances associated with the complaint before this Court
9 all directly circle back to some clandestine activities of Daniel Warner. The relevance of the
10 Daniel Warner and Richart Ruddle business association unknown to Rodrick just a week ago
11 (April 22, 2017), directly involved him and a lawsuit filed in Maryland. He had absolutely no
12 knowledge of the lawsuits existence prior to April 22, 2017 even though it had directly affected
13 him personally. The case, R. Derek Ruddle v. Jake Kirschner, Case No. 24-C-15-005620, filed
14 in the Maryland Circuit Court, Baltimore City was submitted November 10, 2015 (*See*, Exhibit
15 K). Only eight (8) days later a Consent Motion for Injunction and Final Judgment would be
16 filed with the Court. As the litigants had apparently reached an agreement, Judge Jeffrey M.
17 Geller presiding over the case would sign the Order Granting Consent Motion for Injunction
18 and Final Judgment on December 14, 2015.
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22 The points of interest to the Order of the Maryland Court were the following:

- 23 1) “The Court finds that Defendant Kirschner (‘Defendant’) posted false and
24 defamatory statements about Plaintiff R. Derek Ruddle (‘Plaintiff’) on the following
25 webpage(s): __[http://www.ripoffreport.com/r/DANIEL-WARNER-KELLY-](http://www.ripoffreport.com/r/DANIEL-WARNER-KELLY-WARNER-LAW//DANIEL-WARNER-KELLY-WARNER-LAW-Daniel-R-Warner-Lawyer-FROM-Kelly-Warner-Law-1231611)
26 WARNER-LAW//DANIEL-WARNER-KELLY-WARNER-LAW-Daniel-R-
27 Warner-Lawyer-FROM-Kelly-Warner-Law-1231611 (the ‘Defamation’).
28

1 2) If the Defendant cannot remove the Defamation from the Internet, the Plaintiff shall
2 submit this Order to Google, Yahoo, Bing, or any other Internet search engine so
3 that the link can be removed from their search results pursuant to their existing
4 policies concerning de-indexing defamatory material.
5

6 The issues with the specifications of the Order are of interest to the case before this
7 Court for the following reasons:

- 8 1) The Defendant Jake Kirschner did not author and/or post the targeted content on the
9 Internet. Rodrick was the one who authored and posted his dealings and subsequent
10 SBA complaint on RipOffReport.com. He was exercising his 1st Amendment right of
11 Freedom of Speech in sharing his opinions concerning attorney Daniel Warner and
12 the Kelly/Warner Law firm and was NOT defamatory in his posting as all content
13 was factually accurate (*See*, Exhibit L).
14
- 15 2) The “fake” lawsuit coordinated by Daniel Warner with Richart Ruddle was
16 successful in censoring and “de-indexing” with Google the post authored by Rodrick
17 (See, Exhibit M).
18
- 19 3) The Defendant Jake Kirschner is a “fake” Defendant as he does not exist. At least
20 not any longer as the spelling of the name is unique and after a thorough
21 investigation there was only one match found nationwide. There was a teenager in
22 Wisconsin who had passed away in 2014 due to leukemia. An example of the
23 practice of Ruddle to use a “fake” party who cannot be “found.”
24
- 25 4) Although Plaintiff R. Derek Ruddle is a real person, he is a “fake” Plaintiff in that he
26 is NOT mentioned in any capacity at all in the RipOffReport.com posting cited. This
27 would not have occurred as the posting by Rodrick was exclusive to his dealings
28

1 with Daniel Warner and the Kelly/Warner Law firm. Also, he did not know or even
2 know of Richert Ruddle at the time of the posting.

3
4 5) A simple cursory review of the URL provided to be censored clearly shows the
5 subject matter is focused on Daniel Warner and the law firm (*See*, Exhibit K).

6
7 6) The Order provides the lawsuit's objective and that was to suppress Rodrick's 1st
8 Amendment rights to express the factual details concerning his dealings with Daniel
9 Warner and the law firm by falsely claiming them as "defamatory." If this allegation
10 was in fact true, it is only logical that an attorney specializing in Internet Defamation
11 Law could file an appropriate lawsuit in the proper jurisdiction without all the
12 subterfuge. Surely not under the rouse of a "fake" Plaintiff and Defendant in a court
13 with absolutely no jurisdiction to the matter of the posted content in question. As
14 opposed to Arizona where the post's author Rodrick resides, the subject attorney
15 Daniel Warner resides and is licensed to practice law and the website RipOffReport
16 disseminating the content is based.

17
18 7) By requesting the post be "de-indexed" by Google, it not only virtually eliminated
19 any possibility of finding the derogatory review of Warner and the firm with a basic
20 Internet search, it would be unlikely that Rodrick would ever become aware that his
21 factual based post was being suppressed and/or censored in such a fraudulent
22 manner.
23

24 The significance of this otherwise strange series of events is the demonstration of a
25 pattern of conduct associated directly to Daniel Warner in which the degree of deception and
26 malfeasance seem to know no bounds. It is also worthy of note a few additional variables:
27

28 1) The degree of animosity demonstrated by Daniel Warner toward Rodrick.

- 1 2) The level of deception Daniel Warner would stoop to suppress the factual expression
- 2 of Rodrick’s detailing his continued practice of legal malfeasance.
- 3
- 4 3) A pattern of being involved with the creation of “fake” persons to perpetuate a
- 5 “strategy” to achieve his self-serving objectives.
- 6
- 7 4) A repeated demonstrating of being devoid of any ethical standards in abiding to the
- 8 dictates of his professional attorney obligations to the code of ethical conduct.
- 9
- 10 5) That he has no discernable objection to lying in violation of his ethical requirements.
- 11
- 12 6) That he knows no shame (choosing a teenager as the “fake” Defendant who had died
- 13 only a year earlier of cancer).

12 These are all factors directly related to the case before this Court as it raises the possibility that
13 Grossman is also a “fake” person created by Daniel Warner from the mere speculation to the
14 most likely answer to the difficulties in the multitude of professional efforts to ascertain the
15 whereabouts of Grossman.

16
17 **IV. RODRICK NEEDS AN EXTENSION OF TIME TO DETERMINE IF GROSSMAN**
18 **IS A REAL PERSON BFORE FILING A MOTION FOR DEFAULT JUDGMENT**

19 Rodrick in good faith cannot ask this Court to issue an Order for Default Judgment
20 which only disrespects the honor and integrity of the judicial system and this Court specifically.
21
22 Due to the available evidence and the practices of deception of the Kelly/Warner Law firm, it is
23 more likely than not that Grossman does not exist and has always been a “fake” employee. The
24 Honorable Chief Judge William E. Smith of the U.S. District Court of Rhode Island
25 passionately expressed his “embarrassment” for having been duped in such a Machiavellian
26 legal scheme (*See*, Exhibit N). Rodrick does not wish to involve this Court in a slightly
27 different, but similar abuse of process mockery of the judicial system in pursuing a judgment
28

1 against a “fake” Defendant. If Grossman is a real person, Rodrick would like to pursue his
2 claims. If she is another concocted identify of the Kelly/Warner Law firm, it would be an
3 equally futile endeavor and “embarrassment” to validate such nefarious schemes.
4

5 With the outstanding allegations supported by thoroughly investigated evidence of
6 “fake” Defendants, Plaintiffs, Notaries, forged notary stamps and fraudulent lawsuits, all of
7 which are associated with a number of court filings by the Kelly/Warner Law firm, further
8 evidence needs to be gathered as to the party or parties who are actually culpable for the
9 defamatory posting about Rodrick disseminated over the Internet by the firm’s website.
10

11 Where all this labyrinthine mess comes together is Rodrick seeks to confirm that
12 Grossman is a viable Defendant that would justify seeking a Default Judgment being Ordered
13 by this Court. Rodrick has employed six different firms that offer professional services in
14 obtaining the whereabouts of a person in order to serve legal documents and none were able to
15 locate so much as a hint of Grossman actually existing. It would be disingenuous, based on the
16 new revelations concerning the business practices of Daniel Warner and the Kelly/Warner Law
17 firm, for Rodrick to seek a legal remedy against Grossman when he believes the person exists
18 only as another “fake” identity used for the firm’s nefarious endeavors of deceit. It seems more
19 prudent to serve Notice of Depositions to Daniel Warner and Aaron Kelly to secure sworn
20 testimony establishing the veracity of Grossman’s existence. If such a person does in fact exist
21 and was an employee responsible for posting the defamatory content on the firm’s website, it
22 can be established the real identity and lead to how Grossman can be located to answer the
23 claims and allegations of this complaint. For this reason, Rodrick is requesting an extension of
24 time to unravel this conundrum before seeking a final determination by this Court.
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1 **CONCLUSION**

2 Based on the foregoing, Rodrick respectfully requests this Court to enter an Order
3 allowing for an extension of time pursuant Ariz. R. Civ. P. Rule 6(b)(1)(A) to avoid any issue
4 with abiding to the prerequisites of Ariz. R. Civ. P Rule 38.1 addressing the inactivity of the
5 calendar that has occurred.
6

7 Dated: April 27, 2017

8 By: /s/ Charles Rodrick
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14 **CERTIFICATE OF SERVICE**

15 **ORIGINAL** of the foregoing electronically filed this 27th day of April 2017 with:

16 Clerk of the Court
17 Maricopa County Superior Court

18 **ORIGINAL** of the foregoing mailed, via USPS, postage pre-paid on this 27th day of April 2017,
19 to:

20 **BRENT OESTERBLAD**
21 20369 N 52nd Avenue
22 Glendale, AZ 85308

23 **BARRI GROSSMAN**
24 **UNKNOWN ADDRESS**

25 By: /s/ Charles Rodrick
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