

IN THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION

MICHAEL V. LAURATO,

Plaintiff,

CASE NO. 11-09972CA21

vs.

JURY TRIAL DEMANDED

SUSAN DeMICHELLE,

Defendant.

_____ /

**BELATED MOTION FOR EXTENSION OF TIME TO FILE ANSWER, OR
MOTION TO ACCEPT ANSWER AS TIMELY FILED**

Defendant Susan DeMichelle, a pro se, nonlawyer litigant, California Court Reporter, belatedly moves this Honorable Court for an extension of time to file her answer, or in the alternative, moves this Honorable Court to accept the answer accompanying this motion as timely filed, and states:

1. Defendant is a pro se, nonlawyer litigant with no legal training. In Haines v. Kerner, 404 U.S. 520 (1971) the United States Supreme Court found that pro se pleadings should be held to "less stringent standards" than those drafted by attorneys.

2. Defendant is a California Certified Shorthand Reporter and the owner for 36 years of DeMichelle Deposition Reporters of Northern CA, a Fairfield California company. From time to time clients of Defendant's company do not pay their invoice for transcripts, and she sues them in small claims court to receive payment. Plaintiff Michael Laurato is one such client who did not pay his bill.

History of The Case

3. In 2007 Plaintiff Laurato hired DeMichelle Deposition Reporters to report the deposition of Scott Garfield. Plaintiff Laurato, Noticing Attorney, ordered on the record a copy of the transcript, Original and One Certified Copy but later refused to pay a \$481 invoice. After unsuccessful attempts to resolve the matter Defendant obtained a judgment against Plaintiff Laurato in California court. In 2008 Defendant sought to enforce the judgment in Hillsborough County Small Claims Court, Case No. 09-CC-006533.

4. Plaintiff Laurato commenced a declaratory judgment action against Defendant August 13, 2009. The case went to bench trial October 25, 2010 before The Honorable Eric Myers, who ruled in favor of Defendant. Tampa attorney Ardyn Cuchel represented Plaintiff Laurato and his firm Austin & Laurato, P.A. Ms. Cuchel is a friend and colleague of Plaintiff Laurato.

5. To defend the declaratory judgment action before Judge Myers, Defendant hired attorney Brian Stayton on an hourly basis. Defendant traveled over 3,000 miles to attend the hearing, and incurred expenses which exceed \$10,000.

6. Plaintiff Laurato appealed Judge Myers ruling December 27, 2010, Appellate Case No. 10-CA-024210, Hillsborough Circuit Civil Court. Ms. Cuchel is representing Mr. Laurato and his firm Austin & Laurato, P.A. and filed a 32 page initial brief April 26, 2011.

7. Attorney Howard Levine commenced this lawsuit against Defendant over her blog about this matter. Mr. Levine is also a friend and colleague of Plaintiff Laurato.

Confusion With Counsel

8. Upon service of the appeal described in paragraph 6, Defendant contacted her lawyer Brian Stayton. Mr. Stayton demanded addition funds to represent Defendant on the appeal, money she did not have. Defendant is suffering financially like many hard-working Americans.

Defendant's home is in the process of foreclosure, and underwater: The existing mortgage exceeds the market value of her home. Eventually Mr. Stayton agreed to represent Defendant on the appeal without immediate payment of more money. When Defendant was served Plaintiff Laurato's complaint in this action, she forwarded it to Mr. Stayton hoping he would represent her. Later Defendant learned Mr. Stayton did not plan to represent her in this lawsuit. Without counsel to represent her in this action, and without legal training herself, Defendant did not know how to proceed on her own or what steps to take to file an answer to the Complaint in this lawsuit.

Defendant Unable To Find or Afford Counsel

9. Defendant has not been able to find counsel willing to represent her in this lawsuit. Even if she found counsel, Defendant cannot afford to pay counsel. Plaintiff Laurato's tactics in the lawsuits in Hillsborough County have drained her finances to the breaking point. Defendant explained this in a letter (Exhibit 1) to The Florida Bar on March 23, 2011, addressed to Theodore P. Littlewood Jr., Bar Counsel, who reopened her complaint RFA# 10-21696 against Plaintiff Laurato, now opened as The Florida Bar File No. 2011-11,020 (13D). Also explained in her letter to the Florida Bar (Exhibit 1), Defendant has "not been able to function". Defendant wrote the following to Mr. Littlewood:

If Mr. Laurato's intent was to ruin me and drag me down, he has succeeded in doing so, all over a \$481.00 invoice in 2007. I have not been able to function running my business and devoting my time to the business the way it should have been over the past four years due to Mr. Laurato's harassment dragging this on for years.

My business is on the verge of closing. I'm delinquent on office rent and my mortgage. I am about to lose my home, and my attorney fees to Brian Stayton, Esq. to fight Mr. Laurato are over \$10,000. Mr. Laurato has drained me of my finances and has ruined me financially with my business.

10. Defendant was finally able to file her Answer and Affirmative Defenses that accompany this motion with the help of a number of lay persons, nonlawyers, even people who sent suggestions anonymously by email.

11. The Court can take notice that the Florida Supreme Court rendered its decision June 7, 2011 against Plaintiff Laurato in Case No. SC09-1953. This decision was vital to answering the Complaint, since the Florida Supreme Court held that Plaintiff Laurato must face Public Reprimand and pay costs of \$4,002.44 for violation of the Rules of Professional Conduct, as found in The Florida Bar v. Michael Vincent Laurato, TFB No.: 2007-11,274 (13D). The Florida Bar found that Plaintiff Laurato violated the following Rules of Professional Conduct:

Rule 4-8.4(c), Conduct involving dishonesty, fraud, deceit, and misrepresentation; and, Rule 4-8.4(d), Conduct prejudicial to the administration of justice.

This misconduct by Plaintiff Laurato goes to the heart of his Complaint against the Defendant. Plaintiff Laurato is a bad actor with a bad reputation, so established by the Florida Supreme Court in Case No. SC09-1953.

WHEREFORE, Defendant Susan DeMichelle, pro se, throws herself on the mercy of this Honorable Court and belatedly moves for an extension of time to file her answer, or in the alternative, moves this Honorable Court to accept the answer accompanying this motion as timely filed, or for other relief deemed appropriate in the furtherance of justice.

RESPECTFULLY SUBMITTED this 6th day of July, 2011.

SUSAN DeMICHELLE, Defendant pro se
700 Webster Street
Fairfield, CA 94533
707-425-6000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided by UPS to Howard J. Levine, Esq., 1560 Lenox Ave., Suite 307, Miami Beach, FL 33139, this 6th day of July, 2011.

SUSAN DeMICHELLE



*DeMichelle Deposition Reporters
of Northern CA*

Fairfield/Napa Valley
700 Webster Street, Fairfield, CA 94533
707-425-6000 707-425-6019 Fax
Email: susan@demichele.com

The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

March 23, 2011

Attn: Theodore P. Littlewood Jr., Bar Counsel

Re: Mr. Michael Vincent Laurato; RFA# 10-21696
Update for file.

Dear Mr. Littlewood Jr.,

On March 14, 2011 at 12:40 pm I received an email from Michael Musetta from Michael Musetta & Associates, Court Reporters in Tampa. Please see the attached email transactions. Mr. Laurato continues to harass me filing motion after motion and appeal Judge Myers decision on October 25, 2010 in favor of DeMichelle Deposition Reporters.

As you can see, Mr. Laurato paid \$515 to Musetta & Associates to have the October 25th hearing transcribed and is appealing Judge Myers decision, but is obsessed with not paying my firm the Judgment that was ordered by the Court here in California. This is pure harassment on the part of Mr. Laurato and has been since 2007.

I've talked with other people who have sued Mr. Laurato and they all say the same thing...that Mr. Laurato will continue to file motion after motion and appeal after appeal because Mr. Laurato's favorite quote is "Michael does not pay" and then tries to collect on attorney fees.

I flew 3,000 miles, paid for airfare, hotel, meals, car rental and attorney fees to be at the hearing in Tampa that Mr. Laurato requested for October 25, 2010 yet Mr. Laurato didn't even show his face in court. His two "employees" lied on the witness stand to protect Mr. Laurato and Judge Myers saw right through the testimony.

You can view Judge Myers' ruling on my blog, part 1 and part 2.
<http://demicheledepositionreporters.blogspot.com>

I know I will never, ever get paid by Mr. Laurato. I tried to end this I believe two years ago but he wouldn't let it go. He wanted me to pay him \$1,500. I said, "Absolutely not!"

If Mr. Laurato's intent was to ruin me and drag me down, he has succeeded in doing so, all over a \$481.00 invoice in 2007. I have not been able to function running my business and devoting my time to the business the way it should have been over the past four years due to Mr. Laurato's harassment dragging this on for years.



My business is on the verge of closing. I'm delinquent on office rent and my mortgage. I am about to lose my home, and my attorney fees to Brian Stayton, Esq. to fight Mr. Laurato are over \$10,000. Mr. Laurato has drained me of my finances and has ruined me financially with my business.

I'm asking.....no, I'm begging you to please, please end all this. I'm also asking in my Complaint that you award me all attorney fees with Brian Stayton, Esq. and all expenses to attend the Tampa court hearing on October 25, 2010 and that Mr. Laurato pay this in full within 30 days. He started and caused all of this turmoil, attorney fees and expenses.

Mr. Laurato has caused such extreme damage to my financial condition. He is not a model attorney representing your Bar Association. He was not only arrested for disorderly conduct in Tampa recently, he was also arrested years ago in Chicago at a ball game for disorderly conduct.

He is an unsavory character, abuses his Bar License with many, many citizens who have sued him. He drags cases on for years hoping the person suing him will crumble and be crushed causing them to spend thousands of dollars on attorney fees.

Mr. Laurato needs to have a psychiatric examination and needs to have his Bar License revoked due to such extreme harassment.

Thank you for updating my Complaint, hopefully reopening my case and most importantly, I respectfully request and hope you see through all this, the damage Mr. Laurato has caused so many people and that you suspend Mr. Laurato's Bar License or better yet, revoke his Bar License.

Please end all this so I can get back on track and hopefully save my business and my home.

Sincerely,

Susan DeMichelle, CSR #3095
dba DeMichelle Deposition Reporters

*** Attachments