

STATE OF MINNESOTA
COUNTY OF KANDIYOHI

IN DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Case Type: Civil other/Misc.

Court File No.2 34-CV-23-12

Steve Quest,
Plaintiff,

PRO-SE MOTION FOR EXTENSION

Vs.

Nicholas Rekieta and Rekieta Law, LLC,
Defendants,

STATE OF MINNESOTA)
)SS.
COUNTY OF KANDIYOHI)

INTRODUCTION

Defendants, Nicholas Rekieta and Rekieta Law, LLC, move for an extension of time to file an answer and/or move to dismiss the claims of this action. Defendants made reasonable efforts to request an extension with plaintiff's counsel including an email and multiple phone calls and messages left at Counsel's office via voicemail and with a receptionist.

FACTS

Defendant was served in person on December 13th, 2022 by the Kandiyohi County Sheriff's Office. Defendant has learned that service was also attempted by mail but to an improper address on December 12th, 2022. Defendant had multiple days of travel over the holiday and was unable to obtain counsel during the Christmas season which also includes Defendant's birthday, and one of Defendant's children's birthdays.

Defendant called Plaintiff's counsel's law office on December 30th, 2022 to request an amicable extension of time to respond, given the hectic nature of the holidays. Defendant left a voicemail for David Schneider and also informed Mr. Schneider that Defendant would follow up with an email making the same request. Defendant sent an email on December 30th, 2022 at 2:29PM Central time to David Schneider requesting an extension of time to retain counsel and answer until January 31st, 2023. Defendant did not receive any indication that David Schneider was out of the office on vacation.

Defendant made a follow up inquiry on January 5th, 2023 by telephone to Plaintiff counsel. Defendant made another call on January 12th, 2023 and was told Mr. Schneider was unavailable. Defendant identified himself as an adverse party and informed the receptionist that he had attempted calling multiple times, and sent an email to Mr. Schneider requesting an extension of time. On January 13th, 2023, Defendant physically went to the law office of Mr. Schneider as telephonic and electronic attempts to communicate had failed. Mr. Schneider was unavailable at the time.

Defendant still has not received a response from Mr. Schneider via phone or email. At no time has Mr. Schneider or his office communicated with plaintiff any unavailability due to travel nor has any explanation been offered for a refusal to return communications made in good faith.

CONCLUSION

Defendant timely requested in good faith for a reasonable extension of time to retain counsel and answer in this action due to the timing of service in the hectic holiday season. Defendant attempted to follow up with Plaintiff's counsel multiple times to avoid court intervention. At no point did Plaintiff counsel, nor his office, indicate extended unavailability or even return a single communication to Defendant.

PRAYER

Defendant requests simply for an extension of time until January 31st, 2023 to answer the complaint due to the holiday season.

EVERYTHING STATED IN THIS DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

/s/ _____
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