

This motion must be stricken as procedurally defective and improperly filed for the following reasons:

1. **Filed in the Wrong Proceeding and Under the Wrong Case Number:**

Defendants-Respondents filed this motion under COA No. P25-113, which pertains to a separate petition for a writ of prohibition. The subject of the motion—settlement of the Record on Appeal—has nothing to do with the writ proceeding. Filing this motion in a separate appellate proceeding that involves a different legal issue and procedural standard is improper and outside the Court's jurisdiction.

2. **Improper Attempt to Incorporate Writ Arguments:** Defendants-

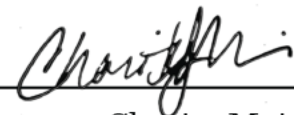
Respondents' motion references their March 10, 2025 response in the writ proceeding as a "more comprehensive explanation" of the procedural posture, and simultaneously filing the present motion under the writ proceeding reflects a clear and improper attempt to conflate the writ proceeding with the appeal. The writ has no bearing on the timeliness of objections under Rule 11(c). Nor does it authorize a retroactive extension.

3. **Filing Suggests Deliberate Procedural Misuse:** This filing appears to be an attempt to prejudice both the Appellate and Trial Courts against the Plaintiff-Petitioner by reframing an appellate dispute as part of a writ proceeding, which enabled opposing counsel to improperly serve his motion on the Honorable Vartan A. Davidian III, the trial court judge. This is a highly inappropriate action in an appellate proceeding, particularly in an

interlocutory appeal where the case remains unresolved in the trial court and may reasonably be viewed as an attempt to circumvent prohibitions against ex parte communication. Notably, opposing counsel describes his experience as being “rooted in his appellate work with the Court of Appeals including issues of appellate advocacy, post-trial motions, and interlocutory appeals,” according to his law firm’s website.¹ Given this claimed expertise, the procedural errors in this filing—particularly the conflation of the writ and the appeal—cannot reasonably be viewed as inadvertent and further support Plaintiff-Petitioner’s request in her Motion for Sanctions Under Rule 34 filed on March 11, 2025.

For the reasons above, this motion should not be entertained or legitimized by response. Plaintiff-Petitioner respectfully requests that the Court strike the motion in its entirety.

Respectfully submitted this 9th day of April, 2025.



Charity Mainville
Plaintiff-Petitioner, Pro Se



¹ Biography of David M. Yopp, Hatch, Little, & Bunn, LLP, <https://www.hatchlittlebunn.com/attorneys/david-m-yopp/> (last accessed April 9, 2025).