Docket #0151 Date Filed: 9/27/2023

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

ANANT KUMAR TRIPATI, Plaintiff, v. SARA TIRSCHWELL, et al, Defendants.	Adversary Proceeding # 23-03072 Assigned to: Bankruptcy Judge Christopher M. Lopez

STATE OF ARIZONA DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND TIME TO FILE OMNIBUS REPLY (DOC. 142)

Defendants Struck Love Bojanowski and Acedo, PLC,[1] Daniel P. Struck, Michael Gottfried, Betty Ulibarri, and Diane Bohuszewicz[2] (collectively, "State of Arizona Defendants") submit this response in opposition to Plaintiff Anant Kumar Tripati's Motion to Extend Time to file an Omnibus Reply (Doc. 142) in support of his Motion for Leave to File a Second Amended Complaint (Doc. 96). For the following reasons, Tripati's Motion should be denied, and any reply memorandum he files in support of his Motion for Leave to File a Second Amended Complaint should be stricken from the record.

I. TRIPATI'S MOTION TO EXTEND SHOULD BE DENIED.

Tripati requests an extension of time to file an "omnibus" reply in support of his Motion for Leave to File Second Amended Complaint (Doc. 96). (*See* Doc. 142.) But neither the Federal Rules of Bankruptcy Procedure nor the Local Rules authorize a party to file a reply memorandum

[1] The Adversary Complaint incorrectly refers to this Defendant as "Struck Wieneke & Love PLC."

[2] The Adversary Complaint misspells these Defendants' names as "Ullibari" and "Boschuweicz."

in support of a motion. Thus, Tripati is not entitled to file a reply memorandum. And, in the event Tripati proceeds with filing a reply absent Court authorization, any reply he files should be stricken from the record as improper. Tripati's Motion should be denied on this basis alone.

Even if Tripati were permitted to file a reply memorandum, it is unclear why he needs more time to do so. Indeed, his Motion is filled with nonsensical "arguments" he intends to assert, many of which are duplicative arguments that have already been asserted *ad nauseum* in the numerous filings submitted in this adversary proceeding to date, which have nothing to do with his request for an extension of time to file a reply memorandum. (*See* Doc. 142 at 2–4.) Because Tripati fails to provide a single, clear reason why more time is needed, his Motion should be denied.

Finally, Tripati is a vexatious litigant whose adversary complaint is improper and should be screened by this Court pursuant to 28 U.S.C. § 1915A. (*See* Doc. 25, 86.) Tripati should not be granted leave to file a Second Amended Complaint for the reasons already asserted by numerous defendants in this matter; namely, because his claims are frivolous, nonsensical, and duplicative of the claims that were already dismissed by the Third Circuit Court of Appeals. (*See* Doc. 118, 120–21, 125.) Moreover, State of Arizona Defendants have expended substantial time and resources responding to Plaintiff's continued filings when the Court has yet to substantively rule on any pending motion. Plaintiff should not be permitted to engage in further motions practice prior to this Court's determination of the various motions to dismiss and motions to screen that remain pending. Accordingly, Tripati's Motion, as well as his Motion for Leave to File a Second Amended Complaint, should be denied for this additional reason.

II. CONCLUSION.

For the reasons above, State of Arizona Defendants respectfully request that the Court deny Tripati's Motion to Extend Time to file an Omnibus Reply (Doc. 142) in support of his Motion for Leave to File a Second Amended Complaint (Doc. 96).

Dated this 27th day of September 2023.

Respectfully submitted,

STRUCK LOVE BOJANOWSKI & ACEDO, PLC

s/ Daniel P. Struck
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of September 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

On the same date, I served a true copy of the foregoing on Pro Se Plaintiff my first class mail, postage prepaid:

Anant Kumar Tripati, #102081
ASPC Yuma
P.O. Box 8909
San Luis, AZ 85349

Respectfully submitted,

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ORDER DENYING PLAINTIFF'S MOTION TO EXTEND TIME TO FILE OMNIBUS REPLY (DOC. 142)

ON THIS DAY came to be heard Defendants Struck Love Bojanowski and Acedo, PLC, Daniel P. Struck, Michael Gottfried, Betty Ulibarri, and Diane Bohuszewicz's Response in Opposition to Plaintiff's Motion to Extend Time to file Omnibus Reply (Doc. 142). After reviewing the Response, the Court finds that Plaintiff's Motion to Extend Time to file Omnibus Reply should be DENIED. It is therefore ORDERED that Plaintiff's Motion to Extend Time to file Omnibus Reply is DENIED in its entirety.

SO ORDERED on this ____ day of _____, 2023.

CHRISTOPHER LOPEZ
UNITED STATES BANKRUPTCY JUDGE