

US COURT OF APPEALS
FOR THE 3RD CIRCUIT
601 MARKET STREET
PHILADELPHIA, PA. 19106
ATTN: BARRY, CHAGARES, NYGAARD
CIRCUIT JUDGES, PRESIDING

Handwritten notes and stamps: "A-2-08", "80478 100846", and "100846".

RE: REQUEST FOR EXTENSION TO OPPOSE DEFENDANTS FRIVOLOUS
MOTION FOR DISMISSAL
USCA DOCKET #: 07-3231
USDC DOCKET #: 03-CV3738

Handwritten note: "17-3231" with a checkmark above it.

MAY 6 2008

DR. MAX ANTOINE v. CITY OF IRVINGTON & IRVINGTON POLICE

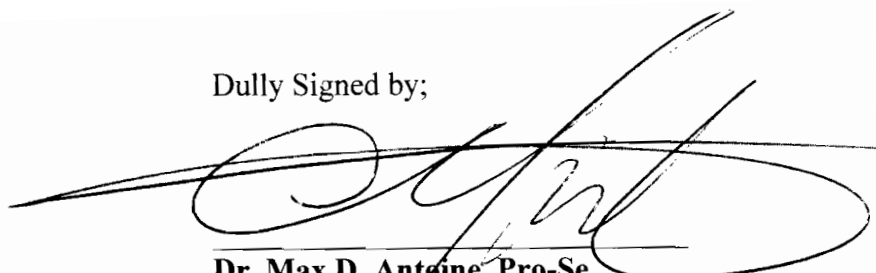
Dear Circuit Judges,

Although I am in receipt of the Defendants Motion to Dismiss, dated April 2, 2008, plaintiffs would courteously need ample time to file a direct rebuttal or opposition to their motion or the following legal and factual reasons;

- Plaintiff Dr Max D. Antoine, primarily the plaintiff in this cause of action is apparently, ill, and hospitalized at the Clara mass Medical Center due to a serious heart medical emergency (private medical condition).
- Plaintiffs have not yet filed any opposition to the motion due to the above medical circumstances, being confined to bed Rest, and at the same time were never served with official copies of the Defendants motion. In lieu of properly serving their motion, they choose to surprise the plaintiffs at the costs of his crippling and depleting health by fraudulently requesting this court for dismissal.
- Presently, plaintiff Dr. Antoine is currently confined to bed rest, and will not be out to timely submit a rebuttal response for at least sixty (60) more days due to obvious medical conditions.
- Therefore, and in the best interest of justice including the plaintiff due process of law, I am lawfully requesting that your honor provide plaintiffs with at least sixty (60) days to properly file a rebuttal response to the defendants' incorrect and fraudulent motion to dismiss at the plaintiffs' cost of health.

Prepared by Jeffrey Agnant on the 8th day of April 2008, as a legal assistant to Dr. Max Antoine,

Dully Signed by;



**Dr. Max D. Antoine, Pro-Se
Injured Victim/Plaintiff**

**Cc: All the Co-Plaintiffs
All the Defendants**

**All The liability experts for Dr. Max Antoine,
al fact witnesses for Dr. max Antoine**

Hon. Judge Dickinson Debevoise

RECEIVED-CLERK
U.S. DISTRICT COURT

07 JUL 20 4 02:51

July 17, 2007

Max D. Antoine
P.O.Box 3393
Jersey City, NJ. 07303

United States Federal Court
In the District of New Jersey
50 Walnut Street
Newark, NJ 07102
ATTN: Federal Motion Clerk

MAY 6 2008

Ref: Antoine VS. Irvington, et als
Case #: 03-3738 (DRD)
Motion Date: September 7, 2007
Oral Argument Date: September 7, 2007
Notice of Attorney Deviation

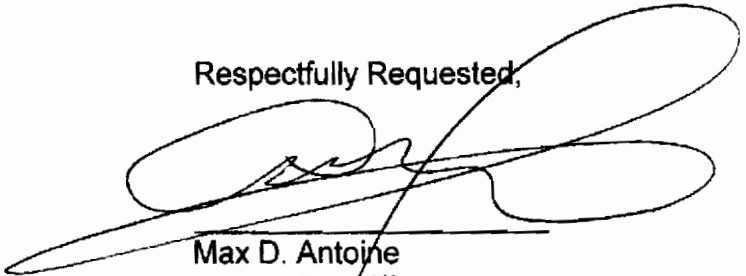
Dear Motion Clerk,

Pursuant to the First Amendment claims, 1981 and 1983 Civil Rights Claims, Fifth, Sixth, Seventh, Eleventh Claims of plaintiff's initial complaints, 42 U.S.C 1981 and 1983, Pry or v. NCAA, 3d. Cir. 2002, Memphis school vs. Staclura, 477 U.S. 299 (1986), et seqs, plaintiffs are requesting the Court and the Hon. Judge Debevoise, effective immediately that the law offices of Eldrige Hawkins, esq is the attorney of records in the above captioned matter, and the law offices of Herbert Tan esq is now secondary until further notice, meaning that all communications including decisions and motions are to be sent directly to:

Law Offices
Eldrige Hawkins, esq
Attorney at law
55 Washington Street, 3rd Floor
East Orange, NJ. 07107
Tel: (973)-676-5072

Furthermore, all Appellate issues under the Federal Rules of Appellate Procedures, Rule 3.4. 3rd Cir. Local rules, Rule 3(a) (1), must also be forwarded to Mr. Hawkins, ESQ as our Primary Lead Litigator, and attorney of records.

Respectfully Requested,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Max D. Antoine
Injured Plaintiffs

Cc: Eldrige Hawkins, esq
Herbert Tan, esq
Jacob Papay, esq
Hon. Marcia M. Waldron, esq
Chief Clerk of United States Court of Appeals for the 3rd Circuit
Hon. Judge Debevoise

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HOT SURFACES MAY CAUSE CURLING

NEW JERSEY

Division of Motor Vehicles

Handicapped Identification Card

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**PERMANENT
DISABLED PERSON
PARKING PERMIT**

PLACARD NO

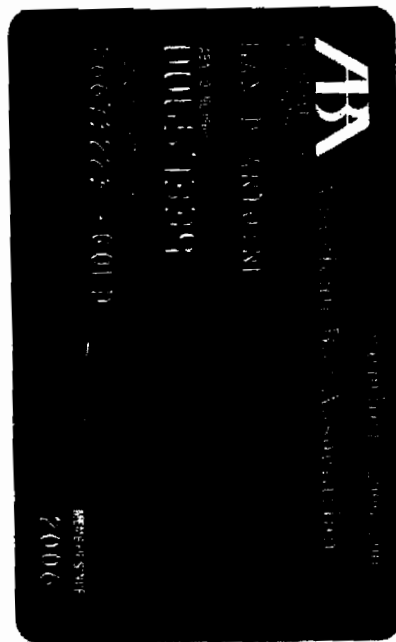
ISSUED BY

P567035

COPY

2

007





Barreau Pénal International Criminal Bar

CERTIFICATE OF INDIVIDUAL MEMBER

This is to certify that :

Mr MD Max ANTOINE
Lawyer
408, Bloomfield Av
7042 Monclair
U.S.A.

Is a member of the International Criminal Bar for 2004.

Personal registration number : 100277

The Hague, January, 26th, 2005

Elise Groulx
Co-President of ICB

Paul-Albert Iweins
Executive President of ICB

Barreau Pénal International Criminal Bar
Neuhuyskade 94
2596 XM – The Hague
Netherlands
Email : info@bpi-icb.org Website : www.bpi-icb.org
Tel. +31.70.326.80.70 – Fax. +31.70.335.35.31

ELDRIDGE HAWKINS LLC
ATTORNEY AT LAW

55 Washington Street, Suite 309
East Orange, New Jersey 07017
(973) 676-5070
Fax (973) 676-7356

MAY 6 2008

November 20, 2007

Clerk
United States District Court
District of New Jersey

U.S. Post Office & Courthouse Bldg.
Federal Square 50 Walnut Street
Newark, New Jersey 07101
Honorable Dickinson R. Debevoise
United States District Court
District of New Jersey

U.S. Post Office & Courthouse Bldg.
Federal Square 50 Walnut Street
Newark, New Jersey 07101
RE:

Antoine, et al v. Rucker, et al Civil Action No. 2:03-cv-3738

Dear Sirs:

Kindly accept this brief response to defendants' reply to plaintiff's motion papers herein.

The salient truths of this matter are found in the attached pages (6, 8, 9) of defendants reply brief.

(a) Page 6, defendants argued: " He also pled guilty to assaulting Officer Rucker (Ex C at 11, lines 15-25)

□

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(b) Page 8. " No false or fraudulent information was presented to the Court. . . while a guilty plea may not have been officially entered. . ."

(c) At page 9, defendants cite Garrison, where in " Garrison may have officially pled guilty to the amended charge of simple assault and resisting arrest. The Court found that the plea was an admission of " attempting to cause or purposely, knowingly or recklessly causing bodily injury."

It goes on to say several things that were incorrect including " He . . . admitted that he assaulted Police Officer Rucker," and the Judge quoted from the Police statement " that Antoine admitted he assaulted Police Officer Rucker and pleaded guilty to and was convicted of a charge in the fourth degree " May 14, 2007 opinion at 45."

How defense counsel can suggest to this Court that defendants did not mislead this Court is beyond cavil.

Defendants do not deserve any sympathy, or any extra help to win this case. They are however, apparently relying on this Court's assistance to protect them from a jury hearing the truths and rendering justice.

Respectfully,

/s/ Eldridge Hawkins, Esq.
ELDRIDGE HAWKINS, ESQ.
EH/bj

C:
Jacob A. Papay, Jr., Esq.
Max Antoine

☐
Case 2:03-cv-03738-DRD-MAS Document 94-2 Filed 11/20/2007 Page 1 of 3

☐
Case 2:03-cv-03738-DRD-MAS Document 94-2 Filed 11/20/2007 Page 2 of 3

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Case 2:03-cv-03738-DRD-MAS Document 94-2 Filed 11/20/2007 Page 3 of 3

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General Docket
Third Circuit Court of Appeals

Court of Appeals Docket #: 07-3231

Docketed: 07/27/2007

Nature of Suit: 3440 Other Civil Rights

Termed: 09/13/2007

Antoine, et al v. Rucker, et al

Appeal From: U.S. District Court for the District of New Jersey

Case Type Information:

- 1) civil
- 2) private
- 3) civil rights

Originating Court Information:

District: 0312-2 : 03-cv-03738

District Judge: Dickinson R Debevoise, U.S. District Judge

Date Filed: 08/07/2003

Date Order/Judgment:

07/09/2007

Date NOA Filed:

07/09/2007

- 08/13/2007 FOLLOW UP LETTER to Max D. Antoine requesting the following documents:
**Transcript Purchase Order & **Concise Statement of Facts and Issues
- 08/29/2007 Notice received from district court that the docketing and filing fees have been paid in full by the appellant on 8/28/07.
- 08/29/2007 FOLLOW UP LETTER to Max D. Antoine requesting the following documents:
**Concise Statement of Facts and Issues
- 09/13/2007 CLERK ORDER (LAR 11.1 and LAR Misc 107.1(b)): Procedurally Terminated Without Judicial Action; Default.
- 09/13/2007 Certified copy of order to Lower Court.
- 10/11/2007 TRANSCRIPT PURCHASE ORDER (Part 1), already on file in the District Court Clerk's Office, filed.
- 10/11/2007 CONCISE SUMMARY OF CASE on behalf of Appellant Max D. Antoine, received.
- 10/11/2007 LETTER dated 10/9/07 by Appellant Max D. Antoine Construed as Motion to Reopen this Appeal, filed. Answer due 10/22/07. Certificate of Service dated 10/9/07.
- 03/24/2008 ORDER (BARRY, Authoring Judge, CHAGARES and NYGAARD, Circuit Judges) granting motion by Appellant to reopen appeal, filed. Panel No.: DCO-25.
- 04/16/2008 MOTION filed by Appellees Alfredo Aleman, Sara Bost, Irvington Pol Dept, Phillip Rucker, Daniel Russo, Keith Stouch and Township of Irvington to Dismiss Appeal.

Response due on 04/25/2008. Certificate of Service dated 04/10/2008.

PACER Service Center

Transaction Receipt

04/26/2008 13:03:14

PACER Login:	ac3729	Client Code:	
Description:	Case Summary	Search Criteria:	07-3231
Billable Pages:	1	Cost:	0.08

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

December 12, 2007
DCO-25

No. 07-3231

MAX D. ANTOINE, et al

v.

POLICE OFFICER PHILIP RUCKER, et al

Max D. Antoine, Appellant

(District of New Jersey DC No. 03-cv-03738)

PRESENT: BARRY, CHAGARES and NYGAARD , Circuit Judges

Letter dated 10/9/07 received from Appellant Max D. Antoine Construed as Motion to Reopen Appeal.

Carolyn Hicks, Case Manager
267-299-4926

ORDER

The foregoing motion is GRANTED.

By the Court,

/s/ Maryanne Trump Barry
Circuit Judge

Dated: March 24, 2008

CH/cc: Max D. Antoine, Esq.
Deborah B. Rosenthal, Esq.

