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IN THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR NEZ PERCE COUNTY

JEREMY L. BASS,

Plaintiff,

vs.

MICHAEL NEWELL, ESQ AT IDEA LAW
GROUP, LLC,
CARRINGTON MORTGAGE
SERVICES, LLC,
AND BANK OF AMERICA, N.A.

Defendants.

Case No. CV35221875

OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS AND STRIKE
SUMMONS AND COMPLAIN

COMES NOW, Plaintiff Jeremy L. Bass, and respectfully opposes Defendant Michael J. Newell and IDEA Law Group LLC's Motion to Dismiss and Strike Summons and Complain. The Plaintiff's response to the Defendant's Motion is as follows:

1. **Complaint is not verified as is required by IRCP 65:** The Plaintiff acknowledges that the complaint is not verified as required by IRCP 65, but respectfully requests that the Court allow the complaint to stand until a correction is made as the Plaintiff is proceeding pro se and is not familiar with the requirements for verification.
2. **Indispensable parties are not named in the complaint IRCP 65:** The Plaintiff acknowledges that indispensable parties are not currently named in the complaint, but respectfully requests that the Court allow sufficient time for the Plaintiff finish identifying the indispensable parties and to serve all necessary parties and amend the complaint before dismissing the action.
3. **Statute of Limitations bars the complaint for fraud and breach of contract as the claims originated in 2009. Idaho Code 5-218:** The Plaintiff acknowledges that the statute of limitations may bar the claims for fraud and breach of contract, but respectfully refers the Court to the filing of "Opposition to Defendant's Motion to Dismiss on Statute of Limitations Grounds" for a more detailed argument on this issue.
4. **Service has not been made on other necessary party defendants:** The Plaintiff acknowledges that service has not yet been made on other necessary party

defendants, but respectfully points out that the Defendant's Motion to Dismiss and Strike Summons and Complaint is premature. The Plaintiff has been putting in good faith effort to serve all necessary parties and schedule a hearing, but has encountered delays due to a steep learning curve and would respectfully refer the Court to the **MOTION FOR APPOINTMENT OF COUNSEL**, filed separately. Delays in locating the registered agent for service on the other parties and the time constraints imposed by the imminent sale of the property, along with a misunderstanding nuances. Specifically in this the Plaintiff thought that Mr. Newell was performing the action of the trustee's sale that needed the immediate attention and was the actionable party in that moment whom needed service. I believe it's now clear that although it may seem as though other parties not relevant in a direct setting to the TRO request, that they should be service at the same time for all fillings as I understand it now. The Plaintiff has since located the other parties and has had every intent on serving them. The Plaintiff requests that the Court allow sufficient time for the Plaintiff to get help finishing their case so they are ready to serve all necessary parties and schedule a hearing, before dismissing the complaint and striking the summons and complaint.

5. **Complaint fails to name indispensable party defendants:** The Plaintiff acknowledges that the complaint may fail to name indispensable party defendants, but respectfully requests that the Court allow sufficient time for the Plaintiff to serve all necessary parties and amend the complaint before dismissing the action.
6. **Summons is not complete and erroneously issued and only lists cause of action for Temporary Restraining Order and not other causes of action contained in the Complaint:** The Plaintiff acknowledges that the summons may be incomplete and erroneously issued, but respectfully requests that the Court allow the Plaintiff to correct any errors and reissue the summons after getting help in these seemingly to the Plaintiff complex matters before dismissing the complaint and striking the summons and complaint.
7. **Summons served is incomplete and not per requirements of IRC 4 (a) (1) (G) and IRCP 4 (b) (1) and IRCP 4 (d) (1) (A):** The Plaintiff acknowledges that the summons may not be in compliance with the requirements of IRC 4 (a) (1) (G), IRCP 4 (b) (1), and IRCP 4 (d) (1) (A), but respectfully requests that the Court allow the Plaintiff to correct any errors and reissue the summons before dismissing the complaint and striking the summons and complaint.
8. **No hearing has been set and served with the summons and complaint as to issuance of a temporary restraining order or bond necessary:** The Plaintiff acknowledges that no hearing has been set and served with the summons and complaint as to issuance of a temporary restraining order or bond necessary, but respectfully points out that the Defendant's Motion to Dismiss and Strike Summons and Complaint is premature. The Plaintiff has made a good faith effort to schedule a hearing, but the time constraints imposed by the imminent sale of the property and the lack of access to counsel have made it difficult for the Plaintiff to do so given I needed to serve all the parties first as I understood the rules up to this point. The Plaintiff respectfully requests that the Court consider the urgency of the

matter and the potential for irreparable harm, including homelessness, that the Plaintiff may suffer if the TRO is not issued and schedule a hearing as soon as possible.

9. **No bond hearing has been set by the Court:** The Plaintiff respectfully refers the Court to the Motion to Waive Bond Requirement, filed separately, for a more detailed explanation of the bond requirement and the Plaintiff's request for waiver.

Thus, the Plaintiff respectfully requests that this Court deny Defendant's Motion to Dismiss and Strike Summons and Complaint and allow the Plaintiff to proceed with their claims.

Dated this 25 day of January 2023.

Respectfully submitted,

Jeremy L. Bass
Plaintiff

Signature

CERTIFICATE OF MAILING

I certify that I have sent by email and first class mail this OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND STRIKE SUMMONS AND COMPLAINT to the Defendant on January 25, 2023, at the following email address and postal address:

Email: mnewell@idealawgroupllc.com
Postal: Michael J. Newell ISBA #1953
IDEA Law Group, LLC
4530 S. Eastern Ave., Ste. 10
Las Vegas, NV 89119

Jeremy L. Bass
Plaintiff

Signature