

**IN THE CIRCUIT COURT OF GREENBRIER COUNTY WEST VIRGINIA**

**MARTY ALLEN HOLLIDAY AND  
STEPHANIE HOLLIDAY,**

Plaintiffs,

**V.**

CIVIL ACTION NO.: CC-20-C-79(D)

**TERRY L. HOLLIDAY**

Defendant.

**MOTION FOR CONTINUANCE**

**NOW COMES** Defendant, Terry L. Holliday, *Pro Se*, and moves this Honorable Court for a continuance of the mediation with Mediator Thomas W. White, Esquire currently scheduled for May 5, 2022 at 10:00 a.m. at the law office of Paul S. Detch, 895 Court Street North, Lewisburg, WV.

Defendant received on Thursday, April 28, 2022 a NOTICE OF MEDIATION sent regular First Class Mail by Plaintiff's Counsel and was not consulted nor did Defendant have any input in selecting the date or time in which the mediation would take place.

Defendant contacted Plaintiff's attorney to attempt to get alternative dates because of a previously-scheduled physician's appointment, but was immediately met with rude and unprofessional behavior by a female staff member who did not identify herself during the phone conversation.

Defendant contacted Thomas W. White's office again and spoke with staff member Michelle who was unable to provide any additional dates for mediation, instead

advising Defendant to contact Plaintiff's counsel to obtain alternative dates, to which Defendant explained had already been done.

Without any further communication from Plaintiff's counsel to reschedule on a mutually acceptable date and time to satisfy the Court's deadline of June 13, 2022, on April 30, 2022, Defendant received another notice from Plaintiff's counsel that mediation had been set for May 26, 2022 giving the Defense no consideration in selecting this date.

Plaintiff's counsel has continually shown blatant disregard and disrespect for Defendant as opposing counsel and has delayed answering interrogatories, by submitting documents Defendant cannot use in preparation of his defense, refusing to answer subsequent requests for documents, and now by refusing to find a mutually acceptable date and place to conduct mediation which was only agreed to by the Plaintiffs and their counsel once this Honorable Court demanded it and withdrew the case from her docket until it had been completed.

Defendant is highly motivated to reach a resolution in this matter as evidenced in an extremely generous settlement offer submitted to Plaintiffs through their Counsel (Exhibit 1), which was rejected in whole without any alternative proposal or alterations to the proposed agreement returned by Plaintiff's counsel. (Exhibit 2) The Defense is confident that once all of the evidence has been presented, the truth of the circumstances will glaringly reveal itself and justice may be restored.

Defendant, however, was recently a victim of a violent crime being brutally attacked and stabbed 13 times by an assailant on April 6, 2022 (See Exhibits 3 through 9) As a result of these injuries, Defendant has been subjected to additional physician

appointments and physical and psychological limitations not previously warranted. In addition, leading experts, as well as Defendant's medical team, advise against making major decisions for at least six (6) months following traumatic events such as the one Defendant experienced being involved in a violent crime.

J. Douglas Bremnar, M.D., Director of the Emory Clinical Neuroscience Research Unit (ECNRU) at Emory University School of Medicine in Atlanta, Georgia, and Director of Mental Health Research at the Atlanta VAMC in Decatur, Georgia states that the amygdala, hippocampus, and prefrontal cortex are all significantly impacted during a traumatic experience and these areas of the brain directly affect an individual's ability in planning, decision making, and other cognitive skills necessary for Defendant to adequately represent himself or make sound, reasoned decisions.

#### **PRAYER FOR JUDGMENT**

**WHEREFORE**, Defendant prays this Honorable Court grant a continuance of mediation and all other matters for at least six (6) months to allow Defendant time to receive the necessary medical treatments and counseling necessary to proceed, and that a new scheduling conference be set after any continuance be granted and so **ORDERED**.

Respectfully submitted,

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Terry L. Holliday, *Pro Se* Defendant  
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I, Terry L. Holliday, delivered the MOTION FOR CONTINUANCE, by First Class Mail to the Plaintiff's counsel at 895 Court Street S. Lewisburg, WV 24901 on May 1, 2022.

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Terry L. Holliday,

***Pro Se Defendant***





