FILED
SEP 24 2023
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

ERIC A. GARLAND	)	
Plaintiff,	)	
	)	
v.	)	Case No. 23SL-AC24108
DR. AAMINA AKHTAR, M.D.	)	
VIJOY UMMER	)	
SETH REEDER	)	
WEST END MANAGEMENT,	)	
Defendants	)	

PLAINTIFF'S MOTION TO SUPPLEMENT THE RECORD
PURSUANT TO RULE 81

Plaintiff Eric A. Garland, *pro se,* moves that this Honorable Court permit him to supplement the record in the instant case to include discussions over electronic mail exchanged with employees of the St. Louis County Circuit Court. Exhibit A.

WHEREFORE, for the foregoing reasons, Plaintiff prays that the Court supplement the record with the documents hereto attached and for any such other and further relief that the Court deems meet and proper in the premises.

Respectfully submitted,

ERIC A. GARLAND

/s/ Eric A. Garland

Pro Se
1933 Meadowtree Lane
Kirkwood, Missouri 63122
Ph. (802) 999-8118
Email: Eric.garland@competitivefutures.com

From: Eric Garland eric@ericgarland.co
Subject: Re: Division 44, Summonses return, date for emergency motions
Date: September 21, 2023 at 11:29
To: Mary.Balles@courts.mo.gov
Cc: mpayne@frankelrubin.com, araimondo@frankelrubin.com
Bcc: Sarah Unsicker unsickersarah@gmail.com

Ms. Balles,

Respectfully, that information is not true. Please see the attached citation of St Louis County Local Court Rule 3.4, which allows for documents to be faxed, which I did for the summonses on September 4, 2023 to the main Clerk of the Court and on September 6, 2023 to Division 44 directly. Both transmissions were received successfully, which I have documented.

Further, after finding out that Division 44 had no clerk or bailiff present, I handed the original affidavits of service to the Clerk of the Court this week and they claimed not to recognize what process service is, a confusion roughly similar to entering a McDonald's and hearing that the staff has never heard of "French Fries." There were four individuals at the Civil counter, each unfamiliar with service of process in a lawsuit.

The motion to recuse is due to the pending lawsuit against the Clerk of the Court in her personal capacity due to problems which, although demonstrably much worse, are similar in nature to what's happening here.

There is already an issue in the instant case where the Clerk of the Court's office tried to set a date in this matter in fewer than 30 days from its filing, which of course would not allow a responsive pleading from Defendants in the time allotted. Further, that office attempted to provide inaccurate legal advice to me, which I did not request and which precipitated and argument over the Missouri Supreme Court Rules. Ultimately they relented and set a date that allowed Defendants enough time to respond.

This conduct is deeply problematic.

Can you cite for me the Supreme Court Rule which requires return of the summonses before the court rules on an emergency motion to recuse?

I am concerned that this situation may produce substantial facts in one or more ongoing matters.

Since handing originals directly to Clerk of the Court doesn't work, you aren't accepting faxes as per Local Court Rules, and pro se litigants don't have the ability to e-file, what do you suggest?

Sincerely,
Eric Garland

3.3 FILING OF DOCUMENT IN COURTROOM AND FILING AMENDED PLEADINGS

(A) Any pleading or document filed in the courtroom shall be submitted to the division clerk for filing during trial or hearing. The pleading or document shall be scanned into the electronic system by the clerk after signature of the Judge, if required.

(B) Whenever leave is granted to amend a pleading, the party or attorney shall submit the amendment electronically for filing. Any party obtaining leave to file an amended pleading shall file a separate amended pleading even if the amended pleading was attached as an exhibit to a request to file such pleading. An amended pleading not filed as a separate pleading shall be deemed abandoned.

3.4 *PRO SE* LITIGANT FILINGS BY FACSIMILE TRANSMISSION

(1) A petition or claim cannot be initiated by facsimile transmittal to the clerk or court and must comply with Rule 4.8.

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(2) A self-represented person may subsequently file a pleading or other document with the court, other than the original petition or claim, by facsimile transmittal provided that the pleading or document is ten (10) pages or less in length and provided further that there is no cost or filing fee required for the filing pursuant to Rule 43.02c.

(3) A document received by facsimile transmittal will be deemed filed as of the date and time recorded by the facsimile. The party transmitting the pleading or document is responsible for the completeness of the transmittal.

(4) Any pleading or document by facsimile transmittal shall be scanned into the electronic system by the clerk after signature of the Judge, if required.

August 9, 2023

On Sep 21, 2023, at 09:53, Mary.Balles@courts.mo.gov wrote:

Hello,

I have left a couple of voicemails to your phone number and seem to miss your return calls, so hopefully this email will help you with your situation.

As a pro se litigant, any filings will be taken care of at the Docketing counter on the 1st floor of the courthouse at 105 S. Central Clayton. MO 63105

You will receive a Motion date upon filing your documents. Motions are held at 10:00 a.m. and I believe your case is assigned 44 Wednesday, with a hearing coming up on 10/18/2023 at 9:00 a.m. for announcement.
Ask for Donna at the counter and she will assist you.

Thank you,
Mary Balles
Division 44
Senior Clerk III Office of the Circuit Clerk
St. Louis County Circuit Court, 21 Judicial Circuit
mary.balles@courts.mo.gov
314-615-1544

From: "Eric Garland" <eric@ericgarland.co>
To: "mary.balles@courts.mo.gov" <mary.balles@courts.mo.gov>, "mary.mason@courts.mo.gov" <mary.mason@courts.mo.gov>
Cc: "araimondo@frankelrubin.com" <araimondo@frankelrubin.com>, "mpayne@frankelrubin.com" <mpayne@frankelrubin.com>
Date: 09/20/2023 04:26 PM
Subject: Division 44, Summonses return, date for emergency motions

Greetings,

I am not sure which Mary serves as clerk for Judge Hearne in Division 44 since no last name is used on the website, so I am writing you both. I'm also including opposing counsel due to their recent entry of appearance as to avoid any hints of

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opposing counsel due to their recent entry of appearance as to avoid any hints of *ex parte* communication.

Because Judge Hearne does not evidently participate in the Acuity scheduling system like other judges, I have not been able to schedule and notice a hearing on the multiple emergency motions in *Garland v. Akhtar* (and *Garland v. Ekeland,* also assigned to the same division.)

Moreover, process was served on all parties in *Garland v. Akhtar* by September 4. Despite multiple attempts, fax communications, and in-person visits with original documents, the return hasn't been noted in Case Net. **Please indicate in writing at your first convenience how to submit these documents since the other methods appear ineffective despite past efforts.**

As far as the Emergency Motion(s) to Disqualify, I would imagine that oral arguments might be unnecessary and that the Court might decide this issue on the papers. **In either event I am requesting hearings on the emergency motions to be scheduled in both cases.** As I am *pro se*, I'm afraid I only know how your Acuity system works and need to ask for His Honor's available dates in this manner. Once there are available dates, I can confer with opposing counsel and notice the hearing through Case Net.

Thank you for your immediate attention to this matter.

Very sincerely,
Eric Garland

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