

CAROLINA GILDRED, an individual,

Plaintiff,

vs.

MICHAEL D. FOSTER (aka DARREN M. FOSTER), an individual,

Defendant.

: INDEX No. 153554/2017  
: Hon. Gerald Lebovits  
: 60 Centre Street, Room 556  
: New York, New York 10007

**DEFENDANTS ANSWERS TO & REQUEST FOR GENERAL DENIAL OF PLAINTIFFS MOTION TO DISMISS VERIFIED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS; MOTION TO DISMISS COUNTERCLAIMS; AND, IN THE ALTERNATIVE, MOTION TO CORRECT PLEADINGS**

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**PLEASE TAKE NOTICE**, that the defendant, MICHAEL FOSTER appearing Pro Se, reserves the right to amend his pleadings as more information and/or situation may demand in the future; and for his, as and for a Verified Answer, Affirmative Defenses and Counterclaims to the Verified Complaint of the Complainant, respectfully alleges Verified Answers to the OSC and Verified Petition, respectfully, upon information and belief: Defendant's downsides are humongous and therefore ask the court to commit its findings in favor of Defendant in these documents, exhibits and exhibits to counter claims herein describe between Complainants Mss Carolina Hernandez Gildred, an individual and married woman to Mr. Tom Phillip Gildred the 3rd, bearings also aks's Ms Carolina Hernandez, Mss Carolina Hernandez Javier Garcia Senior, and formerly lately Mss. Carolina Hernandez Gildred and Mr. And Mss Tom Phillip Paul Gildred the 3rd.

I would like to make it simple and clear to the courts that I am representing myself. I do not have a lawyer at present, as the lawyer in question who initially held himself out to represent me failed to represent my interest. That having made me constrained to protect and preserve my interest by spearing Pro Se as that lawyer neglected to represent me.

Dated: New York, New York

Yours etc.,

BY: /s/Michael Foster

**MICHAEL FOSTER**

PRO SE

Defendant

**MICHAEL FOSTER**

PO Box 28

New York, New York 10002

(212) 330-7291-Tel.

(212) 689-2250-Tel.

TO: RAFKIN ESQ  
Attorneys for the Plaintiff  
1201 SUSSEX TURNPIKE, Suite 102  
RANDOLPH, NJ 07869  
(973) 891-3370-Tel.

I would like to address the court the Honorable Judge Gerald Lebovitz's in the matter Carolina Gildred (aka Tom Philip Gildred) vs Michael Foster case index #153554/2017:

In reference to to Palintiff Motion to Dismiss Counterclaims and each of my verified answer to each complaint allege and filed by Carolina Gildred on 04/17/2017.

This is an EXHIBIT document to repute the following statements made my plaintiffs attorneys:

1. Plaintiffs attorneys highhandedness is an intimidation to the court and misrepresenting himself as the courts "Gate-Keeper", by sighting the fundamentals of C.P.L.R. 3211 and wrongfully stating that Quote: "The Entire pleading should be dismissed" for "for not having plain and concised statements" when in fact that is not true. Seeing that each answer is in fact given as Pro and thus case examples presented by plaintiffs attorneys are examples of cases when defendants were not Pro Se. Granted there are more clear and concise statements than none as the plaintiffs attorneys would like to move the honorable judge to believe.
2. Plaintiffs attorneys missuse of legal language "C.P.L.R. 3013" wherein the same rule applies to plaintiffs formal complaints as in it's falsities in it alleges "series of transactions or occurances" which it know fully well it cannot be proven and are outright lies.
3. Plaintiffs attorneys again missuse of legal language "C.P.L.R. 2101(a) wherein plaintiffs attorney attempts to intimidate the court and the honorable Judge Gerald Lebovits into pressing a decision based on plaintiffs attorneys only opinion as the case#153554/2017 have been initiated through the courts efile systems and allows for electronic signing which once filed, submitted, accepted and processed becomes law as in defendants right to protect his interest and initiate a response within the deadlines permitted and so doing without the prejudice of contemplating a response from an attorney even if substantiated as the attorney of record. In fact if defendant hadn't make request of the court to extract and correct said attorney Brian Figeroux initial form plaintiffs attorneys would have had a different argument (motion) to date.
4. As a Pro Se appearances submission to the court and the honorable Judge Lebovitz's herein that Unfortunately in early August of 2016 defendant did advised plaintiff on the record of her then purported complicated Marriage Prenuptial Agreements at which time Defendant did formerly provide plaintiff with all office information of attorneys Brian Figeroux and associates. Defendant have yet to hear any retort by email, or phone call from attorney Brian Figeroux office as of this date. The court will also note the lack of any response from Brian Figeroux and by default post RJI is in fact initiated Pro Se as its culminating with the inconsistencies of the general complaint and now the timely "Motion to Dismiss" defendants answers and counterclaims.
5. Plaintiffs attorneys request for dismissal of counterclaim should be denied as the court have accepted and proposed a date commensurate to an RJI submitted by defendant as in his Pro Se appearance. The methodological approach in the one sided use of C.P.L.R. (a) (7) is further dereliction of the true facts Yet to be readily Proven by both sides consistent with each honest Merit of the counterclaim as in each counterclaim Pro Se (hack) means dependability upon the court to sort through at minimal and expose the claim as accounted by the facts and evidence provided in exhibits and upon arguments. (Then there would not be Pro Se or laws protecting the carefulness of Pro Se appearances).
6. Plaintiffs missuse of legal language as in onesidedness without prudence in the facts of the allegations does have its place and time in which each claim would most substantially be

proven to the court. The plaintiffs attorneys are asking the court to twists and change the nomalcies expected in matters specific to Pro Se representations.

By each and every consecutive alternatively, this Court must deny the motion to dismiss and further deny Motion to Correct Pleadings pursuant to CPLR 3024(a) as defendants is Pro Se (Pro Hack) Defendant's Verified Answers and Affirmative Defenses and Counterclaims are "Not vague or ambiguous. Plaintiff is Not appearing Pro Se and have been careful to afford the best representation who expertise is reasonably required to frame a response." Further plaintiffs attorneys missuse of C.P.L.R. 3021 is clear ridicule as plaintiffs and its attorneys have had no intentions or expectations of defendants answers or far less affirmative defenses and or counterclaims. Therefore defendants submits to this court that plaintiff and its attorneys initial claims are also unverifiable as plaintiff and its attorneys are proposing to this court inadvertently that it's never going to be ready even if subsequent pleadings were alltogether properly verified which said verification is argued upon the merits of each answer to plaintiff initial allegations and defendants counterclaims post RJL.

Each motion rendered in "Notice of Motion", the onesidedness and general missuse of "Memorandum of Law", in the Affirmation of plaintiffs attorneys Seth A. Rafkin should be reverted to pleadings and proceedings set forth in this action post RJL.

✕
Cancel

**9177707351** 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 I would be much happier if it's in before or on the  
 17th Please tell me iPhone de TekCtek 7+

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**Norma Lewis** 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 Speak with FIGEROUX

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**9177707351** 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 What would it take for you to get it done in reply  
 by the day of the 17th? Can it not be done? We  
 are scheduled for 2:30 on Wed. Please reconfir...

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**Norma Lewis** 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 We have until 5. 22.2017.

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**9177707351** 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 Miss Norma Saturday is way past the deadline of  
 30days Didn't you say the apposition attorney  
 told you it must be in before May/18th? iPhone d...

Edit

Norma Lewis 5/15/17 >  
 Re: Hi Brian & Miss Norma  
 Hi Mr Foster: Today is not good. As per Mr Figeroux, we can schedule you for Saturday 05/20/17  
 Norma

Brian Figeroux promise was to have an answer in Quote below: "No Later Than 05/18/17" consistent with the deadline.  
 An extension discussed was only a make belief to assuage my then ignorance.

Norma Lewis 5/15/17 >  
 Re: Hi Brian & Miss Norma 8 through 28  
 Good morning Mr Foster: The Attached documents you submitted states how YOU allegedly defamed Plaintiff and her husband. W...

Norma Lewis 5/14/17 >  
 Re: Hi Brian & Miss Norma  
 Good evening Mr Foster: Can you stop by the office this Wednesday at 2:30 pm? " A Defamatory statement is one that tends to harm...


Norma Lewis 5/5/17 >  
 Re: Urgent Quick Check Alert  
 ●●○○○ Lycamobile LTE 10:27 AM 29% 🔋

< Search result

Carolina (Mobile) • Aug 26, 2016

Wish you could have come up and try it on - hope it's not a little too froward of me.&l hope I made a good pick. Sorry I'm just remembering since the store I hadn't opened the bag. Maybe Reciepts in there - so sorry.

Aug 26, 2016


 You did not invite me up to your room.

Carolina (Mobile) • Aug 26, 2016

I know --- I'm a bit excruciatingly unparalleled with my emotions- yes please come up - if that guy to your right isn't speculative enough. HTe people like that. They're like ...Always.. In Awe!& who is astounding

I'll come and get you now...

Aug 26, 2016

 He is gone. He was waiting for his part

Send a message

Carolina (Mobile) • Aug 26, 2016

From: [Norma Lewis](#) >



To: [dancetango@michaeltango.com](mailto:dancetango@michaeltango.com) > [Hide](#)

[BRIAN FIGEROUX](#) >

**Re: Fw: Urgent Quick Check Alert**

May 5, 2017 at 4:30 PM

Found in Michael's Home Site Inbox

Hi Mr. Foster:

I got the Extension from Defense attorney.  
We will file answer by May 18 the latest.

Have a good weekend.

Norma

I would like to make it simple and clear to the court that I'm representing yourself. I do not have a lawyer at present, as the lawyer in question who initially held himself out as representing me, failed to represent your interests. That you were constrained to protect and preserve your interests by appearing pro se, when that lawyer neglected to represent you.



Dated: New York, New York

June.13.2017

Yours etc.,

BY: /s/Michael Foster

**MICHAEL FOSTER**  
PRO SE  
Defendant  
**MICHAEL FOSTER**  
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