SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

CAROLINA GILDRED, an individual,	:	
Plaintiff,	:	INDEX No. 153554/2017 Hon. Gerald Lebovits 60 Centre Street, Room 556
vs.	:	New York, New York 10007
MICHAEL D. FOSTER (aka DARREN M. FOSTER, an individual,	:	**AFFIRMATION OF MICHAEL FOSTER IN OPPOSITION TO COMPLAINANT'S OPPOSITION TO DEFENDANTS MOTION TO COMPEL ANSWERS TO DISCOVERIES DEEMED ADMITTED and to STRIKE PLAINTIFFS COMPLAINT**
Defendant.	:	

I, Michael Foster, am Pro Se Affiant of record for Defendant in the above-captioned matter. I provide this Affirmation pursuant to CPLR 2106 and hereby declare that the following
is true and correct and that I could and would testify competently thereto.

1. I am aware of Plaintiff seeking to obtain Order of Court to deny defendant pending Motion to Compel Answers to Defendant Discoveries and to Strike plaintiff Complaint by the misconstrued premise that the Court's order dated June 15, 2018 (Docket No.

117) was anything but consistent with defendants 3rd consecutive "Motion for Summary Judgment" and further , I am aware that plaintiff refuse a courtesy copy at the recent Complainsce Hearing to the extent the clerk suggest a "Motion to Compel".

2. Plaintiff served Defendant with Plaintiff's First Interrogatories, First Requests for

Admissions, First Requests for Production. The answers to Defendant made public and by emailor text to

Plaintiffs, was sent in time according to Compliance Order and can be found here:

https://tomgildred.info/A-4seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/ c-2seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/A-2seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/A-3seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/ A-4seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/ A-5seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/b-1seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/ b-1seth_rafkin_the_hero_esq_in_cart.html
https://tomgildred.info/c-1seth_rafkin_the_hero_esq_in_cart.html

regarding plaintiffs failure to respond to discovery, a true and correct copy of which is attached as Exhibit A hereto.

3. Plaintiff now claims that She did not receive Defendants interrogatories,requests for production and requests for admission which was Notarized and mailed duringthe week of February 28Th. Instead Plaintiff claims Reciepts of a US Postal mail but is affably onaskingmy office.the Court to accept her story of "No Content in the Postal Reciept". Copies of US-Postal was returned after multiple mailing are attach here to as Exhibit B.

I declare under penalty of perjury under the laws of the State of New York and the State of New Jersey the foregoing is trued and correct.

Executed this 21st day of November, 2018 New York, NY.

Mr.

MICHAEL FOSTER
265 Lafayette Street Apt.9D
New York, NY 10012

Ph:212-757-5626

SWORN BEFORE ME THIS
21 DAY OF November 2018

CUI YING LI
Notary Public, State of New York
No. 01LI6303092
Qualified in New York County
Commission Expires May 12, 2022

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

CAROLINA GILDRED, an individual,	:	
Plaintiff,	:	INDEX No. 153554/2017
vs.	:	**DEFENDANT'S OPPOSITION TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO COMPEL**
MICHAEL D. FOSTER (aka DARREN M. FOSTER, an individual,	:	
Defendant.	:	

I. INTRODUCTION AND SUMMARY OF ARGUMENT

Defendant's Motion to Compel should NOT be denied for following reasons.

PLAINTIFF"S DEFAULTS ON SEVERAL COMPLIANCE HEARING

First, Defendant appeared Pro Se at the most recent Compliance Hearing at which Plaintiff refused Defendants offer in an instance to provide Plaintiff with a courtesy copy readily available at the courts discretion room 119 and previously filed as exhibits #s:90, 95 and 96. In the very instant Plaintiff concerted himself and conceded into DISPOSED. A Motion To Compel was redressed by the courts compliance clerk. Copies attached as Exhibit A

2 PLAINTIFF"S ASSERTS FALSELY IN SEVERAL INSTANCES

Secondly: Plaintiff claims of receipt of US Postal mail but [EMPTY] without contents of defendants discovery is plausibly false, inaccurate to the TRUTH. attached is a Copy of one of multiple mails sent by Us-postal Mail to or in care of Plaintiff. Exhibit B this particular MAIL was return by plaintiff as address not found.

3 **PLAINTIFF"S EVEN ACCUSED AND BERATES A NOTARY SEAL AS FRAUD**

Thirdly: Plaintiff claims of an interim, whereas defendants Discovery Documents NOTARIZED SEAL NY-Notary Public by: "Yuen Li No.01LI6303092" was fraudulent is also baseless, false, grabbing at straws and incredulous.

4 **PLAINTIFF CLAIMS US POSTAL SERVICE DELIVERED MAIL WITH MO CONTENT**

Plaintiff Argues a proposal to Repel Defendants Motion To Compel Discoveries Admitted on the premise DEFENDANTS DISCOVERY was purported to have NOT been found in a US POSTAL MAIL which Plaintiff claims to have received in itself is an indelible Over-Truth. These and other instances EXACTS itself as consistent with Plaintiff's Intentional Self Infliction of Emotional Distress and Defamation upon Plaintiff and Defendant.

5 **PLAINTIFF BROUGHT THIS INSTANCE PROCEEDING TO HARASS DEFENDANTS**

The instance of this Proceeding was brought by the Plaintiff Miss Carolina Gildred an individual. The Summons and Complaint is herein attached as Exhibit D. Plaintiff is also known as reflected in Defendant's unanswered Discoveries as a Public Figure, Wife and Spouse, X-Lover to Defendant, Dance Partner or Dance Business Partner, Ms Carolina Hernandez, and at times Dr. Carolina Orlando Garcia.

6 **PLAINTIFF ARGUMENT HAVE BECOME OVERT & OVERLAPPING**

Plaintiff is ineptly suggesting whichever argument seams palatable to the Court is as subcutaneous a mode of Plaintiff's affable complacency. Truth be told an Apple is Not a Banana. In simple, the FACT exists, Plaintiff's constant denials, over-truths, lies and innuendos sums up an innocuous behavioral pattern and is nothing but a display replicated from Plaintiff's initial Motion Seq.#001 which was denied by this court. A true copy is attached herein as Exhibit A+. "Motion to Deny Defendant's Answers to Initial Complaint".

7 **PLAINTIFF INNOCUOUSLY ASSERTS EACH COMPLIANCE HEARING AS DIMINUTIVE**

Precisely If Plaintiff legally needed an explanation during discovery period Plaintiff could have feverishly very well done so, as, Defendant throughout each consecutive Compliance Hearing, Defendant overheard this Court's Clerk expressed the purposes of Efiling and further reiterated Defendants answers were constructively sent via postal mail or electronic mail. Exhibit B.Copies of Email. Foregone to each forwarded answers to plaintiff by email or post mail. Defendant is not a beneficiary of free attorney help in

this matter. Each legal tort as newly argued brings with it strains, therefor Defendant reminds this court of the initial Summons and Complaints in this litigation belongs to the Plaintiff. This action does not appear on any trial calendar of this Court.
Defendant is Not an attorney, in order to save cost needn't be, defendant have had to pen answers formerly hand written but precisely accurate in each detail. Exhibit C.Discoveries as per Request of Plaintiff Notarized and mail during the week of February 28th 2018.

8 **PLAINTIFF"S DEFAULTS THE COURTS ORDER DOC.NO.117**

Plaintiff disproportionately disavowed the Lawfulness of motion for summary judgment in the Court ordered; which states "Defendant could not file subsequent motions". But Plaintiff miss abbreviated Subject "Summary Judgment" or "3rd Motion for Summary Judgment" Docket No. 117". as it were Law to Plaintiff's right to dispel Over-Truths even with proper knowledge that Defendant was Reprieved in the instant notion of correction at the most recent Compliance Hearing. A "Motion to Compel" is sufficient act of prudence on behalf of Pro Se Defendant, Plaintiff was well within the courts goodwill Compliance Hearing to have adhere to an instance of a Motion To Compel.

9 **PLAINTIFF INSTEAD CHOOSE TO RANT AND BERATE DISCOVERIES AS BIZARRE RATHER THAN MAKING AN ATTEMPT TO ANSWER OR REQUEST TO AN EDIT**

Plaintiff claims continues to describe Defendant discoveries as "BIZARRE" or was never served is yet another false methodology Plaintiff uses in hopes to confuse the courts reaction to a timely, well given, cared for with reasonable caution in Defendant's 'Motion to Compel Answers to Defendants Discovery Deemed Admitted and in That instant To Strike Plaintiff's Complaint. Plaintiff could have properly responded long ago. Plaintiff was well within right of time, from the week of NOTORIETY February 28th 2018 to have eloquently claimed Defendant's Discovery AND as instead of requesting this Court to consider Defendants Discoveries to be illegible or bizarre, not found or lost.

10 **PLAINTIFF'S NEVER ASSERTED ANY INTENT TO ANSWER DISCOVERIES**

Plaintiff instead could have also accepted copies made instantly available at the most recent Compliance Hearing. Plaintiff have had avid time to avoid this properly

articulated Motion to Compel Defendant's Discovery Answers Deemed Admitted and in the instant to Strike Plaintiff's Complaint.

11 PLAINTIFF IS BELLIGERENT IN DISREGARD TO DEFENDANTS INITIAL ANSWERS AND COUNTERCLAIMS, RJI & ANSWERS TO COMPLIANCE ORDER

Plaintiff also could have accepted Defendants Discovery as an Efiled Document which Plaintiff expressly answered a Motion submissions hearing for Summary Judgment Seq.#003 and located in its exhibits Doc. file No. #90, #95, or #96 months ago prior to Docket No.117 and the courtesy copies offered at the Most recent compliance hearing. Truth be told Plaintiff DOES NOT WANT TO COMPLY WITH THIS COURT'S DISCOVERY ORDER.

12. CONCLUSION

Thus and for the reasons stated above, Defendants Motion to Compel as Reprieved at the most recent Compliance Hearing in that Plaintiff's claims to have had no knowledge or to have receive A US Postal mail minus Defendants Discovery Contents is in itself Preposterous. Therefore Defendants Motion to Compel Plaintiffs Answers Deemed Submitted and at the instance to Strike Plaintiffs Complaint.

Executed New York, NY
This. Nov. 21. 2018

Mr.

Michael Foster
265 Lafayette Street
Apt.9D
New York, NY 10012

ph: 212-757-5626

Affirmed to Notary

SWORN BEFORE ME THIS
21 DAY OF November 2018

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Notary Public, State of New York
No. 01LI6303092
Qualified in New York County
Commission Expires May 12, 2022