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7 Pro Se Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SANTA CLARA**
10 **UNLIMITED JURISDICTION**

11
12 MARK CHRISTOPHER TRACY, an
13 individual,

14 Plaintiff,

15 v.

16 COHNE KINGHORN PC, a Utah Professional
17 Corporation; SIMPLIFI COMPANY, a Utah
18 Corporation; JEREMY RAND COOK, an
19 individual; ERIC HAWKES, an individual;
20 JENNIFER HAWKES, an individual;
21 MICHAEL SCOTT HUGHES, an individual;
22 DAVID BRADFORD, an individual; KEM
23 CROSBY GARDNER, an individual; WALTER
24 J. PLUMB III, an individual; DAVID
25 BENNION, an individual; R. STEVE
26 CREAMER, an individual PAUL BROWN, an
27 individual; GARY BOWEN, an individual

28 Defendants.

Case No.: 23CV423435

Honorable Evette D. Pennypacker
[Dept. 6]

**NOTICE OF MOTION FOR
RECONSIDERATION OF ORDER
GRANTING DEFENDANTS' MOTIONS
TO QUASH SERVICE OF THE
COMPLAINT AND SUMMONS FOR
LACK OF PERSONAL JURISDICTION**

Hearing Date: March 26, 2024
Time: 09:00 am (PST)

Action Filed: September 21, 2023
Trial Date: TBD

TO THE COURT, ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 26, 2024, at 09:00 AM, or as soon after that as the matter can be heard in Department 6 of the above-entitled court located at 201 N. First Street, San José,

1 California 95113, Plaintiff will and does move this Court pursuant to Code of Civil Procedure § 1008(a)
2 for reconsideration of the Order dated February 20, 2024, in which the Court granted the motions of
3 Defendants Cohne Kinghorn P.C., Simplifi Company, Kem Crosby Gardner, David Bennion, Jeremy
4 Rand Cook, Michael Scott Hughes, David Bradford, Eric and Jennifer Hawkes, Paul Handy Brown and
5 Gary A. Bowen to quash service of the complaint and summons for lack of personal jurisdiction
6 (collectively “Defendants” and “Defendants’ Motions to Quash”).

7 The Order should be revoked on the following grounds:

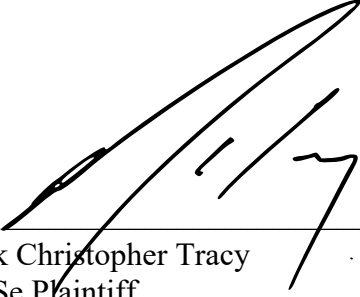
- 8 1. The Court granted Defendant Kem Crosby Gardner’s Motion to Quash Service of the
9 Complaint and Summons although the filing was rejected by the court clerk;
- 10 2. After the Plaintiff filed his Opposition Memorandum, the Court improperly adopted
11 Defendants’ Second Amended Declarations in violation of Code Civ. P. 472(a), thereby denying
12 Plaintiff’s right to address contested jurisdictional facts; and lastly,
- 13 3. The Court denied Plaintiff an opportunity to submit evidence of uncontested jurisdictional
14 facts.

15 Plaintiff requests that the Court modify the Order by denying Defendants’ Motions to Quash
16 Service of Complaint and Summons in their entirety or in the alternative by staying the order 180 days
17 to allow for discovery of contested jurisdictional facts properly submitted to the Court.

18 The motion is based upon this notice, the Memorandum and Points of Authorities, the
19 Declaration of Mark Christopher Tracy and Exhibits attached thereto, and the complete files and records
20 of this action, and on such other oral and/or documentary evidence as may be presented at the hearing
21 of the motion.

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24 DATED: February 29, 2024

By: 

Mark Christopher Tracy
Pro Se Plaintiff