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Subject: RE: William Tomz v. Capital Investment (5), Case No. 2021-000341
Date: Friday, August 18, 2023 12:43:47 PM
Attachments: [8-17-23 letter to Court of Appeals.pdf](#)

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Madame Clerk:

It has come to my attention that opposing counsel in this case wrote the attached letter to you yesterday. In what, surely, must have been an oversight, counsel failed to copy me on that letter – either in the text of the letter or the email distribution.

Nonetheless, as counsel for Appellant Field, I have had an opportunity to review that letter and wish to express my client's position for the benefit of the Court. While we appreciate the Respondents' and Receiver's newfound sense of urgency, we simply cannot agree that oral argument is unnecessary. (See, Plaintiffs' and Receiver's fourteen (14) years of litigation in New Jersey that ended in a dismissal with prejudice and no award of costs.) If we agreed with their contention that Chief Justice Toal's order was "straight-forward", we would not have bothered to file seventy-three (73) pages of briefs in this case.

We certainly respect whatever decision the Court may reach with respect to its need for oral argument, but our position is unequivocal: Respondents' and Receiver's complaint do not create an imperative to dispense with the ordinary analysis the Court uses to determine whether or not oral arguments are necessary.

Respectfully Submitted,

-Micah

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From: Buck Brandt <gbrandt@hbvlaw.com>

Sent: Thursday, August 17, 2023 2:36 PM

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Please find attached our response to Mr. Caskey's e-mail, dated August 16, 2023, in which he advised that he was unavailable for oral argument in the above captioned matter from December 5 through December 8, 2023.

Thank you.

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