

3. *Second*, Defendants argue time that Plaintiff waived Rule 11's 21-day Safe-Harbor provision. (See ECF No. 52 at 3-4.) However, Plaintiff clearly did not waive that requirement in any way, shape or form, and Defendants rely upon a gross misstatement of the Seventh Circuit's ruling in *Method Electronics, Inc. v. Adam Technologies, Inc.*, 371 F.3d 923 (7th Cir. 2004) as support for its failed argument in support of waiver.
4. *Third*, Defendants argue time that Plaintiff was properly served with a pre-filing Rule 11 notice because the undersigned is registered with the Court's CM/ECF system. But Defendants did not serve Prenda with any pre-filing copy of their motion, and in any event, CM/ECF registration is irrelevant because Defendants sent their notice by e-mail and did not file it on the CM/ECF system.
5. *Fourth*, Defendants argue for the first time that the Illinois Supreme Court's decision in *Ragan v. Columbia Mut. Ins. Co.*, 183 Ill.2d 342 (1998) stands for the proposition that an amended complaint that adds a party is a legal nullity unless filed with leave of court. However, the Illinois Court of Appeals, First District, disagrees. (See ECF No. 52 at 6.) In *Johnson v. Ingalls Memorial Hosp.*, 402 Ill. App. 3d 830, 931 N.E.2d 835 (1st Dist. 2010), the Illinois Court of Appeals interpreted *Ragan* and held, "the failure to obtain leave of court to add a party is not, in and of itself, a jurisdictional defect, rendering the amendment a 'nullity.' Rather, the failure to obtain leave of court to amend a complaint is a procedural deficiency, and any failure to timely object to it is subject to forfeiture." *Id.* 931 N.E.2d at 846.
6. *Fifth*, the Defendants allege time that they "have never filed a motion for sanctions of any kind against Prenda or any of its principals in any jurisdiction." (*Id.* at 8),

which is false. The Defendants have alleged that AF Holdings is an alter-ego of John Steele, one of the individuals the Defendants refer to as a “principal” of Prenda Law. Yet, Defendant Cooper recently asked a Magistrate Judge in the District of Minnesota to impose “any other sanction that would be reasonable and just to deter [AF Holdings] and its attorneys from engaging in similar conduct.” *See AF Holdings LLC v. John Doe*, No. 0:12-cv-1448-JNE-FLN (ECF No. 42, Sept. 20, 2013).

WHEREFORE, for all the foregoing reasons, Plaintiff respectfully requests that this Court grant it leave to file the attached Surreply, *instanter*; and grant it any and all further relief that the Court deems to be reasonable and appropriate under the circumstances. .

Respectfully submitted,
PRENDA LAW, INC.,
Plaintiff

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