

**DECLARATION OF INA R. O'BRIANT IN SUPPORT OF PLAINTIFF'S RESPONSE
TO ORDER TO SHOW CAUSE WHY TODD PHILLIPS SHOULD
NOT BE DEEMED A VEXATIOUS LITIGANT**

STATE OF MICHIGAN)
) ss:
COUNTY OF INGHAM)

I, INA R. O'BRIANT, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Michigan. My firm is the Law Office of Ina R. O'Briant.
2. I am over the age of 18 years and regularly conduct business in Ingham County, Michigan. I do not wish to provide my county of residence out of fear what Mr. Phillips may do with that information.
3. I make this declaration in support of Plaintiff's Response to Order to Show Cause as to Why Todd Matthew Phillips Should Not be Deemed a Vexatious Litigant in ██████████ *Phillips nka ██████████ v. Todd Matthew Phillips*, Case No. D-18-██████████-D, Eighth Judicial District Court, Clark County, Nevada ("Korpak Lawsuit"). If called upon to testify as to the contents of this declaration, I am legally competent and willing to testify thereto in a court of law.
4. The contents of this declaration are based upon my own personal knowledge unless stated upon information and belief, as to which matters I am informed and believe to be true.
5. I represented Ms. Jessica Caruss as defendant in a lawsuit filed in Michigan on August 21, 2021, by Mr. Todd Matthew Phillips, the Defendant in this Korpak Lawsuit. That Michigan lawsuit was *T. Matthew Phillips v. Jessica Caruss*, Case No. 2021-000820-NZ, 56th Circuit Court-Charlotte, Eaton County, Michigan ("Michigan Lawsuit"). A true, accurate, and

complete copy of the Case Details and Register of Actions from the Michigan Lawsuit is attached to this Declaration as **Exhibit IRO 1**.

6. Mr. Phillips' complaint alleged that Ms. Caruss defamed him in connection with matters occurring in the Korpak Lawsuit.
7. During the course of the litigation, Mr. Phillips conducted himself in a very unprofessional and egregious manner. In my opinion, based upon his conduct, he used our Court System as a way to bully and harass not only my client, but myself as well. Mr. Phillips blatantly lied to the Court when he claimed that he had not seen the Motion for Security of Costs prior to the hearing, despite the fact that he had posted a picture of the Motion for Protective Order, *et al*, that had been mailed in the very same envelope as the Motion for Security of Costs, the day prior to the hearing, on his social media page, Atomic Court Watchers. Mr. Phillips attacks opposing counsel, the Judge(s), the system and anything else he chooses not only in his communications, but even in his pleadings. In fact, he was admonished by the Court on November 5, 2022 and advised that any further pleadings that contained such comments would be stricken. A true, accurate, and complete copy of the Transcript from a November 5, 2021 Hearing, which I attended, in the Michigan Lawsuit, is attached to this Declaration as **Exhibit IRO 2**.
8. Mr. Phillips' conduct continued as he continued to file pleadings that were denied and or rejected, including but not limited to: Plaintiff's Objection to Proposed Order; and, Motion for Reconsideration. Mr. Phillips Objection to Proposed order was rejected as defective, as indicated in the Court's Opinion and Order Denying Plaintiff's Motion For Reconsideration. A true, accurate, and complete copy of Plaintiff's Motion For Reconsideration is attached to this Declaration as **Exhibit IRO 3**; and, A true, accurate,

- and complete copy of the Opinion and Order Denying Plaintiff's Motion For Reconsideration, attached to this Declaration as **Exhibit IRO 4**.
9. The Michigan Lawsuit was dismissed on January 26, 2022, because Mr. Phillips failed to pay a court-ordered \$5,000 surety bond.
 10. Even after the case was dismissed, Mr. Phillips continued to try to file Motions against Ms. Caruss. A true, accurate, and complete copy of the email communication with the Eaton County Court Clerk is attached to this Declaration as **Exhibit IRO 5**.
 11. Mr. Phillips appealed the dismissal of his Michigan Lawsuit to the Michigan Court of Appeals and continued to fail to follow the Michigan Court Rules by failing to timely pay filing fees, file briefs and/or other requisite filings, etc.. A true, accurate, and complete copy of the Correspondence from Michigan Court of Appeals, dated February 24, 2022, attached to this Declaration as **Exhibit IRO 6**; and, A true, accurate, and complete copy of the Order dated December 19, 2022, attached to this Declaration as **Exhibit IRO 7**.
 12. A Motion to Affirm was filed on Ms. Caruss' behalf. A true, accurate, and complete copy of the Motion to Affirm is attached to this Declaration as **Exhibit IRO 8**.
 13. The Michigan Court of Appeals affirmed the dismissal with a single sentence on October 17, 2022. A true, accurate, and complete copy of the Michigan Court of Appeal's Order is attached to this Declaration as **Exhibit IRO 9**.
 14. The Michigan Court of Appeals awarded Ms. Caruss costs which Mr. Phillips opposed and again uses his pleadings to further attack and belittle the trial court Judge, the opposing counsel and basically the family court system both in Michigan and Nevada. A true, accurate, and complete copy of Appellant's Opposition to Motion for Damages is attached to this Declaration as **Exhibit IRO 10**.

15. During the course of the Michigan Lawsuit, I communicated with Mr. Phillips on many occasions, during which, he conducted himself in a very aggressive and unprofessional manner. Oftentimes, threatening to sue me and/or take my money. He would even include in communications, the hashtag #sue happy. True, accurate, and complete copies of email communications from Mr. Phillips or between Mr. Phillips and me are attached to this Declaration as follows:
- a. Email exchanges dated September 29, 2021 and September 30, 2021, attached hereto as **Exhibit IRO 11**.
 - b. Email exchanges dated October 10, 2021 and October 11, 2021, attached hereto as **Exhibit IRO 12**.
16. Shortly after I sent Mr. Phillips the October 11, 2021 email regarding a potential complaint against him with the California State Bar (Ex IRO 12), I received a copy of a letter from the Michigan Attorney Grievance Commission, regarding a Complaint that was filed against me, by Mr. Phillips. For context, three days after I inferred in an email to Mr. Phillips (Ex. IRO 12) that I was considering filing a Bar complaint against him in California due to his egregious and extremely unprofessional conduct, he filed an Attorney Grievance Complaint against me in Michigan. Upon information and belief based on, *inter alia*, my personal experiences with Mr. Phillips, it is my opinion that his Attorney Grievance Complaint against me was nothing more than a frivolous preemptive strike designed to undermine any Bar complaint I might file against him in California by manufacturing for himself the argument that my Bar complaint, which I never did file, was merely retaliation. On December 20, 2021, the Michigan Attorney Grievance Commission issued its letter closing the matter. A true, accurate, and complete copy of the Letter from the Michigan

Attorney Grievance Commission dated December 20, 2021 and its' enclosures, is attached hereto as **Exhibit IRO 13**.

I declare under penalty of perjury of the laws of the State of Michigan that the foregoing is true and correct.

Further declarant sayeth naught.

DATED this 16TH day of January, 2025.

Ina R. O'Briant

INA R. O'BRIANT