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*Attorneys for Defendant  
Midwest Industrial Supply, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

18 SOILWORKS, LLC, an Arizona corporation,  
19 Plaintiff / Counterdefendant  
20 v.  
21 MIDWEST INDUSTRIAL SUPPLY, INC.,  
22 an Ohio corporation authorized to do business  
23 in Arizona,  
24 Defendant / Counterclaimant.

No. 2:06-CV-02141-DGC

**MIDWEST INDUSTRIAL SUPPLY,  
INC.’S MOTION TO STRIKE THE  
COUNTERCLAIMS ASSERTED  
BY SOILWORKS, LLC**

25 Pursuant to Federal Rule of Civil Procedure 12(f), Defendant/Counterclaimant  
26 Midwest Industrial Supply, Inc. (“Midwest”) moves to strike the counterclaims asserted  
27 by Plaintiff/Counterdefendant Soilworks, LLC (“Soilworks”) in its “Reply to Midwest  
28

1 Industrial Supply, Inc.’s Counterclaims” filed on April 16, 2007. The grounds for this  
2 motion are fully set forth in the memorandum of points and authorities  
3 contemporaneously filed with this motion. A proposed Order is attached for the Court’s  
4 convenience.

5  
6 DATED this 3<sup>rd</sup> day of May, 2007.

7 By /s/ John M. Skeriotis  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2007, the foregoing MIDWEST INDUSTRIAL SUPPLY, INC.'S MOTION TO STRIKE THE COUNTERCLAIMS OF SOILWORKS, LLC was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ John M. Skeriotis  
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