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8 Attorneys for Plaintiffs

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 11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF ARIZONA**

13 XCENTRIC VENTURES, LLC, an  
 Arizona limited liability corporation, and  
 14 JABURG & WILK, P.C., a professional  
 corporation,

15 Plaintiffs,

16 v.

17 SHAWN RICHESON,

18 Defendant.

Case No.: 2:10-cv-1931-PHX-NVW

**MOTION TO STRIKE DEFENDANT  
 SHAWN RICHESON’S MOTION FOR  
 RULE 11(C) SANCTIONS AGAINST  
 MARIA CRIMI SPETH AND JABURG  
 & WILK, P.C. (DOC. NO. 27)**

Jaburg & Wilk, P.C.  
 Attorneys At Law  
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 20 Pursuant to Rule 12(f), Fed.R.Civ.P., Plaintiff Jaburg & Wilk, P.C. hereby requests  
 21 this Court issue an Order striking the recently filed pleading of Defendant Shawn  
 22 Richeson captioned as “Motion for Rule 11(c) Sanctions – Against Maria Crimi Speth &  
 23 Jaburg and Wilk P.C.” (Doc. No. 27). Defendant Richeson has failed to comply with  
 24 Rule 11, Fed.R.Civ.P. in the filing of this Motion. Because the Motion for Sanctions is  
 25 procedurally improper, it must be stricken.

26 Pursuant to Rule 11(c)(2), any Motion for Sanctions pursuant to Rule 11(b):

27 must be served under Rule 5, but it **must not be filed or be presented to**  
 28 **the court** if the challenged paper, claim, defense, contention, or denial is

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withdrawn or appropriately corrected **within 21 days after service** or within another time the court sets.

Fed.R.Civ.P. Rule 11(c)(2). Defendant Richeson has filed his Motion for Sanctions without first serving it and waiting twenty-one days before filing it. On this basis alone, the Motion for Sanctions must be stricken as being procedurally improper.

In addition, Defendant Richeson is using this Court case as a forum to defame and harass Plaintiffs and to cause Plaintiffs to incur unnecessary expenses and not for any legitimate purpose.

DATED this 30<sup>th</sup> day of September, 2010.

**JABURG & WILK, P.C.**

s/Maria Crimi Speth  
Maria Crimi Speth  
David S. Gingras  
Attorneys for Plaintiffs

*Certificate of Service*

I hereby certify that on the 30<sup>th</sup> day of September, 2010, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

I have also caused to be delivered to Defendant, who is not registered with the CM/ECF System, a copy of the attached document by First Class Mail and E-Mail:

Shawn Richeson  
1906 Twilight Drive  
Killeen, Texas 76543  
Shawn@ClickaNerd.com  
Defendant Pro Per

s/Debra Gower