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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Xcentric Ventures, LLC, an Arizona
limited liability corporation, and Jaburg &
Wilk, P.C., a professional corporation,

Plaintiff,

vs.

Shawn Richeson,

Defendant.

No. CV 10-1931-PHX-NVW

ORDER

Defendant, acting *pro se*, has filed a “Cross Claim - Against Ed Magedson and Maria Crimi Speth.” (Doc. 39.) The “Cross Claim” asserts a cause of action for RICO violations. However, Ed Magedson is not a party to this action. Maria Speth, although counsel of record to Plaintiffs, is likewise not a party. If Defendant wishes to join Magedson and Speth under a RICO theory, he must first move for leave to amend his counterclaims and add Magedson and Speth as counter-defendants. *See* Fed. R. Civ. P. 15(a)(2), 20(a)(2); 4 James Wm. Moore, *Moore’s Federal Practice* § 20.02[2][b][ii] (3d ed. 2010) (defendant must seek leave for permissive joinder if defendant has already filed counterclaims). Assuming the Court granted leave, Defendant would then need to effect service of process on them under Fed. R. Civ. P. 4.

Defendant has also filed “FRCP 36 – Request for Admissions from Edward Magedson.” (Doc. 41.) Again, Mr. Magedson is not a party to this action. Further, a party

1 shall not file discovery requests with the Court unless and until such requests are needed to
2 dispose of a motion.

3 IT IS THEREFORE ORDERED that Defendant's "Cross Claim - Against Ed
4 Magedson and Maria Crimi Speth" (Doc. 39) and "FRCP 36 – Request for Admissions from
5 Edward Magedson" (Doc. 41) are STRICKEN.¹

6 DATED this 22nd day of October, 2010.

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David G. Campbell
United States District Judge

¹The Clerk shall nonetheless leave the document images in the electronic records of the Court.