

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 05-cv-02364-REB-BNB

THOMAS SMITH, and
PAM SMITH, husband and wife,

Plaintiffs,

v.

ARGENT MORTGAGE COMPANY, LLC.,
WELLS FARGO BANK, N.A.,
HOMEQ SERVICING CORPORATION, and
HOPP & SHORE, LLC,

Defendants.

**ORDER STRIKING PLAINTIFFS'
STATEMENT OF THE EVIDENCE OR PROCEEDINGS**

Blackburn, J.

This matter is before me on the following: (1) the defendants' **Motion To Strike Statement of the Evidence or Proceedings** [#314], filed July 18, 2008; and (2) the Plaintiffs' **Motion for Enlargement of Time To Respond To Motion To Strike Statement of the Evidence or Proceedings** [#322], filed August 7, 2008.

The defendants' motion to strike concerns the **Statement of the Evidence or Proceedings** [#311], filed July 11, 2008, which was filed by the plaintiffs. The plaintiffs' **Statement of the Evidence or Proceedings** purports to present a record of the trial in this case. The plaintiffs present this record because, they claim, a "transcript of the trial is unavailable." The plaintiffs cite no factual basis for their claim that a transcript of the trial is unavailable. The plaintiffs' **Statement of the Evidence or Proceedings** [#311],

filed July 11, 2008, serves no valid purpose in the record of this case and is stricken.


There is no need for the plaintiffs to respond to the defendants' motion and the plaintiffs' motion for enlargement of time is denied.

THEREFORE, IT IS ORDERED as follows:

1. That the defendants' **Motion To Strike Statement of the Evidence or Proceedings** [#314] filed July 18, 2008, is **GRANTED**;
2. That the plaintiffs' **Statement of the Evidence or Proceedings** [#311] filed July 11, 2008, is **STRICKEN**; and
3. That the **Plaintiffs' Motion for Enlargement of Time To Respond To Motion To Strike Statement of the Evidence or Proceedings** [#322] filed August 7, 2008, is **DENIED**.

Dated February 12, 2009, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge