

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Miami Division

CASE NO.: 01 - CV- 6290 - JORDAN

MICHELE PARENTE d/b/a
U.S. Federal Petroleum, Inc.,

Plaintiff,

v.

CHEVRON PRODUCTS COMPANY, a
division of Chevron U.S.A., Inc.,

Defendant.

MOTION TO STRIKE AND RESPONSE TO IMPROPER "MOTION"

Defendant, Chevron Products Company ("Chevron"), respectfully requests that the most recent filing, entitled "Motion for 'Three – Judge District Court Requested'" (the "Motion"), submitted by Michele Pariente, *pro se*, on behalf of U.S. Federal Petroleum, Inc. ("U.S. Federal"), be stricken. In support of its motion, Chevron submits the following:

- 1) The Motion is filed in a closed file, pursuant to the Courts Order of March 5, 2001 and the Motion was not, in violation of the S.D.Fla.LR. and Federal Rules of Civil Procedure, served on opposing counsel despite U.S. Federal's receipt of a Notice of Appearance in this case by undersigned counsel and the fact that both its President and U.S. Federal are fully aware that undersigned counsel represents Chevron in all matters concerning their business relationship with Chevron. Undersigned counsel only just received the Motion yesterday.
- 2) The Motion appears to seek a three-judge panel of this court, under S.D.FLA.LR. 9.1, to review the prior decision of a judge of this court without asserting any basis for such a

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request under the rules or applicable statutes. That local rule requires that the requesting party set forth the basis for such a request unless it is apparent from the pleading. No basis is apparent and no basis is stated. Under the applicable statute, U.S.C. § 2284, that basis must be one of two: a) by entitlement to such a panel under as set forth in an Act of Congress; or b) a challenge to the constitutionality of apportionment of congressional districts or statewide legislative bodies. Neither applies here.

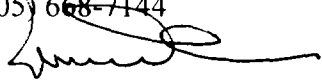
- 3) The Motion is illogical, has no legal basis and is a violation of this court prior orders mandating that any claims of U.S. Federal against Chevron relating to the franchisee relationship would be required to be asserted in the pending matter, Case No. 99 -- 7060, and that U.S. Federal would have to make such a claim by an attorney as Michele Pariente is not an attorney and cannot represent it in a *pro se* capacity.

WHEREFORE, Chevron respectfully requests that the Motion be denied or stricken for continued failure to comply with the Orders of this Court, the rules of this Court and applicable law. Further, Michele Pariente individually should be sanctioned for his continued vexatious filings and barred from further filings on behalf of U.S. Federal.

CERTIFICATE OF SERVICE

I hereby certify that the above pleading was mailed, via U.S. First Class Mail, this Thursday, March 8, 2001, to Michele Pariente and the DEALER at 2 South Federal Highway, Deertfield Beach, Florida 33441.

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