

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DANIEL J. WICKENS; PAMELA M.)	
WICKENS; MARK SHERE; and,)	
EMPLOYERS FIRE INSURANCE)	
COMPANY,)	
Plaintiff,)	
)	
vs.)	1:05-cv-645-SEB-TAB
)	
SHELL OIL COMPANY and SHELL OIL)	
PRODUCTS COMPANY, LLC,)	
Defendant.)	

ORDER GRANTING MOTION TO STRIKE

Employers Fire Insurance Company (“Employers”) has filed a motion seeking to strike a document which was filed, *pro se*, by Daniel and Pamela Wickens. The document at issue is titled “Wickens Pro-Se Statement of Position Rule 16.2” and is located on the electronic docket at Document #386.

Local Rule 16.2 requires litigants to file a position statement addressing how a case should proceed at the district court level after it has been remanded by the Seventh Circuit for further proceedings. Following just such a remand in this case, on October 15, 2010, the court entered an order requiring the parties to file their Local Rule 16.2 statements by November 4, 2010. On November 4, 2010, Daniel and Pamela Wickens filed their statement, but its content reads much more like a complaint for damages than it does a statement with respect to the procedural posture and future of a lawsuit that has

already seen more than five years of litigation and the entry of a judgment. All that remains in this matter is a determination of how the attorney fees and litigation costs are to be distributed between the Wickenses' former attorney and their insurance company. In addition to the apparent intent to raise new claims in the statement, Employers has objected to the Wickenses' filing on the basis that they no longer have an economic interest in the case, having cashed a check tendered to them by Employers on the basis that it represented their sole remaining stake in any costs associated with the litigation and this court's amended judgment.

We find that Employer's motion and objection to the Wickenses' filing is well taken. As we noted when we previously struck a *pro se* filing by the Wickenses (*see* Doc. # 353 Order on Motion to Strike), any further claim which the Wickenses believe they are entitled to pursue against any of the parties involved here must be brought in a separate lawsuit. Accordingly, Employers' Motion to Strike (Doc. #390) is GRANTED and the Wickenses' Pro-Se Statement of Position Rule 16.2 (Doc. #386) is hereby stricken.

IT IS SO ORDERED

Date: 02/15/2011



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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