

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Friedrich Lu, Plaintiff)

v)

George Hulme,)

Trustees of Boston Public Library, Defendants)

Civil Action No 12-1117-MJ

FILED
CLERK'S OFFICE
2013 JUN 13 PM 2:36
U.S. DISTRICT COURT
DISTRICT OF MASS.

PLAINTIFF'S MOTION TO STRIKE ANSWERS

(1) On Mar 30, 2013 the court denied motions to dismiss of both defendants. Fed Rule Civ Proc 12(a)(4)(A) states "if the court denies the motion [to dismiss] * * * the responsive pleading must be served within 14 days after the notice of the court's action." Defendants' answer were due on or before Apr 12.

(2) Both defendants filed their answer yesterday (June 12), two months too late. Both the filing, neither defendant moved to file the answer late, thus circumventing the onus of meritorious defense under Rule 6(b)(1)(B) (excusable neglect).

(3) In reply to Lu's pre-motion consultation under Dist Ct Local Rule 7.1, defendants today only states:


"Judge Wolf's order on the Motion to Dismiss noted that he would be setting a schedule for this matter (p. 26 of his decision), but he has yet to do so. Due to this procedural uncertainty, I had delayed filing our Answers, but thought that it might be worthwhile to do so [yesterday].

(4) Which is bunkum.

(5) Lu had wanted to call upon Supreme Judicial Court to interpret state law and disqualify city's attorney, but waited to see what was going on--defendants' default in this court might moot the issues.

(6) Case law in First Circuit upheld default when a defendant's answer was thirty days past due.

(7) WHEREFORE Lu moves to strike answers, of both defendants.

Plaintiff: Friedrich Lu, pro se 

Date: June 13, 2013

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A copy of this document was served electronically on Ms Driscoll on the same day.