

1 Donald Williams
44 1/2 S. Division Apt., 37
2 Grand Rapids, MI., 49503

Honorable Robert Holmes Bell
Chief United States District Judge

FILED - GR
07 FEB 13 PM 3:44
U.S. DISTRICT COURT
WESTERN DISTRICT MICH
BY: [Signature]

3
4 ***In The United States District Court***
5 ***For The Western District Of Michigan***
6

7 Donald Williams,) Case No.: 1:06-cv-635
8 Plaintiff,) Motion To Strike
9 vs.)
10 Grand Rapids Public Library,)
11 Defendant)

12 **COMES NOW**, the Plaintiff Donald Williams, with his Motion to Strike Defendants
13 Response to Plaintiffs Motion To Amend Pleadings and Motion For Settlement
14 Conference.

15
16 **I. MOTION TO STRIKE**

17 **A. BRIEF**

18 **1. Objection**

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20 1. In the Defendants response the Defendant speaks in the passive voice.
21 Defendant doesn't object to the Motion to Amend Pleadings or Motion for
22 Settlement Conference (see Defendant Response To Motion To Amend
23 Pleadings and Motion For Settlement Conference page 1, 1 sentence and page
24 2, 2nd paragraph). But, Defendant, in the form of a letter to the judge disguises a
25 pleading as a motion in the passive voice and gives his unsupported opinion that
Plaintiffs claims are extremely weak or will ultimately provide grounds for

1 dismissal of all of Plaintiffs claims¹. Furthermore, Defendant suggests that the
2 Court grant Plaintiff opportunity to amend his amended pleading (see Defendant
3 Response To Motion To Amend Pleadings and Motion For Settlement
4 Conference page 1). The Plaintiff refuses, rejects and denies, to amend his
5 amended pleading and asserts to the court that such opinions unsupported to the
6 Court are passive in the form of a letter, requests to the judge, which are
7 specifically prohibited. FRCP Rule 7 (a), LCivR Rule7.1 (a).

8 2. This Court is well aware Plaintiff has previously tried to sanction this Defendant
9 and this Court has warned Plaintiff that Rule 11 also applies to Plaintiff. Yet, the
10 violation of the FRCP and the LCivR continues and the Plaintiff wants a stop put
11 to it. FRCP Rule 7 (a), LCivR Rule7.1 (a). Howbeit, this Court has not taken
12 upon it own initiative wherefore the Plaintiff request the Court instruct Defendant
13 to discontinue his unsupported briefs.

14 3. Defendant asserts that ADR will not be effective before and that ADR should be
15 scheduled after the deadline for dispositive motions and all decisions related to
16 those motions (see Defendant Response To Motion To Amend Pleadings and
17 Motion For Settlement Conference page 2). The question Plaintiff must ask
18 Plaintiffs self is what is the purpose of FRCP Rule 56 and FRCP Rule 12(f). The
19 Plaintiff would assert to this Court that FRCP Rule 56 and FRCP Rule 12(f) are
20 Dispositive Motions and for alternative dispute resolution to be effective it should
21 start and be completed before the close of discovery, June 15, 2007, LCivR 16.1.
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23

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25 ¹ Even if Plaintiffs evidence is extremely weak and even if Plaintiffs clearly defined rights provide grounds for dismissal at least the LCivR and the FRCP will have required justice, Const. Amend 14 Sec. 1. Furthermore, the Plaintiff will have considered it an opportunity and a privilege just to have tried this litigation as pro se if the amended pleading is weak, 42 USC Sec. 1983, Rev. Stat. Sec., 1979.

1 **2. Pro Se**

2 1. This Court is well aware of the Plaintiffs financial situation, the Plaintiff filed this
3 litigation Pro Se, Title 28 U.S.C.A. § 1331, 1332, 1343. The Defendant has
4 passively requested standard track case evaluation ADR (see Defendant
5 Response To Motion To Amend Pleadings and Motion For Settlement
6 Conference page 2). Standard track case evaluation ADR requires \$150.00
7 payment of which will have to be waived or deducted from any agreement for the
8 Plaintiff to participate in case evaluation ADR. Which is why Plaintiff merely
9 requested a settlement conference within 30 days (see Plaintiff Motion For
10 Settlement Conference) LCivR 16.8, LCivR 16.1.

11 **3. Strike Two**

12 1. The Defendants Response should not be allowed, FRCP Rule 12(f), there shall
13 be a complaint and an answer, no other pleading shall be allowed. Defendants
14 Response is not accompanied by any support. Defendant dose not object to nor
15 is Defendant in opposition of or in support of Plaintiff Motion to Amend or Motion
16 For Settlement. Defendants' briefs is submitted in the form of a letter to the
17 judge, in passive voice to the Plaintiff and disguised as a pleading to the Judge
18 (FRCP Rule 7(a)). FRCP Rule 12(f) and FRCP Rule 56 are mechanisms for
19 dispositive motions and therefore if ADR was held after close of dispositive
20 motions ADR would be ineffective. Furthermore, ADR should be held, decided
21 and closed, before close of discovery, June 15, 2007. In order to be effective
22 Plaintiff requested ADR within 30 Days, (see Plaintiffs Motion For Settlement
23 Conference) LCivR 16.8, LCivR 16.1.

1 **WHEREFORE**, Plaintiff Prays this Honorable Court, to enter an Order at this Courts
2 discretion, circumspect.

3 ***B. EFFORT TO COMPLY WITH LCIVR 7.1(d)***

- 4
- 5 1. In an effort to comply Plaintiff would show the Court Defendants Response dose
6 not comply with the FRCP 7 (a).
 - 7 2. In an effort to comply Plaintiff would show the Court Defendants Response dose
8 not comply with the LCivR Rule7.1 (a).
 - 9 3. In an effort to comply Plaintiff would show the Court that in order for Alternative
10 Dispute Resolution to be effective it should be scheduled before and completed
11 before the closed of discovery and FRCP Rule 12(f) and FRCP Rule 56 are
12 mechanisms for dispositive motions.
 - 13 4. In an effort to comply Plaintiff would show the Court that Plaintiff, in good faith,
14 believes that Defendant will object to Plaintiff Objection.
 - 15 5. In an effort to comply Plaintiff would show the Court, in good faith, that Plaintiff is
16 Pro Se and could be wrong about his interpretation.
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19 Dated This Tuesday, February 13, 2007

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21 By: 

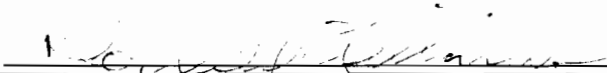
22 **Donald V. Williams**
23 **44 ½ S. Division St., SE., Apt., 37**
24 **Grand Rapids, MI., 49503**
25

C. CERTIFICATION OF MAILING

I do hereby certify that on the 13 day of February, 2007. I mailed a true and correct copy of the above and foregoing instrument to Daniel A. Ophoff, Assistant City Attorney, 620 City Hall, 300 Monroe Ave., NW, Grand Rapids, MI., 49503.

Dated This Tuesday, February 13, 2007

By:


Donald V. Williams