

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

John Doe

PLAINTIFF

V.

SexSearch.com, et al

DEFENDANTS

Case No. 3:07-cv-604

Judge Jack Zouhary

MOTION TO STRIKE  
DEFENDANTS' MEMORANDUM IN  
OPPOSITION (Dkt. #82) and DEFENDANT  
EXPERIENCED'S IDENTICAL  
MEMORANDUM (Dkt. #83)  
TO PLAINTIFF'S MOTION FOR  
LEAVE TO ENGAGE IN LIMITED  
DISCOVERY TO MONIKER INC.  
PRIOR TO CIVIL RULE 26(f)  
CONFERENCE

John Doe respectfully requests this court strike Defendants' (Stallion.com FSC Limited, DNR, Manic Media (aka Manic Media, Inc.), Fiesta Catering International Inc., Mr. Damian Cross, Mr. Ed Kunkel, and Ms. Camelia Francis') Memoranda, Dkt. # 82 and Dkt #83). Both memoranda make the identical argument. Both memoranda object to Plaintiff's motion that *was already granted* more than 14 days ago. (Dkt. #64). Defendants' filed the memoranda in violation of local rule 7.1(d) that states in pertinent part:

"[A] party opposing a motion must serve and file a memorandum in opposition within...fourteen (14) days after service of any non-dispositive motion." Plaintiff's motion for leave to engage in discovery prior to the Civil Rule 26(f) conference was filed March 16, 2007. (Dkt. #44). It was served on all Defendants both by operation of the court's electronic filing system on March 16, 2007. The motion was discussed by this court at the phone status conference on March 21, 2007 and granted that day. (Dkt. #64). Defendants filed their memoranda on April 5, 2007, 20 days following

the filing of Plaintiff's motion and 15 days following this court's granting of the motion. Even had this court not already granted the motion, their memoranda are out of time and should be stricken.

Finally, the memoranda are moot as the discovery this court ordered (Dkt. #64) has already been provided.

Wherefore, Doe respectfully requests this court strike Defendants' memoranda (Dkt. #82 and #83).

/s/Dean Boland  
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#### CERTIFICATE OF SERVICE

A copy of the foregoing was served by operation of the court's electronic filing system on all parties on April 6, 2007.

/s/Dean Boland  
Dean Boland (0065693)