

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

OXEBRIDGE QUALITY RESOURCES
INTERNATIONAL, LLC, and
CHRISTOPHER PARIS, individually,

Plaintiffs,

CASE NO.: 8:15-CV-11-T-17 TBM

vs.

MARC TIMOTHY SMITH, individually,
and d/b/a CAYMAN BUSINESS SYSTEMS,

Defendants.

**MOTION FOR SAME-DAY *NUNC PRO TUNC* LEAVE TO ASSERT REPLY IN
AVOIDANCE OF DEFENDANTS' AFFIRMATIVE DEFENSES NOS. 1, 2, 4, 5, 10
AND 11**

Pursuant to Rule 7 of the Federal Rules of Civil Procedure, plaintiffs, OXEBRIDGE QUALITY RESOURCES INTERNATIONAL, LLC and CHRISTOPHER PARIS cumulatively (“plaintiffs”) by and through their undersigned attorney, move this Court for same-day *nunc pro tunc* leave to file a reply in avoidance of certain affirmative defenses recently raised by defendants, MARC TIMOTHY SMITH, individually and d/b/a CAYMAN BUSINESS SYSTEMS cumulatively (“defendants”) and in support thereof state:

1. On February 25, 2015, defendants filed their Answer, Defenses and Counterclaim (“defendants’ Answer”) [Dkt. #17] to plaintiffs’ Complaint [Dkt. #1].
2. Defendant’s Answer sets forth Eleven Affirmative Defenses.
3. Defendant’s Answer, filed *pro se*, is so confusing and redundant that on the same day as filing this present motion, plaintiffs moved to strike defendants’ Answer [Dkt. #20] but not to strike defendants’ eleven Affirmative Defenses.

4. Also on this same day, March 2, 2015, plaintiffs filed their Answer to defendants' Counterclaim II, plaintiff's affirmative defenses, and plaintiffs' reply in avoidance of six of defendants' Affirmative Defenses. [Dkt. #21]
5. That portion of plaintiffs' Answer [Dkt. #21] that includes plaintiffs' reply in avoidance was filed without leave of court.
6. Plaintiffs' reply in avoidance is intended to help move the case forward and narrow the issues during the pleading stage of this proceeding.
7. In view of the foregoing, plaintiffs respectfully move this Court to grant leave of court, *nunc pro tunc*, to allow that portion of plaintiffs' Answer [Dkt. #21] that contains plaintiffs' reply in avoidance of six of defendants' Affirmative Defenses to stand as filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties receiving electronic notification via the CM/ECF filing system as of March 2, 2015, and further certify that a copy has been furnished via U.S. First Class Mail to Marc Timothy Smith, 8466 LeSourdsville-West Chester Road, Olde West Chester, Ohio 45069.

Respectfully submitted by:

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