

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-17TBM

vs.

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

Defendants.

PLAINTIFFS' MOTION TO STRIKE PARAGRAPHS 13-23 OF DEFENDANTS'
"RESPONSE TO PLAINTIFFS' MOTION (DOCUMENT 21) OF CASE NUMBER: 8:15-
CV-00011-EAK-TBM"

COMES NOW the plaintiffs, OXEBRIDGE QUALITY RESOURCES INTERNATIONAL, LLC and CHRISTOPHER PARIS cumulatively ("plaintiffs") by and through their undersigned attorney, and file this Motion to Strike Paragraphs 13-23 of Defendants' "Response to Plaintiffs' Motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM" [Dkt. #37] against, MARC TIMOTHY SMITH, individually and d/b/a CAYMAN BUSINESS SYSTEMS cumulatively ("defendants") and states as follows:

1. On March 2, 2015, plaintiffs filed their "Plaintiff's Answer to Counterclaim II, Plaintiff's Seven Affirmative Defenses, And Replies to Defendant's Eleven Affirmative Defenses." [Dkt. #21] Plaintiff's replies were filed with leave of court. [Dkt. #22]
2. On March 20, 2015, Defendants filed their "Response to Plaintiffs' Motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM" [Dkt. #37]. Within said filing, Defendants filed eleven replies to Plaintiffs' eleven replies.

3. Plaintiff is not aware of any federal or local rule that would allow a party to reply to replies.
4. To the extent that the Court has discretion to allow further memorandum directed toward a response, Defendants did not obtain leave of court under Rule 7(a), Federal Rules of Civil Procedure, prior to filing replies to replies, nor should such leave be granted.
5. On February 19, 2015, this Court specifically ordered these *pro se* Defendants to learn and comply with “the Federal Rules of Civil Procedure and the Local Rules of the Middle District of Florida, and Defendants are directed to comply with the Rules and the Court’s Orders [and that] Failure to comply may have adverse consequences, including the assessment of attorney’s fees or the striking of pleadings.” [Dkt# 15]
6. Plaintiffs move this court to strike paragraphs 13-23 of Defendants’ “Response to Plaintiffs’ Motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM” [Dkt. #37] from the record.
7. As a result of Defendants’ conduct, Plaintiffs were forced to bring forth this motion and incur reasonable attorney’s fees and costs therewith. [Dkt# 15]
8. Plaintiffs request reimbursement from Defendants of attorney’s fees and costs incurred as “adverse consequences” of Defendants’ failure to comply with the Federal Rules of Civil Procedure, Local Rules and this Court’s order, dated February 19, 2015.

WHEREFORE, Plaintiffs, CHRISTOPHER PARIS and OXEBRIDGE QUALITY RESOURCES INTERNATIONAL, LLC, ask this Honorable Court to enter an order striking paragraphs 13-23 of “Response to Plaintiffs’ Motion (Document 21) of Case Number 8:15-cv-00011-EAK-TBM” [Dkt. #37] filed by Defendants, MARC TIMOTHY SMITH, individually, and d/b/a CAYMAN BUSINESS SYSTEMS; award Plaintiffs recovery of their attorney fees incurred

in filing this motion; and that this Honorable Court grant such other relief that it deems equitable and just under the circumstances.

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 April 16, 2015, and as of this date there are no non-Portal users.

Respectfully submitted by:

WILLIAM R. WOHSIFER, PA

By: /s/ William R. Wohlsifer
William R. Wohlsifer, Esquire
Fla. Bar No: 86827
1100 E Park Ave Ste B
Tallahassee, Florida 32301
Tel: (850) 219-8888
Fax: (866) 829-8174
E-Mail: william@wohsifer.com;
paralegal@wohsifer.com