

UNITED STATES DISTRICT COURT  
Northern District of Indiana  
South Bend Division

Kurt Martin,

Plaintiff,

v.

NIPSCO *et al.*

Defendants.

CASE No.: 3:13-cv-052 PPS

**DEFENDANT, ST. JOSEPH COUNTY BOARD OF COMMISSIONERS'**  
**MOTION TO DISMISS WITH PREJUDICE, STRIKE FILINGS AND OPPOSITION TO**  
**MOTION FOR DEFAULT JUDGMENT**

COMES NOW Defendant, St. Joseph County Board of Commissioners (the "County"), and hereby submits its Motion to Dismiss this cause with prejudice, strike filings, and Opposition to Motion for Default Judgment. In support of this Motion, the County shows the Court as follows:

1. On January 25, 2013, Kurt Martin ("Martin") filed what he termed a "Motion for Order to Show Cause re: Plundering and Privateering."
2. Martin named the St. Joseph County Board of Commissioners, among many others, as Defendants in this matter.
3. On January 30, 2013, the Court issued an Order dismissing Martin's pleading with leave to amend for failure to file an intelligible or coherent pleading.
4. On March 20, 2013 and March 22, 2013, Martin submitted a number of other improper filings in this matter. These filings are also unintelligible and incoherent and even appear to attempt to assert claims against individuals that were not served in the initial summons in this matter.

5. The Federal Rules of Civil Procedure require that every pleading must be “simple, concise, and direct.” Fed. R. Civ. Pro. 8(a).

6. Pleadings which are unintelligible do not satisfy Rule 8(a) and may be dismissed. *See Standard v. Nygren*, 658 F.3d 792, 797–99 (7th Cir. 2011); *Schwartz v. Interra Credit Union*, No. 2012 WL 4741588, \*2 (N.D. Ind. Oct. 3, 2012).

7. When “nothing in [a] plaintiffs’ . . . response . . . suggests that [plaintiff] will be able to state a meritorious claim” and “[t]he allegations are rooted in an incomprehensible method of written communication” that “suffers from more than a technicality or curable shortcoming,” a court may dismiss the pleading “with prejudice.” *See Schwartz, supra*.

8. All of Martin’s filings are unintelligible and incoherent. Nothing in his pleadings “suggests that [he] will be able to state a meritorious claim,” and his “allegations are rooted in an incomprehensible method of written communication” that “suffers from more than a technicality or curable shortcoming.”

9. To the extent that Martin’s filings entered after the Court’s Order of January 30, 2013 constitute an attempt by Martin to amend his initial filing, the St. Joseph County Board of Commissioners respectfully requests that these filings be stricken and that the County be dismissed from this matter with prejudice.

10. Additionally, Martin’s Motion for Default Judgment which is based upon his January 25, 2013 filing should be denied because said filing was previously dismissed and attempts to seek relief against individuals that are not parties to this matter.

WHEREFORE, Defendant, the St. Joseph County Board of Commissioners respectfully

requests that the Court strike the filings of Kurt Martin in this matter, dismiss it with prejudice and deny his Motion for Default Judgment because they are unintelligible and incoherent.

Respectfully submitted,

THORNE • GRODNIK, LLP

/s/ Jamie C. Woods

Jamie C. Woods, Esq. (#21879-79)  
Phillip A. Garret, Esq. (#25580-46)  
420 Lincolnway West  
P.O. Box 1210  
Mishawaka, Indiana 46546-1210  
(574) 256-5660 / FAX (574) 256-5137  
Attorneys for Defendant –  
St. Joseph County Board of Commissioners

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was served, via regular mail, on the 10<sup>th</sup> day of April, 2013 upon the following person(s) at the following addresses:

Kurt Martin  
House of Allsop  
Temporary Post Location  
c/o 18401 Burke Street  
South Bend, Indiana 46637

NIPSCO  
Attn: Angie Nelson, Public Affairs Manager  
801 East 86<sup>th</sup> Avenue  
Merrillville, Indiana 46410

The Company Corporation  
2711 Centerville Road  
Suite 400  
Wilmington, Delaware 19808

Citimortgage, Inc.  
Executive Response Unit  
1000 Technology Drive  
Mail Station 20-1-371  
O'Fallon, Missouri 63368

Northern Trust Corporation  
50 South Lasalle Street  
Chicago, Illinois 60675

Andrew P. Seiwert, Esq.  
FEIWELL & HANNOY, P.C.  
251 N. Illinois Street  
Suite 1700  
Indianapolis, Indiana 46204-1944

Internal Revenue Service  
Stakeholder Partnerships, Education  
and Communication Office  
Metro Plex 1  
8401 Corporate Drive  
Suite 300  
Landover, MD 20785

Coldwell Banker, et. al.  
Attn: Mike Chabot  
1539 N. Ironwood Drive  
South Bend, Indiana 46635

United States Incorporated  
General Services Department  
2000 14<sup>th</sup> Street NW  
8<sup>th</sup> Floor  
Washington, DC 20009

United State Senate  
Washington, DC

Corporate Secretary  
Freddie Mac  
8200 Jones Branch Drive MS 200  
McLean, Virginia 22102

/s/ Jamie C. Woods  
Jamie C. Woods (#21879-79)