

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JOHN BAPTIST KOTMAIR, et al.,)
)
 Defendants.)

Case No.: WMN 05 CV 1297

UNITED STATES' MOTION TO STRIKE

The United States moves to strike, as untimely and in violation of the Local Rules, the second response filed by defendant SAPF, in connection with the United States' Motion for Sanctions for Discovery Violations. (Doc. no. 51).

FACTS

On June 8, 2006, the United States moved for sanctions for discovery violations with respect to both defendants. (Doc. no. 39). Defendants' response to the motion for sanctions for discovery violation was due on June 26, 2006. Defendants filed a response to the motion for discovery sanction on both June 26 and 27, 2006. (Doc. nos. 50 & 51).

ARGUMENT

SAPF's second response to the motion for sanctions for discovery sanctions, filed on June 27, 2006, should be struck as untimely. The Court's rules require the filing of opposing memoranda within fourteen days of a motion to compel.¹ Moreover, Local Rule 105.2.a states that all motions must be filed within deadlines set by the Court. Here, the Court allowed

¹ L.R. 105.2.a.

defendants until June 26, 2006, to file a response to the United States' motion. Defendants filed their response at 11:52 p.m. on June 26, 2006, and filed an additional response, without seeking leave of court, on June 27, 2006. The supplemental response filed on June 27, 2006, is untimely and should struck.

CONCLUSION

Since SAPF supplemental response is untimely, the United States requests it be stricken from the record.

Respectfully submitted,

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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing MOTION TO STRIKE has been made upon the following by depositing a copy in the United States mail, postage prepaid, this 28th day of June, 2006.

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