

U.S. DISTRICT COURT
IDAHO DISTRICT COURT
BOISE, IDAHO

AUG 24 2004

FILED _____
LOGGED _____

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Attorneys for Defendant Micron Electronics, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

KIMBERLEY SMITH, MICHAEL B.
HINCKLEY, JACQUELINE T.
HLADUN, MARILYN J. CRAIG,
JEFFERY P. CLEVINGER, and
TIMOTHY C. KAUFMANN, individually
and on behalf of those similarly situated,

Plaintiffs,

vs.

MICRON ELECTRONICS, INC., a
Minnesota corporation,

Defendant.

Case No. CIV 01-0244-S-BLW

**DEFENDANT MICRON ELECTRONICS,
INC.'S MOTION TO STRIKE
PLAINTIFFS' STATEMENT OF
UNDISPUTED FACTS (Docket No. 225)
FILED IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

**DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE PLAINTIFFS'
STATEMENT OF UNDISPUTED FACTS (Docket No. 225) FILED IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT - 1**

Boise-174717.1 0026493-00046

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ORIGINAL

Defendant Micron Electronics, Inc., by and through its attorneys, Stoel Rives LLP, respectfully submits this Motion to Strike Plaintiffs' Statement of Undisputed Facts (Docket No. 225) Filed in Support of Plaintiffs' Motion for Partial Summary Judgment ("Motion to Strike").

This Motion to Strike is supported by the Memorandum in Support and the Omnibus Affidavit of Gregory C. Tollefson in Support of Defendant Micron Electronics, Inc.'s (1) Memorandum in Response to Plaintiffs' Motion for Partial Summary Judgment, (2) Motion to Strike, and (3) Cross-Motion for Partial Summary Judgment Re: Willfulness and the Memorandum in Support of Motion to Strike filed contemporaneously herewith.

Plaintiffs' Statement of Undisputed Facts (Docket No. 225) should be stricken because it fails to comply with Federal Rule of Civil Procedure 56(e) and other applicable law.

DATED this 24th day of August, 2004.

STOEL RIVES LLP



Kim Dockstader

DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF UNDISPUTED FACTS (Docket No. 225) FILED IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT - 2

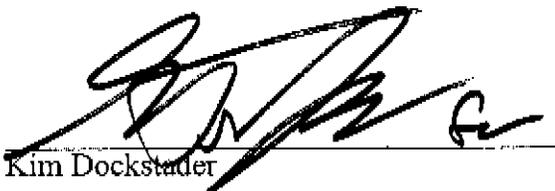
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August, 2004, I caused to be served a true and correct copy of the foregoing **DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF UNDISPUTED FACTS (Docket No. 225) FILED IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT** by the method indicated below, addressed to the following:

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Kim Dockstader

DEFENDANT MICRON ELECTRONICS, INC.'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF UNDISPUTED FACTS (Docket No. 225) FILED IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT - 3