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U.S. COURTS
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 CAMERON S. BURKE
 IDAHO

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF IDAHO

<p>KIMBERLEY SMITH and MICHAEL B. HINKLEY, individually and on behalf of those similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>MICRON ELECTRONICS, INC., a Minnesota corporation,</p> <p style="text-align: center;">Defendant.</p> <hr style="width: 30%; margin-left: 0;"/>	<p>) Case No. CIV 01-0244-S-BLW))) DEFENDANT'S MOTION TO STRIKE) CONSENTS AND DISMISS POTENTIAL) OPT-IN CLAIMANTS: Stefanie Bistline,) Bland Ballard, Michael Moser, Rory Kip) DeRouen, Jeffrey Parrish, Michael Jordan,) Michelle Milliken, Isaac Moffett, Christopher) McCullough, Eric Fillmore, Matthew Flynn,) Jeffery Clevenger, Tim Hedding, John Scalce,) Mathew Jarama Ell, Chris Wing and Ken Ford))</p>
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Defendant Micron Electronics, Inc. ("Defendant"), by and through its attorneys, Stoel Rives LLP, respectfully moves this Court for an Order dismissing the following persons who have attempted to "opt-in" to this lawsuit: Stefanie Bistline, Bland Ballard, Michael Moser, Rory Kip DeRouen, Jeffrey Parrish, Michael Jordan, Michelle Milliken, Isaac Moffett, Christopher

McCullough, Eric Fillmore, Matthew Flynn, Jeffery Clevenger, Tim Hedding, John Scale,
Mathew Jarama Ell, Chris Wing and Ken Ford.

Defendant requests this relief pursuant to Federal Rule of Civil Procedure 37(d), Rule
45(e) and the Court's inherent power, because said persons have failed to comply or respond to
subpocnas duces tecum served in or around mid-August, 2001.

Dated this 20th day of December, 2001.

STOEL RIVES LLP



Kim J. Dockstader

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CLAIMANTS - Page 2

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2001, a true and correct copy of the foregoing DEFENDANT'S MOTION TO STRIKE CONSENTS AND DISMISS POTENTIAL OPT-IN CLAIMANTS was served on the following individuals by the manner indicated:

William H. Thomas	<input type="checkbox"/>	By Hand Delivery
Daniel E. Williams	<input type="checkbox"/>	By Facsimile
HUNTLEY, PARK, THOMAS, BURKETT, OLSEN & WILLIAMS	<input checked="" type="checkbox"/>	By U.S. Mail
250 S. Fifth Street Suite 660 Boise, Idaho 83701-2188	<input type="checkbox"/>	By Overnight Delivery


Kim J Dockstader

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