

ORIGINAL

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Attorneys for Defendant Micron Electronics, Inc.

U.S. DISTRICT &  
BANKRUPTCY COURTS

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FILED FOR MICRON ELECTRONICS, INC.  
COURT REPORTER

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'S MOTION TO STRIKE  
PLAINTIFFS' STATEMENT OF  
MATERIAL FACTS (Docket No. 220)  
FILED IN OPPOSITION TO MICRON  
ELECTRONICS, INC.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT RE  
STATUTES OF LIMITATION**

242

Defendant Micron Electronics, Inc. ("Defendant" or "MEI"), by and through its attorneys, Stoel Rives LLP, respectfully submits this Motion to strike "Plaintiffs' Statement of Material Facts" (Docket No. 220) filed in opposition to MEI's Motion for Partial Summary Judgment Re Statutes of Limitation.

Plaintiffs' Statement of Facts should be stricken because it fails to comply with District of Idaho Local Civil Rule 7.1(c)(2), is not supported by any properly authenticated testimony, and, in the alternative, violated Federal Rule of Civil Procedure 56(e).

DATED this 3<sup>rd</sup> day of August, 2004.

STOEL RIVES LLP

  
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Kim Dockstader

**DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF MATERIAL  
FACTS (Docket No. 220) FILED IN OPPOSITION TO MICRON ELECTRONICS,  
INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF  
LIMITATION - 1**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of August, 2004, I caused to be served a true and correct copy of the foregoing **DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF MATERIAL FACTS (Docket No. 220) FILED IN OPPOSITION TO MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION** by the method indicated below, addressed to the following:

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- Via U. S. Mail
- Via Hand-Delivery
- Via Overnight Delivery
- Via Facsimile

  
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Kim Dockstader

**DEFENDANT'S MOTION TO STRIKE PLAINTIFFS' STATEMENT OF MATERIAL FACTS (Docket No. 220) FILED IN OPPOSITION TO MICRON ELECTRONICS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE STATUTES OF LIMITATION - 2**