

ORIGINAL

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_____ (A)

Attorneys for Defendant Micron Electronics, Inc.

IN THE UNITED STATES DISTRICT COURT
IN AND 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
CONSENTS AND DISMISS CLAIMANTS**

**(Re: Kevin Aubert, Ryan Ball, Heidi M.
Brady, Carlisle Burnette, John Caprai,
Dennis Christensen, Heather Elliott, Julie
Gardner, Beverly J. Hilliard, Kurt
Kluessendorf, Erick Little, Carren
Mattson, Mark McKenzie, Ginger North,
Jeff Parrish, Michael Schoonveld, Carly D.
Seader, Matthew Severson, Kurt Swanson,
Robert S. Wood and Patrick Worthington)**

Defendant Micron Electronics, Inc. ("MEI" or "Defendant"), by and through its
attorneys, Stoel Rives LLP, pursuant to Rules 37(b)(2), 37(d) and 41(b) of the Federal Rules of

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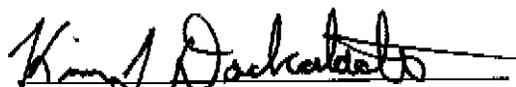
Civil Procedure, and the Court's inherent power, respectfully moves for an Order striking the consents and dismissing claimants Kevin Aubert, Ryan Ball, Heidi M. Brady, Carlisle Burnette, John Caprai, Dennis Christensen, Heather Elliott, Julie Gardner, Beverly J. Hilliard, Kurt Kluessendorf, Erick Little, Carren Mattson, Mark McKenzie, Ginger North, Jeff Parrish, Michael Schoonveld, Carly D. Seador, Matthew Severson, Kurt Swanson, Robert S. Wood and Patrick Worthington.

This Motion is supported by the concurrently filed memorandum, the supporting affidavit of Gregory C. Tollefson and the pleadings and record on file in this case.

Despite their initial willingness to join this lawsuit, certain claimants have since decided to withdraw from or "opt out" of this action. Moreover, the failure of certain of the claimants to cooperate with discovery or to submit a proper consent has needlessly increased the costs associated with this litigation. Defendant therefore reserves the right to seek costs and attorney fees, and other sanctions as the Court may deem appropriate.

Dated this 14th day of June, 2004.

STOEL RIVES LLP

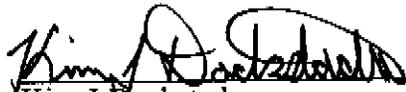

Kim J. Dockstader

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2004, a true and correct copy of the foregoing **DEFENDANT'S MOTION TO STRIKE CONSENTS AND DISMISS CLAIMANTS (Re: Kevin Aubert, Ryan Ball, Heidi M. Brady, Carlisle Burnette, John Caprai, Dennis Christensen, Heather Elliott, Julie Gardner, Beverly J. Hilliard, Kurt Kluessendorf, Erick Little, Carren Mattson, Mark McKenzie, Ginger North, Jeff Parrish, Michael Schoonveld, Carly D. Seader, Matthew Severson, Kurt Swanson, Robert S. Wood and Patrick Worthington)** was served on the following individuals by the manner indicated:

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