

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

GLAS-WELD SYSTEMS, INC., an Oregon  
Corporation

Plaintiff

vs.

Michael P. Boyle, dba Surface Dynamix, and  
Christopher M. Boyle

Defendant

Case No. 6:12-cv-02273-AA

**MOTION TO STRIKE RE: PLAINTIFFS  
MOTION FOR SUMMARY JUDGMENT.**

**ORAL ARGUMENT & EXPEDITED  
HEARING REQUESTED**

**Introduction:**

Defendants respectfully request an expedited hearing and oral ausement so that this Court can enter an Order striking plaintiffs current Supplemental Motion for Summary Judgment(Doc. 237) as a matter of law. There is no content in this motion which is disputed. This motion simply lays out the timing of a document filed with this Court and its relationship with the Federal Rules of Civil Procedure which govern this case.

**Facts:**

- (a). Plaintiff and Defendants concluded depositions and discovery on December 11<sup>th</sup> 2015.
- (b). On January 22<sup>nd</sup>, 2016 the plaintiff filed a Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56. With new theories of infringement.
- (c). There are 42 days between December 11<sup>th</sup> 2015 and January 22<sup>nd</sup> 2016.
- (d). Fed. R. Civ. P. 56(b) states: *“Time to File a Motion. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.”*

(e). This Court has adopted Rule 56(b) as it stands and has no Local Rule which alters it.

(f). This Court has not issued any Orders or Opinions which grant an extension of the filing date mandated by Fed. R. Civ. P. 56(b).

**Argument:**

There is no legal grounds for the plaintiff's to file an MSJ at this late juncture. The Court should as a matter of law strike plaintiffs Motion. (Doc. 237)

/s/ Michael Boyle

Date:2-1-16

/s/ Christopher Boyle

Date:2-1-16

### CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Motion to Strike** on the plaintiff on **February 2, 2016** by:

- mail with postage prepaid, deposited in the US mail,
- hand delivery,
- facsimile transmission,
- overnight delivery,
- electronic notification or email.

Defendant Pro-Se Christopher M. Boyle

A handwritten signature in black ink, appearing to read 'CMB', is written over the printed name of the defendant.