

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MONICA SANTIAGO,

Plaintiff,

v.

SHERWIN-WILLIAMS COMPANY,
NL INDUSTRIES, INC., EAGLE-PICHER
INDUSTRIES, INC., INTERNATIONAL
SMELTING & REFINING COMPANY,
SCM CORPORATION, successor to
GLIDDEN COMPANY, and LEAD
INDUSTRIES ASSOCIATION,

Defendants.

CIVIL ACTION NO.
87-2799-T

**PLAINTIFF'S MOTION TO STRIKE IMPERTINENT AND
SCANDALOUS MATTER**

Plaintiff, by her attorneys, hereby moves this Court pursuant to Rule 12(f) of the Federal Rules of Civil Procedure to strike as impertinent and scandalous the characterization of her factual submission as "dreck" on page 11 of Defendant's Rule 56.1 Supplemental Statement of Disputed Facts (a copy of which is attached hereto as Exhibit A). As grounds therefor, plaintiff states:

1. For almost four years now, plaintiff and her attorneys have been subjected to the constant kvetching by defendants' counsel, who have made a big tsimmes about the quantity and quality of plaintiff's responses to discovery requests. This has been the source of much tsouris among plaintiff's counsel and a big megillah for the Court.

2. Now that plaintiff's counsel has, after much time and effort, provided defendants with a specific and comprehensive

statement of plaintiff's claims and the factual basis thereof, defendants' counsel have the chutzpah to call it "dreck" and to urge the Court to ignore it.

3. Plaintiff moves that this language be stricken for several reasons. First, we think it is as impertinent to refer to the work of a fellow member of the bar of this Court with the Yiddish term "dreck" as it would be to use "the sibilant four-letter English word for excrement." Rosten, The Joys of Yiddish (Simon & Schuster, New York, N.Y., 1968) p. 103. Second, defendants are in no position to deprecate plaintiff's counsel in view of the chozzerai which they have filed over the course of this litigation. Finally, since not all of plaintiff's lawyers are yeshiva buchers, defendants should not have assumed that they would all be conversant in Yiddish.

WHEREFORE, plaintiff prays that the Court put an end to this mishegoss and strike "dreck."

Oy Gevalt!

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I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail (by hand) on this date 2/24/04.

Jonathan Shapiro

12. Response to Paragraph 260:

Plaintiff's statement in this paragraph is taken out of context and without more, it is misleading and inaccurate. Leaded zinc oxide is produced by a process which begins with lead-zinc ores. Lead sulfate and finally, leaded zinc oxide are derived from these ores. Defendants dispute plaintiff's implication that all basic lead sulfate was produced by the defendants in this action. (See Burrows Supplemental Aff., ¶¶ 1-3.)

It is unfortunate that this Court must wade through the dreck of plaintiff's original and supplemental statement of undisputed facts. Defendants urge that this Court remain focused on the merits of their motions for summary judgment and ignore plaintiff's deliberate attempts to muddle and confuse issues which are factually and legally clear.

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MONICA SANTIAGO,
Plaintiff,

v.

THE SHERWIN-WILLIAMS COMPANY,
et al.

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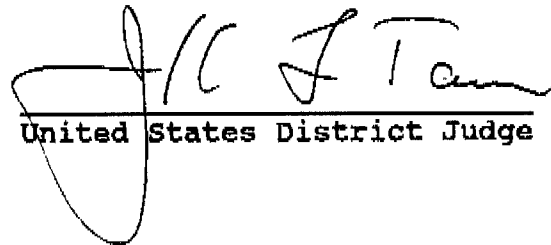
CA No. 87-2799-T

ORDER

December 4, 1991

TAURO, D.J.

Plaintiff's Motion to Strike Impertinent and Scandalous Matter is ALLOWED. Any further use of inappropriate language in any proceeding before this court will result in the imposition of sanctions.


United States District Judge

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IN THE UNITED STATES DISTRICT COURT FOR
WESTERN DISTRICT OF OKLAHOMA

FILED

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ROBERT D. DENNIS
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

BY DEPUTY CU

4810 PARTNERSHIP, an Illinois
limited partnership,

Plaintiff,

v.

NATIONAL PROPERTIES, INC.,
an Oklahoma corporation,

Defendant.

No. CIV-91-1196-A

ORDER

In the seven years I have sat as district judge, only two or three times have I been presented a response to plaintiff's report of settlement discussions, as was filed in this case. The instant response is consistent with prior pleadings in the case; it contains mutterings about bad faith and personal disputes between counsel.

I suppose counsel have a penumbral Constitutional right to regard each other as schmucks, but I know of no principle that justifies litigation pollution on account of their personal opinions. This case makes me lament the demise of duelling.

I cannot order a duel, and thus achieve a salubrious reduction in the number of counsel to put up with. However, a summary jury trial is ordered. Setting will be announced.

It is so ordered this 29th day of May, 1992.

Wayne Alley
WAYNE E. ALLEY
United States District Judge