

IN THE CIRCUIT COURT OF COLBERT COUNTY, ALABAMA

JOHN R. BENN,

\*

Plaintiff,

\*

v.

\*

Case Number: CV-2002-184

ROBERT NOVAK,

\*

Defendant.

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MOTION TO STRIKE UNDER RULE 33(a)

Comes now the Plaintiff John Benn and pursuant to Rule 33(a) requests the Court to strike Defendant Novak's Answers to Plaintiff's First and Second Interrogatories as Defendant has failed to respond to the same under oath as required by ARCP Rule 33(a). Said documents are attached as Exhibits 1 and 2 to this pleading.

Wherefore, Plaintiff prays that the Court will enter an Order pursuant to Rule 33(a) to strike Defendant's Answers and require Defendant to file supplemental answers to Interrogatories under oath within ten (10) days.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Benn BEN009/ASB-0868-B23J  
*Pro se*  
104 West Third Street  
Sheffield, AL 35660  
256-386-7685

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that, prior to or immediately after filing the foregoing with the Court, I mailed U.S. Mail, postage prepaid, or delivered by hand a copy to:

Mr. Robert Novak  
1550 Sunrise Highway  
Copaigue, New York 11726

Date: \_\_\_\_\_

\_\_\_\_\_  
John R. Benn