

U. S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

MAY 16 2011

CHRIS R. JOHNSON, CLERK

BY

PLAINTIFF DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DAVID STEBBINS

vs.

Case No. 10-3086

WAL-MART STORES, INC.

DEFENDANTS

**MOTION TO STRIKE DEFENDANTS' RESPONSE IN OPPOSITION TO
SECOND MOTION TO CONFIRM ARBITRATION AWARD AND
MOTION FOR DEFAULT**

Comes now Plaintiff David Stebbins, who respectfully submits the following motion to strike the Defendants' Response in Opposition to my Second Motion to Confirm the Arbitration Award.

The Response contains inadmissible evidence. Specifically, it contains excerpts from the contract that I have submitted in my original motion that are irrelevant to this court, and thus should be struck from the record. Details are in the brief.

Upon the response being struck, I will be entitled to default, as the Defendants' two-week time frame to file a response in opposition will have passed, thus rendering the Defendants as officially failing to defend against the award.

Wherefore, I respectfully pray that you strike the Defendants' Response in Opposition, declare the Defendants in default, grant the second motion to confirm the arbitration award, award costs incurred, and other relief that the court finds appropriate.

It is so requested on this 13th day of May, 2011.



David Stebbins
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CERTIFICATE OF SERVICE

- I, Plaintiff David Stebbins, hereby certify that a true and correct copy of the Plaintiff's
- Motion to Strike Defendants' Response in Opposition to Second Motion to Confirm Arbitration Award and Motion for Default,
 - Brief in Support of Motion to Strike Defendants' Response in Opposition to Second Motion to Confirm Arbitration Award and Motion for Default,
 - Reply Suggestion to Second Motion to Confirm Arbitration Award, and
 - Supplement to my Motion for Reconsideration

were all served on Jeffrey Spillyards, attorney for the Defendants, by mailing a copy to 425 W. Capitol Ave., Suite 1800, Little Rock, Ar 72201 on the 13th day of May, 2011.



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