

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACK and RENEE BEAM,

Plaintiffs,

Civil Action No. 07-cv-1227

Honorable Rebecca R. Pallmeyer

vs.

FEDERAL ELECTION COMMISSION,

Defendant.

**PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S SECOND
MOTION FOR SUMMARY JUDGMENT**

By and through counsel, Plaintiffs Jack and Renee Beam, respectfully requests that this Honorable Court strike as untimely Defendant FEC's Second Motion For Summary Judgment.

In support of their motion, Plaintiffs state the following:

1. On May 28, 2009, this Court held a status hearing ordering that Rule 56 motion, if any, must be filed on or before July 10, 2009.
2. On July 10, 2009, Defendant FEC filed its motion for summary judgment which was denied in this Court's Memorandum Opinion and Order dated February 4, 2010.
3. On February 18, 2010, the parties appeared for status conference at which time Defendant FEC indicated its intent to file a second motion for summary judgment. In response, the Court expressed its disapproval of another round of summary judgment proceedings. At that time, the Court ordered the parties to prepare a proposed final pretrial order and set a tentative trial date of June 7, 2010.

4. On March 29, 2010, Defendant FEC filed its Second Motion for Summary Judgment. At no time did Defendant FEC seek leave of Court before filing its second motion for summary judgment.

5. Under this Court's prior minute entry dated May 28, 2009, the Court ordered that Rule 56 motion, if any, must be filed by July 10, 2009. Now, nine months after the Court's Rule 56 motion cut-off date, Defendant has filed its second motion for summary judgment.

6. Because Defendant's motion is untimely, Plaintiffs respectfully request that this Honorable Court strike its Second Motion for Summary Judgment (Docket No. 163) filed on March 29, 2010.

For these reasons, Plaintiffs respectfully request that this Honorable Court enter its order striking from the record Defendant FEC's Second Motion for Summary Judgment for the reason that it is untimely.

Respectfully submitted,
FIEGER, FIEGER, KENNEY, JOHNSON & GIROUX, P.C.

s/ Michael R. Dezsi
Michael R. Dezsi (P64530)
Attorney for Plaintiff
19390 W. Ten Mile Road
Southfield, Michigan 48075
(248) 355-5555
m.dezsi@fiegerlaw.com

Dated: April 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2010, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

s/ Michael R. Dezsi

Michael R. Dezsi (P64530)

Fieger, Fieger, Kenney, Johnson & Giroux, P.C.

19390 W. Ten Mile Road

Southfield, Michigan 48075

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m.dezsi@fiegerlaw.com