

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED
OCT 13 2006
Phil Lombardi, Clerk
U.S. DISTRICT COURT
Case No. 06-CV-460-TCK-PJC

WE, THE PEOPLE, et al.,
Plaintiff,

v.

United States, et al.,
Defendant.

PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S MOTION TO DISMISS
STRIKE APPEARANCE

COMES NOW, We, the people, and/or I, Carl Weston. Pro se, files this reply to said

Defendant's Motion to Dismiss and states as follows:

1. Defendant Westfield Insurance Company admits subject matter jurisdiction and Plaintiff agrees.
2. How convenient it is for the Defendant or its counsel to quote "Fed.R. Civ. P. 12(b)(6)", as this is a abused Rule that has been used by the courts across America to dismiss cases being brought by people. Pro se(s). Sue Juris and Individual Litigators. Can we say that "12(b)(6)", is no more then We, the people(s) RIGHTS V. Big money Controlled Law Firm Junk Justice? JURY TRIAL DEMANDED!
3. That in Defendant Westfield Insurance Company ANSWER, Paragraph three "3", has NOTHING to do with Fed. R. Civ. P. 12(f). "redundant, immaterial, impertinent, or scandalous", If this is the best that Defendant can plead by Motion, Counsel for the Defendant needs to go back to law school or read Websters Dictionary again, again and again. See Reference below:

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA**

[CAPTION]

[JUDICIAL OFFICER(S)]

Fed. R. Civ. P. 26(f) REPORT OF THE PARTIES

Counsel for the parties and unrepresented parties shall confer regarding the matters identified herein and prepare a signed report in the following form to be filed at least 21 days before the Initial LR 16.1 Scheduling Conference or at such other time as ordered by the court. This report form may be

downloaded from the Court=s web site as a word-processing document and the information filled in as requested on the downloaded form . The dates to be provided in the report are suggested dates and may be accepted or modified by the Court.

4. That in Defendant's ANSWER, paragraph four(4) "Plaintiffs' Complaint is barred by the doctrine of res judicata." "Res judicata", has nothing to do with this case at bar. This Class Action case in form has never ever been filed by "We, the people, so defendant's statement is VOID on its face. Defendant's Counsel needs to stop trying to practice law and trying to pull rabbits out of hats.

5. That in paragraph five (5), this seems to be normal thought of counsel trying to rip off We, the people, trying to get Un-constitutional fees. JURY TRIAL DEMANDED!

6. That in paragraph six (6), Defendant's statement about "short plain statement of the claim". The short plain statement is "DUE PROCESS", Violations of the Defendant(s). Reference Blacks Law!

7. That in paragraph seven (7), Defendant's counsel states: "All Class Allegations should be stricken for failure to comply with Fed. R. Civ. P. 23(a)(4)." Again, Defendant's counsel is trying to pull a rabbit out of a hat which is not there because the rabbit got ran over by a Mac Truck. Defendant's counsel needs to read to what they are referencing to "23(a)(4)" below:

(4) the representative parties will fairly and adequately protect the interests of the class.

CONCLUSION

WHEREFORE, We, the people, and/or I, Carl Weston, Pro se Plaintiff, request this court to STRIKE Defendant Westfield Insurance Company's ANSWER on the grounds that it is false and misleading this court. STRIKE Appearance by counsel because of NO filing in the record of an Entry of Appearance.

Respectfully submitted,



Carl Weston, Pro se, Class Member
2851 N. Hwy 66, #18
Catoosa, Ok. 74015

CERTIFICATE OF SERVICE

I, Carl Weston, certify that a true and correct copy of the forgoing has been dropped in the U.S. Mail to Jonathan D. Echols, oba #20685, 20 N. Broadway, suite 1800, Oklahoma City, Oklahoma 73102.

Respectfully submitted,



Carl Weston, Pro se, Class Member
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