

Joseph W. Borton [ISB No. 5552]  
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*Attorneys for Defendant*

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON**

GREGORY L. COLLETT,

Plaintiff,

v.

PATTI ANNE LODGE,

Defendant.

Case No.: CV-14-5506

**MOTION TO STRIKE**

COMES NOW, Joseph W. Borton of the firm Borton Lakey Law Offices and hereby moves this Court to strike the Memorandum in Support of Contest filed June 11, 2014 (hereinafter "Unsigned Memo"), in the above-entitled action, upon the following grounds and for the following reasons:

1. The Unsigned Memo should be struck, because it is not signed and does not meet the minimum requirements of the Idaho Rules of Civil Procedure, specifically I.R.C.P.

11(a)(1), which requires that, "A party who is not represented by an attorney shall sign the pleading, motion or other paper and state the party's address." Also: "If a pleading, motion or other paper is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant."

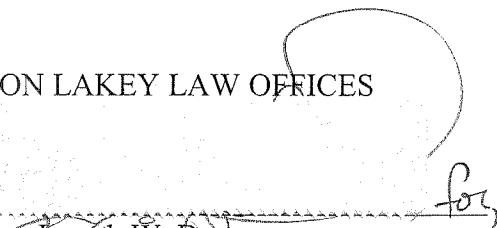
2. The Unsigned Memo should be struck pursuant to I.R.C.P. 12(f), because it consists entirely of redundant, immaterial, impertinent, or scandalous matter. The Unsigned Memo is a Memorandum in title only. It contains nothing but an anonymous table of contents and eleven unverified documents that are in no way referenced by any of the pleadings on file in the above-entitled action.
3. Finally, the Unsigned Memo should be struck, because it was not timely filed. Idaho Code Section 34-2124 requires, "A candidate wishing to contest a primary election shall file an affidavit with the appropriate court within five (5) days of the completion of the canvass of the election." The Unsigned Memo was presumably submitted by the Plaintiff in support of the Plaintiff's Affidavit and Notice of Contest (although it does not specifically say so), as such it should have been filed within five (5) days of the completion of the canvass of the election. It was not. In fact it was not even filed within five (5) days of the Plaintiff's Affidavit and Notice of Contest.

For the reasons stated above, the Defendant respectfully requests that the Unsigned Memo be struck.

DATED this 30<sup>th</sup> day of June, 2014.

BORTON LAKEY LAW OFFICES

By

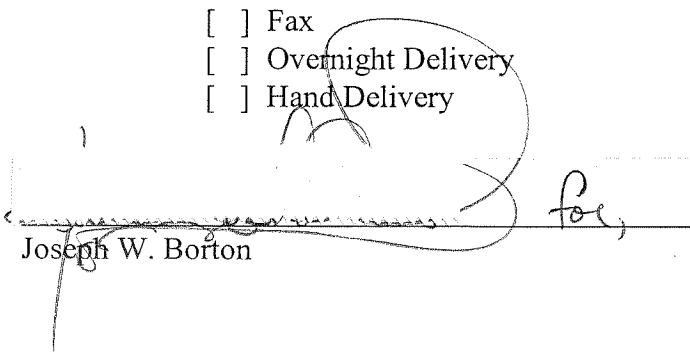
  
Joseph W. Borton  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of June, 2014, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and addressed to; by fax transmission to; by overnight delivery to; or by personally delivering to or leaving with a person in charge of the office as indicated below:

Gregory L. Collett  
21255 Lonkey Lane  
Caldwell, ID 83697

- U.S. Mail
- Fax
- Overnight Delivery
- Hand Delivery

  
\_\_\_\_\_  
Joseph W. Borton