

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**JIMMIE HERSHEY, individually and  
on behalf of all other similarly situated,**

**Plaintiff,**

**v.**

**EXXONMOBIL OIL CORPORATION,**

**Defendant.**

**Case No. 07-1300-JTM**

**MEMORANDUM AND ORDER**

Counsel for plaintiffs in Farrar et al. v. Mobil Oil Corp., Case No. 01-CV-12 (Stevens Co. Kansas District Court), filed a “statement” in this case asserting that Jimmy Hershey is seeking to represent a class that has already been certified in a state court action concerning the same claims. (Doc. 117). This matter is before the court on Hershey’s motion to strike improper filings *by a non-party*. (Doc. 118).<sup>1</sup> No response in opposition to the motion has been filed; thus, the motion is uncontested and, under D. Kan. Rule 7.4, the motion is granted without further notice.

**IT IS THEREFORE ORDERED** that plaintiff’s motion to strike an improper filing

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<sup>1</sup>

Neither Mr. Farrar nor the “Farrar class” sought leave to intervene in this case and do not cite any authority for filing a “statement” in this case.

by a non-party (**Doc. 118**) is **GRANTED**. The clerk of the court shall take appropriate steps to strike Doc. 117 from the docket.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 5th day of November 2010.

S/ Karen M. Humphreys

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KAREN M. HUMPHREYS  
United States Magistrate Judge