

Defense attorneys arguing in a recent summary judgment motion in federal court in Boston wrote in a responsive pleading, "It is unfortunate that this Court must wade through the dreck of plaintiff's original and supplemental statement of undisputed facts." The plaintiff's attorneys responded:

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MONICA SANTIAGO, Plaintiff, v.
SHERWIN-WILLIAMS COMPANY, et al. Defendants.
Civ. No. 87-2799-T

PLAINTIFF'S MOTION TO STRIKE IMPERTINENT AND SCANDALOUS MATTER

Plaintiff, by her attorneys, hereby moves this Court pursuant to Rule 12(f) of the Federal Rules of Civil Procedure to strike as impertinent and scandalous the characterization of her factual submission as "dreck" on page 11 of Defendant's Rule 56.1 Supplemental Statement of Disputed Facts (a copy of which is attached hereto as Exhibit A). As grounds therefore, plaintiff states:

1. For almost four years now, plaintiff and her attorneys have been subjected to the constant kvetching by defendants' counsel, who have made a big tsimmes about the quantity and quality of plaintiff's responses to discovery requests. This has been the source of much tsoris among plaintiff's counsel and a big megillah for the Court.

2. Now that plaintiff's counsel has, after much time and effort, provided defendants with a specific and comprehensive statement of plaintiff's claims and the factual basis thereof, defendants' counsel have the chutzpah to call it "dreck" and to urge the Court to ignore it.

3. Plaintiff moves that this language be stricken for several reasons. First, we think it is impertinent to refer to the work of a fellow member of the bar of this Court with the Yiddish term "dreck" as it would be to use "the sibilant four-letter English word for excrement." Rosten, *The Joys of Yiddish* (Simon & Schuster, New York, NY 1968) p. 103. Second, defendants are in no position to deprecate plaintiff's counsel in view of the chozzerai which they have filed over the course of this litigation. Finally, since not all of plaintiff's lawyers are yeshiva bochurs, defendants should not have assumed that they would all be conversant in Yiddish.

WHEREFORE, plaintiff prays that the Court put an end to the mishegoss and strike "dreck."