

1200. The exhibits are pertinent for the court's analysis in the totality of the circumstances to demonstrate the difficulties in obtaining service of process in the past and thus are pertinent and not outside the pleading and thus Defendant's Motion to Strike should be denied.

5. If Defendant's Motion to Dismiss merely challenges sufficiency of the pleading alone, Defendant's argument would then have merit. However, because Defendant has questioned the validity of the service, the Court should deny Defendant's argument.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests that Defendant's Motion to Strike be denied and any other and further relief this Court deems proper.

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CERTIFICATE OF ELECTRONIC FILING

This is to certify that a correct copy of the above document has been sent via the Court's ECF notification system this 31st day of March 2008 to:

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