IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

JAMES SURRATT and ROSE SURRATT, et al

Plaintiffs,

v. Civil Action No. 5:15-cv-15444

(Consolidated)

PINNACLE MINING COMPANY, LLC;

A Delaware corporation, Defendant.

**PLAINTIFFS’ MOTION TO STRIKE** **CERTIFICATE OF SERVICE DOC. NO. 87 FROM THE RECORD**

Pursuant to the Hearing before the Honorable Magistrate Judge Omar Aboulhosn on May 3, 2017, Plaintiffs, by counsel, Roger A. Decanio, move to strike and withdraw Doc. 87 from the record. **Exhibit A**. Doc. No. 87 is a Certificate of Service for Plaintiffs’ Third Set of Discovery. The Discovery was inadvertently never served. Plaintiffs conceded in its Reply to Defendant’s Response to Plaintiffs’ Motion for Sanctions that the discovery referenced in Doc. No. 87 was never served. [Doc. No. 250, page 3]. However, in light of the hearing on May 3, 2017, Plaintiffs move to formally strike and withdraw Doc. No. 87 from the record.

Respectfully submitted,

PLAINTIFFS

/s/ Roger A, Decanio, Esquire Roger A. Decanio

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(Consolidated Nos. 5:15-CV-15444,

5:15-cv-15527, 5:15-cv-15534, 5:15-cv-

15525, 5:15-cv-15533, 5:15-cv-15532, 5:15- cv-15530, 5:15-cv-15529, 5:15-cv-15528, and 5:15-cv-15526)

# PINNACLE MINING COMPANY, LLC;

A Delaware corporation,

# Defendant.

**CERTIFICATE OF SERVICE**

I, Roger A. Decanio, counsel for plaintiffs, do hereby certify that on the 4th day of May, 2017, I electronically filed a Certificate reflecting service of “Plaintiffs’ Motion to Strike Certificate of Service Doc. No. 87 From the Record.” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

John J. Meadows (W.Va. Bar No. 9442) Peter J. Raupp (W.Va. Bar No. 10546) Steptoe & Johnson PLLC

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*Counsel for Defendant*

/s/ *Roger A, Decanio*

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