

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

FEB 22 2005

Michael N. Milby, Clerk of Court

JAMES STRACKA,

Plaintiff

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant

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CIVIL ACTION
NO. H-04-2450

**Stracka's Response to IBM's Motion for
Leave to File Second Amended Answer, Defenses and Considerations
Filed January 31, 2005**

To the Honorable Kenneth Hoyt, U.S. District Judge:

James Stracka respectfully says that he has no objection to the filing of the Second Amended Answer, Defenses and Counterclaims, but Stracka would respectfully request that the Court in its order explicitly state that:

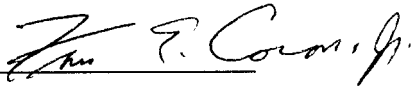
1. The filing of the document in question and addition of Leif Svalgaard as a party shall not be the basis for any continuance of the case or extension of the deadlines established by the Court's Order of August 10, 2004.
2. Svalgaard as a new party shall be entitled to file his own Questions pursuant to Rule 33, Request for Production of Documents and make his own designation of an expert by a date deemed reasonable to the Court.

A proposed, suggested form of Order is attached for the Court's consideration.

Respectful submitted,

Cowan Law Firm, LLP

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