

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KRISTIN BROUGHTON, et al.,
Plaintiffs,
v.
HPA SUBWAY, INC.,
Defendant.
CIVIL ACTION 11-0036-WS-N

ORDER

The defendant has filed an unaccepted offer of judgment. (Doc. 17). This is improper. Fed. R. Civ. 68(a) (offer is to be served, not filed; once the offer is accepted, "either party may then file the offer and notice of acceptance"). "Rule 68 exhibits a strong federal policy against filing such offers with the court and a party may incur a significant sanction for filing an unaccepted offer of judgment." Scottsdale Insurance Co. v. Tolliver, 2009 WL 3233802 at \*4 (N.D. Okla. 2009). The routine remedy is to strike the improperly filed offer. E.g., Berberena-Garcia v. Aviles, 258 F.R.D. 39, 40 (D.P.R. 2009); Estate of Enoch v. Tienor, 2008 WL 3244230 at \*1 (E.D. Wis. 2008); Bechtol v. Marsh & McLennan Cos., 2008 WL 2074046 at \*2 (W.D. Wash. 2008); Dieujuste v. R.J. Electric, Inc., 2007 WL 2409831 at \*1 (S.D. Fla. 2007); St. Paul Fire & Marine Insurance Co. v. City of Detroit, 2007 WL 4126542 at \*2 (E.D. Mich. 2007).

For the reasons set forth above, the offer of judgment is stricken.

DONE and ORDERED this 25th day of July, 2011.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE