

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

SAYED ALI

PLAINTIFF

v.

No. 5:20-CV-05032

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

OPINION AND ORDER

Defendant filed a motion (Doc. 10) to strike Plaintiff's class action allegations from the complaint. Plaintiff has not responded. Defendant asks the Court to strike Plaintiff's class allegations from his complaint because Plaintiff did not file a motion for class certification by the deadline set out in the Court's final scheduling order. The motion is DENIED.

Striking pleadings is an extreme and disfavored remedy. *Stanbury Law Firm v. I.R.S.*, 221 F.3d 1059, 1063 (8th Cir. 2000). Missing a deadline to file a motion is not a sufficient reason to strike allegations from the complaint. The Court agrees with Defendant that Plaintiff likely cannot show the good cause and excusable neglect necessary to file a motion for class certification after the deadline to do so, especially now that the discovery deadline has passed with no class discovery. In the absence of a certified class, there are no class claims to defend on the merits when it comes time for Defendant to do so. Only Plaintiff's individual claims remain for trial. To the extent class claims of an uncertified class can be considered to exist independently of Plaintiff's claims, summary judgment for Defendant is appropriate on the class claims, and they are hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this 30th day of September, 2020.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE