

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DONNA PORTER, et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 1:14-cv-00431-LJO-SAB

ORDER STRIKING PLAINTIFFS' NOTICE  
OF COUNTER-OFFER/SETTLEMENT  
OFFER

ECF NO. 23

On May 1, 2014, Plaintiffs Donna Porter and Lynn Porter (“Plaintiffs”) filed a document with the Court entitled “Notice of Counter-Offer/Settlement Offer.” (ECF No. 23.) It is unclear why this document was sent by Plaintiffs to the Court. Since this document has no apparent purpose with the Court, the Court will strike the document from its records.

Plaintiffs’ filing also contains archaic legal verbiage, commonly associated with the common law pleading practice, that serves no purpose in modern pleading practice. Plaintiffs are advised that common law pleading and procedural practice has long been abolished by the adoption of the Federal Rules of Civil Procedure in 1937, and it is no longer necessary to recite archaic and complex legal terms in pleadings filed with the Court. See 5 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1181 (3d ed. 2012) (discussing modern “simple and elastic pleading and motion procedure ... placing a minimum emphasis on form” and the abolishment of “ancient procedural dogma”).

