

1 Plaintiff seeks to Court to hold the attorneys in contempt and impose sanctions for obtaining
2 unauthorized discovery materials from the litigation coordinator at Prison in violation of Plaintiff's
3 privacy rights. Plaintiff seeks, *inter alia*, declaratory relief, injunctive relief, compensatory and
4 punitive damages.

5 Pursuant to Federal Rule of Civil Procedure 12(f), upon motion or sua sponte, a court may
6 strike "from any pleading any insufficient defense or any redundant, immaterial, impertinent, or
7 scandalous matter." Fed. R. Civ. P. 12(f). "[T]he function of a 12(f) motion to strike is to avoid the
8 expenditure of time and money that must arise from litigating spurious issues by dispensing with those
9 issues prior to trial." Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973 (9th Cir. 2010).
10 Motions to strike are generally disfavored and "should not be granted unless the matter to be stricken
11 clearly could have no possible bearing on the subject of the litigation ... If there is any doubt whether
12 the portion to be stricken might bear on an issue in the litigation, the court should deny the motion."
13 Platte Anchor Bolt, Inc. v. IHI Inc., 352 F.Supp.2d 1048, 1057 (N.D. Cal. 2004) (internal citations
14 omitted). Thus, motions to strike should only be granted if "the matter has no logical connection to
15 the controversy at issue and may prejudice one or more of the parties to the suit." Rivers v. County of
16 Marin, No. C 05-4251, 2006 WL 581096, at *2 (N.D. Cal. 2006). Where the moving party cannot
17 adequately demonstrate such prejudice, courts frequently deny motions to strike "even though the
18 offending matter literally [was] within one or more of the categories set forth in Rule 12(f). Id.

19 When a document is stricken, it becomes a nullity and is not considered by the court for any
20 purpose. "With a motion to strike, just as with a motion to dismiss, the court should view the pleading
21 in the light most favorable to the nonmoving party." Platte Anchor Bolt Inc., 352 F.Supp.2d at 1057.
22 A decision to strike material from the pleadings is vested to the sound discretion of the trial court.
23 Nurse v. United States, 226 F.3d 996, 1000 (9th Cir. 2000).

24 Defendants have not established that "the matter has no logical connection to the controversy
25 at issue and may prejudice one or more of the parties to the suit." Platte Anchor Bolt, Inc., 352
26 F.Supp.2d at 1057. Plaintiff's motion relates to discovery obtained in this action, and the Court finds
27 that striking the motion outright would be improper. Accordingly, Defendants' motion to strike
28 Plaintiff's motion to contempt of court and sanctions is DENIED.

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B. Motion for Extension of Time

Defendants submit that if their motion to strike Plaintiff's motion for contempt and sanctions, they be granted an extension of the deadline to file a response to Plaintiff's motion.

On the basis of good cause, Defendants have fifteen days from the date of service of this order to file a response to Plaintiff's motion.

**II.
ORDER**

Based on the foregoing, it is HEREBY ORDERED that:

1. Defendants' motion to strike Plaintiff's motion for contempt of court and sanctions is DENIED; and
2. Defendants' motion for an extension of time is GRANTED, and Defendants have fifteen (15) days from the date of service of this order to file a response to Plaintiff's motion.

IT IS SO ORDERED.

Dated: October 29, 2015



UNITED STATES MAGISTRATE JUDGE