



1 (E.D. Cal. Nov. 4, 2013), citing Neilson v. Union Bank of Cal., N.A., 290 F. Supp. 2d 1101, 1152  
2 (C.D. Cal. 2003)). “Accordingly, courts often require a showing of prejudice by the moving party  
3 before granting the requested relief.” Id. (quoting Vogel v. Linden Optometry APC, No. CV 13–  
4 00295 GAF (SHx), 2013 WL 1831686 at \* 2 (C.D. Cal. Apr. 30, 2013), citing Quintana v. Baca,  
5 233 F.R.D. 562, 564 (C.D. Cal. 2005)). Where no such prejudice is demonstrated, motions to  
6 strike may therefore be denied “even though the offending matter was literally within one or more  
7 of the categories set forth in Rule 12(f).” Id. (quoting N.Y.C. Emps.’ Ret. Sys. v. Berry, 667 F.  
8 Supp. 2d 1121, 1128 (N.D. Cal. 2009)). Ultimately, “whether to grant a motion to strike lies  
9 within the sound discretion of the district court.” Id. (quoting California Dep’t of Toxic  
10 Substances Control v. Alco Pac., Inc., 217 F. Supp. 2d 1028, 1033 (C.D. Cal. 2002)).

11 Plaintiff brings this motion to strike Defendant’s answer or portions of the answer as  
12 insufficient, redundant, immaterial, impertinent, or scandalous. However, Plaintiff has not shown  
13 that he would actually be prejudiced by the inclusion of any of the specific affirmative defenses  
14 he seeks to exclude. This is insufficient, particularly since motions to strike affirmative defenses  
15 are not favored. Accordingly, Plaintiff’s motion to strike Defendants’ answer is DENIED.

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17 IT IS SO ORDERED.

18 Dated: January 6, 2025



19 STANLEY A. BOONE  
20 United States Magistrate Judge  
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