



1 Puckett, and Tulleo. See ECF No. 4. The return of service indicated that all were served on  
2 October 5, 2021. See id.

3 On October 29, 2021, Plaintiff requested entry of defaults as to Defendants  
4 Dingman, Hanson, HCSD, Puckett, and Tulleo. See ECF No. 5. On November 1, 2021,  
5 Plaintiff requested entry of default as to Defendant Bruce's Towing. See ECF No. 6. On  
6 November 3, 2021, the Clerk of the Court entered the defaults of Defendants Dingman, Hanson,  
7 Puckett, and Tulleo. See ECF No. 7. On the same day, the Clerk of the Court declined to enter  
8 defaults for Defendants HCSD and Bruce's Towing because the record does not indicate proper  
9 service for these defendants. See ECF Nos. 8 and 9. On November 8, 2021, Plaintiff filed new  
10 returns of process for Defendants HCSD and Bruce's Towing. See ECF Nos. 10 and 11. On the  
11 same day, Plaintiff again requested entry of defaults as to Defendants HCSD and Bruce's  
12 Towing. See ECF No. 13. These defendants' defaults were entered by the Clerk of the Court on  
13 November 12, 2021. See ECF No. 14. On March 15, 2022, Defendant Bruce's Towing was  
14 dismissed pursuant to stipulation of the parties. See ECF No. 32.

15 Plaintiff sought default judgments as against Defendants Dingman, Puckett,  
16 Hanson, Tulleo, and HCSD. See ECF Nos. 12 and 20. Defendants sought to set aside all  
17 defaults entered on the docket by the Clerk of the Court. See ECF No. 15. On August 17, 2022,  
18 the Court issued an order granting Defendants' request to set aside defaults, denying Plaintiff's  
19 motions for default judgments, and directing Defendants to file a response to Plaintiff's complaint  
20 within 30 days. See ECF No. 34. Defendants timely filed separate answers on September 15,  
21 2022. See ECF Nos. 41, 42, 43, 44, and 45. The answers as to each defendant are identical in  
22 substance.

## 23 24 **II. DISCUSSION**

25 Federal Rule of Civil Procedure 12(f) permits the Court, on its own motion or on  
26 motion of a party, to "strike from a pleading an insufficient defense or any redundant,  
27 immaterial, impertinent, or scandalous matter." Affirmative defenses are only stricken when  
28 they are insufficient on the face of the pleading. See Williams v. Jader Fuel Co., 944 F.2d

1 1388, 1400 (7th Cir. 1991). Motions to strike are disfavored and generally seen as a delaying  
2 tactic given the limited importance of pleadings in federal court. See Shaterian v. Wells Fargo  
3 Bank, N.A., 829 F. Supp. 2d 873, 879 (N.D. Cal. 2011). As such, courts generally require a  
4 showing of prejudice. See Sanchez v. City of Fresno, 914 F. Supp. 2d 1079, 1122 (E.D. Cal.  
5 2012). If there is doubt, the motion to strike should be denied. See Holmes v. Elec. Document  
6 Processing, Inc., 966 F. Supp. 2d 925, 930 (N.D. Cal. 2013).

7 In his motion to strike – which is directed at each of the separate answers filed  
8 on September 15, 2022 – Plaintiff argues that the asserted affirmative defenses “are devoid of  
9 substantial, relevant, legally-applicable facts, with the great majority being mere ‘boilerplate,’  
10 so containing no facts in support thereof whatsoever.” ECF No. 46, pg. 2. Plaintiff has not,  
11 however, identified any redundant, immaterial, impertinent, or scandalous matter and a review  
12 of Defendants’ answers reflects appropriate defenses. Further, Plaintiff has not demonstrated  
13 how he would suffer prejudice in the absence of an order striking defenses.

### 14 15 III. CONCLUSION

16 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion to strike, ECF  
17 No. 46, is denied.

18  
19 Dated: November 18, 2022



20 DENNIS M. COTA  
21 UNITED STATES MAGISTRATE JUDGE  
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