

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 GEORGE DANIEL,

4 Plaintiff,

5 v.

6 JOSEPH RICHARDS, et al.,

7 Defendants.

Case No. [13-cv-02426-VC](#)

**ORDER DENYING MOTIONS TO STRIKE**

Re: Dkt. Nos. 103, 104

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9  
10 Plaintiff George Daniel's motions to strike the defendants' answers are denied. The  
11 answers do not constitute testimony of the defendants' counsel, nor do they violate the Federal  
12 Rules of Civil Procedure. Although the County defendants' answer was filed six days late, Daniel  
13 has not identified any prejudice that resulted from this late filing. "[A] case should, whenever  
14 possible, be decided on the merits." *United States v. Signed Personal Check No. 730*, 615 F.3d  
15 1085, 1089 (9th Cir. 2010) (internal quotation marks omitted). The Court therefore declines to  
16 strike the County defendants' answer for being a few days late. Cf. *Gibson v. Household Int'l, Inc.*,  
17 151 Fed. App'x 529, 530 (9th Cir. 2005) (denying motion to strike late-filed answer because the  
18 Ninth Circuit and "[t]he strong policy underlying the Federal Rules of Civil Procedure favor[]  
19 decisions on the merits").

20 The hearing on the motions to strike, previously scheduled for August 28, 2014, is vacated.

21  
22 **IT IS SO ORDERED.**

23 Dated: August 20, 2014

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25 VINCE CHHABRIA  
26 United States District Judge  
27  
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