

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERICK J. BLANDINO, individually and on
behalf of all others similarly situated,

Case No. C 12-1729 PJH

Plaintiff,

ORDER DENYING MOTION TO STRIKE

v.

MCM CONSTRUCTION, INC., et al.,

Defendants.

_____ /

The motion of plaintiff Erick J. Blandino to strike the answer filed by defendant MCM Construction, Inc. ("MCM") came on for hearing before this court on June 6, 2012. Plaintiff appeared by his counsel David S. Harris, and MCM appeared by its counsel G. Daniel Newland. Having carefully reviewed the parties' papers and considered the arguments of counsel and the relevant legal authority, and good cause appearing, the court hereby rules as follows for the reasons stated at the hearing.

The court finds that plaintiff has failed to meet his burden of showing that the answer must be stricken for failure to provide fair notice. Plaintiff argues that each of MCM's defenses are insufficiently pled, yet, plaintiff actually addresses only four of MCM's fifty-seven defenses. The court encourages MCM to take a reasonable approach moving forward and whittle down its defenses where appropriate. However, considering

1 plaintiff has failed to demonstrate the insufficiency of each of MCM's defenses, plaintiff's
2 motion to strike MCM's answer is DENIED.

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4 **IT IS SO ORDERED.**

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6 Dated: June 13, 2012

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PHYLLIS J. HAMILTON
United States District Judge