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3   UNITED STATES DISTRICT COURT

4   NORTHERN DISTRICT OF CALIFORNIA

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7   MERVYN L. DE AMARAL, et al.,

8   Plaintiffs,   No. C 12-3580 PJH

9   v.   **ORDER GRANTING MOTION TO STRIKE**

10   GOLDSMITH & HULL, et al.,

11   Defendants.

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13   Plaintiffs' motion to strike defendants' affirmative defenses came on for hearing

14   before this court on April 24, 2013. Plaintiffs Mervyn De Amaral and Jody Lin De Amaral

15   ("plaintiffs") appeared through their counsel, Fred Schwinn. Defendants Goldsmith & Hull

16   and Eric Scott Mintz ("defendants") appeared through their counsel, Jack Hull. Having read

17   the papers filed in conjunction with the motion and carefully considered the arguments and

18   relevant legal authority, and good cause appearing, the court hereby GRANTS plaintiffs'

19   motion to strike for the reasons stated at the hearing, and as follows.

20   As an initial matter, the court does not favor motions to strike, and agrees with

21   defendants that affirmative defenses need not be pled with great factual detail. However, in

22   this case, defendants have asserted twenty boilerplate affirmative defenses without any

23   regard to whether the defenses are applicable to plaintiffs' claims, or whether they are

24   duplicative of each other, or whether they are even affirmative defenses at all. The court

25   further finds that, even though detailed factual allegations are not necessary, defendants

26   must provide at least some factual basis for their asserted defenses. For those reasons,

27   plaintiffs' motion to strike is GRANTED, with leave to amend. Defendants shall have until

28   **May 15, 2013** to file an amended answer, which shall include only non-duplicative defenses

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that apply to a Fair Debt Collection Practices Act claim or a Rosenthal Fair Debt Collection

Practices claim, and which shall provide factual bases for any asserted defenses.

IT IS SO ORDERED.

Dated: April 25, 2013

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PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California

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