

1 motion to strike ultimately lies within the discretion of the trial court. *Rees v. PNC*
2 *Bank, N.A.*, 308 F.R.D. 266, 271-72 (N.D. Cal. 2015) (citing *Whittlestone*, 618 F.3d at
3 973).

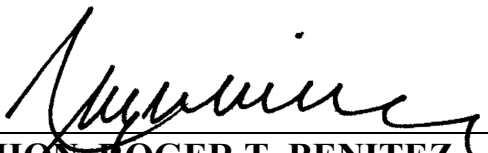
4 Here, Plaintiff moves to strike a so-called Rule 68 offer that has not been filed on
5 the docket. Consequently, at this point “there is nothing to strike.” *Bogner v. Masari*
6 *Invs., LLC*, 2009 WL 1395398, at *1 (D. Ariz. May 19, 2009) (“Because Defendants
7 have not filed the offer of judgment with the Court, there is nothing to strike from the
8 record.”); *Parker v. Risk Mgmt. Alternative, Inc.*, 204 F.R.D. 113, 114 (N.D. Ill. 2001)
9 (“Plaintiff has erred by moving to strike a document that has not been filed with the
10 court.”).

11 **CONCLUSION**

12 For the above reasons, the Court **DENIES** Plaintiff’s Motion to Strike.

13 **IT IS SO ORDERED.**

14 DATED: August 29, 2024

15 
16 **HON. ROGER T. BENITEZ**
17 United States District Judge