Gonzalez v.	Monterey Financial Services, LLC		Doc. 26
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8	UNITED STATES DISTRICT COURT		
9	SOUTHERN DISTRICT OF CALIFORNIA		
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11	LARIZA GONZALEZ, individually and) Case No.: 23cv2368-BEN-DEB	
12	on behalf of herself and all others similarly situated,)) ORDER DENYING PLAINTIFF'S	
13	Plaintiff,) MOTION TO STRIKE	
14	v.)	
15	MONTEREY FINANCIAL SERVICES,)	
16	LLC,)	
17	Defendant.		
18	Before the Court is Plaintiff's Motion to Strike. Defendant filed an opposition.		
19	After considering the papers submitted, Plaintiff's Motion to Strike is denied.		
20	Federal Rule of Civil Procedure 12(f) allows a court to strike from a pleading an		
21	insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.		
22	The purpose of a Rule 12(f) motion "is to avoid the expenditure of time and money that		
23	must arise from litigating spurious issues by dispensing with those issues prior to trial."		
24	Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973 (9th Cir. 2010) (internal		
25	quotation marks omitted). "Motions to strike are generally disfavored and should not be		
26	granted unless the matter to be stricken clearly could have no possible bearing on the		
27	subject of the litigation." Diamond S.J. Enter., Inc. v. City of San Jose, 395 F. Supp. 3d		
28	1202, 1216 (N.D. Cal. 2019) (internal quotations omitted). The decision to grant a		
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motion to strike ultimately lies within the discretion of the trial court. *Rees v. PNC Bank, N.A.*, 308 F.R.D. 266, 271-72 (N.D. Cal. 2015) (citing *Whittlestone*, 618 F.3d at 973).

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

CONCLUSION

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

IT IS SO ORDERED.

DATED: August 29, 2024

HON. ROGER T. BENITEZ, United States District Judge

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