

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Case No. 16-cv-02935-RM-SKC

GORDON G. SAWYERS,

Plaintiff,

v.

BRIAN NORTON, in his individual and official capacity;
JONATHAN L. HART, in his individual and official capacity;
SGT GARY BRUDER, in his individual and official capacity;
JESSE HAND, in his individual and official capacity; and
DOES 1 - 10, in their individual and official capacity,

Defendants.

ORDER

This matter is before the Court on Defendants' Motion to Strike (ECF No. 120) Plaintiff's (1) response brief to Defendants' motion for summary judgment, and (2) statement of undisputed material facts ("Statement") (ECF Nos. 119, 119-1). Defendants argue these papers fail to comply with this Court's Civil Practice Standards. Plaintiff responds with several arguments, e.g., Defendants' alleged failure to confer in violation of this District's Local Rule and that Fed. R. Civ. P. 12 is inapplicable to the papers at issue. In addition, Plaintiff has submitted a revised response brief (ECF No. 121, pp. 8-26) which removes the footnotes and block quotes which Defendants challenge. Defendants reply they are prejudiced by Plaintiff's filings as, for example, his Statement contains argument. Nonetheless, Defendants have filed a reply to Plaintiff's revised response brief and Statement. (ECF Nos. 124, 124-1.)

The Court has considered all relevant papers and finds that Plaintiff's Statement improperly contains arguments. The Court will not consider those arguments. And, in light of

the revised response brief and the fact that arguments in the Statement will not be considered, the Court finds Defendants have not been unduly prejudiced. Thus, on the record before the Court, including the fact the motion for summary judgment is now fully briefed, the Court will allow Plaintiff's filings found at ECF No. 121 (pp. 8-26) and No. 119-1. *See* Fed. R. Civ. P. 1 (The federal rules of civil procedures "should be construed, administered, and employed by the court ... to secure the just, speedy, and inexpensive determination of every action and proceeding.").

It is therefore

ORDERED that Defendants' Motion to Strike (ECF No. 120) is DENIED as stated herein.

DATED this 22nd day of March, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge