

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MONTANA MASSA, on behalf of himself  
and all others similarly situated,**

**Plaintiff,**

v.

**Case No.: 8:16-cv-2585-T-23AAS**

**EVOQUA WATER TECHNOLOGIES LLC,**

**Defendant.**

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**ORDER**

Before the Court is Defendant's Motion to Strike Plaintiff's Motion for Class Certification. (Doc. 16) and Plaintiff's Response to Defendant's Motion to Strike or Alternative Motion to Stay Ruling and Suspend the Time for Plaintiff to Brief the Motion for Class Certification Pending Disposition of Plaintiff's Motion to Remand (Docs. 18, 19).

On July 28, 2016, Plaintiff filed a Class Action Complaint against Defendant in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida. (Doc. 2). On September 6, 2016, Defendant removed the action to this Court. (Doc. 1). As part of the removal process and in conformity with Local Rule 4.02, Defendant filed the state court filings as a composite exhibit attached to the Notice of Removal. (Doc. 1, Ex.B)

Defendant now moves to strike Plaintiff's Motion for Class Certification, which is included in Exhibit B to the Notice of Removal, as an improper motion. The Court agrees with both Plaintiff and Defendant that Plaintiff's Motion for Class Certification (a state court motion filed in state court) does not comply with the local rules of this Court or the Federal Rules of Civil Procedure. However, for the reasons stated in Defendant's response to the motion to strike, the

Court does not find that striking the motion is appropriate. *See* Fed. R. Civ. P. 12(f). In light of the procedural posture of this case, the Court will instead suspend briefing of Plaintiff's Motion for Class Certification, pending a ruling on Plaintiff's Motion to Remand.

Accordingly, it is **ORDERED**:

Defendant's Motion to Strike Plaintiff's Motion for Class Certification (Doc. 16) is **DENIED**. If the Court denies Plaintiff's Motion to Remand (Doc. 9), then Plaintiff shall have 90 days from the date of that order to move for class certification.

**DONE AND ORDERED** in Tampa, Florida on this 14th day of October, 2016.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge