

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

**HANCOCK BANK, a Mississippi
banking corporation,**

Plaintiff/ Counter-defendant

vs.

CASE NO. 5:11-cv-94/RS-CJK

**BOYD BROTHERS, INC., a Florida
corporation, et al.,**

Defendants/ Counterclaimants

ORDER

Before me are Plaintiff's Motion to Strike Affirmative Defenses and Demand for Jury Trial (Doc. 26) and Defendants' Response to Plaintiff's Motion (Doc. 39).

Motions to strike are not favored. Matters will not be stricken from a pleading unless it is clear that it can have no possible bearing upon the subject matter of the litigation. If there is any doubt as to whether under any contingency the matter may raise an issue, the motion should be denied. *Pan American Life Ins. Co. v. Blanco*, 311 F.2d 424, 428 (5th Cir. 1962).¹ The Motion (Doc. 26) is **DENIED** in each of the consolidated cases.

ORDERED on June 15, 2011.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE

¹ Decisions by the former Fifth Circuit issued before October 1, 1981, are binding as precedent in the Eleventh Circuit. See *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206, 1207(11th Cir. 1981) (en banc).