

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 07-21221-CIV-ALTONAGA/Brown

RENEE BLASZKOWSKI, et al.,

Plaintiffs,

vs.

**NATURA PET
PRODUCTS, INC., et al.,**

Defendants.

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ORDER

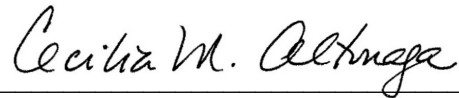
THIS CAUSE is before the Court on Natura Pet Products, Inc.'s ("Natura[']s") Motion to Strike the Declaration of Edgar R. Nield filed in Support of Class Certification Motion; or in the Alternative, Those Portions Which are Inadmissible as Evidence [D.E. 607]; and Motion to Strike the Declaration of Catherine J. Macivor; or in the Alternative, Those Portions Which are Inadmissible As Evidence [D.E. 608], both filed on January 27, 2009. The names given to Natura's Motions describe their contents. Under Federal Rule of Civil Procedure 12(f), a motion to strike is directed to pleadings and permits a court to strike from a pleading insufficient defenses, or redundant, immaterial, impertinent or scandalous matters. Natura's Motions are directed to declarations filed by Plaintiffs in support of their Motion for Class Certification, documents that are not pleadings,¹ and while they may be objectionable on evidentiary grounds and grounds of violation of Local Rule 7.1C, the declarations are not subject to Rule 12(f).

Accordingly, it is **ORDERED AND ADJUDGED** that Natura's Motion to Strike the

¹ Federal Rule of Civil Procedure 7(a) defines pleadings. Declarations or affidavits are not included within that definition.

Declaration of Edgar R. Nield filed in Support of Class Certification Motion; or in the Alternative, Those Portions Which are Inadmissible as Evidence [D.E. 607]; and Motion to Strike the Declaration of Catherine J. Macivor; or in the Alternative, Those Portions Which are Inadmissible As Evidence [D.E. 608]; are **DENIED**. The undersigned will consider Natura's arguments contained in these Motions, and may or may not give any weight to the declarations, at the time she addresses the class certification motion.

DONE AND ORDERED in Chambers at Miami, Florida this 28th day of January, 2009.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record

