

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-cv-22729-JLK

SCOTT W. LEEDS, and THE COCHRAN
FIRM,

Plaintiffs,

v.

FIRST MERCURY INSURANCE
COMPANY, and STATE NATIONAL
INSURANCE COMPANY,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION TO STRIKE

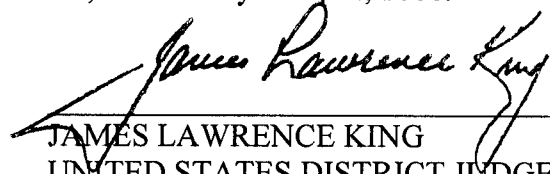
THIS CAUSE comes before the Court upon Plaintiffs' Motion to Strike (DE #14), filed March 14, 2011. Therein, Plaintiffs request that this Court strike certain affirmative defenses raised by Defendants in their Answer (DE #9), which was filed over six months prior on September 7, 2010.¹

Upon consideration of the Motion to Strike and the legal arguments presented by both parties, the Court finds that the Motion to Strike must be denied as untimely. Without needing to adjudicate the merits of Plaintiffs' legal arguments, the Court finds that Fed. R. Civ. P. 12(f) requires any motion to strike to be filed within twenty-one days of the service of the objectionable pleading. Here, Plaintiffs have filed their Motion to Strike well beyond the 21-day limit. As such, their Motion is untimely.

¹ On April 7, 2011, Defendants filed their Opposition (DE #27) to Plaintiffs' Motion to Strike. As such, the underlying matter is ripe for determination.

Accordingly, it is **ORDERED, ADJUDGED, and DECREED** that Plaintiffs' Motion to Strike (DE #14) be, and the same is hereby, **DENIED**.

DONE and ORDERED in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 8th day of April, 2011.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

cc:

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