

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

Case No.: 1:15-cv-21555-UU

CARLOS J. COLEMAN, SR.,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

ORDER ON MOTION TO STRIKE NOTICE OF SCRIVENER'S ERROR

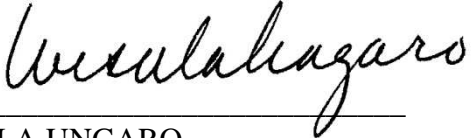
THIS CAUSE is before the Court upon Plaintiff's Motion to Strike Defendant's Notice of Scrivener's Error, D.E. 75, filed March 21, 2016.

THE COURT has reviewed the pertinent portions of the record and is otherwise fully advised in the premises. On March 20, 2016, Defendant filed a Notice of Scrivener's [*sic*] Error to Joint Pretrial Stipulation. D.E. 70. In the Notice, Defendant argued that the Statement of Facts Section in the parties' Joint Pretrial Stipulation, which was filed on January 15, 2016, mistakenly failed to include the phrase "contends that." D.E. 75. Defendant argues that the Joint Pretrial Stipulation should state, "The Plaintiff, Carlos J. Coleman, Sr., **contends that** he sustained significant injuries when he was exiting the store and was impact by building materials and/or a cart," as opposed to "the Plaintiff, Carlos J. Coleman, Sr., sustained significant injuries when he was existing the store and was impact by building materials and/or a cart." *Id.* Plaintiff moves to strike Defendant's Notice on grounds that Defendant's proposed revision does more than correct a scrivener's error and, instead, unilaterally alters a key component of the parties' Joint Pretrial Stipulation.

The Defendant has always denied liability and damages, including the extent of the Plaintiff's injuries, in this case. Therefore, the notice filed by Defendant changes nothing. In fact, the filing of the notice was entirely unnecessary. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Motion, D.E. 75, is DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 21st day of March,
2016.



URSULA UNGARO
UNITED STATES DISTRICT JUDGE

copies provided:
counsel of record