

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ORDER ON DEFENDANTS' MOTION TO STRIKE
PORTION OF PARAGRAPH 3 OF PLAINTIFF'S COMPLAINT

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on Defendants' Motion to Strike Portion of Paragraph 3 of Plaintiff's Complaint filed March 6, 2013. (Docket No. 9). Plaintiff filed her Response on March 7, 2013, and Defendants filed their Reply Brief on March 7, 2013. (Docket Nos. 10-11).

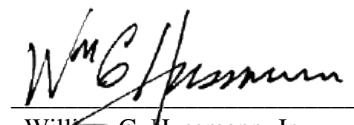
The Magistrate Judge, being duly advised, now GRANTS the Motion to Strike.

As originally pled, the locations of the terminals may have been material to jurisdiction and to whether Defendant Jeffrey S. Dockery, a Tennessee citizen, was acting within the scope of his employment with Defendant, Transwood, Inc., a Nebraska corporation. These allegations, as pled, are not scandalous or impertinent.

However, now that the Answer has admitted jurisdiction and that Mr. Dockery was acting within the scope of his employment, the allegation is no longer pertinent in its entirety and may be prejudicial because of the inference that Transwood, Inc., has significant assets. Therefore, the Motion to Strike is GRANTED, and the second sentence of paragraph 3 is hereby STRICKEN. The Plaintiff may resubmit or replead a second sentence describing the state where the terminal was located from which the vehicle commenced its journey prior to the incident which is the subject of this dispute.

SO ORDERED.

Dated: **April 2, 2013**



William G. Hussmann, Jr.
United States Magistrate Judge
Southern District of Indiana

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