

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

RANDY DENNING, ET AL

CIVIL ACTION

VERSUS

NO. 21-774

**BOND PHARMACY, INC. D/B/A
ADVANCED INFUSION CARE,
ADVANCED INFUSION SOLUTIONS,
AND AIS HEALTHCARE**

SECTION: "H"

ORDER AND REASONS

On July 14, 2021, this Court heard oral argument on the Motion to Dismiss filed by Defendant Bond Pharmacy, Inc. d/b/a Advanced Infusion Care, Advanced Infusion Solutions, and AIS Healthcare ("Defendant"). To further address certain questions raised by the Court during oral argument, Plaintiff Randy Denning filed a Post Hearing Brief on July 19, 2021 (Doc. 25). Now before the Court is Defendant's Motion to Strike Plaintiff Randy Denning's Post Hearing Brief (Doc. 27), wherein Defendant asserts that Plaintiff's brief was improperly filed after the submission date and without leave of Court.

Although this Court acknowledges that Plaintiff's Post Hearing Brief was indeed improperly filed without leave of Court, the Court does not find Plaintiff's five-page brief so unduly prejudicial as to warrant its striking. In so finding, the Court notes that Defendant's Motion to Strike also contains a rebuttal to the arguments raised in Plaintiff's Post Hearing Brief. Thus,

Defendant has effectively cured any prejudice that may have occurred from Plaintiff's late filing. The Court therefore denies Defendant's Motion to Strike and will consider the relevant arguments presented in both Plaintiff's Post Hearing Brief and Defendant's Motion to Strike in its review of Defendant's Motion to Dismiss.

CONCLUSION

For the foregoing reasons, Defendant's Motion to Strike (Doc. 27) is **DENIED.**

New Orleans, Louisiana this 30th day of July, 2021.

A handwritten signature in black ink, appearing to read "Jane Triche Milazzo", written over a horizontal line.

JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE