

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FOREMOST INSURANCE GROUP

CIVIL ACTION NO. 14-CV-00444

VERSUS

JUDGE SHELLY D. DICK

ELECTROLUX HOME PRODUCTS,  
INC. AND CONN APPLIANCES, INC.

MAGISTRATE JUDGE BOURGEOIS

**CONSOLIDATED WITH**

STATE FARM FIRE AND CASUALTY  
COMPANY AND HOLLY HILDEBRAND

CIVIL ACTION NO. 14-CV-00496

VERSUS

JUDGE SHELLY D. DICK

ELECTROLUX HOME PRODUCTS,  
INC. AND CONN APPLIANCES, INC.

MAGISTRATE JUDGE BOURGEOIS

**RULING**

This matter is before the Court on the *Motions to Strike Defendant's Affirmative Defenses* by Foremost Insurance Company Grand Rapids, Michigan ("Foremost")<sup>1</sup> and State Farm Fire and Casualty Insurance Company ("State Farm").<sup>2</sup> Defendant, Electrolux Home Products, Inc. has filed an *Opposition* to the motions.<sup>3</sup> The Court is cognizant that

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<sup>1</sup> Rec. Doc. No. 35.

<sup>2</sup> Rec. Doc. No. 36.

<sup>3</sup> Rec. Doc. No. 38.

"[m]otions to strike a defense are generally disfavored and are infrequently granted."<sup>4</sup> Additionally, "[a] motion to strike defenses should not be granted unless the moving party demonstrates that denial of the motion would be prejudicial to the moving party."<sup>5</sup>

The Court finds that Foremost and State Farm have failed to show how they will be prejudiced at this point in the proceeding by allowing the challenged defenses. Accordingly, these motions<sup>6</sup> are DENIED.

**IT IS SO ORDERED.**

Baton Rouge, Louisiana, this 21 day of January, 2015.



**SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA**

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<sup>4</sup> See *Kaiser Aluminum & Chem. Sales, Inc. v. Avondale Shipyards, Inc.*, 677 F.2d 1045, 1057 (5th Cir.1982); *FDIC v. Niblo*, 821 F.Supp. 441, 449 (N.D.Tex.1993) ("Both because striking a portion of a pleading is a drastic remedy, and because it is often sought by the movant as a dilatory tactic, motions under Rule 12(f) are viewed with disfavor and are infrequently granted.").

<sup>5</sup> *Willis v. EAN Holdings, LLC*, No. 12-760, 2013 WL 3293694, at \*1 (M.D. La. June 28, 2013), citing *Global Adr, Inc. v. City of Hammond*, No. 03-457, 2003 WL 21146696 (E.D.La. May 15, 2003).

<sup>6</sup> Rec. Doc. Nos. 35 & 36.