

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                      |   |                       |
|----------------------|---|-----------------------|
| A.O.A., et al.,      | ) |                       |
|                      | ) |                       |
| Plaintiffs,          | ) |                       |
|                      | ) |                       |
| vs.                  | ) | Case No. 4:11CV44 CDP |
|                      | ) |                       |
| DOE RUN RESOURCES    | ) |                       |
| CORPORATION, et al., | ) |                       |
|                      | ) |                       |
| Defendants.          | ) |                       |

**MEMORANDUM AND ORDER**

Defendants filed a motion for a determination of foreign law. Plaintiffs initially filed a motion to strike against the defendants' motion, and they have since filed a memorandum in opposition to the defendants' motion. A motion to strike may only be employed under Rule 12 against a pleading. Fed. R. Civ. Proc. 12. Rule 7 of the Federal Rules of Civil Procedure, in turn, sets forth the pleadings allowed under the Rules. Because a motion is not, by definition, a pleading, plaintiffs' motion to strike must be denied.

Plaintiffs' motion asks, in the alternative, that I stay ruling on the defendants' motion for a determination of foreign law until the parties complete further discovery. Plaintiffs' point on this issue is well taken, but I have granted repeated extensions of time for both parties to brief the motion. Plaintiffs' motion to stay will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs' motion to strike, or in the alternative, to stay [# 159] is denied.

**IT IS FURTHER ORDERED** that defendants' motion for clarification of case management order and for extension of time to respond to plaintiffs' motion to strike or stay [# 164] is denied as moot.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 16th day of June, 2014.