Janie Aline Pinkney et al v. American Medical Response, Inc. Doc. 266

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JANIE ALINE PINKNEY, *et al.*, Plaintiffs, vs. AMERICAN MEDICAL RESPONSE, INC., *et al.*, Defendants.	Case No. 2:08-cv-01257-RLH-GWF **ORDER** Motion to Strike (#262)

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Replies to Rory Chetelat and Stephen Minagil's Answers to Corrected Second Amended Complaint (#262), filed April 20, 2010; Plaintiff Jane Pinkney's Memorandum of Points and Authorities in Opposition and Response to Motion to Strike Plaintiff's Replies to Rory Chetelat and Stephen Minagil's Answers to Corrected Second Amended Complaint (#263), filed April 27, 2010; and Reply Points and Authorities Supporting Motion to Strike Plaintiff's Replies to Rory Chetelat and Stephen Minagil's Answers to Corrected Second Amended Complaint (#264), filed May 5, 2010.

Defendants request that the Court strike, as impermissible pleadings, Plaintiff's Replies (#253, 254)[1] to Defendant Chetelat and Minagil's Second Amended Answers. (#262). A reply to a defendant's answer is not a permissible pleading under Fed.R.Civ.P. 7. As a result, the Court finds good cause to grant Defendant Chetelat and Minagil's motion. In addition, the Court notes that Plaintiff also filed a Reply (#257) to American Medical Response's Answer to Corrected Second Amended Complaint (#247) and will *sua sponte* strike it as an invalid pleading. Accordingly,

[1] Plaintiff's Reply to Defendant Minagil's Answer (#254-1) is filed as an exhibit to a duplicate filing of Plaintiff's reply to Defendant Chetelat's Answer (#254, reproducing #253).

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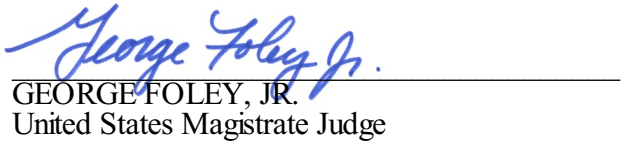
IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's Replies to Rory Chetelat and Stephen Minagil's Answers to Corrected Second Amended Complaint (#262) is **granted**.

IT IS FURTHER ORDERED that the Court *sua sponte* strikes Plaintiff's Reply (#257) to American Medical Response's Answer to Corrected Second Amended Complaint. The Clerk of the Court shall strike from the record the following documents:

1. Plaintiff's Reply to Defendant Chetelat's Answer to Corrected Second Amended Complaint **(#253)**;
2. Plaintiff's Reply to Defendant Chetelat and Defendant Minagil's Answer to Corrected Second Amended Complaint **(#254, 254-1)**;
3. Plaintiff's Reply to American Medical Response's Answer to Corrected Second Amended Complaint **(#257)**.

DATED this 7th day of May, 2010.



GEORGE FOLEY, JR.
United States Magistrate Judge