UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR SECURITY SAVINGS BANK, Plaintiff, vs. KELLY JONES, STEPHEN DERVENIS, and THOMAS PROCOPIO, Defendants.	Case No. 2:13-cv-00168-GMN-GWF **ORDER**

This matter is before the Court on Plaintiff's Objection to Defendants' Reply Regarding Notice of Supplemental Authority (#229) and Alternative Motion for Leave to File Response (#231), filed on September 3, 2015. Defendants' Response (#235) was filed on September 11, 2015.

Plaintiff objects to the Defendants' Reply Regarding Notice of Supplemental Authority (#228). Defendants filed the Notice of Supplemental Authority (#223) to inform the Court about a recent Fourth Circuit decision. Plaintiff filed a Response (#224) to the Notice, as the Plaintiff felt the Notice was misleading. Defendants then filed a Reply (#228), as the Defendants found the Plaintiff's Response to be substantive, and wished to make their own substantive arguments.

The Court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous material. Fed. R. Civ. P. 12(f). District Courts within the Ninth Circuit have permitted the filing of a Notice of Supplemental Authority and a Response. *See FDIC v. Johnson*, No. 2:12-cv-209-KJD-PAL, 2014 WL 5324057 (D. Nev. 2014); *Nichols v. Harris*, 17 F.Supp. 3d 989, 996 n.3 (C.D. Cal. 2014). Furthermore, while not directly on point, Fed. R. App.

P. 28(j) provides for a notice of supplemental authority and a response, but not a reply. Defendants did not seek leave of the Court to file the Reply brief. Additionally, the Court finds that the Notice and Response were sufficient to inform the Court regarding the relevant decisions in the new case. Therefore, Defendants' Reply (#228) was immaterial and will be stricken from the record. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Objection to Defendants' Reply Regarding Notice of Supplemental Authority (#229) is **granted**. Defendants' Reply (#228) is hereby stricken.

DATED this 18th day of September, 2015.

GEORGE FOLEY, JR.
United States Magistrate Judge