

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TRUSTEES of the NORTHERN NEVADA  
OPERATING ENGINEERS HEALTH &  
WELFARE TRUST FUND, et al.,  
  
Plaintiffs,  
  
v.  
  
MACH 4 CONSTRUCTION, et al.,  
  
Defendants.

3:08-CV-0578-LRH-WGC  
3:09-CV-0565-LRH-WGC

ORDER

Before the court is defendants' motion to strike plaintiffs' post-trial reply brief (Doc. #154).  
Doc. #155.<sup>1</sup>

Pursuant to Fed. R. Civ. P. 12(f), a court may strike any pleading for redundant, immaterial,  
impertinent, or scandalous material. Here, defendants contend that the court should strike plaintiffs'  
reply brief because it was filed 4 ½ minutes past the filing deadline. *See* Doc. #154.

The court finds that plaintiffs' late filing was due to excusable neglect. Further, defendants  
have failed to show that they were prejudiced by a 4 ½ minute delay in the filing of the reply brief.  
Therefore, the court shall deny the motion to strike.

///

<sup>1</sup> Refers to the court's docket number.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IT IS THEREFORE ORDERED that defendants' motion to strike (Doc. #155) is DENIED.

IT IS SO ORDERED.

DATED this 20th day of April, 2012.



---

LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE