

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER A. JONES,

Plaintiff,

v.

HOWARD SKOLNIK, et al.,

Defendants.

3:10-cv-00162-LRH-VPC

MINUTES OF THE COURT

October 25, 2011

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Plaintiff filed a motion to strike information in defendants' reply (#54). Defendants opposed the motion (#57) and plaintiff replied (#59).¹ In his reply, plaintiff also moved to strike defendants' opposition to the original motion to strike (#58). Defendants opposed (#60) and plaintiff replied (#63). Defendants filed a motion for leave to file a surreply (#64) and plaintiff opposed (#68).

Plaintiff moves to strike information in defendants' reply to plaintiff's opposition to defendants' motion to dismiss. Under Federal Rule of Civil Procedure 12(f), a court "may strike from a pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). Only pleadings are subject to motions to strike. *Id.*; *Sidney-Vinstein v. A.H. Robins Co.*, 697 F.2d 880, 885 (9th Cir. 1983). Under Federal Rule of Civil Procedure 7(a), "pleadings" include complaints, answers, replies to counterclaims, answers to cross-claims, third-party complaints, and third-party answers. Fed. R. Civ. P. 7(a). Accordingly, a motion to strike under Federal Rule of Civil Procedure 12(f) is not the proper procedural method to seek exclusion of information contained within a reply to a motion to dismiss. Plaintiff's motion to strike is **DENIED** (#54). Plaintiff's motion to strike defendants' opposition (#58) and defendants' motion for leave to file a surreply (#64) are **DENIED** as moot.

¹ This is a duplicate image of #58.

IT IS ORDERED that plaintiff's motion to strike (#54) is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motion to strike (#58) defendants' opposition and defendants' motion for leave to file a surreply (#64) are **DENIED** as moot.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk