

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MAMBU BAYOH, :
:
Plaintiff, :
:
-v- :
:
AFROPUNK LLC, MATTHEW MORGAN and :
JOCELYN COOPER, individually, :
:
Defendants. :
:
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18cv5820
(DLC)
ORDER

DENISE COTE, District Judge:

On December 11, 2020, the defendants filed their reply in further support of their motion to vacate the preliminary injunction and in further opposition to the plaintiff's application for a permanent injunction. That same day, the plaintiff moved to strike the defendants' filing under Fed. R. Civ. P. 37(b) and Fed. R. Civ. P. 12(f) and for sanctions under Fed. R. Civ. P. 11. On December 14, the defendants opposed the plaintiff's request.


The plaintiff's motion to strike is denied. Neither of the Rules on which Bayoh relies are at issue here. Regardless, the plaintiff's request for a permanent injunction was denied on December 11, and the issue is now moot.

The Rule 11 motion is frivolous. A party seeking sanctions under Rule 11 must comply with the "safe harbor" provision of Rule 11. Accordingly, it is hereby

ORDERED that the plaintiff's motion to strike the defendants' filing under Fed. R. Civ. P. 37(b) and Fed. R. Civ. P. 12(f) is denied.

IT IS FURTHER ORDERED that the plaintiff's motion to impose sanctions under Fed. R. Civ. P. 11 is denied on the merits and for failure to follow Rule 11's requirements.

Dated: New York, New York
December 15, 2020



DENISE COTE
United States District Judge