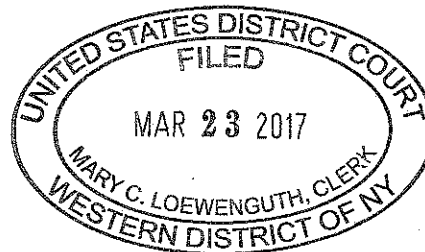


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



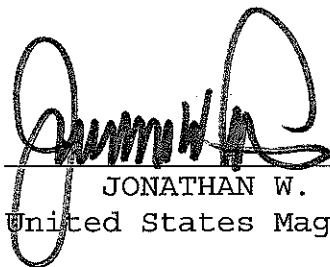
DWAYNE FAUST,
Plaintiff,

DECISION & ORDER
14-CV-6702

v.

DR. YOUNG JUN, et al.,
Defendants.

Currently before the Court is plaintiff's motion to strike affirmative defenses contained in defendants' answer (Docket # 32). Since the filing of plaintiff's motion, the defendants have filed a motion for summary judgment (Docket # 52) for dismissal of plaintiff's claims on the basis of the defenses asserted in defendants' answer and at issue in plaintiff's motion to strike. In other words, the subject of plaintiff's motion to strike is being litigated and will be decided by Judge Geraci in the pending motion for summary judgment. Accordingly, plaintiff's motion to strike (Docket # 32) is **denied** without prejudice to renew.



JONATHAN W. FELDMAN
United States Magistrate Judge

Dated: March 23, 2017
Rochester, New York