

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-198

FAYTRICE JOHNSON,)
Plaintiff,)
v.)
WAL-MART ASSOCIATES, INC.,)
Defendant.)

ORDER

This cause comes before the Court on defendant’s motion to strike allegations from the complaint. Plaintiff has failed to respond to the motion, and the time for doing so has expired. In this posture, the motion is ripe for ruling and, for the reasons that follow, the motion is denied.

BACKGROUND

Plaintiff filed this action against defendant, her former employer, alleging claims of wrongful discharge in violation of public policy under N.C. Gen. Stat. § 95-241 and retaliatory employment discrimination in violation of the North Carolina Retaliatory Employment Discrimination Act. Defendant timely removed the action to this Court. In support of her contention that defendant retaliated against her and wrongfully terminated her, plaintiff relies on a decision by the North Carolina Division of Employment Security (DES) awarding her unemployment insurance benefits. Defendant has moved to strike paragraphs 31 to 35 of plaintiff’s complaint, which reference the DES proceedings, as confidential, inadmissible, and disclosed in violation of N.C. Gen. Stat. § 96-4.

DISCUSSION

Rule 12(f) of the Federal Rules of Civil Procedure allows the Court to strike from a pleading “an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”

Motions to strike are generally disfavored in this circuit, however, “because striking a portion of a pleading is a drastic remedy and because it is often sought by the movant simply as a dilatory tactic.” *Waste Mgmt. Holdings, Inc. v. Gilmore*, 252 F.3d 316, 347 (4th Cir. 2001).

The Court, in its discretion, has determined that the drastic remedy of striking paragraphs from the complaint is unnecessary. Accordingly, the motion to strike is denied. However, in light of N.C. Gen. Stat. § 96-4, the Court directs the Clerk to seal the complaint.

CONCLUSION

For the foregoing reasons, defendant’s motion to strike [DE 10] is DENIED. The Clerk is DIRECTED to seal the complaint. Plaintiff is DIRECTED to file a redacted version of the complaint, with the references to the DES proceedings redacted, within five days of the entry of this order.

SO ORDERED, this 13 day of July, 2021.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE