

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

S & W Mobile Home & RV Park, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 B & D Excavating and Underground, LLC,)
 Bill Avery, LLC,)
)
 Defendants,)
)
 Assurance Company of America,)
)
 Garnishee.)

**ORDER DENYING MOTION TO
STRIKE AS MOOT**

Case No. 1:17-cv-009

Before the court is a motion by the garnishee to strike an argument claiming an additional ground for remand that plaintiff raised for the first time in its reply brief in support of its motion for remand. The court **DENIES** the motion to strike (Doc. No. 17) on the grounds it is now **MOOT** with plaintiff having waived the additional ground during oral argument on the motion for remand.

Dated this 25th day of July, 2017.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court