

Therefore, Magistrate Judge McHargh's Report and Recommendation is ADOPTED and Defendants' motion to strike Plaintiffs' Reply Brief (Doc. # 61) is DENIED, because a brief may not be targeted in a motion to strike. Also, Plaintiffs' Reply Brief (Doc. #60) is a legally relevant clarification of their position, and not redundant, immaterial, impertinent, or scandalous. Defendants' Motion to Dismiss (Doc. #54) is GRANTED IN PART. Plaintiff Trustar has suffered no damage. It is therefore not a true party in interest and should be dismissed. Defendants' Motion to Transfer (Doc. #52) is GRANTED, and the remaining action is transferred to the Eastern District of New York, pursuant to 28 U.S.C. §1404.

IT IS SO ORDERED.

Dated: 4/16/2010

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

April 16, 2010