

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JACKIE GILBERT CROSS, JR.,)
)
Plaintiff,)
)
)
vs.)
)
)
THE METROPOLITAN)
GOVERNMENT OF NASHVILLE)
AND DAVIDSON COUNTY, et al.,)
)
Defendants.)

**CASE NO. 3:12-1109
JUDGE CAMPBELL/KNOWLES**

ORDER

This matter is before the Court upon Defendants’ “Motion to Strike Errata Sheets of Plaintiff Jackie Cross.” Docket No. 79. Defendants have filed a supporting Memorandum of Law. Docket No. 80. Plaintiff has filed a Response in Opposition to the Motion (Docket No. 81), and, with leave of Court (Docket No. 85), Defendants have filed a Reply (Docket No. 86).

The instant Motion states in relevant part:

Defendants . . . hereby move to strike the errata sheets and modified errata sheets provided to Defendants’ counsel related to Plaintiff’s deposition, which was taken on November 20, 2013. The errata sheets at issue seek to make three changes to Plaintiff’s testimony that were correctly transcribed by the court reporter. Defendants contend that such changes are not permitted under Fed. R. Civ. P. 30(e).

Docket No. 79, p. 1.

In their Response in Opposition to the Motion, Defendants make several arguments, one of which is that errata sheets are not pleadings and, therefore, are not the appropriate subject of a

Motion to Strike. Docket No. 81, p. 17. As discussed above, Defendants filed a Reply (Docket No. 86). In that Reply, however, Defendants failed to discuss the foregoing argument.

Motions to Strike are governed by Fed. R. Civ. P. 12(f), which states:

The court may strike *from a pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 20 days after being served with the pleading.

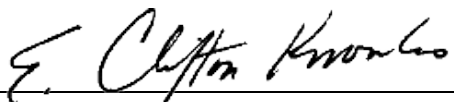
Fed. R. Civ. P. 12(f) (emphasis added).

Motions to Strike are applicable only to pleadings. *See Fox v. Michigan State Police Dept.*, 2006 U.S. App. LEXIS 5019 (6th Cir.) at **5-6; *Wimberly v. Clark Controller Co.*, 364 F.2d 225, 227 (6th Cir. 1966). *See also Lombard v. MCI Telecommunications Corp.*, 13 F. Supp. 2d 621, 625 (N.D. Ohio 1998); *Hrubec v. National R.R. Passenger Corp.*, 829 F. Supp. 1502, 1506 (N.D. Ill. 1993).

The errata sheets at issue are not pleadings and, therefore, they cannot be stricken.

For the foregoing reasons, the instant Motion to Strike (Docket No. 79) is DENIED.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge