

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIMOTHY JOHN KEOUGH,

Plaintiff,

VS.

EXPRESS JET AIRLINES, INC., *et al.*,

Defendants.

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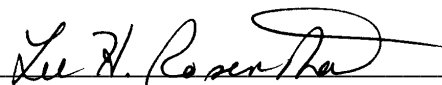
CIVIL ACTION NO. H-13-1343

ORDER

Defendant ExpressJet Airlines, Inc. has moved for leave to file an amended answer. (Docket Entry No. 59). The record reveals no unfairness or prejudice that will result from allowing ExpressJet to file such answer. The motion is granted.

Plaintiff Timothy John Keough, has moved to strike defenses 1–8 and defense 10 in ExpressJet’s proposed amended answer, (Docket Entry No. 50). The record reveals that these defenses are neither “redundant, immaterial, impertinent, or scandalous.” FED. R. CIV. P. 12(f). Nor are the defenses that there are no set of circumstances in which they cannot succeed. *Puckett v. United States*, 82 F. Supp. 2d 660, 662–63 (S.D. Tex. 1999). Keough’s motion to strike is denied.

SIGNED on December 10, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge