

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LESTER JON RUSTON, Plaintiff, vs. CHURCH OF JESUS CHRIST OF LATTER- DAY SAINTS, et al., Defendants.	ORDER GRANTING MOTION TO STRIKE Case No: 2:06-CV-526 DB District Judge Dee Benson Magistrate Judge David Nuffer
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Defendants Church of Jesus Christ of Latter-day Saints (“LDS Church”), Gordon B. Hinckley, and any other defendant sued in his or her capacity as an ecclesiastical leader of the LDS Church (“Church Defendants”) have filed a Motion to Strike Plaintiff’s Traverse to Defendants’ Reply Brief.¹ The document at issue² is essentially a sur-reply to the Church Defendants’ reply memorandum in support of their motion to dismiss in which Ruston continues to argue against dismissal of his case.³ Such a filing is not proper under the local rules without permission from the court which Ruston did not obtain.⁴

¹Docket no. 22, filed February 2, 2007.

²Docket no. 21, filed January 29, 2007.

³The court notes that the title of the document indicates that it is also intended to support Ruston’s motion to amend his complaint, but the bulk of the filing deals with the motion to dismiss.

⁴DUCivR 7-1(b)(3).

ORDER

Accordingly, the Church Defendants' motion to strike is **GRANTED**.⁵ The court hereby orders that Ruston's traverse be **STRICKEN**.⁶

August 13, 2007.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

⁵Docket no. 22, filed February 2, 2007.

⁶Docket no. 21, filed January 29, 2007.