
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

MELANIE SLAVENS,

Plaintiff,

vs.

MILLARD COUNTY, et al.,

Defendants.

**MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
STRIKE (ECF No. 47)**

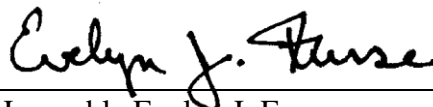
Case No. 2:11-cv-568-EJF

Magistrate Judge Evelyn J. Furse

Plaintiff moved to strike the portions of the Reply Memorandum in Support of Defendants' Motion to Amend Scheduling Order (ECF No. 45). (ECF No. 47.) In the Reply Memorandum Defendants assert that Mr. Slavens did not attend the closed session of the July 6, 2010 Millard County Commission Meeting and make a variety of arguments concerning scheduling based on this assertion. (ECF No. 45 at 2.) Plaintiff contends Defendants have misrepresented this fact, and therefore moves to strike references to it. (ECF No. 47 at 3-4.) Plaintiff previously submitted to the Court Defendants' responses to requests for admissions. (ECF No. 42-1 at 12.) In those responses, Defendants admit as follows: "Plaintiff was allowed to address the issues presented by the Commissioners during the closed session of the July 6, 2010 Commission meeting." (ECF No. 42-1 at 17.) This admission belies the assertion in the Reply brief. For that reason, the Court GRANTS Plaintiff's Motion. (ECF No. 47.)

DATED: June 6th, 2013

BY THE COURT



Honorable Evelyn J. Furse
U.S. Magistrate Judge