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

GUY M. DOMAI,

Plaintiff,

v.

AMERICAN EXPRESS, et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION TO STRIKE

Case No. 2:13-CV-567 TS

District Judge Ted Stewart

This matter is before the Court on Plaintiff's Motion to Strike. Plaintiff seeks to strike the opposition Defendant filed in response to Plaintiff's motion to continue the scheduling conference. The Magistrate Judge denied Plaintiff's motion to continue the scheduling conference, which was held on December 11, 2013. The Court notes that Plaintiff failed to appear at that hearing.

Plaintiff seeks to strike Defendant's opposition under Federal Rule of Civil Procedure 12(f). Rule 12(f) provides that the Court "may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."¹ The Court has reviewed Defendant's opposition to Plaintiff's motion to continue the scheduling conference and finds no basis to strike that opposition. While Plaintiff takes issue with Defendant's opposition, Defendant is entitled to file an opposition under local rule DUCivR 7-1. If Plaintiff wishes to make an argument in response to any opposition, the proper procedure is to file a reply brief rather than a motion to strike.²

¹ Fed. R. Civ. P. 12(f).

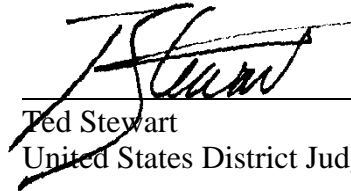
² DUCivR 7-1.

The Court is cognizant of Plaintiff's pro se status. However, such status does not relieve Plaintiff of the obligation to comply with the Federal Rules of Civil Procedure and the United States District Court for the District of Utah Rules of Practice.³ It is therefore

ORDERED that Plaintiff's Motion to Strike (Docket No. 21) is DENIED.

Dated this 2nd day of January, 2014.

BY THE COURT:



Ted Stewart
United States District Judge

³ *Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005).