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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 W.H., et al.,

9 Plaintiffs,

10 v.

11 OLYMPIA SCHOOL DISTRICT, et al.,

12 Defendants.

CASE NO. C16-5273 BHS

ORDER GRANTING IN PART  
AND DENYING IN PART  
DEFENDANTS' MOTION TO  
STRIKE

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14 This matter comes before the Court on Defendants Olympia School District,  
15 Jennifer Priddy, Frederick David Stanley, Barbara Greer, William Lahmann, and  
16 Dominic Cvitanich's ("Defendants") motion to strike (Dkt. 7). The Court has considered  
17 the pleadings filed in support of and in opposition to the motion and the remainder of the  
18 file and hereby grants the motion in part and denies it in part for the reasons stated herein.

19 **I. PROCEDURAL HISTORY**

20 On April 8, 2016, Plaintiffs P.H., W.H., J.H., S.A., and B.M. ("Plaintiffs") filed a  
21 complaint against Defendants. Dkt. 1 ("Comp."). Plaintiffs allege Defendants were  
22 deliberately indifferent to the safety and wellbeing of P.H. and S.A., two minor children



1           “While a Rule 12(f) motion provides the means to excise improper materials from  
2 pleadings, such motions are generally disfavored because the motions may be used as  
3 delaying tactics and because of the strong policy favoring resolution on the merits.”  
4 *Barnes v. AT&T Pension Benefit Plan-Nonbargained Program*, 718 F. Supp. 2d 1167,  
5 1170 (N.D. Cal. 2010). The decision to grant a motion to strike lies within the Court’s  
6 discretion. *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 973 (9th Cir. 2010).

7           With respect to the deposition testimony referenced in Plaintiffs’ complaint, the  
8 Court declines to strike this material. Although Defendants argue the testimony violates  
9 Rule 8(a)’s requirement for a “short and plain statement” of the facts and claims, the  
10 Court cannot conclude that the material has no connection to the claims in this case. *See*  
11 *Platte Anchor Bolt, Inc. v. IHI, Inc.*, 352 F. Supp. 2d 1048, 1057 (N.D. Cal. 2004). The  
12 Court therefore denies Defendants’ motion on this issue.

13           As for the exhibits in question, the Court finds that they should be stricken.  
14 Plaintiffs have filed a thirty-four-page complaint that thoroughly sets forth their factual  
15 allegations and claims. After reviewing the complaint, the Court concludes that the  
16 psychosexual evaluation and deposition transcripts are redundant because Plaintiffs’  
17 complaint already contains allegations about the psychosexual evaluation and the  
18 deposition testimony. *See, e.g.*, Comp. ¶¶ 28–29, 39–40, 42–45. The prior jury verdict  
19 and public record requests, in turn, are immaterial as the documents do not have an  
20 essential relationship to Plaintiffs’ claims for relief. The Court grants Defendants’  
21 motion on this issue.  
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1 **III. ORDER**

2 Therefore, it is hereby **ORDERED** that Defendants' motion to strike (Dkt. 7) is  
3 **GRANTED in part** and **DENIED in part** as stated herein. Plaintiffs need not file an  
4 amended complaint on the docket because only the attachments have been stricken.

5 Dated this 7th day of July, 2016.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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