

IN THE _____ COURT OF _____ COUNTY,

_____ ,

Plaintiff,

v. Case No. _____

_____ ,

Defendant.

_____ /

MOTION TO STRIKE

Plaintiff, _____ , by and through undersigned counsel, hereby moves this Honorable Court, pursuant to _____ [e.g., Rule 12(f) of the Federal Rules of Civil Procedure or equivalent state rule], to strike certain portions of Defendant's _____ [e.g., Answer, Affirmative Defenses, Counterclaim, or specific pleading] filed on _____ , 20 _____ , and as grounds therefore states:

I. PROCEDURAL POSTURE

1. This action was commenced by Plaintiff on _____ , 20 _____ , seeking relief for _____ .
2. Defendant filed its _____ [e.g., Answer and Affirmative Defenses] on _____ , 20 _____ .
3. Plaintiff seeks to strike certain allegations and/or defenses contained within Defendant's

aforementioned pleading.

II. GROUNDS FOR MOTION TO STRIKE

4. Plaintiff moves to strike the following specific portions of Defendant's

_____ [e.g., Answer, Affirmative Defenses, Counterclaim]:

a. Paragraph(s) _____ of Defendant's _____ [e.g., Answer], which states: " _____ ."

b. Affirmative Defense No. _____, which states: " _____ ."

c. Any other portion of Defendant's pleading that the Court deems improper, irrelevant, or legally insufficient as described herein.

5. The aforementioned portions of Defendant's pleading should be stricken because they are:

a. **Immaterial and Impertinent:** The allegations contained in _____ [e.g., Paragraph(s) _____ and Affirmative Defense No. _____] have no bearing on the subject matter of this litigation and are not relevant to any issue in the case. They introduce extraneous matters that could confuse the issues and prejudice the Plaintiff.

b. **Scandalous and Prejudicial:** The statements made in _____ [e.g., Paragraph(s) _____] contain scandalous and inflammatory language that is not pertinent to the claims or defenses and is designed solely to prejudice the Plaintiff.

c. **Legally Insufficient:** Affirmative Defense No. _____ fails to state a valid defense as a matter of law because _____. [Provide specific legal reason, e.g., "it is not recognized under the laws of this jurisdiction," or "it is not supported by any factual allegations."]

d. **Redundant:** The allegations in _____ [e.g., Paragraph(s) _____] are duplicative of other allegations or defenses already properly pleaded by Defendant.

III. ARGUMENT

6. A motion to strike is properly granted when the challenged material is redundant, immaterial, impertinent, or scandalous. The purpose of such a motion is to clean up the pleadings, streamline litigation, and avoid unnecessary discovery or presentation of evidence on irrelevant matters.
7. The portions of Defendant's pleading identified above clearly fall within the scope of material that should be stricken. They either fail to state a legally cognizable defense, are irrelevant to the claims and defenses in this action, or contain prejudicial and scandalous matter.
8. Allowing these improper allegations or defenses to remain in the pleading would unduly burden the Plaintiff with responding to irrelevant or legally deficient claims, increase the costs of litigation, and potentially confuse the trier of fact.

IV. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order:

- a. Striking Paragraph(s) _____ of Defendant's _____
[e.g., Answer];
- b. Striking Affirmative Defense No. _____ of Defendant's
_____ [e.g., Answer];
- c. Granting Plaintiff such other and further relief as this Court deems just and proper.

Dated this _____ day of _____, 20_____.

Respectfully submitted,

Signature

Printed Name: _____

Bar No.: _____

Attorney for Plaintiff Street Address:

Unit Number (if applicable): _____

City: _____

State: _____

Zip Code: _____

Phone: _____

Email: _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strike was served upon the following counsel of record for Defendant by _____ [e.g., U.S. Mail, email, hand delivery] on this _____ day of _____, 20 _____:

Recipient: _____

Attorney for Defendant Address:

Email: _____

Signature