

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

KEVIN W. CURRYTTO,
Plaintiff,

v.

JANE DOE #1, et al.,
Defendants.

:
:
:
:
:
:
:
:
:
:

CASE NO. 3:20-cv-1213 (MPS)

APRIL 20, 2021

RULING ON PLAINTIFF’S MOTION TO STRIKE

Plaintiff Kevin W. Currytto has filed this action under 42 U.S.C. § 1983 challenging his medical care. The plaintiff has filed a motion to strike an attachment to the defendants’ motion to dismiss.

Motions to strike are governed by Federal Rule of Civil Procedure 12(f) which provides: “The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Although “Rule 12(f) motion[s are] left to the district court’s discretion,” they are generally “disfavored and granted only if there is a strong reason to do so.” *Sibley v. Choice Hotels Int’l, Inc.*, 304 F.R.D. 125, 132 (E.D.N.Y. 2015) (citations and internal quotation marks omitted).

Motions to strike under Rule 12(f) “are only appropriately directed to *pleadings*.” *Santiago v. Owens-Illinois, Inc.*, No. 3:05-CV-405(JBA), 2006 WL 3098759, at *1 (D. Conn. Oct. 31, 2006) (emphasis in original) (internal quotation marks omitted). Pleadings include only various complaints and answers. *See* Fed. R. Civ. P. 7(a). Thus, by its plain language, the rule

does not apply to a memorandum or exhibits attached thereto. *See Choi v. Liberty Mut. Ins. Co.*, No. 16-CV-5392(WFK), 2021 WL 790381, at * 3 (E.D.N.Y. Feb. 9, 2021) (“A Rule 12(f) motion to strike is not proper in this instance, as an exhibit to a brief is not a ‘pleading’ under the Federal Rules of Civil Procedure.”); *Innovation Ventures LLC v. Pittsburg Wholesale Grocers Inc.*, No. 13-CV-6397(KAM)(ST), 2019 WL 3817389, at *1 (E.D.N.Y. Aug. 14, 2019) (“Courts in this Circuit routinely deny motions to strike under Rule 12(f) which target legal briefs and memoranda as opposed to pleadings.”) (citing cases); *O’Brien v. Wisniewski*, No. 3:10-CV-120(CSH), 2012 WL 1118076, at *3 (D. Conn. Apr. 3, 2012) (Rule 12(f) does not apply to briefing in support of or opposition to a motion).

The plaintiff’s motion to strike [ECF No. 45] is **DENIED**.

SO ORDERED at Hartford, Connecticut, this 20th day of April 2021.

/s/
Michael P. Shea
United States District Judge