

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

ESTHER SCHUTZ,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 3:05cv423 (MRK)
	:	
NORTHEAST MORTGAGE CORP.;	:	
SEAN ROGERSON; A-AFFORDABLE	:	
MORTGAGE GROUP, LLC;	:	
BRIAN FISHER; NATIONAL CITY	:	
MORTGAGE CO.; U.S. BANK N.A.,	:	
	:	
Defendants.	:	

RULING AND ORDER

Having considered the briefing by the parties, the Court DENIES Defendants Northeast Mortgage Corporation and Sean Rogerson's Motion to Strike [**doc. #51**]. Defendants' move to strike certain language from the Plaintiff's Amended Complaint [doc. #47] pursuant to Rule 12(f) of the *Federal Rules of Civil Procedure*. Rule 12(f) provides in relevant part, "the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, or scandalous matter." Fed. R. Civ.P. 12(f).

As Defendants' are aware, Rule 12(f) motions are disfavored. *See* 5 Charles A. Wright, et al., *Federal Practice & Procedure* § 1382 (2d ed. 1990). To the extent that Defendants' aim is to avoid "unduly inflam[ing] and prejudic[ing] the jury," their motion is also unnecessary because the Complaint will not be submitted to the jury. Defs.' Mot. to Strike [doc. #51] at 1; *see also Nat'l Council of Young Israel v. Wolf*, 963 F. Supp. 276, 282 (S.D.N.Y. 1997) ("Inasmuch as the Court does not submit pleadings to the jury in civil cases, it is difficult to see how a defendant is prejudiced by the presence in the complaint of [such] material.").

And in any event, the language of the Amended Complaint does not rise to the level that Rule 12(f) prohibits. The Second Circuit has cautioned that a Rule 12(f) motion should not be granted "unless it can be shown that no evidence in support of the allegation would be admissible. . . . the courts should not tamper with the pleadings unless there is a strong reason for doing so." *Lipsky v. Commonwealth United Corp.*, 551 F.2d 887, 893 (2d Cir. 1976). The striking of a pleading pursuant to Rule 12(f), "is usually reserved for those cases in which the complaint is so confused, ambiguous, vague or otherwise unintelligible that its true substance, if any, is well disguised." *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Thus Plaintiff's use of the words "scam", "hook", "mark", "flimflam", "conning", "con-artist", "badgered", "outrageous", and "egregious" as well as the Plaintiff's suggestion that certain acts may have "precipitated" her "death," may be hyperbolic and even inappropriate, but "[i]nappropriately hyperbolic allegations, ill-conceived attempts at levity, and other similar manifestations of bad judgment in drafting pleadings, by themselves, fall short of the threshold that Rule 12(f) contemplates." *Saylavee LLC v. Hockler*, 228 F.R.D. 425, 426 (D. Conn. 2005).

For the reasons stated above, the Court DENIES Defendants' Motion to Strike [**doc. #51**].

IT IS SO ORDERED.

/s/ Mark R. Kravitz
United States District Judge

Dated at New Haven, Connecticut: July 27, 2005.