

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRONT RANGE EQUINE RESCUE,
et al.

Plaintiffs,

vs.

No. 1:13-CV-00639-MCA-RHS

TOM VILSACK, Secretary U.S.
Department of Agriculture, et al.

Defendants.

**ORDER DENYING DEFENDANT-INTERVENORS' MOTION
TO STRIKE MISREPRESENTATIONS FROM PLAINTIFFS'
AND PLAINTIFF-INTERVENOR'S AMENDED OPENING BRIEFS**

THIS MATTER COMES before the Court on Defendant-Intervenors' Motion to Strike Misrepresentations From Plaintiffs' and Plaintiff-Intervenor's Amended Opening Briefs (Doc. 181). The Court has reviewed Plaintiffs' Opposition to Defendant-Intervenors' Motion to Strike (Doc. 186) and Defendant-Intervenors' Reply (Doc. 188). After careful review, the Court concludes that the Motion will be denied for several reasons.

First, the Motion lacks sufficient specificity for a Court to conduct a meaningful review. Defendant-Intervenors assert that Plaintiffs' and Plaintiff-Intervenors' briefs contain "untrue mischaracterizations" (Doc. 181 at 2) and provides a list, such as "Page 16, 2nd paragraph, 1st sentence." The Motion does not attempt to recite these sentences and explain with specificity why any of the sentences on the list are untrue or mischaracterizations, thus the Court is left without argument regarding the very information that the movant seeks to strike. It is not known to the undersigned why movant disagrees with these statements. Second, even if the movant had supplied this information, a determination of what is true is more appropriate for the review on the

merits, which is currently pending before the trial Court, rather than a procedural maneuver such as motion to strike. Third, the movant does not cite any authority – rule or case law – that allows this Court to strike sentences in a brief with which an opponent merely disagrees.

THEREFORE, IT IS ORDERED that Defendant-Intervenors' Motion to Strike Defendant-Intervenors' Motion to Strike Misrepresentations From Plaintiffs' and Plaintiff-Intervenor's Amended Opening Briefs (Doc. 181) is DENIED.

Robert Hayes Scott

ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE