

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA FARMER,

Plaintiff,

- against -

ORDER

DARREN K. INDYKE and RICHARD D. KAHN,

19 Civ. 10474 (NRB)

Defendants.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Non-party Alan Dershowitz ("Dershowitz") seeks permission to file a motion for limited intervention in order to move to strike the following allegation from plaintiff's complaint: "Among the guests that came to the mansion, Maria observed Alan Dershowitz, a lawyer, on a number of occasions, and observed that he would go upstairs at the same time the young girls were there." ECF No. 1 ¶ 39. In the alternative, Dershowitz requests that the Court strike the allegation *sua sponte*.

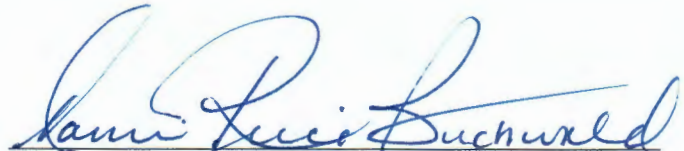
Having considered the several letters on this issue, see ECF Nos. 9-11, the Court exercises its authority, pursuant to Federal Rule of Civil Procedure Rule 12(f)(1), to strike *sua sponte* the aforementioned language. See Fed. R. Civ. P. 12(f)(1) ("[O]n its own," a court may "strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."). The Court briefly addresses its reasons for doing so.

First, the allegation is neither material nor directly pertinent to any claim or defense in this action. Nor does Rule 8 require plaintiff to plead credibility or to anticipate a response to a statute of limitations defense. Moreover, there already exists a forum for exploring the veracity of the allegation. See Giuffre v. Dershowitz, No. 19 Civ. 3377 (S.D.N.Y. Apr. 16, 2019), ECF No. 1-12.

In light of the foregoing, the Court denies as moot Dershowitz's request for leave to submit a motion to intervene, which was requested solely for the purpose of moving to strike the language at issue.¹

SO ORDERED.

DATED: New York, New York
December 23, 2019



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

¹ This ruling is limited to the pleading issue presented, rather than any potential evidentiary issue.