Not for Publication or Citation

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN RE: CASE NO. 09-15342	)	
	)	
ANNMARIE MILLER	)	
	)	
	)	
Debtor	)	
	)	
	)	
TIMOTHY DEXTER	)	
	)	
Plaintiff	)	
	)	
vs.	)	PROC. NO. 10-1029
	)	
ANNMARIE MILLER	)	
	)	
Defendant	)	

DECISION AND ORDER

At Fort Wayne, Indiana, on January 19, 2011.

Following trial, the parties were given the opportunity to file briefs directed to the issues raised in this adversary proceeding. In addition to filing a response to the defendant's brief, the plaintiff has also filed a separate motion to strike portions of that brief.[1] It is the motion to strike that is presently before the court.

Except as contemplated by Rule 12(f), the purpose of a motion to strike should be limited to removing things from the docket that are so woefully inadequate they do not deserve to be filed. It is not the proper vehicle to deal with things which qualify for filing but are simply not sufficient to accomplish their ostensible purpose. See, Colodny v. Iverson, Yoakum, Papiano & Hatch, 838

[1]That motion has not been accompanied by a brief in support thereof as required by the local rules of this court. See, N.D. Ind. L.B.R. B-7007-1(a). See also, In re King, 2006 WL 1994679, 2006 Bankr. LEXIS 1416 (Bankr. N.D. Ind. 2006) (purpose of a brief).

F. Supp. 572, 575 (D. M.D. Fla. 1994) (motion to strike is not an appropriate way to challenge the basis of factual allegations). Such deficiencies should be addressed in one's normal response or reply to the submission, rather than by filing a separate motion asking the court to strike the offending document. Knudsen v. Liberty Mutual Ins. Co., 411 F.3d 805 (7th Cir. 2005) ("we hope that in the future [parties] will address the issues directly rather than move to strike the [opponent's] papers."). See also, S.D. Ind. L.R. 56.1(f) ("Collateral motions in the summary judgment process, such as motions to strike are disfavored."). Plaintiff's motion to strike is based upon perceived deficiencies in the content of portions of the defendant's brief. Those arguments should be made in the plaintiff's reply brief, not by filing a motion to strike.

Plaintiff's motion to strike is DENIED.

SO ORDERED.

/s/ Robert E. Grant
Chief Judge, United States Bankruptcy Court