

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA

SRP Environmental, LLC v. Claremont Property Co.

SRP Environmental · No. 5:23-cv-01475 · Decided March 23, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied three motions to strike evidence submitted in connection with SRP Environmental, LLC’s motion for partial summary judgment. The court held that the challenged affidavits and reply exhibits were not subject to striking under Rule 12(f), emphasizing that motions to strike are disfavored and that factual and evidentiary disputes should generally be resolved on the merits.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana
WRITING FOR THE COURT	S. Maurice Hicks, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	March 23, 2026
DOCKET	5:23-cv-01475
DISPOSITION	other
PROCEDURAL POSTURE	The court considered three motions to strike evidence submitted in connection with SRP Environmental, LLC's motion for partial summary judgment seeking dismissal of Claremont Property Co.'s counterclaims.
STANDARD OF REVIEW	Motions to strike under Federal Rule of Civil Procedure 12(f) are disfavored and should be granted sparingly, generally only when the challenged material has no possible relation to the controversy. Disputed factual questions and substantial legal questions ordinarily should not be resolved on a motion to strike. Affidavits opposing summary judgment must comply with Federal Rule of Civil Procedure 56.
PRECEDENTIAL VALUE	Unknown

TOPICS

- summary judgment
- evidence
- authentication
- hearsay
- civil procedure

PRACTICE AREAS

civil procedure

evidence

construction law

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether the affidavit of former Louisiana State Licensing Board for Contractors Executive Director Michael McDuff should be stricken as irrelevant, unauthenticated, hearsay, or not based on personal knowledge.
2. Whether portions of Claremont President Keeley Megarity's affidavit should be stricken for lack of personal knowledge or evidentiary support.
3. Whether exhibits attached to SRP's reply memorandum should be stricken because they were allegedly improper new evidence submitted at the reply stage.

HOLDINGS

1. The McDuff affidavit was not stricken because McDuff had relevant knowledge based on his service as Executive Director of the Louisiana State Licensing Board for Contractors when he executed the affidavit and when the relevant work authorizations were entered.
2. The challenged portions of Megarity's affidavit were not stricken because the affidavit demonstrated personal knowledge and the scope of work performed was a disputed factual question inappropriate for resolution on a motion to strike.
3. The exhibits attached to SRP's reply were not stricken because the court determined that the evidence fell within the category of rebuttal or impeachment evidence and was within the court's discretion to consider.

KEY QUOTATIONS

"Motions to strike are disfavored and infrequently granted." (Section I)

"The motion to strike should be granted only when the pleading to be stricken has no possible relation to the controversy." (Section I)

"IT IS ORDERED that the Motions to Strike (Record Documents 105, 106, & 112) be and are hereby DENIED." (Conclusion)

FACTUAL BACKGROUND

The dispute concerns water mitigation and dewatering work performed on three Louisiana projects: Lighthouse Harbor Condominiums, Lake Condominiums, and City Place Townhomes. SRP alleged it was not fully paid for the work, while Claremont contended that SRP improperly and excessively overbilled, causing property owners' insurers to reject SRP's bills. The challenged evidence addressed whether Claremont was required to hold a Louisiana contractor's license, the scope of work performed, and evidence submitted with SRP's reply.

PROCEDURAL HISTORY

SRP moved for partial summary judgment on Claremont's counterclaims. Claremont submitted affidavits and other evidence in opposition. SRP moved to strike the affidavit of Michael McDuff and portions of Keeley Megarity's affidavit, while Claremont moved to strike exhibits attached to SRP's reply memorandum. The district court denied all three motions to strike.

DISPOSITION

other

CASES CITED

- U.S. v. Cushman & Wakefield, Inc., 275 F. Supp. 2d 763, 767 (N.D. Tex. 2002)
- Augustus v. Board of Public Instruction of Escambia County, Florida, 306 F.2d 862, 868 (5th Cir. 1962)
- Sweet Lake Land & Oil Co., LLC v. Exxon Mobil Corp., No. 2:09CV01100, 2009 WL 4716090, *1-*2 (W.D. La. Dec. 9, 2009)
- Lopez v. City of San Antonio, No. SA-08-CA-089-FB, 2009 WL 10680831, *3 (W.D. Tex. Aug. 24, 2009), aff'd, 435 F. App'x 401 (5th Cir. 2011)