

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Justin Spiehs v. Topeka & Shawnee County Public Library, et al.

Spiehs · No. 24-4117-TC-BGS · Decided January 29, 2026

SUMMARY

The United States District Court for the District of Kansas denied the Topeka & Shawnee County Public Library’s motion to strike portions of Justin Spiehs’s complaint under Federal Rule of Civil Procedure 12(f). The court held that the defendant had not met the demanding burden to show that the referenced video and sworn statement were immaterial, impertinent, redundant, or scandalous, and emphasized that motions to strike are generally disfavored.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Brooks G. Severson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	January 29, 2026
DOCKET	24-4117-TC-BGS
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(f) to strike portions of Plaintiff's complaint and an attached sworn statement.
STANDARD OF REVIEW	The court exercises discretion in deciding whether to strike material under Federal Rule of Civil Procedure 12(f). Motions to strike are generally disfavored, and the moving party bears a demanding burden.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive authority only.

TOPICS

pleadings

civil procedure

civil rights

PRACTICE AREAS

Civil procedure

Civil rights

QUESTIONS PRESENTED

1. Whether the allegations referencing a video recording and the attached sworn statement should be stricken under Federal Rule of Civil Procedure 12(f) as immaterial or impertinent.
2. Whether failure to attach the referenced video recording justified striking the related allegations from the complaint.

HOLDINGS

1. The motion to strike was denied because Defendant did not meet the demanding burden to show that the challenged material was redundant, immaterial, impertinent, or scandalous.
2. The absence of an attached video recording did not justify striking the complaint's allegations referencing it.

KEY QUOTATIONS

“That stated, the striking of allegations is a “drastic remedy.””

“Thus, motions to strike are “generally disfavored””

“The Court has discretion to decide whether to strike a matter under Rule 12(f).”

“The party moving to strike material from a pleading “has a ‘demanding burden’ to show adequate grounds under Rule 12(f).””

FACTUAL BACKGROUND

Plaintiff's complaint referenced a video recording of events and incorporated the recording by reference, but the video was not attached because it could not be filed conventionally through the court's CM/ECF system. Plaintiff also attached a statement declaring under penalty of perjury that it was true and correct. Defendant argued that the statement was unrelated, excessive, and immaterial to the complaint's allegations.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint concerning an August 30, 2025 incident and referenced a video recording incorporated by reference. Defendant moved to strike allegations concerning the video and an attached sworn statement as immaterial and impertinent. The court denied the motion, concluding that Defendant had not met Rule 12(f)'s demanding burden.

DISPOSITION

other

CASES CITED

- *Rajala v. McGuire Woods, LLP*, No. 08-02638-CM-DJW, 2011 WL 91948, at *2 (D. Kan. Jan. 11, 2011)
- *Sidney-Vinstein v. A.H. Robins Co.*, 697 F.2d 880, 885 (9th Cir. 1983)
- *Nwakupda v. Falley's, Inc.*, 14 F. Supp. 2d 1213, 1215 (D. Kan. 1998)

- Sawo v. Drury Hotels Co., LLC, No. 11-2232-JTM-GLR, 2011 WL 3611400, at *2 (D. Kan. Aug. 15, 2011)
- Hayne v. Green Ford Sales, Inc., 263 F.R.D. 647, 648–49 (D. Kan. 2009)
- Youell v. Grimes, No. 00-2207-JWL, 2001 WL 121955, at *2 (D. Kan. Feb. 8, 2001)
- Dean v. Gillette, No. 04-2100-JWL-DJW, 2004 WL 3202867, at *1 (D. Kan. June 8, 2004)
- Northern Natural Gas Co. v. L.D. Drilling Co., Inc., No. 08-1405-JTM, 2017 WL 1048365, at *2 (D. Kan. Mar. 20, 2017)
- Foster v. Pfizer Inc., No. 00-1287-JTM, 2000 WL 33170897, at *2 (D. Kan. Dec. 12, 2000)

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