

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lund v. Datzman, et al.

Lund · No. 2:19-cv-02287-TLN-DMC · Decided September 30, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Eric Lund’s three motions to strike defenses and affirmative defenses asserted in the first amended answers of City, County, and State defendants. The court held that the challenged defenses were not redundant, were pleaded with sufficient fair notice, and were not legally insufficient at the pleading stage.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 30, 2025
DOCKET	2:19-cv-02287-TLN-DMC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike defenses and affirmative defenses from the defendants' operative answers. The district court denied all three motions.
STANDARD OF REVIEW	A motion to strike under Rule 12(f) is committed to the sound discretion of the district court.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Eric Lund v. City of Vacaville, Jeffrey Datzman, Steven Carey, Mark Ferreira, Chris Lechuga, County of Solano, Krishna Abrams, Ilana Shapiro, Samuel Dickson, Steve West, Kevin Knopf, John Blencowe, Warren Stanley, Joseph Farrow, Nick Norton, Helena Williams, Kevin Domby, David Varao, Ryan Duplissey

TOPICS

- affirmative defenses
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether defendants' defenses and affirmative defenses should be stricken as redundant under Rule 12(f).
2. Whether defendants' defenses and affirmative defenses failed to provide fair notice and were therefore insufficiently pleaded.
3. Whether defendants' affirmative defenses were legally insufficient because they lacked merit under any set of facts defendants might allege.
4. Whether alleged immaterial matter, negative defenses, purported counterclaims, a reservation of defenses, or claimed prejudice warranted striking portions of defendants' answers.

HOLDINGS

1. The challenged defenses and affirmative defenses were not redundant within the meaning of Rule 12(f), so they would not be stricken on that basis.
2. The defenses and affirmative defenses provided fair notice of their nature and grounds and were not insufficiently pleaded.
3. The affirmative defenses were not legally insufficient because they did not clearly lack merit under every set of facts defendants might allege.
4. The additional arguments did not warrant striking the answers. Mislabeling a negative defense is not grounds for striking it; the references to costs and expenses were not counterclaims; the reservation of defenses was not prejudicial; and the claimed discovery burden did not establish undue prejudice.

KEY QUOTATIONS

“Rule 12(f) provides that a court “may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”” (at 2)

“The key to determining the sufficiency of pleading an affirmative defense is whether it gives plaintiff fair notice of the defense.” (at 3)

“The ‘fair notice’ required by the pleading standards only requires describing the defense in ‘general terms.’” (at 5)

“an affirmative defense is legally insufficient only if it clearly lacks merit “under any set of facts the defendant might allege.”” (at 6)

FACTUAL BACKGROUND

Eric Lund was formerly a sworn California Highway Patrol employee. Vacaville police officers arrested him in 2014, and he was later prosecuted and convicted of possessing child pornography and sentenced to five years in prison. The defendants included Vacaville police officers, California Highway Patrol officers, and Solano

County district attorneys involved in the investigation, arrest, prosecution, and termination of Lund's employment.

PROCEDURAL HISTORY

Plaintiff filed the action in 2019 and later filed a Third Amended Complaint asserting 22 claims related to his arrest and conviction. The court previously granted in part and denied in part defendants' motions to dismiss and allowed leave to amend, but plaintiff did not file another amended complaint. Defendants filed operative answers on December 30, 2024, after which plaintiff filed three motions to strike.

DISPOSITION

other

CASES CITED

- Sidney-Vinstein v. A.H. Robins Co., 697 F.2d 880, 885 (9th Cir. 1983)
- Neilson v. Union Bank of Cal., N.A., 290 F. Supp. 2d 1101, 1152 (C.D. Cal. 2003)
- Wyshak v. City Nat'l Bank, 607 F.2d 824, 826-27 (9th Cir. 1979)
- Dodson v. Gold Country Foods, Inc., No. 2:13-cv-0336-TLN-DAD, 2013 WL 5970410 (E.D. Cal. Nov. 4, 2013)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Kohler v. Islands Rests., LP, 280 F.R.D. 560, 564, 567 (S.D. Cal. 2012)
- Kohler v. Flava Enters., Inc., 779 F.3d 1016, 1019 (9th Cir. 2015)
- Ganley v. Cnty. of San Mateo, No. 06-cv-3923-TEH, 2007 WL 902551, at *2 (N.D. Cal. Mar. 22, 2007)
- Springer v. Fair Isaac Corp., No. 14-CV-02238-TLN-AC, 2015 WL 7188234, at *2 (E.D. Cal. Nov. 16, 2015)
- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 974-75 (9th Cir. 2010)
- S.E.C. v. Sands, 902 F. Supp. 1149, 1166 (C.D. Cal. 1995), aff'd sub nom. S.E.C. v. First Pac. Bancorp, 142 F.3d 1186 (9th Cir. 1998)
- Sagan v. Apple Comput., Inc., 874 F. Supp. 1072, 1079 (C.D. Cal. 1994)
- Fantasy, Inc. v. Fogerty, 984 F.2d 1524, 1527 (9th Cir. 1993)
- Sundby v. Marquee Funding Grp., Inc., No. 19-cv-0390-GPC-AHG, 2019 WL 5963907, at *3 (S.D. Cal. Nov. 13, 2019)
- Sesto v. Slaine, 171 F. Supp. 3d 194, 206 (S.D.N.Y. 2016)
- E.E.O.C. v. Timeless Invs., Inc., 734 F. Supp. 2d 1035, 1055 (E.D. Cal. 2010)
- Polk v. Legal Recovery Law Offices, 291 F.R.D. 485, 493 (S.D. Cal. 2013)
- Harris v. Chipotle Mexican Grill, Inc., 303 F.R.D. 625, 630 (E.D. Cal. 2014)