

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, CENTRAL DIVISION

Searra Priolo v. EquipmentShare.com Inc.

Priolo · No. 2:25-cv-04013-MDH · Decided June 25, 2026

SUMMARY

The United States District Court for the Western District of Missouri denied EquipmentShare.com Inc.’s motion to strike Plaintiff Searra Priolo’s declaration and portions of her summary-judgment factual submissions. The court held that motions for summary judgment, supporting memoranda, declarations, and statements of uncontroverted facts are not pleadings subject to a motion to strike under Federal Rule of Civil Procedure 12(f). The court constructively filed Priolo’s revised opposition, withdrew the original opposition, and permitted the defendant to file a reply addressing deficiencies and additional statements of material fact.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Central Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Central Division
DECIDED	June 25, 2026
DOCKET	2:25-cv-04013-MDH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to strike the plaintiff's declaration, portions of her factual statements and responses to the defendant's statement of uncontroverted material facts, and additional statements of uncontroverted material facts in connection with the defendant's motion for summary judgment.
STANDARD OF REVIEW	A motion to strike is governed by Federal Rule of Civil Procedure 12(f) and is properly directed only to material contained in pleadings. The district court has considerable discretion in applying its local rules.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Searra Priolo v. EquipmentShare.com Inc.

TOPICS

civil procedure

summary judgment

pleadings

ada / disability

retaliation

PRACTICE AREAS

civil procedure

employment law

disability discrimination

age discrimination

retaliation

QUESTIONS PRESENTED

1. Whether a motion to strike under Federal Rule of Civil Procedure 12(f) may be used to attack a declaration, summary-judgment opposition, responses to statements of uncontroverted facts, or additional statements of uncontroverted facts.
2. Whether the court should constructively file plaintiff's revised opposition to summary judgment and permit defendant to respond under the applicable local rule.

HOLDINGS

1. A motion to strike under Federal Rule of Civil Procedure 12(f) is not the proper vehicle for challenging a declaration, a motion for summary judgment, an opposition memorandum, or statements of uncontroverted facts because those materials are not pleadings.
2. The court may exercise its discretion to constructively file plaintiff's revised opposition to summary judgment, withdraw the original opposition, and permit defendant to respond to the revised filing.

KEY QUOTATIONS

"A motion to strike is properly directed only to material contained in pleadings."

"However, a motion to strike is the improper vehicle to bring these requests."

FACTUAL BACKGROUND

Searra Priolo worked remotely for EquipmentShare.com Inc. as a senior recruiter from July 2023 until her termination in February 2024. She alleged that she complained about discriminatory hiring practices involving disabilities and age, including the use of a DISC assessment and instructions concerning candidate scores. She claimed that her termination for alleged insubordination was pretextual retaliation. The order addressed only the parties' summary-judgment filings and the defendant's motion to strike them.

PROCEDURAL HISTORY

Plaintiff brought claims for retaliation under the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Missouri Human Rights Act. Defendant moved to strike materials submitted in opposition to summary judgment and asked the court to deem certain facts admitted. The court denied the motion to strike, constructively filed plaintiff's revised opposition, withdrew the original opposition, and granted defendant leave to respond to the revised materials.

DISPOSITION

other

CASES CITED

- Khamis v. Bd. of Regents, Se. Mo. State Univ., No. 1:09-CV-145-RWS, 2010 WL 1936228, at *1 (E.D. Mo. May 13, 2010)
- Mecklenburg Farm, Inc. v. Anheuser-Busch, Inc., No. 4:07-CV-1719-CAS, 2008 WL 2518561, at *1 (E.D. Mo. June 19, 2008)
- Luer v. St. Louis County, Missouri, No. 4:17-CV-00767-NAB, 2018 WL 6064862, at *13 (E.D. Mo. Nov. 19, 2018), *aff'd in part, rev'd in part and remanded sub nom. Luer v. Clinton*, 987 F.3d 1160 (8th Cir. 2021)
- Shea v. Peoples Nat. Bank, No. 4:11-CV-1415-CAS, 2013 WL 74374, at *1-*2 (E.D. Mo. Jan. 7, 2013)
- Khamis, 2010 WL 1936228, at *1
- Milk Drivers Local Union No. 387 v. Roberts Dairy, 219 F.R.D. 151, 152 (S.D. Iowa 2003)
- R.A.D. Servs. LLC v. State Farm Fire & Cas. Co., 60 F.4th 408, 412 (8th Cir. 2023)
- Buffets, Inc. v. Leischow, 732 F.3d 889, 895 (8th Cir. 2013)

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