

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vaughn v. Tatar

No. 2:23-cv-0672-DC-JDP (PS) (E.D. Cal. Apr. 29, 2025) · No. 2:23-cv-0672-DC-JDP (PS) · Decided April 29, 2025

SUMMARY

The document contains findings and recommendations addressing plaintiff Julian Vaughn’s motion to strike portions of defendants’ answer and counterclaims in a dispute concerning the sale of a Volvo truck and related trailer lease. The magistrate judge recommends denying the motion as untimely, reliant on inapplicable California procedural provisions, and substantively unpersuasive. The parties are advised of the procedure and deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 29, 2025
DOCKET	2:23-cv-0672-DC-JDP (PS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike portions of defendants' answer and counterclaims. The magistrate judge issued findings and recommendations recommending that the motion be denied.
STANDARD OF REVIEW	A motion to strike under Federal Rule of Civil Procedure 12(f) may be used to strike an insufficient defense or redundant, immaterial, impertinent, or scandalous matter. The court also applied the Rule 12(f)(2) timing requirement.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Julian Vaughn v. Nickolas Tatar, et al.

TOPICS

- pleadings
- civil procedure
- breach of contract
- implied covenant of good faith
- commercial litigation

PRACTICE AREAS

civil procedure

contracts

commercial litigation

QUESTIONS PRESENTED

1. Whether plaintiff's motion to strike portions of defendants' answer and counterclaim was timely under Federal Rule of Civil Procedure 12(f)(2).
2. Whether the challenged allegations constituted insufficient defenses or redundant, immaterial, impertinent, or scandalous matter subject to striking under Rule 12(f).
3. Whether reliance on provisions of the California Code of Civil Procedure supported striking allegations in this federal action.

HOLDINGS

1. A Rule 12(f) motion to strike filed more than a year and a half after service of the answer is untimely under Rule 12(f)(2).
2. Allegations are not subject to being stricken merely because the opposing party asserts that they are false or unrelated; a motion to strike requires grounds recognized by Rule 12(f).
3. The California Code of Civil Procedure does not govern proceedings in federal court when the Federal Rules of Civil Procedure apply.

KEY QUOTATIONS

“The function of this rule “is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial” (at 1)

“And alleged falsity is not a sufficient reason to strike a pleading or portion thereof.” (at 2)

FACTUAL BACKGROUND

The dispute arose from the sale of a Volvo truck and related trailer arrangements. Vaughn alleged that defendants breached the parties' contract and engaged in related unlawful conduct. Defendants denied the allegations and asserted counterclaims concerning the installment sale contract, trailer lease, alleged conversion and trespass to chattels, and the implied covenant of good faith and fair dealing. Vaughn sought to strike allegations concerning an alleged lien disclosure, excessive speeding, inability to obtain insurance, and removal of a GPS device from the truck.

PROCEDURAL HISTORY

Vaughn filed suit in April 2023 concerning the sale of a Volvo truck and asserted contract, implied-covenant, unfair-competition, and intentional-misrepresentation claims. Defendants answered on June 16, 2023, and asserted counterclaims involving the installment sale contract, trailer lease, conversion, trespass to chattels, and the covenant of good faith and fair dealing. Nearly two years later, Vaughn moved to strike statements in the answer and counterclaim; defendants opposed. The magistrate judge recommended denial of the motion and advised the parties of the procedure for filing objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973
- Fantasy, Inc. v. Fogerty, 984 F.2d 1524, 1527
- Barroga v. Bd. of Admin. Cal. Pub. Empl. Ret. Sys., No. 2:12-cv-01179 MCE KJN, 2012 U.S. Dist. LEXIS 154275, at *27 (E.D. Cal. Oct. 25, 2012)
- Novva Ausrustung Group, Inc. v. Kajioka, No. 2:17-cv-01293-RFB-VCF, 2017 U.S. Dist. LEXIS 108614, at *3 (D. Nev. July 13, 2017)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir.)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir.)

OPINION

(PS) Vaughn v. Tatar

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 JULIAN VAUGHN, Case No. 2:23-cv-0672-DC-JDP (PS) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 NICKOLAS TATAR, et al., 15 Defendants. 16 17 18 Plaintiff, initially represented by counsel
but now proceeding pro se, brought this case in

19 April 2023, alleging that defendants breached a contract between the parties related to the sale
of

20 a Volvo truck. ECF No. 1 at 2-4. He also claims that, in connection with the sale and alleged 21
breach of contract, defendants breached an implied covenant of good faith and fair dealing, 22
violated California's unfair competition laws, and made intentional misrepresentations in 23
connection with the sale. Id. at 4-6. Defendants filed an answer on June 16, 2023. ECF No. 7. 24
Therein, in addition to responding to the allegations made against them, they asserted 25
counterclaims against plaintiff for breaching the installment sale contract for the truck, breach of
26 the trailer lease, conversion of the truck and trailer, trespass to chattels with respect to the truck
27 and trailer, and breach of the covenant of good faith and fair dealing. Id. at 14-18. Now, nearly
28 two years after the answer was filed, plaintiff has moved to strike several statements made by 1
defendants in their answer and counterclaim. ECF No. 36 at 2. Defendants have filed an 2
opposition. ECF No. 37. For the reasons stated below, the motion to strike should be denied. 3
Under Rule 12(f) "[t]he court may strike from a pleading an insufficient defense or any 4

redundant, immaterial, impertinent, or scandalous matter.” The function of this rule “is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial” *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 973 (9th Cir. 2010) (quoting *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir. 1993)). Here, plaintiff seeks to strike defendants’ statements regarding: (1) the alleged lien disclosure; (2) excessive speeding; (3) inability to obtain insurance; and removal of a global positioning system device from the truck. ECF No. 36 at 2. He cites California code provisions and argues that these statements do not pertain to the case, that the introduction of extrinsic evidence to contradict a written contract is impermissible, that defendants’ statements regarding his speeding are false, that allowing the statements to remain would prejudice his case, and that defendants’ claims undermine the Uniform Commercial Code. Plaintiff’s motion to strike is frivolous. As an initial matter, it is untimely insofar as it was filed more than a year and a half after the answer, whose portions it seeks to strike. Under

Rule 12(f), a motion to strike must be filed “before responding to the pleading or, if a response is

not allowed, within 21 days after being served with the pleading.” Fed. R. Civ. P. 12(f)(2). Second, the motion primarily relies on provisions of the California Code, which are not applicable in this federal action. See *Barroga v. Bd. of Admin. Cal. Pub. Empl. Ret. Sys.*, No. 2:12-cv-01179 MCE KJN, 2012 U.S. Dist. LEXIS 154275, *27, (E.D. Cal. Oct. 25, 2012) (“However, the California Code of Civil Procedure is not applicable in federal court, where proceedings are governed by the Federal Rules of Civil Procedure.”). Finally, plaintiff’s arguments are substantively unconvincing. He broadly argues that defendants’ claims are false or unrelated to the claims in this suit, but he does not explain how. And alleged falsity is not a sufficient reason to strike a pleading or portion thereof. See *Novva Ausrustung Group, Inc. v. Kajioka*, No. 2:17-cv-01293-RFB-VCF, 2017 U.S. Dist. LEXIS 108614, at *3 (D. Nev. July 13, 2017). Accordingly, it is RECOMMENDED that plaintiff’s motion to strike, ECF No. 36, be DENIED. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of service of these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Any such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed within fourteen days of service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. See *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 11 1991). IT IS SO ORDERED. (ie - Dated: _ April 29, 2025 q———

JEREMY D. PETERSON

UNITED STATES MAGISTRATE JUDGE

17 18 19 20 21 22 23 24 25 26 27 28

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-eastern-district-of-california-united-states-district-court-for/2025/vaughn-v-tatar-gj1cn5f9>