

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Millard Wayne Baker, Jr. v. R. Shahbazian

Baker v. Shahbazian · No. 1:24-CV-01279-HBK · Decided November 19, 2025

SUMMARY

The United States District Court for the Eastern District of California partially granted and partially denied Plaintiff Millard Wayne Baker Jr.’s motion to strike Defendant R. Shahbazian’s affirmative defenses under Federal Rule of Civil Procedure 12(f). The court allowed qualified immunity, failure to exhaust, and Eleventh Amendment immunity defenses to remain, while striking contributory damages, failure to mitigate, punitive damages, and res judicata/collateral estoppel defenses, with leave to amend most of the stricken defenses.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 19, 2025
DOCKET	1:24-CV-01279-HBK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike all seven affirmative defenses in Defendant's answer to the First Amended Complaint.
STANDARD OF REVIEW	Under Rule 12(f), the court may strike an insufficient, redundant, immaterial, impertinent, or scandalous matter. An affirmative defense is insufficient as a matter of law when it lacks merit under any set of facts the defendant might allege, and insufficient as a matter of pleading when it fails to provide fair notice of the nature and grounds of the defense.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only
PARTIES	Millard Wayne Baker, Jr. v. R. Shahbazian

TOPICS

affirmative defenses

pleadings

civil procedure

qualified immunity

eleventh amendment immunity

PRACTICE AREAS

civil procedure

prisoner civil rights

constitutional law

QUESTIONS PRESENTED

1. Whether Defendant's seven asserted defenses were legally or pleading-wise insufficient under Federal Rule of Civil Procedure 12(f).
2. Whether qualified immunity, failure to exhaust administrative remedies, and Eleventh Amendment immunity were sufficiently pleaded to survive a motion to strike.
3. Whether contributory damages, failure to mitigate, punitive-damages limitations, and res judicata or collateral estoppel required additional factual allegations to provide fair notice.
4. Whether Defendant should receive leave to amend the defenses that were stricken.

HOLDINGS

1. Qualified immunity is an affirmative defense that does not require additional factual allegations to be sufficiently pleaded when the assertion gives the plaintiff fair notice of the defense.
2. A bare assertion of negligence or contributory fault, without any indication of the conduct supporting the defense, does not provide fair notice even under the liberal pleading standard for affirmative defenses.
3. Although failure to mitigate is a proper affirmative defense and generally requires little factual detail, the defense must provide some factual basis indicating how the plaintiff allegedly failed to mitigate damages.
4. A denial that the plaintiff can prove punitive damages is not an affirmative defense; it attacks the plaintiff's prima facie case and is therefore insufficient as an affirmative defense.
5. Failure to exhaust administrative remedies is a proper affirmative defense, and the defendant's burden to prove exhaustion failure is not a basis for striking the defense at the pleading stage.
6. Eleventh Amendment immunity is an appropriate affirmative defense where the defendant asserts immunity from damages for official-capacity claims, and the defense should not be stricken where its applicability presents a factual question.
7. Res judicata and collateral estoppel defenses must provide at least some basic factual information establishing their grounds; a conditional, conclusory reference to prior litigation does not provide fair notice.
8. Absent prejudice, leave to amend should generally be freely given to cure pleading deficiencies in stricken affirmative defenses.

KEY QUOTATIONS

“An affirmative defense is an assertion of facts that if proven would defeat or reduce the stated claim.” (1)

“Fair notice . . . requires that the defendant state the nature and grounds for the affirmative defense.” (1)

“Generally, where a court strikes an affirmative defense, leave to amend should be given to attempt to cure the deficiency so long as there is no prejudice.” (5)

FACTUAL BACKGROUND

Plaintiff, a prisoner asserting civil-rights claims, alleged that Defendant Shahbazian suddenly stopped Plaintiff's Effexor prescription. Defendant's answer asserted qualified immunity, contributory damages, failure to mitigate, punitive-damages limitations, failure to exhaust administrative remedies, Eleventh Amendment immunity, and res judicata or collateral estoppel. The court evaluated whether each defense supplied fair notice and constituted a proper affirmative defense.

PROCEDURAL HISTORY

The motion to strike was filed on October 1, 2025, followed by Defendant's opposition and Plaintiff's reply. The court granted the motion as to affirmative defenses 2, 3, 4, and 7, denied it as to defenses 1, 5, and 6, and granted leave to amend defenses 2, 3, and 7 within twenty-one days; defense 4 was stricken without leave to amend.

DISPOSITION

other

CASES CITED

- Jones v. Bock, 549 U.S. 199, 212 (2007)
- Zivkovic v. So. Cal. Edison Co., 302 F.3d 1080, 1088 (9th Cir. 2002)
- Petrie v. Elec. Game Card, Inc., 761 F.3d 959, 966-67 (9th Cir. 2014)
- Gomez v. J. Jacobo Farm Labor Contr., Inc., 188 F. Supp. 3d 986, 991-993 (E.D. Cal. 2016)
- Wyshak v. City Nat'l Bank, 607 F.2d 824, 826-827 (9th Cir. 1979)
- Kohler v. Flava Enters., Inc., 779 F.3d 1016, 1019 (9th Cir. 2015)
- United States v. Gibson Wine Co., 2016 WL 1626988 (E.D. Cal. Apr. 25, 2016)
- Crawford-El v. Britton, 523 U.S. 574, 587 (1998)
- L.F. v. City of Stockton, 2018 WL 3817558, at *19 (E.D. Cal. Aug. 9, 2018)
- Atkins v. Pickard, 298 F. App'x 512, 513 (7th Cir. 2008)
- Devermont v. City of San Diego, 2013 WL 2898342, at *16-*17 (S.D. Cal. June 12, 2013)
- J&J Sports Prods., Inc. v. Delgado, 2011 WL 219594, at *2 (E.D. Cal. Jan. 19, 2011)
- DeSalvo v. Islands Rest., L.P., 2020 WL 4035071, at *15 (C.D. Cal. July 16, 2020)
- Dodson v. CSK Auto, Inc., 2013 WL 3942002, at *2 (E.D. Cal. July 30, 2013)
- Kohler v. Staples the Office Superstore, LLC, 291 F.R.D. 464, 469 (S.D. Cal. 2013)
- Kaur v. City of Lodi, 2016 WL 627308, at *5 (E.D. Cal. Feb. 17, 2016)
- Guirgois v. U.S. Bank, N.A., 2021 WL 779111, at *9 (W.D. Wash. Mar. 1, 2021)
- Roe v. City of San Diego, 289 F.R.D. 604, 610-612 (S.D. Cal. 2013)
- Weddle v. Bayer AG Corp., 2012 WL 1019824, at *5 (S.D. Cal. Mar. 26, 2012)

- Albino v. Baca, 747 F.3d 1162 (9th Cir. 2014)
- Romano v. Bible, 169 F.3d 1182, 1185 (9th Cir. 1999)
- Krainski v. Nevada ex rel. Bd. of Regents of Nev. Sys. of Higher Educ., 616 F.3d 963, 967 (9th Cir. 2010)
- SEC v. Sands, 902 F. Supp. 1149, 1165 (C.D. Cal. 1995)
- G & G Closed Circuit Events, LLC v. Nguyen, 2010 WL 3749284, at *2 (N.D. Cal. Sept. 23, 2010)

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