

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Samuel Lewis, et al. v. Hilltop Group, L.P., et al.

Lewis · No. 25-cv-03398-HSG · Decided October 10, 2025

SUMMARY

The United States District Court for the Northern District of California partially grants and partially denies Plaintiffs’ motion to strike Defendants’ seventeen affirmative defenses. The court declines to apply the Twombly/Iqbal pleading standard to affirmative defenses but strikes defenses concerning failure to state a cause of action, reasonable accommodation, business necessity, legal necessity, and reservation of additional defenses, without leave to amend.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 10, 2025
DOCKET	25-cv-03398-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 12(f) to strike all seventeen affirmative defenses asserted in Defendants' answer to the complaint.
STANDARD OF REVIEW	A Rule 12(f) motion to strike is reviewed under the district court's discretion. An affirmative defense is insufficiently pleaded if it fails to provide fair notice of the nature of the defense, but a motion to strike an insufficient defense is disfavored and should not be granted unless the insufficiency is clearly apparent. The court may not resolve disputed and substantial factual or legal issues on such a motion.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Samuel Lewis, Patricia Olson v. Hilltop Group, L.P., et al.

TOPICS

- affirmative defenses
- pleadings
- civil procedure
- class actions
- reasonable accommodation

PRACTICE AREAS

civil procedure

fair housing

disability discrimination

landlord-tenant

QUESTIONS PRESENTED

1. Whether affirmative defenses must satisfy the heightened pleading standard of *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*, or only the fair-notice standard.
2. Whether the defenses labeled Failure to State a Cause of Action and Reasonable Accommodation were improper because they challenged Plaintiffs' prima facie case rather than constituted affirmative defenses.
3. Whether a reservation of the right to assert additional unspecified defenses was itself an affirmative defense.
4. Whether the Business Necessity and Legal Necessity defenses were irrelevant to the claims pleaded.

HOLDINGS

1. Affirmative defenses are subject to the fair-notice standard and need not satisfy the heightened pleading requirements of *Twombly* and *Iqbal*.
2. The court declined to strike the remaining affirmative defenses merely because they were pleaded in generalized or boilerplate fashion, because Plaintiffs had not shown that the defenses were so clearly insufficient as to fail the fair-notice standard or that striking them would meaningfully streamline the litigation.
3. A defense asserting that the plaintiff failed to state a cause of action or failed to establish a reasonable accommodation is not an affirmative defense when it merely challenges the plaintiff's prima facie case, and those defenses were stricken without leave to amend.
4. A reservation of the right to assert additional unspecified affirmative defenses later is not itself an affirmative defense and was properly stricken without leave to amend.
5. The Business Necessity and Legal Necessity defenses were irrelevant to the claims at issue and were stricken without leave to amend.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 12(f) authorizes a court to “strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”” (at 1)

*“On further reflection, this Court now is persuaded that the *Twombly/Iqbal* pleading standard should not apply to affirmative defenses.”* (at 2)

“A defense which demonstrates that plaintiff has not met its burden of proof is not an affirmative defense.” (at 3)

FACTUAL BACKGROUND

Samuel Lewis and Patricia Olison filed a class action complaint alleging that Defendants failed to keep their senior community safe and refused to grant reasonable accommodation requests. They asserted claims under the California Fair Employment and Housing Act, the Fair Housing Act, California Government Code section 11135, the Disabled Persons Act, and the Unruh Act, as well as claims for breach of the warranty of habitability and negligence. Defendants filed an answer containing seventeen asserted affirmative defenses.

PROCEDURAL HISTORY

Plaintiffs filed a class action complaint in April 2025, and Defendants answered in May 2025. Plaintiffs then moved to strike Defendants' seventeen affirmative defenses. The court considered the motion, opposition, and reply without oral argument, granted the motion in part, and denied it in part.

DISPOSITION

other

CASES CITED

- Wyshak v. City Nat. Bank, 607 F.2d 824, 827 (9th Cir. 1979)
- Sidney–Vinstein v. A.H. Robins Co., 697 F.2d 880, 885 (9th Cir. 1983)
- G & G Closed Circuit Events, LLC v. Nguyen, No. 10-CV-00168-LHK, 2010 WL 3749284, at *1 (N.D. Cal. Sept. 23, 2010)
- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 973 (9th Cir. 2010)
- Colaprico v. Sun Microsystems, Inc., 758 F. Supp. 1335, 1339 (N.D. Cal. 1991)
- Kanaan v. Yaqub, 709 F. Supp. 3d 864, 867-68 (N.D. Cal. 2023)
- Packlane, Inc. v. Best & Flanagan, LLP, No. 23-CV-03496-HSG, 2023 WL 8458263, at *4 (N.D. Cal. Nov. 20, 2023)
- BGC, Inc. v. Bryant, No. 22-CV-04801-JSC, 2023 WL 4138287, at *4 (N.D. Cal. June 21, 2023)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Jensen v. Thomas, No. 23-CV-01628-RFL, 2024 WL 5295012, at *2 (N.D. Cal. Aug. 15, 2024)
- Miletak v. Nationwide Mut. Ins. Co., No. 5:25-CV-03931-PCP, 2025 WL 1918738, at *5-*6 (N.D. Cal. July 11, 2025)
- Zivkovic v. S. Cal. Edison Co., 302 F.3d 1080, 1088 (9th Cir. 2002)
- United States v. Ogden, No. 20-CV-01691-DMR, 2021 WL 858467, at *4-*5 (N.D. Cal. Mar. 8, 2021)