

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Evans Hotels, LLC v. Unite Here! Local 30

No. 18-cv-2763-RSH-AHG (S.D. Cal. Sept. 12, 2025) · No. 18-cv-2763-RSH-AHG · Decided September 12, 2025

SUMMARY

The United States District Court for the Southern District of California adopted a magistrate judge’s Report and Recommendation and granted defendants’ motion to strike the plaintiffs’ Third Amended Complaint under Federal Rule of Civil Procedure 12(f). The court rejected objections that the magistrate judge applied an incorrect standard and improperly limited discovery.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	September 12, 2025
DOCKET	18-cv-2763-RSH-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs objected under Federal Rule of Civil Procedure 72(a) to a magistrate judge's Report and Recommendation granting defendants' motion to strike portions of the Third Amended Complaint. The district court overruled the objections, adopted the Report and Recommendation, and granted the motion to strike.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(a), the district judge reviews timely objections to a magistrate judge's order on a non-dispositive matter and must modify or set aside any part that is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	Unknown
PARTIES	Evans Hotels, LLC, et al. v. Unite Here! Local 30, et al.

TOPICS

- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

labor and employment

QUESTIONS PRESENTED

1. Whether the magistrate judge applied a clearly erroneous or legally incorrect standard in recommending that allegations be stricken under Federal Rule of Civil Procedure 12(f).
2. Whether the magistrate judge improperly limited discovery by considering how the challenged allegations might bear on future discovery.

HOLDINGS

1. The magistrate judge applied the correct legal standard because the challenged allegations were properly characterized as immaterial and redundant under Rule 12(f), and striking them could also avoid confusion and prejudice.
2. The Report and Recommendation did not improperly limit discovery because its discussion of the potential relationship between the allegations and future discovery was not a ruling on the scope of discovery under Rule 26 and was not determinative of any future discovery dispute.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 72(a) provides that a party may serve and file objections to the order of a magistrate judge, on a non-dispositive matter referred to the magistrate judge to hear and decide, within 14 days.” (1)

““The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.”” (1)

“The Report indeed describes certain allegations as “unnecessary,” consistent with the Ninth Circuit’s explication of “impertinent,” another term used in Rule 12(f), which overlaps in meaning with “immaterial” and “redundant.”” (2)

“The analysis contained in the Report is not determinative of any future discovery dispute that may come before the Court.” (2)

FACTUAL BACKGROUND

Defendants sought to strike allegations from plaintiffs' Third Amended Complaint. The magistrate judge recommended granting the motion after briefing and efforts to reach a compromise. Plaintiffs objected that the Report used an incorrect necessity standard and improperly restricted discovery, but the district court concluded that the challenged allegations were immaterial and redundant and that the Report did not decide the scope of future discovery.

PROCEDURAL HISTORY

Defendants moved to strike portions of plaintiffs' Third Amended Complaint under Rule 12(f). Magistrate Judge Allison H. Goddard issued a Report and Recommendation recommending that the motion be granted. Plaintiffs

objected, arguing that the magistrate judge applied the wrong Rule 12(f) standard and improperly limited discovery; the district court rejected both objections, adopted the Report and Recommendation, and granted the motion.

DISPOSITION

other

CASES CITED

- Sidney-Vinstein v. A.H. Robins Co., 697 F.2d 880, 885 (9th Cir. 1983)
- Fantasy, Inc. v. Fogerty, 984 F.2d 1524, 1527 (9th Cir. 1993), rev'd on other grounds, 510 U.S. 517 (1994)
- Whittlestone, Inc. v. Handi-Craft Co., 618 F.3d 970, 974 (9th Cir. 2010)
- Healing v. Jones, 174 F. Supp. 211, 220 (D. Ariz. 1959)
- Rosales v. FitFlop USA, LLC, 882 F. Supp. 2d 1168, 1179 (S.D. Cal. 2012)
- Walters v. Fidelity Mortgage of California, 730 F. Supp. 2d 1185, 1196 (E.D. Cal. 2010)
- Ollier v. Sweetwater Union High School District, 735 F. Supp. 2d 1222, 1224 (S.D. Cal. 2010)