

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

George Demetrius Karalis v. Kelly Douglas Carn, et al.

Karalis · No. 2:24-cv-00968-APG-MDC · Decided January 14, 2026

SUMMARY

The United States District Court for the District of Nevada denied plaintiff George Demetrius Karalis's motions to strike defendant Kelly Douglas Carn's affirmative defenses, jury trial demand, and answer. The court held that plaintiff was not prejudiced, the affirmative defenses satisfied the fair-notice standard, and the answer's untimeliness alone did not warrant striking it.

CASE DETAILS

COURT	United States District Court for the District of Nevada
JURISDICTION	United States District Court for the District of Nevada
DECIDED	January 14, 2026
DOCKET	2:24-cv-00968-APG-MDC
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 12(f) to strike defendant Carn's affirmative defenses and jury demand and moved to strike Carn's Answer in its entirety as untimely. The district court denied both motions.
STANDARD OF REVIEW	Motions to strike under Federal Rule of Civil Procedure 12(f) and under the court's inherent docket-management authority are committed to the court's discretion.
PRECEDENTIAL VALUE	unpublished district court order; persuasive value only
PARTIES	George Demetrius Karalis v. Kelly Douglas Carn, et al.

TOPICS

- pleadings
- affirmative defenses
- civil procedure

PRACTICE AREAS

- civil procedure
- contracts

QUESTIONS PRESENTED

1. Whether defendant Carn's affirmative defenses and jury demand should be stricken for lack of prejudice, insufficient factual detail, or violation of the fair-notice pleading standard.
2. Whether Carn's Answer should be stricken because it was filed after the applicable deadline.

HOLDINGS

1. The court denied the motion to strike because plaintiff failed to show prejudice, the merits of the affirmative defenses were more appropriately addressed through dispositive motions, and striking the filings would not otherwise be warranted.
2. Carn's affirmative defenses were sufficiently pleaded because Ninth Circuit fair-notice pleading requires only that a defense be described in general terms.
3. The court declined to strike the equitable affirmative defenses because plaintiff had not established undisputed facts demonstrating that Carn acted with fraudulent intent; the merits of the issue were better addressed through a dispositive motion.
4. The untimeliness of an Answer, standing alone, is not a sufficient basis for striking it, and the court therefore declined to strike Carn's Answer.

KEY QUOTATIONS

“Motions to strike under the inherent power, as with Rule 12(f) motions, are wholly discretionary.” (at 2)

“The ‘fair notice’ required by the pleading standards only requires describing the defense in ‘general terms.’”
(at 3)

“the untimeliness of an answer is not, by itself, a sufficient basis to grant a motion to strike.” (at 4)

FACTUAL BACKGROUND

Plaintiff alleged that defendant Carn owed him \$76,464.81 in restitution and \$20,000 under a settlement agreement, along with claims for breach of contract, unjust enrichment, and an accounting. Defendants were served on March 14, 2024. After the court dismissed portions of plaintiff's claims and allowed amendment, plaintiff did not amend, and Carn filed an Answer on October 7, 2025, which plaintiff contended was untimely and inadequately pleaded.

PROCEDURAL HISTORY

Plaintiff filed a complaint asserting breach of contract, restitution, unjust enrichment, and an accounting claim. The court previously granted in part and denied in part defendants' motion to dismiss, dismissed portions of the unjust-enrichment claim and the accounting request, and granted leave to amend. Plaintiff did not amend, and defendant Carn filed an Answer to the original Complaint. Plaintiff then filed two motions to strike, which the court denied.

DISPOSITION

denied

CASES CITED

- Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402, 404-05 (9th Cir. 2010)
- Jones v. Skolnik, 2015 WL 685228, at *2 (D. Nev. Feb. 18, 2015)
- Reiger v. Nevens, No. 3:12-cv-218-MM, 2014 WL 537613, at *2 (D. Nev. Feb. 7, 2014)
- Snow Covered Capital, LLC v. Fonfa, 2023 WL 5726259 (D. Nev. Mar. 6, 2023)
- Roadhouse v. Las Vegas Metro. Police Dep't, 290 F.R.D. 535, 543 (D. Nev. 2013)
- Kohler v. Flava Enters., 779 F.3d 1016, 1019 (9th Cir. 2015)
- Hukman v. Terrible Herbst Inc., No. 2:21-cv-01279-ART-MDC, 2024 WL 365290, at *2 (D. Nev. Jan. 31, 2024)
- Jarrow Formulas, Inc. v. Nutrition Now, Inc., 304 F.3d 829, 841-42 (9th Cir. 2002)
- McCabe v. Arave, 827 F.2d 634, 639-41 & n.5 (9th Cir. 1987)
- Eagle Rock Contracting, LLC v. Nat'l Sec. Techs., LLC, 2016 WL 1555711, at *1 (D. Nev. Apr. 15, 2016)
- Est. of Hirata v. Ida, 2011 WL 3290409, at *3 (D. Haw. June 14, 2011)
- Thomas v. Arn, 474 U.S. 140, 142 (1985)
- Martinez v. Yist, 951 F.2d 1153, 1157 (9th Cir. 1991)
- Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983)

OPINION

1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 George Demetrius Karalis, Case No. 2:24-cv-00968-APG-MDC 4 Plaintiff, ORDER DENYING MOTIONS TO STRIKE (ECF NOS. 38, 39) 5 vs. Kelly Douglas Carn, et al., 6 Defendants. 7 8 Plaintiff filed two Motions to Strike (collectively the “Motions”) (ECF Nos. 38, 39) 9 defendant’s Kelly Douglas Carn’s (“defendant Carn”) Answer (ECF No. 35) to the Complaint (ECF 10 No. 1).

The Court DENIES the Motions for the reasons below. 11 I. BACKGROUND 12 On February 26, 2024, pro se plaintiff filed his complaint against defendants alleging breach of 13 contract, restitution, unjust enrichment, and requesting for an accounting. See generally ECF No. 1. 14 This action arose in part out of plaintiff’s claims that defendant Carn owes him “\$76,464.81” in 15 restitution and “\$20,000” under a Settlement Agreement.

Id. at 7. Defendants were served on March 16 14, 2024. ECF No. 10. On July 30, 2025, the District Judge entered an order (ECF No. 34) granting in 17 part and denying in part defendants’ Motion to Dismiss (ECF No. 32), and dismissing portions of 18 plaintiff’s unjust enrichment claim and his request for an accounting. Plaintiff was given leave to file 19 an amended complaint by August 30, 2025.

Plaintiff did not file an amended complaint, and defendant 20 Carn filed her answer to the original Complaint on October 7, 2025. Plaintiff then filed these Motions. 21 ECF Nos. 38, 39. Defendant Carn opposes the Motions. ECF Nos. 40, 41. 22 // 23 // 24 // 25 1 1 II. GENERAL LEGAL

PRINCIPLES 2 Fed. R. Civ. P. 12(f) permits the Court to strike “any redundant, immaterial, impertinent, 3 or scandalous matter” from a pleading.

District Courts also have the inherent power to control their 4 own dockets, including the power “to determine what appears in the court’s records.” *Ready Transp., 5 Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404-05 (9th Cir.2010). “Motions to strike under the inherent 6 power, as with Rule 12(f) motions, are wholly discretionary.” *Jones v. Skolnik*, 2015 WL 685228, at 7 *2 (D.

Nev. Feb. 18, 2015). In deciding whether to exercise that discretion, courts consider whether 8 striking the filing would “further the overall resolution of the action,” and whether the filer has a 9 history of excessive and repetitive filing that have complicated proceedings. *Id.* Any document not 10 allowed by the Federal Rules of Civil Procedure, the Local Rules of this Court or a direct order of this 11 Court “is a fugitive document and must be stricken from the record.” *Reiger v. Nevens*, No. 3:12-cv- 12 218-MM, 2014 WL 537613, at *2 (D.

Nev. Feb. 7, 2014). However, this Court has held that a showing 13 of prejudice is a threshold issue in considering motions to strike. *Snow Covered Capital, LLC v. Fonfa*, 14 2023 WL 5726259 (D. Nev. March 6, 2023); see *Roadhouse v. Las Vegas Metro. Police Dep’t*, 290 15 F.R.D. 535, 543 (D. Nev. 2013) (after determining no prejudice existed, finding it unnecessary to 16 strike 30 “listed” affirmative defenses).

17 Federal Rule of Civil Procedure Rule (“Rule”) 12(a)(1)(A) states a party served with a 18 complaint must respond within 21 days after being served. Fed. R. Civ. P. 12(a)(1)(A). 19 III. ANALYSIS 20 Plaintiff moves to strike defendant Carn’s affirmative defenses and jury trial demand from the 21 docket (see ECF No. 38) and moves to strike her Answer in its entirety because it was untimely filed 22 (ECF No. 39).

The Court is not persuaded to strike defendant’s affirmative defenses or answer. 23 Foremost, plaintiff is not prejudiced by defendant’s assertion or pleading of its affirmative 24 defenses. See *Snow Covered Capital, LLC*, 2023 WL 5726259; *Roadhouse*, 290 F.R.D. at 543 (D. 25 2 1 Nev. 2013).

Second, plaintiff’s arguments challenge the merits of defendant’s affirmative defenses 2 (see e.g., ECF No. 38 at 9-12) and such challenges on the merits are more appropriately raised and 3 resolved through dispositive motions. 4 Finally, plaintiff argues that defendant Carn’s affirmative defenses are “skeletal one-liners” 5 and violate the “fair notice” doctrine.

ECF No. 38 at 3. The Court has reviewed defendant’s 6 affirmative defenses and finds that they have been sufficiently stated. In the Ninth Circuit, “[t]he ‘fair 7 notice’ required by the pleading standards only requires describing the defense in ‘general 8 terms.’” *Kohler v. Flava Enters.*, 779 F.3d 1016, 1019 (9th Cir. 2015).

In reviewing defendant Carn's 9 affirmative defenses, she has recited her defenses sufficient to meet the fair notice requirement. See 10 *Hukman v. Terrible Herbst Inc.*, No. 2:21-cv-01279-ART-MDC, 2024 WL 365290, at *2 (D. Nev. 11 January 31, 2024) (finding that defendant's affirmative defenses met the fair notice requirement); see 12 also *Hukman*, No. 2:21-cv-01279-ART-MDC, ECF No. 60 Answer to Amended Complaint (several of 13 the affirmative defenses were short, general, and one sentence long).

14 Plaintiff additionally seems to argue that defendant Carn's equitable affirmative defenses are 15 barred by the "unclean hands" doctrine. Specifically, plaintiff argues that it was defendant Carn's 16 alleged wrongdoing against him that led to the Settlement Agreement at issue here. See ECF No. 38 at 17 4. He states that defendant Carn's alleged deceptive behavior is a "deliberative and chronic scheme to 18 defraud plaintiff repetitively." *Id.* Unclean hands may defeat defendant's equitable affirmative 19 defense.

Jarrow Formulas, Inc. v. Nutrition Now, Inc., 304 F.3d 829, 841-42 (9th Cir. 2002). 20 However, such determination generally depends on whether the plaintiff has established sufficient 21 facts to show that a defendant has unclean hands. See *id.* ("A plaintiff can escape laches under the 22 unclean hands doctrine only if the court is left with a firm conviction that the defendant acted with a 23 fraudulent intent in making the challenged claims.").

Here, plaintiff's motion to strike fails to establish 24 undisputed facts to leave this Court with a "firm conviction" that defendant Carn acted with fraudulent 25 3 1 intent. But again, such determination on the merits is more appropriately raised in a dispositive 2 motion. 3 Finally, plaintiff's argument that defendant Carn's Answer should be struck because it was 4 untimely filed (ECF No. 39) is also unpersuasive.

Defendant Carn acknowledges that she was 5 untimely in filing her Answer. ECF No. 40 at 2. However, the Federal Rules of Civil Procedure do not 6 "provide a specific sanction for late filing of an answer." *McCabe v. Arave*, 827 F.2d 634, 641 n.5 (9th 7 Cir. 1987).

Moreover, federal courts in this circuit generally hold that the untimeliness of an answer is 8 not, by itself, a sufficient basis to grant a motion to strike. See *Eagle Rock Contracting, LLC v. Nat'l 9 Sec. Techs., LLC*, 2016 WL 1555711, at *1 (D. Nev. Apr. 15, 2016) (collecting cases); see 10 also *McCabe*, 827 F.2d at 639-40 (concluding that a district judge did not abuse his discretion by 11 denying the plaintiffs' request that the defendants' defenses be stricken from an answer that plaintiffs 12 received on the day of trial); *Est. of Hirata v. Ida*, 2011 WL 3290409, at *3 (D.

Haw. June 14, 13 2011) (declining to strike an answer that was more than nine months late where defendants 14 "demonstrated an intent to defend the case on the merits"). The Court thus declines to strike defendant 15 Carn's Answer because it was untimely. 16 // 17 // 18 // 19 // 20 // 21 // 22 // 23 // 24 // 25 4 1 CONCLUSION 2 The Court denies the Motions to Strike.

Plaintiff may file a dispositive motion in this case as it proceeds through the pre-trial and discovery process. 4 ACCORDINGLY, 5 IT IS ORDERED that: 6 Plaintiff's Motions to Strike (ECF Nos. 38, 39) are DENIED. 7 DATED: January 14, 2026. 8 IT IS SO ORDERED. Upited "U7 udge NOTICE 12 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to 6fdrs and reports and 4 recommendations issued by the magistrate judge.

Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of 6 appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable 9 issues waives the right to appeal the District Court's order and/or appeal factual issues from the order 50 of the District Court.

Martinez v. Yist, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United 1 Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written notification with the court of any change of address.

The notification must include proof of 33 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action. 25