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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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7 **ELON MUSK, ET AL.,**

8 Plaintiffs,

9 v.

10 **SAMUEL ALTMAN, ET AL.,**

11 Defendants.
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Case No.: 4:24-CV-4722-YGR

ORDER GRANTING IN PART MOTION TO STRIKE

Re: Dkt. No. 186

United States District Court
Northern District of California

13 In response to plaintiffs’ Second Amended Complaint, defendants asserted fifty-five (55)
14 affirmative defenses. Plaintiffs now move to strike them all or, in the alternative, to strike sixteen
15 specific affirmative defenses they identify as plainly insufficient. Having carefully considered the
16 papers submitted and the pleadings in this action, and for the reasons set forth below, the Court
17 hereby **GRANTS IN PART** the Motion to strike.¹

18 Under Federal Rule of Civil Procedure 12(f), a “court may strike from a pleading an
19 insufficient defense.” Though motions to strike are disfavored, “[t]he function of a 12(f) motion to
20 strike is to avoid the expenditure of time and money that must arise from litigating spurious issues
21 by dispensing with those issues prior to trial.” *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970,
22 973 (9th Cir. 2010) (internal citation omitted).

23 Here, the parties to this action have repeatedly over-litigated this case. The pleading of
24 excessive affirmative defenses is consistent with the approach. Plaintiffs are correct that
25 defendants have inappropriately asserted an excessive number of defenses, many of which appear
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28 ¹ Pursuant to Federal Rule of Civil Procedure 78(b) and Civil Local Rule 7-1(b), the Court finds this motion appropriate for decision without oral argument. Accordingly, the Court **Vacates** the hearing set for **August 5, 2025**.

1 to be irrelevant, redundant, insufficient, or immaterial. That said, plaintiffs failed to take the high
2 ground, instead moving to strike *all* of the asserted defenses. They too over-reached.

3 The Court will not waste precious judicial resources on the parties' gamesmanship. Instead,
4 the Court finds the following specific affirmative defenses plainly insufficiently alleged, irrelevant,
5 redundant or immaterial and they are hereby **STRICKEN**: affirmative defenses 4, 5, 6, 12, 13, 14, 16,
6 17, 18, 46, 47, 48, 49, 51, 52 and 55.

7 This terminates Docket No. 186.

8 **IT IS SO ORDERED.**

9 Date: July 29, 2025

10 
11 VONNE GONZALEZ ROGERS
12 UNITED STATES DISTRICT COURT JUDGE

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United States District Court
Northern District of California