

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ERIN JOYNT,

Plaintiff,

v.

Case No: 6:16-cv-924-Orl-40KRS

**VOLUSIA COUNTY and STAR
INSURANCE COMPANY,**

Defendants.

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: DEFENDANT STAR INSURANCE COMPANY’S MOTION
TO STRIKE (Doc. No. 50)**

FILED: March 15, 2018

**MOTION: PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED
MOTION FOR SUMMARY JUDGMENT (Doc. No. 52)**

FILED: March 15, 2018

Defendant Star Insurance Company’s (“Star”) response to Plaintiff’s motion for summary judgment was due on March 15, 2018. Rather than respond to the motion, Star filed a motion to strike one exhibit and one paragraph of the motion. Doc. No. 50. Star’s undue delay in moving to strike a portion of Plaintiff’s motion was not a sufficient reason to avoid responding to the merits of Plaintiff’s motion altogether. Regardless, the parties have now informed the Court of their positions regarding Exhibit K and Paragraph 48 of Plaintiff’s motion for summary judgment. In deciding Plaintiff’s motion for summary judgment, the Court can determine what evidence should

be considered and for what purposes. There is no need for a motion to strike. Accordingly, Star's motion to strike (Doc. No. 50) is **DENIED**. It is **ORDERED** that the new deadline for Star to file its response to Plaintiff's motion for summary judgment is March 16, 2018.

Because Star's motion to strike has been denied, Plaintiff's motion to file an amended summary judgment motion (Doc. No. 52) is **DENIED as moot**.

DONE and **ORDERED** in Orlando, Florida on March 16, 2018.

Karla R. Spaulding
KARLA R. SPAULDING
UNITED STATES MAGISTRATE JUDGE