DOCUMENT 131

ELECTRONICALLY FILED 10/1/2024 4:56 PM CIRCUIT COURT OF MADISON COUNTY, ALABAMA DEBRA KIZER, CLERK

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

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MELODY SHARI RODGERS (HOLT) v.

MARTELL LAVOR HOLT, Defendant

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MOTION TO STRIKE

COMES NOW the Plaintiff, MELODY S. RODGERS (HOLT), by and through her undersigned attorney of record, and files this, her Motion to Strike the Defendant's First Amended Counterclaim and Petition for Rule Nisi, and in support thereof, states as follows:

- 1. That on or around September 26, 2024, the Defendant filed a First amended counterclaim and petition for rule nisi.
- 2. In his petition, the Defendant refers to evidence, contents in photos, and text messages.
- 3. Such reference has now been entered into the record absent proper evidentiary procedure.
- 4. The Defendant's petition contains multiple paragraphs of self-serving testimony and narratives, inadmissible hearsay, and opinions formed by the Defendant which he is not qualified to testify to.
- 5. The Plaintiff would aver that the Defendant is attempting testify without laying the proper foundation or authenticating the evidence.
- 6. That Rule 12 (f) provides that, "the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous material."
- 7. That the Defendant's First amended counterclaim and petition for rule nisi filed are due to be stricken from the record under rule 12(f).

WHEREFORE, premises considered, the Plaintiff respectfully requests that this Honorable Court enter an order striking the Defendant's First Amended Counterclaim and Petition for Rule Nisi and directing the clerk to remove said document from the record

Respectfully submitted,

<u>/s/Kintisha M. Matthews</u> KINTISHA MATTHEWS, ESQ (MAT 069)



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CERTIFICATE OF SERVICE

We hereby certify that on this the 1^{st} day of **October, 2024**, a copy of the foregoing document was served on all parties to this proceeding by \boxtimes _electronic filing, \square _hand delivery, \square _email, or \square _U.S. Mail to the following:

