

Howard G. Brown
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**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF LOUISIANA**

HOWARD BROWN,	)	
Plaintiff,	)	
V.	)	Case No. 3:22-CV-00264-SDD-RLB
CITY OF CENTRAL,	)	
ET AL.,	)	
Defendants.	)	

MOTION TO STRIKE NEW AFFIRMATIVE DEFENSE BY ESTOPPEL

COMES NOW, Plaintiff, Howard Brown (“Plaintiff or Brown”), to move this Honorable Court pursuant with **FRCP Rule 8**, for an Order to Strike Counsel’s new affirmative defense of Statute of Limitations raised for the first time in his *Motions to Dismiss* filed subsequently to the answer to the complaint which does not raise such a defense.

I. DEFENDANT’S STATUTE OF LIMITATIONS ARGUMENT

1. In Defense Counsel’s first *Motion to Dismiss* (Doc 20) filed on August 8, 2022, and the several nearly identical, yet unnecessary, that follow listed under the title, “II. PLAINTIFF’S COMPLAINT FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED,” Counsel craftily and insidiously inserts a new affirmative defense not previously plead in his answer to the complaint (Doc. 7) filed June 6, 2022.
2. Counsel then states some case law and provides an argument as to how it applies here. Plaintiff must admit that this was a topic that should have garnered its own title section, but, in retrospect, realizes it was a back door hidden attempt to add an affirmative defense to the

record not previously stated in Defense Counsel's answer to the complaint filed nearly two (2) months prior to all of his dispositive motions.

WHEREFORE, Plaintiff moves this Honorable Court to enter an order that both strikes this new affirmative defense from the record and places Defense Counsel in estoppel from making new affirmative defenses not originally plead in his answer to the complaint.

Howard Brown, *pro se*

VERIFICATION OF MOTION STRIKE

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

BEFORE ME personally appeared Howard G. Brown who, being by me first duly sworn and identified in accordance with Louisiana law, deposes and says:

1. My name is Howard G. Brown, plaintiff herein.

2. I have read, written, and understood the attached foregoing motion and memorandum in support thereof and filed herein, and each fact alleged therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

Howard Gary Brown, Affiant

SWORN TO and subscribed before me this 19th day of September, 2022.

Notary Public

My commission expires:

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY, I CERTIFY that a copy of the foregoing was provided by regular U.S. mail to J. Scott Thomas 700 North 10th Street, Suite 440 in Baton Rouge, Louisiana 70802 this 19th day of September, 2022.

H. Gary Brown-Affiant

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

BEFORE ME personally appeared Howard Gary Brown who, being by me first duly sworn and identified in accordance with Louisiana law, did execute the foregoing in my presence this 19th day of September, 2022.

Notary public

My commission expires: