

1 **BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI**

2 **FILED**
3 **December 26, 2023**
4 **Data Center**
5 **Missouri Public**
6 **Service Commission**

3 Joshua Michael Kearney,
4 Complainant,

5 vs.

6 Spire, Inc.

7 Respondent,

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)
) File No. GC-2024-0172
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9 **Complainant's Motion to Strike Respondent's Answer**

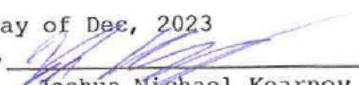


10 Pursuant to Rule 12 of the Federal Rules of Civil Procedure and in accordance
11 with MO Title XXXV Chapter 509.320, The Complainant respectfully moves this court for
12 an order striking line item No.4 from the document titled "Answer to Complaint" in
13 this docket File No. GC-2024-0172 filed on 12/19/2023 and submitted by the respondent.
14

15 Rule 12 (f) (2) states "The court may strike from a pleading an insufficient
16 defense or any redundant, immaterial, impertinent, or scandalous matter." "on motion
17 made by a party either before responding to the pleading or, if a response is not
18 allowed, within 21 days after being served with the pleading."

19 MO Title XXXV Chapter 509.320 states "a party may move to strike any redundant,
20 immaterial, impertinent, or scandalous matter from any pleading."
21

22 The referenced Line item No.4 identifies a "delivery charge for gas used" and
23 further states it is "in accordance with its tariffs, specifically sheet No.2,
24 approved by the Missouri Public Service Commission." However the court will find upon
25 reviewing the tariff in its entirety the term of art "delivery charge for gas used" is
26 not present. Therefore the line item in question is immaterial, impertinent, and
27 scandalous.
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1 The complainant respectfully asks this court to order line item No.4 be struck
2 from the respondent's answer in accordance with the Rule and Chapter.

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4 Dated this 20th day of Dec, 2023
5 Signature, 
6 Joshua Michael Kearney
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