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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

No. CV 05-3032-PHX-SMM

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Plaintiff,

**ORDER**

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v.

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CREATIVE NETWORKS, LLC, an  
Arizona corporation,

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Defendant.

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Before the Court is Plaintiff EEOC’s (“Plaintiff”) Motion to Strike, or in the Alternative, Motion for Leave to File Surreply, filed on September 2, 2009 (Doc. 152). Plaintiff requests that this Court strike (1) Section D(1) of Defendant Creative Networks, LLC’s summary judgment Reply and (2) Exhibit D of the Reply. Defendant Creative Networks, LLC (“Defendant”) responded to the motion to strike on September 25, 2009 (Doc. 155) and Plaintiff replied on October 5, 2009 (Doc. 156).

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<sup>1</sup>The sole exception is Bates No. Creative 1930 which Plaintiff indicates was disclosed by Defendant.

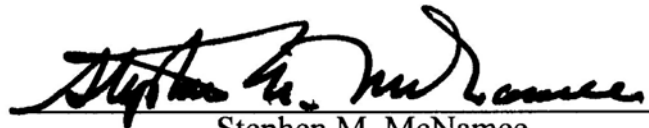
1 request. In order to address this discovery issue and whether Exhibit D should be stricken,  
2 the Court will schedule an in-court hearing with the parties.

3 Accordingly,

4 **IT IS HEREBY ORDERED** setting a hearing before the Honorable Stephen M.  
5 McNamee for **Wednesday, December 2, 2009, at 1:30 p.m.**

6 **IT IS FURTHER ORDERED** that no later than **Monday, November 30, 2009,**  
7 Plaintiff shall submit to the Court any proof showing that the documents in Exhibit D were  
8 requested by Plaintiff pursuant to the Federal Rules of Civil Procedure and what response,  
9 if any, was given by Defendant to such a document request. Defendants shall also submit  
10 a short brief of no more than 3 pages addressing Plaintiff's claims of non-disclosure by  
11 **Monday, November 30, 2009.**

12 DATED this 17<sup>th</sup> day of November, 2009.

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15 Stephen M. McNamee  
16 United States District Judge  
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