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NOT FOR PUBLICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Douglas G. Scheitlin,
Plaintiff,
vs.
Freescale Semiconductor, Inc., a Delaware
corporation,
Defendant.

No. CV-08-02342-PHX-FJM

ORDER

The court has before it plaintiff Douglas Scheitlin’s notice of objections (doc. 47), defendant Freescale Semiconductor, Inc.’s motion to strike (doc. 48), plaintiff’s response (doc. 51), and defendant’s reply (doc. 54).

Our March, 24, 2009 scheduling order (doc. 21) set a December 11, 2009 deadline to supplement all discovery, including disclosure of exhibits to be used and witnesses to be called at trial pursuant to Rule 26(a)(3), Fed. R. Civ. P. Plaintiff filed a notice of objections shortly after the supplementation deadline because he believed that the 14-day deadline for objections to the admissibility of exhibits would apply under Rule 26(a)(3)(B), Fed. R. Civ. P. The objections deadline, however, applies “unless the court sets a different time.” Rule 26(a)(3)(B), Fed. R. Civ. P. Our scheduling order set a different time by directing the parties to resolve admissibility issues by stipulation before trial.

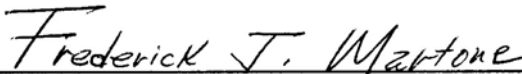
1 Defendant moves to strike plaintiff's notice of objections as unauthorized and
2 premature. Motions to strike are generally limited to pleadings under Rule 7(a), Fed. R. Civ.
3 P. LRCiv 7.2(m). A scheduling order misunderstanding is also the sort of issue that should
4 be resolved through consultation rather than the filing of a motion. We deny defendant's
5 motion to strike.

6 We note that defendant's motion for summary judgment is pending. The parties are
7 advised to comply with LRCiv 7.2(m)(2) with respect to any objections to evidence
8 submitted in support of or in opposition to defendant's motion. While it will remain on the
9 docket, plaintiff's notice of objections will have no effect on defendant's motion for
10 summary judgment or the parties' responsibilities under our scheduling order.

11 **IT IS THEREFORE ORDERED DENYING** defendant's motion to strike (doc. 48).

12 DATED this 10th day of February, 2010.

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Frederick J. Martone
United States District Judge