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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 IceMOS Technology Corporation,

No. CV-17-02575-PHX-JAT

10 Plaintiff,

ORDER

11 v.

12 Omron Corporation,

13 Defendant.
14

15 Pending before the Court is Defendant Omron Corporation's Motion to Strike
16 Plaintiff's Rule 12(c) Motion for Judgment on the Pleadings ("Motion to Strike," Doc. 72).
17 Without deciding whether Plaintiff IceMOS Technology Corporation technically complied
18 with all of the requirements of Local Rule 12.1(c) in filing its Rule 12(c) Motion for
19 Judgment on the Pleadings ("Rule 12(c) Motion," Doc. 69), the Court deems Plaintiff to
20 have substantially complied with the applicable local rules.

21 District of Arizona Local Rule 12.1(c) provides, in pertinent part:

22 "No [] motion for judgment on the pleadings on a claim or
23 counterclaim, pursuant to Federal Rule of Civil Procedure
24 12(c), will be considered or decided unless the moving party
25 includes a certification that, before filing the motion, the
26 movant notified the opposing party of the issues asserted in the
27 motion and the parties were unable to agree that the pleading
28 was curable in any part by a permissible amendment offered
by the pleading party. The movant may comply with this rule
through personal, telephonic, or written notice of the issues that
it intends to assert in a motion. A motion that does not contain
the required certification *may* be stricken summarily.

LRCiv 12.1(c) (emphasis added).

1 First, the Court reviewed the communications appended to Plaintiff's Response
2 (Doc. 72) and finds that Plaintiff adequately attempted to confer with Defendant regarding
3 the substance of its Rule 12(c) Motion (Doc. 69). (*See, e.g.*, Doc 75-5; Doc. 75-7; Doc. 75-
4 8; Doc. 75-10).¹ The Court also observes that Plaintiff's Counsel offers a supplemental
5 declaration in Plaintiff's Response (Doc. 72) certifying compliance with Local Rule
6 12.1(c). (Doc. 72 at 13; Doc. 75-1). Accordingly, the Court declines to strike Plaintiff's
7 Rule 12(c) Motion (Doc. 69).

8 **IT IS ORDERED** that Defendant Omron Corporation's Motion to Strike (Doc. 72)
9 is **DENIED**. The parties shall respond and reply to the pending Rule 12(c) Motion (Doc.
10 69) in accordance with the timeline set forth in the Court's previous Order (Doc. 85) on
11 the subject.

12 Dated this 27th day of December, 2018.

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25 ¹ *See, e.g., Marsh v. Zarcas Res Tempe LLC*, No. CV-17-04057-PHX-DLR, 2018
26 WL 4282828, at *1 (D. Ariz. Sept. 7, 2018) (denying a motion to strike for failure to
27 comply with LRCiv. 12.1(c) where the reply memorandum included communications
28 demonstrating that the moving party had “adequately attempted to confer”); *Cook v.*
Mountain Am. Fed. Credit Union, No. 2:18-CV-1548-HRH, 2018 WL 3707922, at *1 (D.
Ariz. Aug. 3, 2018) (finding that “Defense counsel adequately complied with Rule 12.1(c)”
based on emails indicating “that it was [not] likely that the parties were going to reach
agreement as to a permissible amendment”).