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United States District Court
Central District of California

NICOLE ROMANO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SCI DIRECT, INC.; and DOES 1–50,
inclusive,

Defendants.

Case № 2:17-cv-03537-ODW (JEM)

**ORDER DENYING PLAINTIFF'S
EX PARTE APPLICATION [17]**

On July 10, 2017, Plaintiff Nicole Romano filed a motion to extend the Rule 23-3 deadline for class certification until February 5, 2018, and served the motion electronically on Defendant SCI Direct, Inc. (ECF No. 14.) At 12:04 a.m. on July 18, 2017, Plaintiff filed a notice of non-opposition. (ECF No. 15.) At 10:49 a.m. on July 18, 2017, Defendant filed its opposition, noting that the opposition was not late filed because Plaintiff had not served its motion a full twenty-eight days before the hearing date. (Opp'n 2 n.1, ECF No. 16.) At 12:41 p.m. on July 18, 2017, Plaintiff filed the instant ex parte application to strike Defendant's late-filed opposition. (ECF No. 17.)

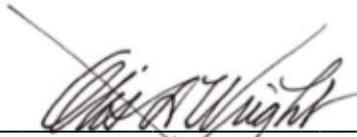
Regardless whether Defendant's opposition was late filed or not, Plaintiff has not shown that it was in any way prejudiced by Defendant's "late filing." *See Kolob*

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1 *Heating & Cooling v. Ins. Corp. of N.Y.*, 154 F. App'x 569, 570 (9th Cir. 2005)
2 (upholding district court decision to allow late filing, where the filing was four days
3 late and did not result in prejudice). Further, Defendant has not previously filed any
4 document late. Accordingly, the Court **DENIES** Plaintiff's ex parte application to
5 strike Defendant's opposition. Plaintiff shall file any reply in support of its motion on
6 or before July 25, 2017. The hearing on Plaintiff's motion shall remain on calendar
7 for August 7, 2017.

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9 **IT IS SO ORDERED.**

10 July 18, 2017

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13 **OTIS D. WRIGHT, II**
14 **UNITED STATES DISTRICT JUDGE**