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**United States District Court
Central District of California**

EDWARD DOUILLE,
Plaintiff,
v.
MERCEDES-BENZ USA, LLC et al.,
Defendants.

Case № 2:24-cv-09398-ODW (AGRx)

**ORDER DENYING MOTION TO
REMAND [13]**

On October 30, 2024, Defendant Mercedes-Benz USA, LLC removed this lemon-law action from state court based on alleged diversity jurisdiction. (Notice Removal, ECF No. 1.) On November 27, 2024, Plaintiff Edward Douille moved to remand the action back to state court. (Mot. Remand (“Motion” or “Mot.”), ECF No. 13.) Defendant opposes Plaintiff’s Motion, in part, on the basis that Plaintiff failed to comply with Local Rule 7-3’s pre-filing meet and confer requirements. (Opp’n 1–2, ECF No. 14.) Having carefully considered the papers filed in connection with the Motion, the Court deems the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15.

Excluding certain exceptions not relevant here, prior to filing a motion in the Central District of California, Local Rule 7-3 requires that “counsel . . . shall first contact opposing counsel to discuss thoroughly, preferably in person, the substance of

1 the contemplated motion and any potential resolution.” C.D. Cal. L.R. 7-3. This
2 conference shall take place at least seven days prior to the filing of the motion. *Id.* If
3 the parties are unable to reach a resolution, counsel for the moving party must include
4 in the notice of motion the following statement: “This motion is made following the
5 conference of counsel pursuant to L.R. 7-3 which took place on (date).” *Id.* Because
6 of the importance of Local Rule 7-3 in furthering judicial economy and the
7 administration of justice, this Court reminds counsel of their meet and confer
8 obligations in the Court’s Standing Order. *See* Hon. Otis D. Wright, II Standing
9 Order § VII.A.2., <https://www.cacd.uscourts.gov/honorable-otis-d-wright-ii> (“Counsel
10 should discuss the issues to a sufficient degree that if a motion is still necessary, the
11 briefing may be directed to those substantive issues requiring resolution by the
12 Court.”). Parties must strictly adhere to the Local Rules of this district, and a district
13 court has the discretion to strike any motion that fails to comply with the Local Rules.
14 *Tri-Valley CAREs v. U.S. Dep’t of Energy*, 671 F.3d 1113, 1131 (9th Cir. 2012);
15 C.D. Cal. L.R. 7-4 (“The Court may decline to consider a motion unless it meets the
16 requirements of L.R. 7-3 through 7-8.”).

17 Plaintiff asserts that he “attempted to telephonically meet and confer prior to the
18 filing of this Motion” by sending an email to Defense counsel on November 26, 2024,
19 “inquiring as to availability,” and leaving detailed voicemails “on November 26
20 and 27, 2024.” (Notice Mot. 2, ECF No. 13.) When Defense counsel did not
21 telephone by November 27, 2024, Plaintiff construed the lack of immediate response
22 as an “impasse,” and filed the Motion. (*Id.*)

23 Plaintiff’s “attempt” to meet and confer does not come close to compliance with
24 the Court’s rules, and the Court finds Plaintiff’s counsel’s representation that it does
25 particularly troubling. Plaintiff waited until one day before filing the Motion to
26 attempt to contact Defense counsel, which by itself violates the requirement to meet
27 and confer at least seven days before filing. Further, Plaintiff waited until the days
28 immediately preceding a national holiday, during a week when many businesses are

1 closed. This smacks of gamesmanship and litigation by ambush, and will not be
2 tolerated in this Court.

3 Local Rule 7-3's direction that the parties meet and confer to discuss the
4 substance and potential resolution of an anticipated motion is not a mere suggestion to
5 be cavalierly set aside when its dictates are inconvenient. Courts in this district have
6 denied or struck motions based on a party's failure to comply with Local Rule 7-3.
7 *See, e.g., Boedeker v. Farley*, No. 8:19-cv-02443-DOC (JDEx), 2020 WL 2536969,
8 at *1 ("Because Defendants inexcusably breached Local Rule 7-3, the Court hereby
9 denies Defendants' Motion."); *R.H. v. City of San Bernadino*, No. 5:18-cv-01232-JLS
10 (KKx), 2019 WL 10744836, at *1 (C.D. Cal. Sept. 25, 2019) ("Accordingly, because
11 Defendants failed to comply with Local Rule 7-3, the Court STRIKES both
12 Motions . . . and vacates the . . . hearing date."). The Court finds similar
13 consequences appropriate here.

14 Accordingly, due to Plaintiff's inexcusable breach of Local Rule 7-3 and
15 gamesmanship, the Court **DENIES** Plaintiff's Motion to Remand and **VACATES** the
16 January 13, 2025 hearing. (ECF No. 13.) Considering Plaintiff's counsel's
17 representations here, the parties are cautioned that the Court will require strict
18 compliance with the Local Rules and the Rules of this Court. The parties are advised
19 to review the Rules carefully and thoroughly before proceeding in this action.

20
21 **IT IS SO ORDERED.**

22
23 January 6, 2025

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26 _____
27 **OTIS D. WRIGHT, II**
28 **UNITED STATES DISTRICT JUDGE**