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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAIRY AMERICA, INC.,

Plaintiff,

vs.

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY, et. al,

Defendants.

CASE NO. CV F 07-0537 LJO SMS

**ORDER ON PLAINTIFF'S MOTION TO
STRIKE AND FOR HARTFORD TO SHOW
CAUSE**
(Doc. 175.)

Plaintiff Dairy America, Inc. ("Dairy America") seeks to strike summary judgment reply papers filed by defendant Hartford Casualty Insurance Co. ("Hartford"), or alternatively, to file sur-reply papers. This Court needs no further filings and GRANTS Dairy America's motion to strike insofar as it considers only the evidence it deems admissible, material and appropriate for summary judgment.

Hartford's reply brief far exceeds the 10-page limitation of this Court's Standing Order (doc. 4, main doc., p. 5). This Court's April 20, 2010 order required Hartford's counsel "to show cause why this Court should not impose sanctions for burdening chambers with unnecessary requests for easily accessible information and failure to comply with the Standing Order and chambers instructions' on summary judgment filing." Hartford's counsel continues to demonstrate an inability or unwillingness to obey this Court's orders on motion practice. As such, this Court orders Hartford's counsel, no later than May 24, 2010, to file and serve papers to show cause why this Court should not impose sanctions

1 for disobeying this Court's orders on motion practice. Alternatively, Hartford's counsel may discharge
2 this order to show cause by delivering, no later than May 24, 2010, to this Court's clerk a \$250 check
3 payable to the "Clerk of Court."

4 IT IS SO ORDERED.

5 **Dated: May 19, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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