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

ROGER McINTOSH,  
Plaintiff,  
vs.

CASE NO. CV F 07-1080 LJO GSA

**ORDER TO DENY RECONSIDERATION OF  
REPLY PAPERS PROHIBITION  
(Doc. 176.)**

NORTHERN CALIFORNIA  
UNIVERSAL ENTERPRISES,  
INC., et al,  
Defendants.

AND RELATED CROSS-ACTION.

This Court DENIES defendants Northern California Universal Enterprises Company and Lotus Developments, L.P.’s request to reconsider prohibition of defense summary judgment reply papers for the following reasons:

1. Defendants have burdened this Court with unimpressive summary judgment papers to render reply papers a further burden to this Court;
2. The issues have been adequately presented;

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- 3. Defense reply papers would serve to delay disposition of the summary judgment motions;
- 4. This Court thoroughly reviews, considers and applies the evidence it deems admissible, material and appropriate for summary judgment/adjudication and thus does not rule on objections in a summary judgment context; and
- 5. Disobedience of this Court’s order is not a “transgression” and warrants prohibition of defense reply papers.

Again, this Court ADMONISHES defendants that it will strike defense reply papers of any kind.

IT IS SO ORDERED.

**Dated: October 22, 2009**

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