

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

DOLARIAN CAPITAL, INC.,

CASE NO. CV F 11-0031 LJO SAB

Plaintiff,

**ORDER TO STRIKE UNTIMELY SEPARATE
STATEMENT**
(Doc. 118.)

vs.

SOC, LLC,

Defendant.

AND RELATED COUNTER-ACTION.

On the February 8, 2013 deadline to file dispositive motions, defendant-counterclaimant SOC, LLC (“SOC”) filed its summary judgment papers which failed to comply with Local Rule 260(a). This district judge’s February 11, 2013 (“February 11 order”) order struck SOC’s summary judgment papers for disobedience of Local Rule 260(a) and vacated the March 6, 2013 hearing. The February 11 order admonished: “This district judge is disinclined to grant SOC relief to refile summary judgment papers given that the dispositive motion deadline has passed.” Despite the February 11 order and after communication with chambers, SOC filed an untimely corrected separate statement of undisputed material facts (doc. 118) without this Court’s permission.

1 This district judge does not consider this matter a mere “clerical error.” As noted in the February
2 11 order, SOC’s original summary judgment papers disobey Local Rule 260(a). The dispositive motion
3 filing deadline passed before SOC filed its corrected separate statement to render such filing untimely.
4 SOC failed to seek relief of the February 11 order or the expired deadline prior to filing its corrected
5 separate statement and has required this district judge to devote inordinate efforts to address SOC’s
6 disobedience of this Court’s Local Rules and orders. As such, this district judge STRIKES SOC’s
7 corrected separate statement, and plaintiff-counterdefendant need not respond to it, unless a judge of this
8 Court orders otherwise. The February 11 order remains in full effect.

IT IS SO ORDERED.

10 Dated: February 12, 2013 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE