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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,)	Case No.: 1:13-cv-0842 - AWI- JLT
)	
Plaintiff,)	ORDER VACATING THE HEARING DATE OF
)	OCTOBER 17, 2013 AND TAKING PLAINTIFF'S
v.)	MOTION TO STRIKE UNDER SUBMISSION
)	
JOSE DEL REFUGIO RUBALCABA)	
SANDANA, aka JOSE LUIS RUBALCABA,)	
individually and dba EL ATORON)	
BILLIARDS,)	
)	
Defendant.)	

Plaintiff J & J Sports Productions, Inc. filed a motion to strike the affirmative defenses raised by Defendant Jose Del Refugio Rubalcaba Sandana ("Defendant") on September 17, 2013. (Doc. 10). The Court advanced the hearing on the motion, to be held on October 17, 2013. (Doc. 11). Therefore, any opposition by Defendant was to be filed no later than October 3, 2013. Pursuant to Local Rule 230(c), "No party will be entitled to be heard in opposition to a motion at oral arguments if no opposition to the motion has not been timely filed by that party." Consequently, because Defendant did not file an opposition to the motion, he is not entitled to be heard at any hearing on the motion to strike his affirmative defenses.

In addition, under Local Rule 230(g), "[a] motion may be submitted upon the record and briefs on file . . . if the Court so orders." The Court has reviewed motion and its supporting documents, and finds the matter suitable for decision without oral argument pursuant to Local Rule 230(g).

Accordingly, **IT IS HEREBY ORDERED:** Plaintiff's motion to strike Defendant's affirmative defenses (Doc. 10) is taken under submission, and the hearing date of October 17, 2013 is **VACATED.**

IT IS SO ORDERED.

Dated: **October 7, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE