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

ARTHUR GRAY,

Plaintiff,

v.

COUNTY OF KERN,

Defendant.

Case No. 1:14-cv-00204-LJO-JLT

ORDER RE PLAINTIFF’S *EX PARTE*
APPLICATION FOR ORDER
STRIKING CERTAIN ARGUMENTS
PRESENTED IN DEFENDANT’S
MOTION FOR SUMMARY
JUDGMENT

This case concerns claims brought under Title II of the Americans with Disabilities Act (“ADA”) and related federal and state statutes regarding alleged “architectural barriers” Plaintiff Arthur Gray encountered at Kern Medical Center (“KMC”). *Id.* Before the is Plaintiff’s *ex parte* application for an order striking certain arguments presented in Defendant Kern County’s motion for summary judgment. ECF No. 68. Defendant filed a response. ECF No. 70.

In its March 26, 2018 order authorizing supplemental briefing, the Court only explicitly invited briefing on the mootness of Plaintiff’s claim for injunctive relief pertaining to the slopes of the external ramps at KMC. ECF No. 61. However, barring a deadline precluding further dispositive motions practice, a party may move for summary judgment “at any time.” Fed. R. Civ. P. 56. Here, the

1 stipulation between the parties did not preclude raising additional issues and the Court believes
2 addressing these fairly straightforward matters on summary judgment may aid judicial and party
3 efficiency.

4 Accordingly, Plaintiff's *ex parte* application for an order striking additional arguments in
5 Defendant's motion for summary judgment is DENIED.

6
7 IT IS SO ORDERED.

8 Dated: May 11, 2018

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