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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GRAYSON SERVICE, INC.,

Plaintiff,

v.

CRIMSON RESOURCE MANAGEMENT
CORP. et al.,

Defendants.

Case No. 1:14-cv-01125-SAB

ORDER GRANTING IN PART
DEFENDANTS' MOTION TO STRIKE

(ECF No. 22)

REPLY DUE DECEMBER 17, 2014

Plaintiff Grayson Service, Inc. filed this action on July 17, 2014. (ECF No. 1.) On October 31, 2014, Defendants filed a motion to dismiss with a hearing on the motion set for December 10, 2014. (ECF No. 13.) The parties consented to the jurisdiction of the magistrate judge and the motion to dismiss hearing was specially set for December 23, 2014. (ECF Nos. 5, 16, 18, 19.) Plaintiff filed an opposition to the motion to dismiss on December 10, 2014. (ECF No. 21.) On December 11, 2014, Defendants filed a motion to strike Plaintiff's opposition. (ECF No. 22.) The Court finds that the motion to strike is suitable for decision without a hearing.

Defendants move to strike Plaintiff's opposition and vacate the hearing date because, pursuant to the Local Rules, the opposition was due on December 9, 2014 and was not filed until December 10, 2014. In the alternative, if the Court permits the opposition to stand, Defendants

1 request they be allowed to file their reply on December 17, 2014

2 The Local Rules provide that the opposition to a motion is to be filed not less than
3 fourteen days preceding the hearing date and the reply is to be filed not less than seven days
4 preceding the hearing date. L.R. 230(c), (d). This Court makes every attempt to keep civil
5 actions moving forward and can see no prejudice to Defendants, in this instance, if the
6 alternative relief requested is granted. For these reasons, the Court shall deny the motion to
7 strike, but grant the alternative relief requested.

8 Accordingly, IT IS HEREBY ORDERED that Defendants' motion to strike is
9 GRANTED IN PART and DENIED IN PART as follows:

- 10 1. Defendants' motion to strike the reply is DENIED;
- 11 2. Defendants' motion for an extension of time to file their reply is GRANTED;
- 12 3. Defendants' reply to the opposition shall be filed on or before December 17,
13 2014; and
- 14 4. The December 23, 2014 hearing will remain on calendar unless the Court, by
15 separate order, determines that it is unnecessary.

16 IT IS SO ORDERED.

17 Dated: December 12, 2014

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20 UNITED STATES MAGISTRATE JUDGE