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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT WATTS, on behalf
of himself individually and
all others similarly situated,

NO. CIV. S-08-1877 LKK/GGH

Plaintiff,

v.

O R D E R

ALLSTATE INDEMNITY CO.,
an Illinois corporation, et al.,

Defendants.

_____ /

Defendants previously filed a document entitled "Objections to and Motion to Strike Portions of the Declaration of Sandy Browne Filed in Support of Plaintiff's Motion for Class Certification," consisting of 23 pages of briefing and a 17 page chart of evidentiary objections attached as an exhibit. (ECF No. 349.)

Plaintiff has now filed an ex parte application seeking leave to file a 45 page opposition brief to defendants' motion; the proposed brief includes as an exhibit a 44 page chart of responses to defendants' evidentiary objections. (ECF No. 376.)

1 As plaintiff's counsel correctly notes in its Ex Parte
2 Application, the court's procedures provide as follows:

3 Unless prior permission has been granted, memorandum of
4 law and support of and in opposition to motions are
5 limited to thirty (30) pages, and reply memorandum are
6 limited to fifteen (15) pages. The parties are also
7 cautioned against filing multiple briefs to circumvent
8 this rule.

9 Defendants' Objections (ECF No. 349) and plaintiff's proposed
10 Response thereto (ECF No. 377) both violate this rule. The charts
11 of evidentiary objections/responses, which consist largely of legal
12 argument, count as part of the page limit.

13 The parties should keep in mind that all evidentiary
14 objections are not created equal. The court has a finite amount of
15 time and attention that it can devote to any matter. While a
16 competent attorney can no doubt find and raise innumerable
17 evidentiary objections to a given declaration, each additional
18 objection decreases the time and attention that the court can
19 devote to evaluating those that are truly meritorious and may be
20 dispositive of an issue.

21 The parties are also reminded that the June 12, 2012 Order
22 herein provides that the court "will look with disfavor upon
23 pointless disputes over matters not central to class
24 certification." (ECF No. 308.)

25 Turning to the docket herein, it appears that the matters
26 pending before the court are:

- 27 • Plaintiff's motion for class certification. (ECF
28 No. 313.) Defendants have filed an opposition, and a

1 request for an evidentiary hearing. (ECF No. 335.)
2 Plaintiff has filed a reply, and an opposition to
3 defendants' request for an evidentiary hearing. (ECF No.
4 366.)

- 5 • Defendants' motion to compel appraisal and stay action.
6 (ECF No. 352.) Plaintiff has filed an opposition (ECF
7 No. 375), and defendants have filed a reply (ECF
8 No. 382).

- 9 • Defendants' request to seal certain documents. (ECF
10 No. 328.) Plaintiff has filed an opposition. (ECF
11 No. 333, 334.)

- 12 • Defendants' motion to strike and objections to the
13 declaration of Reed F. Simpson in support of the motion
14 for class certification. (ECF No. 350.) Plaintiff has
15 filed an opposition (ECF No. 364), and defendants have
16 filed a reply (ECF No. 381).

- 17 • Defendants' motion to strike and objections to the
18 declaration of James Mathis in support of the motion for
19 class certification. (ECF No. 351.) Plaintiff has filed
20 an opposition (ECF No. 361), and defendants have filed
21 a reply (ECF No. 384).

- 22 • Plaintiff's motion to strike and objections to the
23 declaration of Tony Passwater in opposition to the
24 motion for class certification. (ECF No. 362.)

- 25 • Plaintiff's motion to strike and objections to the
26 declaration of Omar Menifee in opposition to the motion

1 for class certification. (ECF No. 363.)

2 • Plaintiff's motion to strike and objections to the
3 declaration of Daniel Davee in opposition to the motion
4 for class certification. (ECF No. 370.)

5 • Plaintiff's motion to strike and objections to the
6 declaration of Robert C. Lange in opposition to the
7 motion for class certification. (ECF No. 371.)

8 Accordingly, the court hereby orders as follows:

9 [1] Plaintiff's Ex Parte Application for Leave to File
10 Overlength Response (ECF No. 376) is DENIED.

11 [2] Defendants' Objections to and Motion to Strike Portions
12 of the Declaration of Sandy Browne Filed in Support of Plaintiff's
13 Motion for Class Certification (ECF No. 349) is STRICKEN in its
14 entirety. Defendants are granted LEAVE to file a new version of
15 this document no later than December 10, 2012; this document may
16 be no longer than thirty (30) pages in length. If defendants file
17 a new version of this document, plaintiff may file an opposition
18 thereto no later than December 21, 2012; this document may be no
19 longer than thirty (30) pages in length. If plaintiff files an
20 opposition, defendants may file a reply thereto no later than
21 December 31, 2012; this document may be no longer than fifteen (15)
22 pages in length.

23 [3] Oppositions to any outstanding unopposed motions must be
24 FILED no later than December 15, 2012.

25 [4] Replies to any outstanding oppositions must be FILED no
26 later than December 31, 2012. Counsel are urged to file reply

1 briefs only if necessary and are warned that the raising of
2 arguments for the first time in reply briefs will be grounds for
3 substantial monetary sanctions.

4 [5] A hearing on plaintiff's motion for class certification
5 (including the various motions to strike) and defendants' motion
6 to compel appraisal and stay this action is SET for Monday, January
7 14, 2013 at 10:00 A.M. in Courtroom 4. The court has not yet
8 ascertained whether an evidentiary hearing will be necessary to
9 decide the issue of class certification.

10 IT IS SO ORDERED.

11 DATED: November 30, 2012.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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