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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYAN C. McINTIRE, an
individual,

Plaintiff,

NO. CIV. S-11-2495 LKK/CKD

v.

SUNRISE SPECIALTY COMPANY,
a California corporation,

Defendant.

O R D E R

_____/

In advance of the October 15, 2012 scheduled Claim Construction hearing, defendant Sunrise Specialty Company has, without leave or an explanation, filed an "Amended Reply Brief in Support of its Proposed Claim Construction" (Dkt. No. 44). It is not clear to the court if this filing is meant to replace defendant's original Reply Brief (Dkt. No. 42), or to supplement it, or to "amend" it, whatever that might mean in this context. The document contains a brand-new Declaration of Charles Robertson Birt, and an Amended Declaration of Ronnie Fischer.

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1 Defendant does not explain what in the original Reply Brief
2 this document replaces, supplements or amends, leaving the court
3 the task of examining every page of the Reply and Amended Reply, as
4 well as all the exhibits to the new and old Declarations, to
5 discover what has been added, replaced or amended, and what remains
6 the same. The court will not engage in such an exercise.

7 The Clerk is therefore directed to **STRIKE** the Amended Reply
8 (Dkt. No. 44) from the Docket.¹

9 IT IS SO ORDERED.

10 DATED: October 11, 2012.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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¹ If the parties need additional time to brief the claim construction issues, they can submit a stipulation requesting a new hearing date and briefing schedule.