

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 MORGAN HILL CONCERNED
12 PARENTS ASSOCIATION, et al.,

13 Plaintiffs,

14 v.

15 CALIFORNIA DEPARTMENT OF
16 EDUCATION, et al.,

17 Defendants.

No. 2:11-cv-3471 KJM AC

ORDER

18 Defendant California Department of Education has filed a motion for reconsideration of
19 the court's December 28, 2015 Minute Order (ECF No. 142). Defendant is correct that the
20 Minute Order incorrectly cited E.D. Cal. R. ("Local Rule") 230, since defendant's Motion For
21 Protective Order (ECF No. 138), was a discovery motion governed by Local Rule 251.

22 However, defendant is not correct in arguing that its Motion for Protective Order complies
23 with Local Rule 251. Accordingly, the hearing on defendant's Motion for Protective Order will
24 be vacated, and the motion itself will be ordered stricken from the docket.

25 Local Rule 251 calls for the filing of a "notice of motion and motion scheduling the
26 hearing date." Local Rule 251(a). Defendant has filed this two-page document in accordance
27 with the rule. However, defendant has also filed 102 pages of other documents – a Memorandum
28 of Points and Authorities, declarations and exhibits – all in violation of Rule 251. All documents

1 other than the notice and motion are to be included in the Joint Statement. Local Rule 251(c).
2 “All arguments and briefing that would otherwise be included in a memorandum of points and
3 authorities supporting or opposing the motion shall be included in this joint statement, and *no*
4 *separate briefing shall be filed.*” Id. (emphasis added). Thus, no separate documents are
5 permitted, that is, no separate points and authorities, no separate declarations, no separate
6 exhibits. All such documents – from both sides – must be included in a tabbed Joint Statement.

7 The court’s experience has shown that simply vacating the hearing and ordering the
8 parties to comply with the Local Rules has not always been enough to obtain compliance.
9 Therefore, the motion itself will be stricken from the docket, in order to avoid the confusion that
10 would result if a party were to refer to it, rather than – as required – relying solely on the Joint
11 Statement.

12 For the reasons stated above, IT IS HEREBY ORDERED that:


13 1. Defendant’s Motion for Reconsideration (ECF No. 142), is GRANTED in part,
14 inasmuch as defendant’s motion will be denied for its violation of Local Rule 251, rather than
15 Local Rule 230;

16 2. Defendant’s Motion for Protective Order (ECF No. 138), is DENIED without prejudice
17 to its renewal in proper form under Local Rule 251, and the January 13, 2016 hearing on the
18 motion is VACATED;

19 3. Defendant’s Motion for Protective Order (ECF No. 138) is ordered STRICKEN from
20 the docket.

21 4. Plaintiff’s Motion To Compel (ECF No. 129), is unaffected by this order, and remains
22 scheduled for hearing on January 13, 2016.

23 DATED: January 4, 2016

24 
25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
27
28