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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT JAMES ANTHONY,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES,
LLC, and TRANS UNION LLC,

Defendants.

No. 2:13-cv-01424-TLN-CKD

ORDER

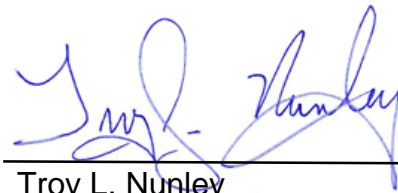
The Court has reviewed the docket in this matter and briefing made in connection with Defendant Equifax Information Services LLC's ("Defendant") Refiled Motion for Summary Judgement (ECF No. 111). The Court notes that in its reply, Defendant references a motion to strike previously filed in connection with Defendant's first motion for summary judgement. (ECF No. 50.) The Court denied Defendant's previous motion for summary judgement without prejudice in its order granting an impleader. (ECF No. 89.) While not explicitly mentioned in the order, the Motion to Strike (ECF No. 61) was necessarily denied as it was made solely against the declarations filed in support of Plaintiff's opposition (ECF Nos. 54 & 55).

Defendant relies on the motion to strike in connection with its refiled motion for summary judgment, but did not reassert or refile the motion to strike. The Court recognizes that it took Defendant's refiled motion for summary judgment under submission in March 2016, over 20

1 months ago. However, the Court cannot in good conscience inform Defendant that no such
2 motion to strike is currently pending when the Court did not explicitly mention it in the Order
3 granting impleader. Thus, Defendant shall be permitted to refile the motion to strike with updated
4 citations and references within seven (7) days of this order. Plaintiff did not file a response to the
5 original motion to strike, but shall be granted seven (7) days from the date Defendant files the
6 motion to submit a response. Should Defendant fail to timely refile the motion to strike, the
7 Court will consider the motion abandoned and will not rule on the merits of the motion.

8 IT IS SO ORDERED.

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10 Dated: January 9, 2018

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Troy L. Nunley
United States District Judge