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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHARIDAN STILES, et al.,

Plaintiffs,

v.

WALMART, INC., et al.,

Defendants.

No. 2:14-CV-2234-TLN-DMC

ORDER

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AND RELATED COUNTER-ACTIONS

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Plaintiffs, who are proceeding with retained counsel, bring this civil action. Pending before the court are: (1) plaintiffs' motion to compel, see ECF No. 357; and (2) plaintiffs' motion to strike, see ECF No. 362.

Plaintiffs' motion to compel, filed and served on February 5, 2020, with a hearing noticed for February 12, 2020, is improperly noticed. Eastern District of California Local Rule 251 governs discovery motions. Under that rule, discovery motions may be heard on 21 days' notice, with a joint statement regarding discovery dispute due seven days prior to the noticed hearing date. See Local Rule 251(a). Where a joint statement cannot be filed due to the non-cooperation of the opposing party, counsel for the moving party may file a declaration in lieu of a joint statement. See Local Rule 251(d). A discovery motion may be heard on as few as seven

1 days' notice if the notice of motion and joint statement are filed concurrently. See Local Rule  
2 251(a). Motions may also be heard on shortened notice if the court so orders, either upon  
3 application or stipulation.

4 In this case, plaintiffs' motion is set for hearing on seven days' notice. Plaintiffs  
5 have not, however, either obtained an order shortening time or filed their motion with the joint  
6 statement. Plaintiffs' motion will, therefore, be stricken as improperly noticed and the February  
7 12, 2020, hearing before the undersigned will be vacated. Plaintiffs may re-file their motion  
8 pursuant to the notice provisions of Local Rule 251 or seek an order shortening time.

9 Plaintiff's motion to strike, which has been noticed for hearing before the  
10 undersigned on March 5, 2020, will be submitted without oral argument and the March 5, 2020,  
11 hearing will be vacated. See Local Rule 230(g). Walmart may file an opposition to plaintiffs'  
12 motion to strike on or before February 21, 2020, and plaintiffs may file a reply on or before  
13 February 28, 2020.

14 Accordingly, IT IS HEREBY ORDERED that:

15 1. Plaintiffs' motion to compel (ECF No. 357) is stricken as improperly  
16 noticed without prejudice to plaintiffs re-filing their motion on proper notice of after obtaining an  
17 order shortening time;

18 2. Plaintiffs' motion to strike (ECF No. 362) is submitted without oral  
19 argument;

20 3. Walmart may file an opposition to plaintiffs' motion to strike on or before  
21 February 21, 2020, and plaintiffs may file a reply on or before February 28, 2020; and

22 4. The hearing set in the matter before the undersigned in Redding,  
23 California, on February 12, 2020, at 10:00 a.m., and March 5, 2020, at 10:00 a.m. are vacated.

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26 Dated: February 7, 2020



27 DENNIS M. COTA  
28 UNITED STATES MAGISTRATE JUDGE