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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL BRUNO,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES,
LLC, et al.,

Defendants.

No. 2:17-cv-327-WBS-EFB

ORDER AFTER HEARING

This case was before the court on October 10, 2018, for hearing on (1) plaintiff's motion to enter the default of defendant Robert McGinley, or in the alternative, to compel him to appear for a deposition and provide responses to discovery requests (ECF No. 222), and (2) defendant Equifax's motion to strike new arguments raised in plaintiff's response to declarations of Equifax representatives or, in the alternative, for leave to file a response to plaintiff's arguments (ECF No. 226). Attorney Joseph Messer appeared on behalf of plaintiff. Attorneys Zachary McEntyre and Allison White appeared on behalf of defendant Equifax.¹

At the hearing, plaintiff's counsel withdrew the motion to enter the default or compel the deposition defendant Robert McGinley, given that defendant's recent death. Accordingly, it is ORDERED that the clerk terminate the motion (ECF No. 222) as having been withdrawn.

¹ Counsel for both parties appeared by telephone.

1 Further, for the reasons state on the record, it is ORDERED that Equifax's motion to strike or,
2 alternatively, leave to file a response (ECF No. 226) is granted in part and denied in part as
3 follows:

4 a. The motion is denied as to Equifax's request to strike plaintiff's arguments
5 raised in response to the declarations of Equifax representatives; and

6 b. The motion is granted as to Equifax's request for leave to file a response to
7 plaintiff's arguments. Equifax shall file its response by no later than October 24, 2018.

8 DATED: October 17, 2018.

9 
10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE

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