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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5
6 DERRICK ROSS,

7 Plaintiff,

NO. C08-00854 TEH

8 v.

9 INDEPENDENT LIVING
10 RESOURCE OF CONTRA COSTA
COUNTY,

ORDER RE PLAINTIFF'S
OBJECTION TO DEFENDANT'S
REPLY BRIEF AND ORDER TO
SHOW CAUSE

11 Defendant.
12

13 The Court is in receipt of Plaintiff's objection to Defendant's reply brief in support of
14 its motion for summary judgment. Civil Local Rule 7.4(b) imposes a 15-page limit on the
15 length of reply briefs and requires parties to seek permission of the Court to exceed that limit.
16 Defendant's reply brief is 30 pages in length. Its opening brief, in contrast, was 22 pages,
17 and Plaintiff's opposition numbered 19 pages. Defendant never sought leave of this Court to
18 file a reply brief of this size. Plaintiff argues in his objection that he is prejudiced by the
19 filing of reply brief double the length permitted by the local rules.

20 The Court agrees that Plaintiff could be prejudiced by the Court's reliance on
21 Defendant's reply brief, which was filed in defiance of the local rules and without
22 justification. Therefore, for good cause appearing, the Court STRIKES the last 15 pages of
23 Defendant's reply brief from the record. Defendant shall have until **Thursday, June 24,**
24 **2010**, to file an amended reply brief that conforms to the local rules. If an amended reply
25 brief is not filed by that date, the Court will consider only the first 15 pages of the reply brief
26 currently on file.
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The Court hereby VACATES the hearing on Defendant's motion for summary judgment currently scheduled for June 28, 2010. The hearing shall be held on **Monday, July 12, 2010, at 10:00 a.m.**

IT IS FURTHER ORDERED THAT Defendant's counsel shall show cause as to why sanctions should not be imposed for the failure to abide by the local rules. The show cause hearing shall be held on **Monday, July 12, 2010, at 10:00 a.m.** in Courtroom 12, 450 Golden Gate Avenue, San Francisco, California. If Defendant's counsel wishes to file a written response, he must do so on or before **Tuesday, July 6, 2010.**

IT IS SO ORDERED.

Dated: 6/18/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT