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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VALERIE GEORGE, et al.,

Plaintiffs,

v.

SONOMA COUNTY SHERIFF'S DEPT.,
et al.,

Defendants.

No. C-08-02675 EDL

**ORDER DENYING PLAINTIFFS'
MOTION TO STRIKE DEFENDANT
COGBILL'S RESPONSE TO
PLAINTIFFS' SUR-REPLY AND
DENYING PLAINTIFFS' MOTION TO
STRIKE STERLING DECLARATION IN
RESPONSE TO WITTELS
DECLARATION**

On October 18, 2010, Plaintiffs filed two motions to strike documents filed by County Defendants on October 8, 2010. For the reasons stated below, the motions to strike are denied.

Motion to Strike Response to Sur-Reply

At the September 24, 2010 summary judgment hearing, the Court gave Plaintiffs leave to file a sur-reply addressing issues relating to the Government Code section 910 tort claims because those issues were raised by County Defendants in their reply to the summary judgment motion. Plaintiffs filed their sur-reply on October 1, 2010. On October 8, 2010, without leave of court, County Defendants filed a response to the sur-reply.

Plaintiffs have filed a motion to strike the County Defendants' response to the sur-reply, arguing that the response was not authorized and that Plaintiffs have been prejudiced. The response was neither authorized by the local rules nor ordered by the Court. Nevertheless, in the interest of justice and because the Court finds little prejudice to Plaintiffs, the Court denies Plaintiffs' motion to strike.

1 **Motion to Strike Sterling Declaration**

2 At the September 24, 2010 summary judgment hearing, the Court gave Plaintiffs leave to file
3 a declaration from counsel regarding the facts about when Plaintiffs discovered that other inmate
4 witnesses, on whom Plaintiffs relied in their opposition, had relevant information. The Court also
5 gave County Defendants leave to file a response. Plaintiffs' counsel filed his declaration on October
6 1, 2010, and on October 8, 2010, County Defendants filed a responsive declaration from counsel.

7 Plaintiffs have filed a motion to strike the County Defendants' responsive declaration as
8 unauthorized and prejudicial. Because the Court specifically authorized County Defendants to file a
9 response, Plaintiffs' motion is denied.

10 **IT IS SO ORDERED.**

11 Dated: October 19, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge