

United States District Court  
For the Northern District of California

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

RAHIMI,

No. C 08-4712 MEJ

Plaintiff(s),

vs.

**ORDER RE: DEFENDANT'S  
OBJECTIONS TO PLAINTIFFS' REPLY  
PLEADINGS**

NATIONAL RAILROAD PASSENGER CORP.,  
et al.,

Defendant(s).

This matter is currently scheduled for a hearing on June 25, 2009 regarding Plaintiff's Motion for Relief from the California Government Tort Claim Filing Requirements. (Dkt. #13.) On June 11, 2009, Plaintiffs filed a further declaration of counsel and objections to certain declarations filed by Defendant Hayward Unified School District. (Dkt. ##26, 27, 29.) Hayward has now filed objections to Plaintiffs' reply pleadings, (Dkt. #30), arguing that they are improper under Civil Local Rule 7-7(d). Specifically, Hayward argues that any reply papers that Plaintiffs wished to file were due 14 days before June 4, 2009, which was the scheduled hearing date prior to the parties' stipulated request to continue the hearing to June 25. (Dkt. #24.) Thus, under Local Rule 7-3(c), any reply must have been filed by May 21, 2009. As Plaintiffs failed to file a reply by May 21, and the parties filed their stipulation to continue the hearing date on June 1, 2009, Hayward argues that Local Rule 7-7(d) prohibits the filing of any reply without a court order.

Upon review of Hayward's objections, the Court agrees that Plaintiff's reply pleadings are

1 untimely. The Order of continuance to the June 25, 2009 hearing date was June 1, 2009, at which  
2 point Plaintiffs had not filed a reply. Thus, the reply papers were due before the Order of  
3 continuance and, under Rule 7-7(d), the time to file reply papers was not extended. Accordingly, all  
4 of Plaintiffs' reply papers filed on June 11, 2009 should be stricken. However, because Civil Local  
5 Rule 7 dos not grant Hayward the opportunity to file any response to Plaintiffs' reply, and because  
6 Hayward shall have the opportunity to address Plaintiffs' reply pleadings at the June 25 hearing, the  
7 Court finds that Hayward is not prejudiced by the untimely filings. Accordingly, so that the Court  
8 may proceed on the merits of Plaintiffs' motion, Hayward's request to strike Plaintiffs' June 11  
9 filings is hereby DENIED.

10 **IT IS SO ORDERED.**

11 Dated: June 17, 2009

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14 MARIA-ELLE A. JAMES  
15 United States Magistrate Judge  
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