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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIANICHOLAS JACKALONE and LUCIA
JACKALONE

No. C 09-2956 MHP

Plaintiffs,

ORDER

v.


CITY OF FREMONT, et al.,

Defendants.

On July 19, 2010, defendants filed a motion for summary judgment. Docket No. 26 (Motion). According to the civil local rules, a reply brief in support of this motion was due on August 30, 2010. Defendants filed a reply brief on August 30, 2010. Docket No. 38 (First Reply Brief). On August 31, 2010, defendants filed a "Final Reply" brief in support of their motion for summary judgment. Docket No. 39 (Final Reply Brief). Defendants state that they "by mistake filed an earlier draft of [their] Reply and therefore file[] this Final Reply." *Id.* at 1. Although the final reply brief was filed in contravention of the local rules, the court will nonetheless consider it on the merits. Accordingly, the first reply brief, Docket No. 38, is deemed withdrawn. Parties are warned that further violations of the local rules will not be met with leniency.

IT IS SO ORDERED.

Dated: 09/01/10



MARILYN HALL PATEL
United States District Court Judge
Northern District of California