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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT CRUZ,
Plaintiff,
v.
STARBUCKS CORPORATION, et al.,
Defendants.

Case No. 10-cv-01868-JCS

ORDER STRIKING MOTION TO STRIKE

Re: Docket No. 86

Plaintiff has filed a motion to strike (“the Motion”), asking the Court to strike factual allegations contained in Defendants’ opposition brief filed in response to Plaintiff’s motion for attorney fees. The Motion is noticed to be heard on May 31, 2013 and therefore does not comply with the notice requirement under Civil Local Rule 7-2(a) which provides that a hearing may be noticed no less than 35 days from the date a motion is filed. In addition, Civil Local Rule 7-3(c) provides that “[a]ny evidentiary and procedural objections to the opposition must be contained within the reply brief or memorandum.” Because the Motion was improperly noticed and does not comply with the Civil Local Rules, the Court strikes the Motion pursuant to Civil Local Rule 1-4 (“Failure by counsel or a party to comply with any duly promulgated local rule or any Federal Rule may be a ground for imposition of any authorized sanction”); *see also American Color Graphics, Inc. v. Travelers Property Cas. Co. of America*, 2006 WL 862958, at *1 (N.D.Cal., March 31, 2006) (“Parties are reminded that a failure to comply with any local or Federal Rule may be a ground for imposition of an authorized sanction”) (citing *Smith v. Frank*, 923 F.2d 139, 142 (9th Cir.1991) (“For violations of the local rules, sanctions may be imposed including, in appropriate cases, striking the offending pleading.”)). Accordingly, the Court will consider only the objections that were included in Plaintiff’s reply brief. No further briefing shall be permitted

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on the attorney fees motion.

IT IS SO ORDERED.

Dated: May 15, 2013



JOSEPH C. SPERO
United States Magistrate Judge