

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  
SAN FRANCISCO DIVISION

TRIA BEAUTY, INC.,  
Plaintiff,  
v.  
RADIANCY, INC.,  
Defendant.

**No. C 10-5030 RS**  
**ORDER RE BRIEFING OF MOTION TO STRIKE**

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On April 5, 2012, Kimberly Kardashian, filed a defensive motion for summary judgment, contending that the counterclaims brought against her by Radiancy, Inc. lack merit. The same day, Radiancy filed an offensive motion for partial summary judgment on its counterclaims against Tria Beauty, Inc. Both motions were set for hearing on May 10, 2012.

On April 27, 2012, Radiancy filed a second motion for partial summary judgment, noticed for hearing on June 7, 2012. Although the notice of the motion asserts that Radiancy seeks partial judgment as to its own counterclaims, that appears to have been mistakenly copied from its earlier motion; the second motion is defensive in nature, and contends that Tria’s damages claims are not supported by competent evidence.

As a matter of routine scheduling practice, a Clerk’s Notice issued consolidating the motions for hearing on the June 7, 2012 date. In the interim, however, Tria has filed a motion to strike Radiancy’s second motion for summary judgment, and a motion under Civil Local 6-3 seeking

1 resolution of the motion to strike prior to the time it would otherwise be required to file substantive  
2 opposition to the Radiancy's second summary judgment motion.

3 Good cause appearing, it is ordered:

4 (1) In the event Radiancy's second motion for summary judgment is not stricken, substantive  
5 opposition thereto shall be filed on or before May 24, 2012, with any reply filed within one week  
6 thereafter.

7 (2) Radiancy shall file any opposition to Tria's motion to strike no later than May 7, 2012.  
8 That motion will then be taken under submission without further briefing or oral argument.

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10 IT IS SO ORDERED.

11 Dated May 2, 2012

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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