

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

GOTTSCHALL ET AL.,

No. C 10-05096 CRB

Plaintiffs,

**ORDER REQUIRING  
SUPPLEMENTAL BRIEFING**

v.

GENERAL ELECTRIC COMPANY ET  
AL.,

Defendants.

Defendant General Dynamics argues, in opposition to Plaintiffs’ Motion for Reconsideration, that Judge Robreno has consistently dismissed “both [Plaintiffs’] negligence and strict-liability claims via the government-contractor defense,” dkt. 38 at 4, and that, when Judge Robreno has denied “the summary-judgment motion of a defendant who has asserted the government-contractor defense, he does it because he believes that Plaintiffs have raised a triable issue of material fact regarding the Navy’s policy towards warnings,” dkt. 18 at 9. But the two cases Defendant cites both simply show Judge Robreno rejecting the application of the government-contractor defense based on a genuine issue of material fact – in one case based on the same evidence Plaintiffs rely on here. Neither case shows Judge Robreno rejecting the application of the government contractor defense as to the failure to warn claims while applying that defense to other claims.

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Defendant is therefore ordered to file by Friday, January 11, 2013 at 5:00 pm a supplemental brief of no more than five pages, pointing the Court to any authority supporting its contention that Judge Robreno has consistently dismissed negligence and strict-liability claims under such circumstances. Plaintiffs may file a simultaneous brief, also of no more than five pages, on this same subject, if they wish to do so.

**IT IS SO ORDERED.**

Dated: January 7, 2013

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE