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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

DANIEL PIZZA,  
Plaintiff,  
v.  
FINANCIAL INDUSTRY REGULATORY  
AUTHORITY, INC.  
Defendant.

Case No. 13-cv-0688 MMC (NC)  
**ORDER STRIKING EX PARTE  
COMMUNICATIONS FROM  
PLAINTIFF**

This Court today ruled on plaintiff’s motion to enforce the settlement agreement. While the motion was pending, the Court received six ex parte email communications from plaintiff and the Court’s Deputy Clerk received additional telephone messages. Plaintiff’s counsel was copied on most of these messages, but defendant’s counsel was not. An ex parte communication is between one party in a case and the Court, without notice to the other party. The gist of the messages was that plaintiff wanted to know when the Court would rule on the pending motion. He also wanted to know why the Court was not responding to his emails. This order explains why.

The Court’s local rules prohibit ex parte communications and provide that “an attorney or party to an action must refrain from making telephone calls or writing letters or sending copies of communications between counsel to the assigned Judge or the Judge’s

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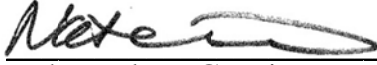
1 law clerks or otherwise communicating with a Judge or the Judge's staff regarding a  
2 pending matter, without prior notice to opposing counsel." Civ. L.R. 11-4(c). Furthermore,  
3 any written request to the Court for an order must be presented by filing a proper motion or  
4 stipulation. *See* Civ. L.R. 7-1(a).

5 One purpose for the prohibition on ex parte communications is that all parties should  
6 have equal access to the evidence and arguments being presented so that they may respond  
7 to or object to the evidence and argument presented. A second purpose is that there is a  
8 strong public policy in favor of access to Court records, and emails to the Court do not  
9 appear on the Court's accessible records.

10 Because the ex parte communications from plaintiff violated the Local Rules, the  
11 Court did not respond to them, did not consider them, and now strikes them. A copy of the  
12 emails will be filed under seal to preserve them for the record. Further ex parte  
13 communications are not welcome.

14 IT IS SO ORDERED.

15 Date: March 19, 2015

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18 Nathanael M. Cousins  
19 United States Magistrate Judge  
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