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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD CLOYCE WAGDA,  
Plaintiff,  
v.  
TOWN OF DANVILLE, et al.,  
Defendants.

Case No. [16-cv-00488-MMC](#)

**ORDER DEEMING MOTION  
WITHDRAWN**

Re: Dkt. No. 93

On December 22, 2016, plaintiff filed a "Motion to Strike Affirmative Defenses," and noticed the motion for hearing on February 10, 2017. In the interim, the Court, by order filed January 3, 2017, approved the parties' stipulation to defer briefing and hearing on plaintiff's motion pending the Court's resolution of defendants' earlier-filed motion for judgment on the pleadings, and directed the parties to submit, within seven days of the issuance of an order resolving defendants' motion, a revised briefing schedule on plaintiff's motion.

Thereafter, on May 26, 2017, the Court issued an order granting in part and denying in part defendant's motion for judgment on the pleadings. To date, however, no revised briefing schedule on plaintiff's motion to strike has been filed, nor has plaintiff otherwise indicated an intent to proceed thereon.

Under the circumstances, plaintiff's motion to strike is hereby deemed withdrawn.

**IT IS SO ORDERED.**

Dated: September 28, 2017

  
MAXINE M. CHESNEY  
United States District Judge