

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAURIE MUNNING,

Plaintiff,

v.

THE GAP, INC., et al.,

Defendants.

Case No. 16-cv-03804-TEH

**ORDER GRANTING DEFENDANTS'
MOTION TO STRIKE PLAINTIFF'S
NOTICE OF SUPPLEMENTAL
AUTHORITY**

The Court is in receipt of Plaintiff's Notice of Supplemental Authority (ECF No. 53), and Defendants' Motion to Strike Plaintiff's Notice of Supplemental Authority (ECF No. 54). After carefully considering the parties' briefs, the Court GRANTS Defendants' motion to strike Plaintiff's supplemental authority.

DISCUSSION

Plaintiff's submission of supplemental authority clearly violates Civil Local Rule 7-3(d). This rule states that "[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior court approval," except under limited circumstances. Civil Local Rule 7-3(d)(2) outlines the exception relevant to this case:

Before the noticed hearing date, counsel may bring to the Court's attention a relevant judicial opinion published after the date the opposition or reply was filed by filing and serving a Statement of Recent Decision, containing a citation to and providing a copy of the new opinion – without argument.

However, here, as Defendants properly point out, Plaintiff's notice came after the motion's hearing date. Also, by stating the reasons for presenting the new decision, the Plaintiff's notice included more than a mere citation and a copy of the new opinion. Therefore, the Court is obliged to strike the supplemental authority as it was untimely and contained unauthorized argument.

1 Even assuming the Plaintiff's submission was in accordance with the Local Rules,
2 the Plaintiff's supplemental authority adds nothing of value to the Court's reasoned
3 decision, which shall be issued shortly.

4 **CONCLUSION**

5 For the reasons stated above, Defendants' Motion to Strike Plaintiff's Notice of
6 Supplemental Authority is GRANTED.

7 **IT IS SO ORDERED.**

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9 Dated: 2/22/17



THELTON E. HENDERSON
United States District Judge

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