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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DIMITRIOS KOUREPIS, et al.,  
Plaintiffs,  
v.  
SONY EUROPE LTD, et al.,  
Defendants.

Case No. [16-cv-04438-MEJ](#)

**ORDER STRIKING APPENDIX TO  
DEFENDANT SONY EUROPE LTD.'S  
REPLY MEMORANDUM**

Dkt. Nos. 33, 34, 36

In the Northern District of California, “[a]ny evidentiary and procedural objections to the opposition must be contained within the reply brief or memorandum. Pursuant Civil L.R. 7-4(b), the reply brief memorandum may not exceed 15 pages of text.” Civil L.R. 7-3(c). Specially-appearing Defendant Sony Europe Ltd. (“Defendant”) nonetheless filed a 15-page appendix of evidentiary objections with its Reply brief in support of its Motion to Dismiss. *See* Reply at 16-31 (“Appendix”), Dkt. No. 33. Plaintiffs Dimitrios Kourepis and George Damigos (“Plaintiffs”) move to strike the Appendix. *See* Mot. to Strike, Dkt. No. 34. Defendant opposed the Motion to Strike, representing its counsel had obtained the Court’s permission. *See* Opp’n at 1, Dkt. No. 35 (“The Court’s clerk stated that the Court would accept the evidentiary objections in an appendix and to make sure the appendix was included in the Court’s courtesy copy.”). On November 2, 2016, five days after filing the Reply, Defendant filed an Administrative Motion to File the Appendix. Admin. Mot., Dkt. No. 36.

The Court appreciates Defendant’s position that the Appendix is provided for ease of reference, but even if counsel accurately represents her understanding of the conversation with the Court’s clerk, the Court’s Local Rules do not allow the parties to deviate from those rules “[u]nless the Court *expressly orders* otherwise[.]” Civil L.R. 7-4(b) (emphasis added). A verbal

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statement from the Court’s clerk does not constitute an express order of the Court. Similarly, requesting leave to file the Appendix days after filing it does not constitute a request made prior to the due date of the filing.

The Court accordingly **GRANTS** Plaintiffs’ Motion to Strike, **DENIES** Defendant’s Administrative Motion to File the Appendix, and **STRIKES** the Appendix for failure to conform with the Local Rules.

**IT IS SO ORDERED.**

Dated: November 15, 2016

  
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MARIA-ELENA JAMES  
United States Magistrate Judge