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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 P. PAUL STORRER,

7 Plaintiff,

8 vs.

9 THE PAUL REVERE LIFE INSURANCE
10 COMPANY, a Massachusetts corporation,

11 Defendant.
12
13

Case No: C 97-04014 SBA

**ORDER DENYING DEFENDANT'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT WITHOUT PREJUDICE**

[Docket 64, 241]

14 This diversity jurisdiction insurance bad faith previously was assigned to the Honorable
15 Martin J. Jenkins of this Court. On January 4, 2000, Defendant's filed a motion for summary
16 judgment (Docket 64), which Judge Jenkins granted. Plaintiff appealed to the Ninth Circuit, which
17 on February 5, 2007, affirmed in part and reversed in part. Specifically, the court of appeal
18 reversed summary judgment as to Plaintiff's bad faith claim and remanded for a determination on
19 his claim for punitive damages. Upon remand, the case was reassigned to this Court.

20 On February 19, 2009, Defendant filed a Notice of Motion and Motion for Partial Summary
21 Judgment by the Paul Revere Life Insurance Company. (Docket 241.) However, Defendant did
22 not accompany its motion with a memorandum of points and authorities. Instead, Defendant
23 indicated that "[t]his motion is based on ... the Memorandum of Points and Authorities filed herein
24 on *January 4, 2000* (Docket No. 64)...." (*Id.* at 2, emphasis added.)

25 Defendant's attempt to base its renewed motion on a *nine year-old*, 24-page memorandum
26 that was presented to another judge is improper. (Local Rule 7-2(b), 7-4.) It is not the Court's
27 obligation to parse through Defendant's previously-filed papers to ascertain which facts, argument
28 and evidence are germane, versus those which are not. Accordingly,

1 IT IS HEREBY ORDERED THAT Defendant's Motion for Partial Summary Judgment
2 (Docket 64, 241) is DENIED without prejudice. In the event that Defendant desires to renew its
3 motion, it shall do so by filing its motion papers (including a supporting memorandum and
4 evidence) by April 7, 2009. Opposition papers shall be filed by April 21, 2009 and any reply shall
5 be filed by April 28, 2009. Since the issues have been narrowed as a result of the Ninth Circuit's
6 decision, the moving and opposition briefs shall be limited to ten (10) pages, and the reply shall be
7 limited to five (5) pages.

8 The hearing on the renewed motion is scheduled for May 19, 2009 at 1:00 p.m. The
9 parties shall file a joint case management statement at least ten (10) days prior to the hearing. The
10 case management conference will follow the hearing on the motion. In the event the Court
11 determines that no argument on the motion is required, the Clerk will notify the parties in advance
12 of the hearing that no appearance is required.

13 IT IS SO ORDERED.

14
15 Dated: March 19, 2009



Hon. Sandra Brown Armstrong
United States District Judge