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

ALLEN FARON,

Plaintiff,

v.

ST. JOSEPH HOSPITAL, *et al.*,

Defendants.

No. C 07-5602 SBA

Related Case No. C 06-06662 SBA

ORDER

[Docket No. 71]

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Before the Court is a letter from counsel for defendant Ronald Cordova, M.D., dated November 3, 2008 (the "Letter") [Docket No. 71], requesting the Court take notice of *Miranda v. National Emergency Services, Inc.*, 35 Cal.App.4th 894, 41 Cal.Rptr.2d 593 (1995). *See* Letter. Counsel filed this letter after the Court notified him that the Court had vacated the November 4, 2008 hearing set for his Motion for Summary Judgment on behalf of Defendant Ronald Cordova, M.D. (the "Motion") [Docket No. 48]. *See* Letter. Counsel states that he filed the letter as a response to plaintiff Allen Faron's Ex Parte Application to file a Sur-Reply (the "Ex Parte Application") [Docket No. 66]. *See* Letter.

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The Court DENIES counsel's request for a number of reasons. First, Civil Local Rule 7-3(d) states, "once a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval." Counsel failed to request leave of Court before filing the Letter, in violation of Civil Local Rule 7-3(d). Second, counsel filed the Letter prior to knowing whether the Court had granted or denied the Ex Parte Application, which the Court did not do until it issued its Order disposing of the Motion. Third, the request is moot as the Court received the Letter after it issued the Order disposing of the Motion. Fourth, the request is redundant and unnecessary as defendant directed the Court to this same case, in his Motion, for the same reason he raises in the letter: as addressing the competency of medical malpractice expert witnesses under section 1799.110(c) of the

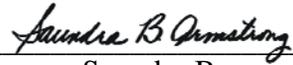
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1 California Health and Safety Code. Going forward, counsel is directed to comply with the Civil
2 Local Rules.

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4 IT IS SO ORDERED.

5 November 4, 2008



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7 Sandra Brown Armstrong
8 United States District Judge
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