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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SIEHNA M. COTTON, et al.,
Plaintiffs,
vs.
CITY OF EUREKA, et al.,
Defendant.

Case No: C 08-4386 SBA

**ORDER STRIKING DEFENDANTS'
MOTIONS IN LIMINE**

On February 3, 2010, the Court issued an Order Granting Joint Stipulation to Modify Existing Scheduling Order (“Modified Scheduling Order”), which enlarged the deadlines for pretrial filings and continued the pretrial conference and trial to September 21, 2010, and October 4, 2010, respectively. Docket 44. With regard to the filing of motions in limine, the Court’s Order stated as follows:

All motions in limine and any opposition thereto shall be set forth in a single memorandum, not to exceed 15 pages in length. Reply briefs may not exceed 8 pages. Any request to exceed the page limit must be submitted prior to the deadline for these briefs and must be supported by a showing of good cause and a certification that the applicant has met and conferred with the opposing party. All other provisions of the Order for Pretrial Preparation shall remain unchanged.

Id. at 2:11-16 (emphasis added).

Plaintiffs complied with the Modified Scheduling Order and timely filed all of their motions in limine in a single, fifteen-page memorandum. However, Defendant County of Humboldt (“Humboldt”) inexplicably filed eight **separate** motions in limine, which amounts to approximately **twenty-nine pages of briefing**. Defendant City of Eureka

1 (“Eureka”) filed eighteen motions in limine in a single, **eighteen-page** memorandum.¹
2 None of the Defendants sought nor obtained leave of Court to file an oversized brief. Nor
3 is there any indication that Defendants met and conferred with Plaintiffs prior to filing their
4 motions, as required by this Court’s Standing Orders. Standing Order ¶ 5, Docket 6 (“**Meet**
5 **and Confer Requirement**; All parties are expected to meet and confer before filing any
6 motion before this court.”). In view of Defendants’ repeated and inexcusable violations of
7 this Court’s Orders, and because they neither sought nor obtained leave of court to file an
8 oversized memorandum, the Court strikes Defendants’ improperly-filed motions in limine from
9 the record. See Smith v. Frank, 923 F.2d 139, 142 (9th Cir. 1991) (“For violations of the
10 local rules, sanctions may be imposed including, in appropriate cases, striking the offending
11 pleading.”); Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996) (affirming district
12 court’s decision to strike briefs which improperly incorporated other briefs). However, the
13 Court will afford each set of Defendants an opportunity to cure these deficiencies and re-file
14 their in limine motions in a single memorandum, not to exceed fifteen pages in length, **after**
15 they have first met and conferred with Plaintiffs regarding each and every issue raised in their
16 in limine motions. Accordingly,

17 IT IS HEREBY ORDERED THAT:

18 1. Humboldt’s motions in limine (Docket 110, 111, 112, 113, 114, 115, 116 and
19 117) and Eureka’s motions in limine (Docket 120) shall be STRICKEN from the record, and
20 shall be terminated on the Court’s docket.

21 2. The parties shall meet and confer regarding the issues presented to the Court in
22 the stricken motions in limine. After doing so, Defendants may then re-file their motions in
23 limine in a single memorandum, not to exceed fifteen pages in length. The Court will not
24 consider any motions in limine unless the Defendants have certified in writing that they have
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26 _____
27 ¹ The Humboldt Defendants consist of the County of Humboldt, Corporal Griffin,
28 Corporal Cangas, Officer Christensen, Officer Morgan, Officer Rossiter and Officer Strong.
The Eureka Defendants consist of the City of Eureka, Justin Winkle, Adam Laird, Gary
Whitmer, Steven Watson, Tim Jones, Josh Siipola and Brian Franco.

1 first met and conferred with Plaintiffs, in good faith, as to each and every issue presented to the
2 Court in the motions.


3 3. Should Defendants elect to re-file their motions in limine, they shall do so by no
4 later than close of business on **September 7, 2010**. Plaintiffs' opposition briefs shall be filed
5 by no later than **September 14, 2010**. Defendants' respective reply briefs shall be filed by no
6 later than **September 17, 2010**. The briefing schedule applicable to Plaintiffs' motions in
7 limine shall be in accordance with the Modified Scheduling Order.

8 4. To accommodate the revised briefing schedule, the Pretrial Conference is
9 CONTINUED from September 21, 2010, to **September 28, 2010, at 1:00 p.m.**

10 5. **THE COURT WILL NOT CONSIDER ANY NON-CONFORMING**
11 **MOTIONS. DEFENDANTS ARE WARNED THAT FURTHER VIOLATIONS OF**
12 **ANY ORDER OF THIS COURT OR APPLICABLE PROCEDURAL RULE MAY**
13 **RESULT IN THE IMPOSITION OF MONETARY SANCTIONS AGAINST**
14 **DEFENDANTS, THEIR COUNSEL, OR BOTH.**

15 IT IS SO ORDERED.

16 Dated: September 2, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

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