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

DAVID MORGENSTEIN, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

AT&T MOBILITY LLC, a Delaware corporation, and DOES 1-50, inclusive

Defendant.

Case No: C 09-03173 SBA

ORDER DENYING PLAINTIFF'S MOTION TO REMAND ACTION TO STATE COURT AND GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO STRIKE PORTIONS OF DEFENDANT AT&T MOBILITY'S ANSWER TO THE COMPLAINT

[Docket Nos. 7, 10]


The parties appeared before the Court on December 8, 2009, for Plaintiff's Motion to Remand Action to State Court and Plaintiff's Motion to Strike Portions of Defendant AT&T Mobility's Answer to the Complaint. Having reviewed the papers submitted, considered the arguments of counsel, and for the reasons stated on the record,

IT IS HEREBY ORDERED THAT:

1. Plaintiff's Motion to Remand Action to State Court is DENIED.
2. Plaintiff's Motion to Strike Portions of Defendant AT&T Mobility's Answer to the Complaint is GRANTED in part and DENIED in part as follows:
 - a. Plaintiff's motion to strike Defendant's general denial is GRANTED. Defendant shall, if it has not already done so, file an amended complaint within 5 days of this order that conforms with FRCP 8(b)(3); and
 - b. Plaintiff's motion to strike Defendant's affirmative defenses is DENIED.

IT IS SO ORDERED.

Dated: _12/22/09


Hon. Sandra Brown Armstrong
United States District Judge