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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
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6 DAVID MORGENSTEIN, individually and on
7 behalf of all others similarly situated,

8 Plaintiff,

9 vs.

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

12 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]


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

18 IT IS HEREBY ORDERED THAT:

- 19 1. Plaintiff's Motion to Remand Action to State Court is DENIED.
20 2. Plaintiff's Motion to Strike Portions of Defendant AT&T Mobility's Answer to the
21 Complaint is GRANTED in part and DENIED in part as follows:
22 a. Plaintiff's motion to strike Defendant's general denial is GRANTED. Defendant
23 shall, if it has not already done so, file an amended answer on or before January 15,
24 2010, that conforms with FRCP 8(b)(3); and
25 b. Plaintiff's motion to strike Defendant's affirmative defenses is DENIED.

26 IT IS SO ORDERED.

27 Dated: 12/29/09

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Hon. Sandra Brown Armstrong
United States District Judge