

1                                    IN THE UNITED STATES DISTRICT COURT  
2                                    FOR THE NORTHERN DISTRICT OF CALIFORNIA

3  
4 MARTIN MURRAY,

5                                    Plaintiff,

6                                    v.

7 SEARS, ROEBUCK AND CO., et al.,

8                                    Defendants.

No. C 09-5744 CW

ORDER STRIKING  
DEFENDANTS'

SEPARATE

EVIDENTIARY

OBJECTIONS (Docket  
No. 189)

9 \_\_\_\_\_/

10                                    On January 18, 2013, Defendants Sears, Roebuck and Co. and  
11 Electrolux Home Products, Inc., filed their twenty-five page  
12 opposition to Plaintiff Martin Murray's motion for class  
13 certification. Docket No. 188. Defendants concurrently filed a  
14 separate nine-page document, styled as a "Motion to Strike,"  
15 consisting of objections to evidence that Plaintiff submitted in  
16 support of his motion for class certification. Docket No. 189.

17                                    Civil Local Rule 7-3(a) provides that, when a party files an  
18 opposition to a motion, "[a]ny evidentiary and procedural  
19 objections to the motion must be contained within the brief or  
20 memorandum," which may not exceed twenty-five pages of text. In  
21 violation of Rule 7-3, Defendants have filed their evidentiary  
22 objections separately from their brief. Further, between the two  
23 documents, Defendants have filed thirty-four pages of text.

24                                    Accordingly, the Court STRIKES Defendants' separate  
25 evidentiary objections (Docket No. 189). Defendants are granted  
26 leave to amend and refile their opposition to Plaintiff's class  
27 certification motion, incorporating any evidentiary objections  
28 they wish to raise, within seven days of the date of this Order.

1 Defendants' amended opposition shall not exceed twenty-five pages.  
2 Plaintiff's deadline to file his reply brief will remain February  
3 21, 2013.

4 IT IS SO ORDERED.

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6 Dated: 1/23/2013

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8 CLAUDIA WILKEN  
9 United States District Judge  
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