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6 Attorneys for Defendant
CHASE BANK USA, N.A., sued erroneously herein
7 as FIRST USA, NA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

12 KAMLESH BANGA,
13 Plaintiff,
14 v.
15 FIRST USA, NA & CHASE BANK USA,
NA and DOES 1 through 10 inclusive,
16 Defendants.

CASE NO. 4:10-cv-00975-SBA

**CHASE BANK USA, N.A.'S EX PARTE
MOTION FOR LEAVE TO FILE REPLY
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT; DECLARATION
OF GEORGE G. WEICKHARDT;
PROPOSED ORDER**

No Hearing

18
19 GEORGE G. WEICKHARDT DECLARES:

20 1. I am an attorney at law duly authorized to practice before this Court, and I am
21 employed by the law firm of Ropers, Majeski, Kohn & Bentley, counsel of record for defendant
22 CHASE BANK USA, N.A., in the above-entitled action. I have personal knowledge of the
23 matters contained in this declaration and, if called as a witness to testify, I could and would
24 competently testify to them.

25 2. Defendant Chase Bank USA, N.A. hereby requests leave to file a reply brief
26 beyond the deadline provided in the local rules in support of its motion for summary judgment.
27 Chase's motion was filed and served on October 22, 2013 (Docket No. 139), noticing the hearing
28 for December 3, 2013. Under the Local Rules, Plaintiff's opposition due no later than November

1 8, 2013. Most of the opposition was filed on November 18, 2013 (Docket Nos. 150-152) and
2 portions of it were even filed on November 20, 2013 (Docket Nos. 155-156), more than ten days
3 after the deadline.

4 3. On November 22, the Court vacated the hearing scheduled for December 3, 2013
5 and took the matter under submission on the papers (Docket No. 158).

6 4. Because plaintiff's opposition to the motion was filed 10 days or more after the
7 deadline provided in the local rules, Chase was unable to file a reply before the Court took the
8 matter under submission.

9 5. Chase accordingly requests leave of Court to file the reply that is attached hereto
10 as Exhibit A in support of its motion. Chase should not be deprived of the right to file a reply just
11 because the plaintiff was so late in filing her opposition. If the Court is going to consider Banga's
12 late-filed opposition (which Chase has requested the Court not to do), then fairness and justice
13 require that the Court also consider Chase's reply. Chase's reply will also assist the Court in
14 evaluating the motion for summary judgment, because the reply describes the many flaws in the
15 opposition, including the fact that virtually all of the evidence presented by plaintiff is
16 inadmissible and a large part of it is submitted in violation of a protective order in another case.


17 I declare under penalty of perjury under the laws of the United States of America that the
18 forgoing is true and correct and that this declaration was executed in the City and County of San
19 Francisco, State of California on November 25, 2013.

20 /s/ George G. Weickhardt

21 GEORGE G. WEICKHARDT

22 **ORDER**

23
24 Chase Bank USA, N.A. is hereby authorized to file the reply in support of its motion for
25 summary judgment which is attached to the above ex parte application.

26
27 
28 THE HONORABLE SAUNDRA BROWN ARMSTRONG
Judge of the United States District Court