

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

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4 RAINBOW BUSINESS SOLUTIONS, doing
5 business as PRECISION TUNE AUTO
6 CARE; DIETZ TOWING, INC.; THE
7 ROSE DRESS, INC.; VOLKER VON
8 GLASENAPP; JERRY SU; VERENA
9 BAUMGARTNER; TERRY JORDAN; ERIN
10 CAMPBELL; and LEWIS BAE,

11 Plaintiffs,

12 v.

13 MERCHANT SERVICES, INC.; NATIONAL
14 PAYMENT PROCESSING; UNIVERSAL
15 MERCHANT SERVICES LLC; UNIVERSAL
16 CARD, INC.; JASON MOORE; NATHAN
17 JURCZYK; ROBERT PARISI; ERIC
18 MADURA; FIONA WALSH; ALICYN ROY;
19 MBF LEASING LLC; NORTHERN
20 FUNDING, LLC; NORTHERN LEASING
21 SYSTEMS, INC.; JAY COHEN; LEONARD
22 MEZEI; SARA KRIEGER; SAM BUONO;
23 and SKS ASSOCIATES, LLC,

24 Defendants.

No. C 10-1993 CW

ORDER STRIKING
SEPARATE
EVIDENTIARY
OBJECTIONS AND
GRANTING
DEFENDANTS LEAVE
TO FILE AMENDED
OPPOSITIONS TO
PLAINTIFFS' MOTION
FOR CLASS
CERTIFICATION

United States District Court
For the Northern District of California

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On January 31, 2013, Defendants Northern Leasing Systems, Inc., MBF Leasing, LLC, Northern Funding, LLC, SKS Associates, LLC, Jay Cohen, Sara Krieger, Leonard Mezei and Sam Buono (collectively, the Leasing Defendants) and Merchant Services, Inc., Universal Card, Inc., Universal Merchant Services, LLC, National Payment Processing, Inc., Jason Moore, Robert Parisi, Nathan Jurczyk, Eric Madura and Alicyn Roy (collectively, the Merchant Services Defendants) filed two twenty-five page opposition briefs to Plaintiffs' motion for class certification. Docket Nos. 459, 469. Defendants concurrently filed a separate document setting forth objections to the evidence offered by

1 Plaintiffs in support of their motion for class certification.

2 See Docket No. 468.

3 Civil Local Rule 7-3(a) provides that, when a party files an
4 opposition to a motion, "[a]ny evidentiary and procedural
5 objections to the motion must be contained within the brief or
6 memorandum." In addition, the Court previously instructed
7 Defendants that they shall "file their opposition to Plaintiffs'
8 motion for class certification, in one or two joint briefs,
9 totaling no more than fifty pages." Docket No. 434. In violation
10 of Rule 7-3, Defendants have filed their evidentiary objections
11 separately from their briefs. Further, between the three
12 documents, Defendants have filed more than fifty pages of text.

13 Accordingly, the Court STRIKES Defendants' separate
14 evidentiary objections (Docket No. 468). Defendants are granted
15 leave to amend and refile their opposition briefs incorporating
16 any evidentiary objections, within two Court days of the date of
17 this Order. Defendants' amended opposition briefs shall together
18 not exceed fifty pages.¹

19 IT IS SO ORDERED.

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21 Dated: 2/4/2013


CLAUDIA WILKEN
United States District Judge

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27 ¹ Defendant Fiona Walshe filed a notice of joinder in both
28 opposition briefs. Docket No. 471. Walshe is not required to
file a new notice of joinder for any amended opposition briefs.