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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 CHRISTOPHER J. SOLBERG,

6 Plaintiff,

7 vs.

8 NDEx West, L.L.C.; WACHOVIA
9 MORTGAGE; WELLS FARGO BANK,
10 FSB, and DOES 1 through 20, inclusive,

11 Defendants.

Case No: 10-4600 SBA

**ORDER STRIKING DEFENDANT'S
SURREPLY**

12
13 On February 4, 2011, Plaintiff filed a reply brief in support of his motion for
14 approval of substitution and joinder of nondiverse defendants and remand. Dkt. 28.
15 Approximately one-and-a-half pages of the reply is devoted to a discussion of the recent
16 decision in Saberi v. Wells Fargo Home Mortgage, No. 10CV1985 DMS, 2011 WL 197860
17 (S.D. Cal. Jan. 20, 2011). Dkt. 28 at 12:2-13:11. On February 7, 2011, Defendant
18 requested leave to file a surreply solely to respond to the “narrow issue” relating to
19 Plaintiff’s citation to Saberi. Dkt. 30. The Court granted Defendant’s request. Dkt. 31.

20 On February 14, 2011, Defendant filed its surreply. Instead of limiting its discussion
21 to Plaintiff’s reliance on Saberi, Defendant filed an *eleven-page* brief that provides
22 extensive argument and case citations that extend well beyond the scope of what the Court
23 permitted. In fact, Defendant’s surreply is two pages *longer* than its opposition brief. Dkt.
24 27. The Court will not countenance Defendant’s effort to “sandbag” Plaintiff in this
25 manner. Accordingly,

26 IT IS HEREBY ORDERED THAT Defendant’s surreply (Dkt. 32) shall be
27 STRICKEN from the record. Within three days of the date this order is filed, Defendant
28 may refile a revised surreply to respond to Plaintiff’s arguments regarding Saberi. The

1 surreply is limited to no than **500 words** and shall be accompanied by a certification of
2 word count. The hearing on Plaintiff's motion for approval of substitution and joinder of
3 nondiverse defendants and remand (Dkt. 25) is CONTINUED from March 1, 2011, to
4 **April 5, 2011 at 1:00 p.m.** The Court, in its discretion, may resolve the motion without
5 oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are advised to check the
6 Court's website to determine whether an appearance is required.

7 IT IS SO ORDERED.

8 Dated: February 22, 2011


9 SAUNDRA BROWN ARMSTRONG
United States District Judge

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

4 SOLBERG et al,

5 Plaintiff,

6 v.

7 NDEX WEST, LLC. et al,

8 Defendant.

9 _____/

Case Number: CV10-04600 SBA

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CERTIFICATE OF SERVICE

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12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14

15 That on February 22, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
18 located in the Clerk's office.

19

20

Christopher J. Solberg
1966 Mohawk Drive
Pleasant Hill, CA 94523

21

22

Dated: February 22, 2011

23

Richard W. Wieking, Clerk

24

By: LISA R CLARK, Deputy Clerk

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