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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ATHENA FEMININE TECHNOLOGIES
INC.,

Plaintiff,

vs.

DEREK WILKES, PELFIT
TECHNOLOGIES, LLC, MORTON
CORDELL, SILK ROAD ASSOCIATES,
LLC, SIMON FAN and KING CHAMPION
(HONG KONG) LTD.,

Defendants.

Case No: C 10-4868 SBA

**ORDER DENYING PLAINTIFF'S
RENEWED MOTION FOR LEAVE
TO FILE A SUPPLEMENTAL AND
AMENDED COMPLAINT**

Dkt. 150

On February 6, 2013, the Court issued its Order Denying Plaintiff's Motion for Leave to File a Supplemental and Amended Complaint. See Athena Feminine Techs. Inc. v. Wilkes, No. 10-4868 SBA, 2013 WL 450147 (N.D. Cal. Feb. 6, 2013), Dkt. 147. The Court found that Plaintiff's proposed amendments were impermissibly vague and conclusory, and that "permitting amendment at this late stage of the litigation would be unduly prejudicial to Defendants." Id., *3. On March 4, 2013, Plaintiff filed the instant renewed Motion for Leave to File a Supplemental and Amended Complaint which is largely identical to its prior motion. Dkt. 150.

Plaintiff's renewed motion is, at its core, a motion for reconsideration. Before filing a motion for reconsideration, the movant must first seek leave to do so under Civil Local Rule 7-9. Plaintiff has not complied with this requirement and the instant motion otherwise


1 fails to make the requisite showing under Local Rule 7-9. The Court may summarily deny
2 motions that are not filed in compliance with the Court's local rules. See Tri-Valley
3 CAREs v. U.S. Dept. of Energy, 671 F.3d 1113, 1131 (9th Cir. 2012) ("Denial of a motion
4 as the result of a failure to comply with local rules is well within a district court's
5 discretion.").

6 Setting aside Plaintiff's inexplicable failure to comply with the Local Rules, the
7 Court is not inclined to permit Plaintiff to file a supplemental pleading in any event.
8 Although Plaintiff's proposed supplemental pleading addresses *some* of the vagueness
9 concerns expressed by the Court in its prior order, the fact remains that allowing the
10 amendment at this late stage of the proceedings would be unduly prejudicial to Defendants.
11 Athena Feminine Techs., 2013 WL 450147, *3. Accordingly,

12 IT IS HEREBY ORDERED THAT Plaintiff's renewed Motion for Leave to File a
13 Supplemental and Amended Complaint is DENIED. This Order terminates Docket 150.

14 IT IS SO ORDERED.

15 Dated: April 29, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

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