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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION
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8 CRAIG YATES, an individual,
9 Plaintiff,

10 vs.

11 SWEET POTATO ENTERPRISES, INC., a
12 California corporation dba POPEYES STORE
2794; et al.,

13 Defendants.
14

Case No: C 11-01950
SBA

**ORDER STRIKING PLAINTIFF'S
MOTIONS IN LIMINE**

15 On May 25, 2012, the Court issued an Order for Pretrial Preparation which, inter
16 alia, specified various deadlines and requirements for the filing of the parties' pretrial
17 submissions. Dkt. 17. With regard to motions in limine, the Order stated:

18 All motions in limine and any opposition thereto shall be set
19 forth in a single memorandum, not to exceed ten (10) pages in
20 length. Reply briefs may not exceed six (6) pages. Any request
21 to exceed the page limit must be submitted prior to the deadline
for these briefs and must be supported by a showing of good
cause and a certification that the applicant has met and
conferred with the opposing party.

22 Id. at 5 (emphasis added).

23 On February 12, 2013, the parties filed their respective motions in limine. Dkt. 41,
24 42. In direct violation of the aforementioned Order, Plaintiff filed a fifteen-page brief,
25 without requesting or obtaining prior leave of Court to file an oversized memorandum.
26 Plaintiff also failed to include a certification that he met and conferred with Defendants
27 prior to filing his motions, as required by this Court's Standing Orders. The Court
28 therefore strikes Plaintiff's improperly-filed motions in limine from the record. See Smith

1 v. Frank, 923 F.2d 139, 142 (9th Cir. 1991) (“For violations of the local rules, sanctions
2 may be imposed including, in appropriate cases, striking the offending pleading.”). The
3 Court sua sponte grants Plaintiff leave to refile his motions in limine in accordance with the
4 Court’s prior order after he has first met and conferred with Defendants regarding each and
5 every issue raised in his eight in limine motions. However, Plaintiff shall show cause why
6 he and/or his counsel should not be sanctioned for violating the Orders of this Court. See
7 Primus Auto. Fin. Servs., Inc. v. Batarsee, 115 F.3d 644, 648-49 (9th Cir. 1997).

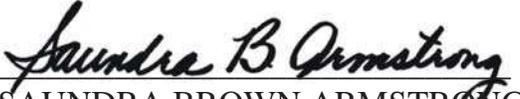
8 Accordingly,

9 IT IS HEREBY ORDERED THAT:

- 10 1. Plaintiff’s motions in limine (Dkt. 42) shall be STRICKEN from the record.
- 11 2. The parties shall meet and confer regarding the issues presented to the Court
12 in their respective motions in limine. After doing so, Plaintiff may re-file his motions in
13 limine in a single memorandum, not to exceed ten (10) pages in length. The Court will not
14 consider any motions in limine unless the parties have certified in writing that they have
15 met and conferred, in good faith, as to each and every issue presented to the Court in the
16 motions.
- 17 3. Plaintiff shall refile his motions in limine by no later than close of business on
18 February 18, 2013. Defendants shall file their opposition thereto by February 22, 2013, and
19 Plaintiff shall file his reply by February 26, 2013.
- 20 4. By no later than February 20, 2013, Plaintiff shall a memorandum, not to
21 exceed five (5) pages, showing cause why the Court should not impose monetary sanctions
22 against him and/or his counsel for violating the Court’s Order for Pretrial Preparation and
23 Standing Orders.

24 IT IS SO ORDERED.

25 Dated: February 14, 2013


26 SAUNDRA BROWN ARMSTRONG
27 United States District Judge
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