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United States District Court
Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MIGUEL LOTA, et al.,

Plaintiffs,

vs.

HOME DEPOT U.S.A., INC.,

Defendant(s).

Case No.: 11-CV-5777_YGR

**ORDER VACATING HEARING; ORDER TO
SHOW CAUSE**

TO ALL PARTIES AND COUNSEL OF RECORD:

The Court hereby **VACATES** the hearing on Plaintiffs’ attorney fee motion (Dkt. No. 84) set for November 5, 2013. The matter is deemed submitted on the papers. A written ruling shall issue.

Additionally, the Court hereby **ORDERS** counsel for Defendant Home Depot U.S.A., Inc. to show cause why (1) their separately filed evidentiary objections should not be stricken for failure to comply with Civil Local Rule 7-3(a)¹ and (2) monetary sanctions for failure to comply with this Local Rule should not issue against counsel.

An Order to Show Cause Hearing shall be held on **Friday, November 8, 2013** on the Court’s **9:01 a.m.** Calendar, in Courtroom 5 of the United States Courthouse, 1301 Clay Street, Oakland,

¹ Civil Local Rule 7-3(a) provides: “Any evidentiary . . . objections to the motion must be contained within the [opposition] brief or memorandum.” Defendant filed twenty-one pages of separate evidentiary objections to Plaintiffs’ attorney fee motion. (Dkt. No. 97.) Defendant complied with the Local Rules when objecting to Plaintiffs’ evidence in support of the reply brief. (Dkt. No. 107 (five-page objection); Civ. L.R. 7-3(d)(1) (permitting separately filed objection to reply evidence, consisting of no more than five pages).


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California. Defendant's counsel shall be required to appear personally at the hearing. No more than five business days prior to the date of the OSC Hearing, Defendant's counsel shall file a written response to the OSC explaining their failure to comply. The response shall not exceed five pages.

If the Court is satisfied with counsel's response, it will consider taking the Order to Show Cause hearing off calendar.

IT IS SO ORDERED.

Dated: October 28, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE