

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

WILLIAM J. WHITSITT,

Plaintiff,

vs.

INDUSTRIAL EMPLOYER DISTRIBUTOR
ASSOCIATION,

DISTRIBUTOR ASSOCIATION
WAREHOUSEMAN'S TRUST,

INTERNATIONAL LONGSHOREMAN
AND WAREHOUSE UNION,

99 UNNAMED DEFENDANTS,

Defendants.

Case No: C 13-00396 SBA

**ORDER STRIKING PLAINTIFF'S
NON-COMPLIANT OPPOSITION**

Plaintiff has filed a 30-page, single-spaced combined opposition to Defendants' respective motions to dismiss his Fourth Amended Complaint. Dkt. 90. Under Civil Local Rule 7-3(a), Plaintiff's response was due on October 6, 2014. However, Plaintiff did not file his opposition until October 16, 2014, and failed to seek prior leave to enlarge the deadline for his responses.

This Court's Standing Order specify that "[a]ll noticed motions (other than motions for summary judgment) and any opposition thereto, *shall not exceed fifteen (15) pages* in length, exclusive of the table of contents, table of authorities, exhibits and declarations, if

1 required.” Dkt. 27 (emphasis added). Similarly, Local Rule 3.4(c)(2) specifies that “[t]ext
2 [used on any brief] must appear on one side only and must be *double-spaced with no more*
3 *than 28 lines per page.*” (Emphasis added).

4 Briefs filed in violation of this Court’s rules and orders need not be considered and
5 may be stricken. Tri-Valley CARES v. U.S. Dept. of Energy, 671 F.3d 1113, 1131 (9th
6 Cir. 2012) (“Denial of a motion as the result of a failure to comply with local rules is well
7 within a district court’s discretion.”); Ready Transp., Inc. v. AAR Mfg., Inc., 627 F.3d 402,
8 404 (9th Cir. 2010) (recognizing that the district court has “the power to strike items from
9 the docket as a sanction for litigation conduct”). Accordingly,

10 IT IS HEREBY ORDERED THAT Plaintiff’s opposition (Dkt. 60) shall be
11 STRICKEN from the record. Plaintiff shall have seven (7) days from the date this Order is
12 filed to file oppositions that conform in all respects to the Local Rules and Standing Orders
13 of this Court. In the event Plaintiff fails to timely file properly-formatted oppositions, the
14 Court will dismiss the action under Federal Rule of Civil Procedure 41. If Plaintiff timely
15 files his oppositions, Defendants shall have seven (7) days thereafter to file their replies.
16 The October 28, 2014, hearing date is VACATED, as the motions will be adjudicated
17 without oral argument. Civ. L.R. 7-1(b).

18 IT IS SO ORDERED.

19 Dated: October 16, 2014


SAUNDRA BROWN ARMSTRONG
United States District Judge

20
21
22
23
24
25
26
27
28