

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RYAN EDWARDS,

No. C 13-6006 CW

Plaintiff,

ORDER GRANTING
DEFENDANT'S MOTION
TO ENLARGE TIME;
DENYING
PLAINTIFF'S MOTION
TO STRIKE (Docket
Nos. 34, 37)

v.

DEPUY SYNTHES SALES, INC., a
Massachusetts corporation, as
successor in interest to SYNTHES
MAXILLOFACIAL, INC.,

Defendant.

_____ /

United States District Court
For the Northern District of California

Defendant Depuy Synthes Sales, Inc. filed its motion to dismiss on January 24, 2014. Although Defendant's reply brief was due on February 14, it failed to file the brief until February 20. Thus, on February 24, Defendant moved for an extension of time, nunc pro tunc, to file its reply brief.

Rather than filing a timely opposition to Defendant's motion for an extension of time, Plaintiff Ryan Edwards moved on March 3, 2014 to strike Defendant's reply brief. He argues that Defendant's reply brief effectively exceeded the page limits by implicitly seeking to incorporate by reference its motion to transfer, which it filed the same day as its reply on the motion to dismiss.

After reviewing the parties' submissions, the Court GRANTS Defendant's motion for an extension of time (Docket No. 34) and DENIES Plaintiff's motion to strike (Docket No. 37). Plaintiff has not shown that he was prejudiced by Defendant's failure to file a timely reply brief on the motion to dismiss nor has he shown that Defendant actually exceeded the page limits for that

1 brief. That said, because Defendant took six additional days to
2 file its reply on the motion to dismiss -- and filed a motion to
3 transfer in conjunction with that reply -- Plaintiff is granted
4 six additional days to respond to Defendant's motion to transfer.

5 Accordingly, Plaintiff's opposition to the motion to transfer
6 is due on March 13, 2014. Defendant shall file its reply on the
7 motion to transfer by March 20, 2014. The Court shall hear both
8 the motion to dismiss and the motion to transfer on Thursday,
9 April 3, 2014 at 2:00 p.m. In the future, the parties shall
10 adhere strictly to all filing deadlines and page limits set forth
11 in the local rules.

12 IT IS SO ORDERED.

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14 Dated: 3/4/2014

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CLAUDIA WILKEN
United States District Judge