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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 ADOBE SYSTEMS INCORPORATED, a
7 Delaware Corporation,

8 Plaintiff,

9 vs.

10 A & S ELECTRONICS, INC., a California
11 Corporation d/b/a TRUSTPRICE; ALAN Z.
12 LIN, an Individual; and DOES 1-10,
13 Inclusive,

14 Defendants.

Case No: C 15-2288 SBA

**ORDER STRIKING NON-
COMPLIANT MOTIONS**

Dkt. 44, 46, 47, 48, 49, 50, 51

14 The Court's Standing Orders specify that the maximum page limit for motions and
15 oppositions thereto is fifteen pages. Dkt. 16. The Standing Orders further state that any
16 brief filed "in an improper manner or form shall not be received or considered by the
17 Court." Id.; see Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996) (courts
18 have discretion to strike oversized briefs).

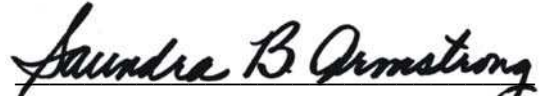
19 Defendants have filed a nineteen-page motion to dismiss and a separate six-page
20 motion for more definite statement. Dkt. 44, 46. In response, Plaintiff filed two fifteen-
21 page oppositions, one in response to each motion. Defendants' motion to dismiss clearly
22 violates the Court's Standing Orders. Dkt. 47, 48. In addition, the Court finds that
23 Defendants' filing of a separate motion for a more definite statement is excessive. Such a
24 motion should have been brought in the alternative to a motion to dismiss—not as a
25 separate, stand-alone motion. See Schwarzer et al, Prac. Guide Fed. Civ. Proc. Before Trial
26 (Nat Ed.) ¶ 9:13 (TRG 2014). Accordingly,

27 IT IS HEREBY ORDERED THAT all briefs filed in connection with Defendants'
28 motion to dismiss and motion for a more definite statement are STRICKEN. The Clerk

1 shall strike Dkt. 44, 46, 47, 48, 50 and 51 from the record. Defendants are granted leave to
2 file a combined motion to dismiss, or in the alternative, a motion for a more definite
3 statement within seven days of the date this Order is filed. Plaintiff shall file a single
4 opposition brief no later than seven days after the motion is filed. Defendants' reply shall
5 be filed three days after Plaintiffs file their opposition. The parties' stipulation to advance
6 the hearing date from December 9, 2015, to November 12, 2015, is DENIED as moot.

7 IT IS SO ORDERED.

8 Dated: 10/16/15


SAUNDRA BROWN ARMSTRONG
United States District Judge

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