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

**CHRISTOPHER CORCORAN, ET AL.,**

Plaintiffs,

vs.

**CVS HEALTH, ET AL.,**

Defendants.

CASE NO. 15-cv-03504-YGR

**ORDER RE: PLAINTIFFS' OBJECTIONS TO  
CERTAIN DEFENSE REPLY FILINGS**

Re: Dkt. No. 317

On July 5, 2017, plaintiffs filed objections to certain documents defendants filed in connection with their reply in support of their motion for summary judgment. (Dkt. No. 317.) Specifically, plaintiffs object to the following: (i) defendants' reply to plaintiffs' responsive statement of facts as not allowed under this Court's Standing Order in Civil Cases; (ii) defense Exhibit 524, on the grounds that it is a misleading and incomplete compilation of deposition testimony; and (iii) defense Exhibit 536, on the grounds that it constitutes improper legal argument that should have been contained in defendants' reply brief.

The Court **ORDERS** as follows:

1) With respect to defendants' reply to plaintiffs' responsive statement of facts at Docket Number 315-1, the Court **SUSTAINS** plaintiffs' objection in part and **STRIKES** Docket Number 315-1 from the bottom of page 2 starting with the chart to the bottom of page 32 where plaintiffs' "Additional Facts and Supporting Evidence" begins. The Court's Standing Order in Civil Cases provides that parties moving for summary judgment must include a separate, short, and concise statement of the material facts, and allows for the party opposing such motion one responsive separate statement, not to exceed five additional pages beyond the number of pages in the opening statement. *See* Standing Order in Civil Cases § 9(c). No permission was granted for a reply to the same. However, a response to plaintiffs' additional facts is appropriate.

United States District Court  
Northern District of California


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2) With respect to defense Exhibit 524 at Docket Number 315-6, the Court **OVERRULES** plaintiffs' objection. Such a compilation of deposition testimony was submitted in response to plaintiffs' assertions and designation of deposition transcripts purporting to demonstrate the importance of pricing in their purchasing decisions. However, in the interest of judicial economy and the accuracy of the record, the Court will entertain a request to counter-designate additional portions of plaintiffs' deposition testimony without further argument to cure what plaintiffs argue are misleading and incomplete excerpts in Exhibit 524. Plaintiffs must file such counter-designations no later than **July 11, 2017**.

3) With respect to defense Exhibit 536 at Docket Number 315-18, the Court **SUSTAINS** plaintiffs' objections and **STRIKES** defense Exhibit 536 from the record. Such constitutes legal argument in response to plaintiffs' objections to evidence submitted in defendants' motion for summary judgment. As such, the arguments should be contained within the brief itself pursuant to Civil Local Rule 7-3.

**IT IS SO ORDERED.**

Dated: July 7, 2017

  
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**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**