

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  
NORTHERN DISTRICT OF CALIFORNIA

ABDULATAEF ALI,  
Plaintiff,

v.

PASHA HAWAII HOLDINGS, LLC,  
Defendant.

Case No. [20-cv-08122-HSG](#)

**ORDER DENYING MOTION FOR  
LEAVE TO ADVANCE HEARING  
DATE**

Re: Dkt. No. 79

Before the Court is Plaintiff's motion for leave to advance the hearing date of its Motion to Strike Defendant's Witness Greg Johnson. Plaintiff's Motion to Strike essentially alleges that Defendant did not identify Greg Johnson in its initial disclosures or in response to interrogatories, has not produced him for deposition, and has otherwise failed to identify him as a rebuttal expert or a non-retained employee. Dkt. No. 74 at 2-3. It accordingly seeks an order "striking Greg Johnson from Defendant's witness list and disallow[ing] him from appearing and testifying at trial." *Id.* at 5.

Although Plaintiff's motion is styled as a "Motion to Strike," it is actually a straightforward motion in limine seeking to preclude the testimony of a witness under Federal Rule of Civil Procedure 37. It is therefore untimely. *See* Civil Pretrial and Trial Standing Order for Cases Before District Judge Haywood S. Gilliam, Jr. ¶ 24 ("Motions in limine must be filed with the Court no later than 21 days prior to the date set for the Pretrial Conference.").

The Court accordingly **DENIES** the pending motion to advance the hearing on the Motion to Strike and will resolve Plaintiff's Motion to Strike as follows: Defendant shall respond to the Motion to Strike by May 12, 2022, after which the Motion will be deemed submitted unless the Court orders otherwise. The motion hearing currently set for November 3, 2022, is **VACATED**.

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

The Court expects, and will require, all counsel to comply with all rules of civil procedure, standing orders and local rules at all times through the resolution of this case. Counsel should commit to knowing and diligently following those rules.

**IT IS SO ORDERED.**

Dated: 5/6/2022

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge