

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

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

SUSAN RENE JONES,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE CO.,
et al.,

Defendants.

No. C-08-03971-JW (DMR)

**ORDER RE HEARING AND BRIEFING
SCHEDULE ON DEFENDANTS'
COMPLAINT ALLEGING MATERIAL
VIOLATIONS OF THE ADR LOCAL
RULES AND DEFENDANTS' MOTION
TO STRIKE**

On June 16, 2010, Judge Ware referred Defendants' Motion to Strike (Docket No. 41, superseded by Defendants' Supplemental and Amended Motion to Strike, Docket No. 108 (hereinafter "Motion to Strike")) to this Court for adjudication. The hearing on the Motion to Strike is set for **September 23, 2010**. On July 15, 2010, Defendants submitted a complaint alleging material violations of the ADR Local Rules ("ADR complaint") under ADR L.R. 2-4(b). On July 20, 2010, Defendants' ADR complaint was referred to this Court to be decided as a matter related to the Motion to Strike, and due to the recusal of ADR Magistrate Judge Laporte. *See* Docket No. 125.

Accordingly, this Court will consider Defendants' ADR complaint **as part of** Defendants' Motion to Strike. In lieu of an order to show cause why sanctions should not be imposed per ADR L.R. 2-4(c), and because Defendants' ADR complaint is subsumed by and directly relates to the same issues as Defendants' Motion to Strike, the Court hereby orders Plaintiff **to address Defendants' ADR complaint as part of Plaintiff's Opposition to Defendants' Motion**

1 **to Strike.** The previous briefing schedule set by this Court on June 18, 2010 on Defendants' Motion
2 to Strike is **VACATED.**

3 The new briefing schedule in which Plaintiff shall submit, in one document that complies
4 with Civ. L.R. 7-3, any opposition to Defendants' Motion to Strike **and** Defendants' ADR complaint
5 is as follows:

- 6 • Plaintiff's Opposition shall be filed by no later than **August 5, 2010;**
- 7 • Defendants' Reply shall be filed by no later than **August 12, 2010.**

8
9 This matter will be conducted on the record, but under seal as appropriate to preserve ADR
10 confidentiality, **and all further briefing on these matters shall be submitted in compliance with**
11 **Civil Local Rule 79-5.**

12
13 IT IS SO ORDERED.

14 Dated: July 20, 2010



15
16 DONNA M. RYU
United States Magistrate Judge

17
18
19
20
21
22
23
24
25
26
27
28