

United States District Court  
For the Northern District of California

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**\*E-FILED 09-27-2010\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PIOTR J. GARDIAS,

No. C09-05611 HRL

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
"MOTION FOR A MORE DEFINITE  
STATEMENT"**

v.

THE CALIFORNIA STATE UNIVERSITY;  
THE SAN JOSE STATE UNIVERSITY,

**[Re: Docket No. 51]**

Defendant.

Plaintiff Piotr Gardias purports to move for an order requiring defendant to provide a more definite statement with respect to certain assertions made in its Case Management Statement. A motion such as this may only be directed to a "pleading," *see* Fed. R. Civ. P. 12(e), and a Case Management Statement is not a pleading.

Accordingly, plaintiff's motion is DENIED.<sup>1</sup>

SO ORDERED.

Dated: September 27, 2010

  
\_\_\_\_\_  
HOWARD B. LOTT  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Plaintiff also has filed a purported "Answer" to defendant's Case Management Statement. This is also improper, and the court will disregard it as such. The court deplores the plaintiff's personal attacks on the integrity of defense counsel.

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5:09-cv-05611-HRL Notice has been electronically mailed to:  
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Counsel are responsible for distributing copies of this document to co-counsel who have not  
registered for e-filing under the court's CM/ECF program.

5:09-cv-05611-HRL Notice mailed to:  
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