

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARTIN F. ROONEY, individually and on behalf of all others similarly situated,)	Case No.: 10-CV-00905-LHK
)	
Plaintiff,)	ORDER GRANTING EX PARTE
v.)	APPLICATION TO FILE SURREPLY
)	TO DEFENDANT’S REPLY TO
SIERRA PACIFIC WINDOWS, a division of SIERRA PACIFIC INDUSTRIES, a California corporation,)	DEFENDANT’S MOTION FOR
)	JUDGMENT ON THE PLEADINGS
Defendant.)	

Before the Court is Plaintiff’s Ex Parte Application to File Surreply to Defendant’s Reply to Defendant’s Motion for Judgment on the Pleadings (“Plaintiff’s motion”), ECF No. 87. The Court recognizes that, as Defendant points out, Plaintiff failed to comply with Civ. L.R. 7-10 governing *ex parte* applications. However, the Court construes the motion as an administrative motion under Civ. L.R. 7-11, and given that the issue could be case dispositive, considers the merits of the motion.

The Court, having considered Plaintiff’s motion and Defendant’s Opposition to Plaintiff’s Ex Parte Application to File Surreply to Defendant’s Reply to Motion for Judgment on the Pleadings, ECF No. 89, hereby GRANTS Plaintiff’s motion. Plaintiffs filed this motion on August 25, 2011, but failed to attach the proposed surreply to their motion. Accordingly, the Court

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ORDERS Plaintiff to file his surreply no later than August 31, 2011, at 5:00 p.m. PST. The surreply is limited to 4 pages.

IT IS SO ORDERED.

Dated: August 31, 2011


LUCY H. KOH
United States District Judge