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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RITA ACOSTA, et al.,
Plaintiffs,
v.
CITY OF SALINAS,
Defendant.

Case No. 15-CV-05415-LHK

**ORDER DIRECTING PLAINTIFFS TO
RESPOND TO MOTION FOR LEAVE
TO FILE SUPPLEMENTARY
MATERIAL**

Re: Dkt. No. 31

On February 11, 2016, Defendant filed an *ex parte* motion for leave to file supplementary material. ECF No. 31. Civil Local Rule 7-10, which governs *ex parte* motions, provides that “a party may file an *ex parte* motion . . . only if a statute, Federal Rule, local rule or Standing Order authorizes the filing of an *ex parte* motion.” Civil L.R. 7-10. Moreover, the *ex parte* motion “must include a citation to the statute, rule or order which permits the use of an *ex parte* motion to obtain the relief sought.” *Id.*

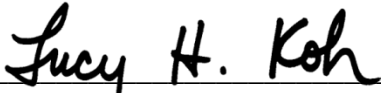
With respect to this requirement, Defendant’s *ex parte* motion refers only to two Civil Local Rules: Civil Local Rule 7-3(d), which governs how supplementary material may be filed, and Civil Local Rule 7-11, which govern motions for administrative relief. ECF No. 31 at 1; Civil

1 L.R. 7-3(d); Civil L.R. 7-11. Importantly, neither Civil Local Rule 7-3(d) nor Civil Local Rule 7-
2 11 “permits the use of an *ex parte* motion to obtain the relief sought.” Civil L.R. 7-10.

3 Accordingly, the Court shall treat Defendant’s motion not as an *ex parte* motion, but as a
4 motion for administrative relief. Thus, pursuant to Civil Local Rule 7-11, the Court hereby
5 ORDERS Plaintiffs to file a response to Defendant’s motion by February 16, 2016, at 5:00 p.m.
6 See Civil L.R. 7-11(b) (“Any opposition to or support for a Motion for Administrative Relief . . .
7 must be filed no later than 4 days after the motion has been filed.”); Fed. R. Civ. P. 4(a)(1) (“[I]n
8 computing any time period . . . count every day . . . but if the last day is a . . . legal holiday, the
9 period continues to run until the end of the next day.”).

10 **IT IS SO ORDERED.**

11 Dated: February 11, 2016

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14 LUCY H. KOH
15 United States District Judge

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