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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IAN MCCRAY,  
Plaintiff,  
v.  
UNITE HERE! LOCAL 19,  
Defendant.

Case No. [16-cv-01233-BLF](#)

**ORDER STRIKING PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

[Re: ECF 41]

On October 17, 2016, Plaintiff Ian McCray filed his opposition to Defendant’s motion to dismiss. Opp’n, ECF 41. Because the opposition violates the Court’s Standing Order re Civil Cases and Civ. L.R. 3-4(c)(2) with respect to the use of footnotes, Plaintiff’s opposition is **STRICKEN**.

This Court’s Standing Order re Civil Cases, subsection E.4 provides that footnotes “are to be used sparingly and citations to textual matter shall not be contained in footnotes.” Several pages of the opposition contain lengthy footnotes—and, on one page, a footnote that is more than half a page. Opp’n 22. Through this use of footnotes, Plaintiff included 111 lines of single-spaced text—the equivalent of 4 pages had Plaintiff complied with the Civil Local Rules’ requirement that text in the body of the brief be double-spaced with no more than 28 lines per page. *See* Civ. L.R. 3-4(c)(2). Had Plaintiff complied with these rules, his brief would have been oversized, at 29 pages.

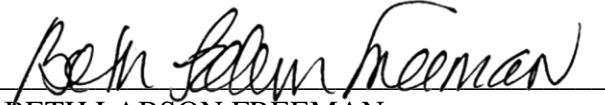
Because Plaintiff’s use of footnotes violates the Court’s Standing Order and the Civil Local Rules, the Court **STRIKES** Plaintiff’s opposition to Defendant’s motion to dismiss the first amended complaint. The Court **ORDERS** Plaintiff to file an opposition that complies with the Standing Order and Civil Local Rules; contains few footnotes, if any; and does not exceed 25

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pages inclusive of the signature page by no later than October 31, 2016. This order does not affect Defendant's reply, which remains due October 24, 2016.

**IT IS SO ORDERED.**

Dated: October 24, 2016

  
BETH LABSON FREEMAN  
United States District Judge