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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ANN MARIE ESTRADA, and JOSE
12 ESTRADA

13 Plaintiffs,

14 v.

15 TEVA PHARMACEUTICALS USA,
16 INC., TEVA WOMEN'S HEALTH, INC.,
and DOES 1 through 100, inclusive,

17 Defendants.
18

Case No.: 14-cv-1875-AJB-AGS

**ORDER REQUIRING PLAINTIFFS
TO FILE AN AMENDED
SUPPLEMENTAL BRIEF**

19 On September 11, 2017, the Court requested that Plaintiffs' counsel file a
20 supplemental brief pointing to the specific allegations that were made during the motion
21 hearing on September 8, 2017. (Doc. No. 91 at 1.) The Court specifically asked that
22 Plaintiffs' counsel "list the CM/ECF document number and bates number" for each of the
23 contentions. (*Id.*) On September 13, 2017, Plaintiffs' counsel filed their supplemental brief
24 and on the following day, Defendants' counsel rightfully objected. (Doc. Nos. 94, 95.) The
25 Court notes that instead of following the Court's clear directions to cite to the documents
26 on the record, Plaintiffs' counsel attached their evidence as a new lodgment, totaling over
27 300 pages in length. (Doc. No. 98.)
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1 In the interests of judicial economy and in deciding this case on the merits, the Court
2 declines to parse through this new lodgment and then search for its corresponding
3 counterpart on the record. Accordingly, the Court **ORDERS** Plaintiffs' counsel to file an
4 amended supplemental brief citing, without argument, to the **CM/ECF document number**
5 **and bates number** for the same two representations:

6 (1) Each of the twenty alleged complaints about embedment of the ParaGard IUD
7 and its subsequent arm breakage upon removal; and

8 (2) That there were 1000 reports of breakage of the ParaGard IUD every two years.
9 Plaintiffs' counsel is to file this amended supplemental brief by the end of the day on
10 **Wednesday, October 4, 2017**. Plaintiffs' counsel is to make no additional arguments and
11 to only cite to the documents already on the record. The Clerk of Court is directed to
12 **STRIKE** Plaintiffs' supplemental brief and the attached lodgments, document numbers
13 94, 94-1, 98, and 98-1. *See* Fed. R. Civ. P. 12(f)(1) (a court may act on a motion to strike
14 "on its own"); *see also Sliger v. Prospect Mortg., LLC*, 789 F. Supp. 2d 1212, 1216 (E.D.
15 Cal. 2011) ("The court, however, may make appropriate orders to strike under the rule at
16 any time on its own initiative.").

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18 **IT IS SO ORDERED.**

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20 Dated: October 2, 2017


21 Hon. Anthony J. Battaglia
22 United States District Judge
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