

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	<b>SACV 10-1573 AG (PLAx)</b>	Date	March 7, 2011
Title	CHARLES EDWARD LINCOLN III v. DAYLIGHT CHEMICAL INFORMATION SYSTEMS, INC., et al.		

---

Present: The Honorable	ANDREW J. GUILFORD
------------------------	--------------------

Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

**Proceedings: [IN CHAMBERS] ORDER DENYING MOTION TO STRIKE**

Defendants Defend Our Freedoms Foundation, Orly Taitz, Inc., and Appealing Dentistry (here, collectively, "Defendants") file this Motion to Strike Docket Numbers 32, 33, and 34 ("Motion"). (Dkt. # 38.) Defendants' primary argument is that all three of those documents were filed late, in violation of Local Rule 6-1 and 7-9. Plaintiff Charles Edward Lincoln III ("Plaintiff") did not oppose this Motion.

The Court now reviews the three documents Defendants ask the Court to strike.

Docket Number 32 was a Motion to Strike filed by Plaintiff, seeking to strike two filings by Defendants. Plaintiff sought an order shortening time for hearing that motion, which the Court denied. (Dkt. # 31.) The Court then struck Docket Number 32 from the docket because that motion to strike was set for an improper hearing. (Dkt. # 39.) Plaintiff has since refiled a version of that motion to strike, set for a timely hearing. (Dkt. # 53.)

Docket Number 33 was Plaintiff's opposition to a previous motion to strike also filed by Defendants (Dkt. # 18, 19). Plaintiff filed Docket Number 33 late. The Court has since

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	<b>SACV 10-1573 AG (PLAx)</b>	Date	March 7, 2011
Title	CHARLES EDWARD LINCOLN III v. DAYLIGHT CHEMICAL INFORMATION SYSTEMS, INC., et al.		

denied the earlier motion to strike as moot. (Dkt. # 44.) Accordingly, Plaintiff’s late filing did not bear on the Court’s ruling on the underlying motion to strike.

Docket Number 34 was Plaintiff’s opposition to a motion to dismiss filed by Defendants Daylight Chemical Information Systems, Inc. and Yosef Taitz. (Dkt. # 6.) This document was also filed late. The Court has since granted in part and denied in part that motion to dismiss. (Dkt. # 44.) The Court considered the late-filed opposition, which is within the Court’s discretion. *See* Local Rule 7-12.

As noted, Defendants seek to strike three documents. All three documents address motions that the Court has already resolved, and in fact the Court ruled almost entirely in Defendants’ favor on those motions. And stated previously, the Court already struck Docket Number 32.

Accordingly, the Motion is DENIED. The Court ORDERS the parties to consider carefully the merits of any future motions to strike. The Court also ORDERS the parties to consider withdrawing any future motions to strike if they become obsolete, as did this Motion. In the future, the Court will be considering remedies it may employ to insure the “just, speedy, and inexpensive determination” of this action. Fed. R. Civ. P. 1.

\_\_\_\_\_ : \_\_\_\_\_ 0

Initials of  
Preparer                    lmb