

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THINK COMPUTER FOUNDATION, et
al.,

Plaintiffs,

v.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS, et al.,

Defendants.

Case No. [14-cv-02396-BLF](#)

**ORDER DENYING PLAINTIFFS'
MOTION TO STRIKE**

[Re: Dkt. No. 14]

Before the Court is Plaintiffs' Motion to Strike two Motions brought by Defendant American Bar Association: (1) Defendant's Unopposed Motion for Extension of Time, and (2) Defendant's Motion for Order to Show Cause. The Court denies Plaintiffs' Motion to Strike.

Plaintiffs move to strike on two grounds. First, Plaintiffs state that Defendant American Bar Association improperly included two motions within a single document before the Court, in violation of Civil Local Rule 7-2(b), and allege that this filing was "possibly designed to prejudice Plaintiffs." (Mot. to Strike, ECF 14 at 1-2) Second, Plaintiffs further allege that Defendant's counsel has not filed a notice of appearance in the instant matter, in violation of Civil Local Rule 5-1(c)(2)(A). (Mot. to Strike, ECF 14 at 1)

The Court finds Plaintiffs' first argument unpersuasive. Defendant's moving papers clearly note that it has brought two motions, and the Court has treated them as such. Further, Defendant's two motions were factually intertwined. Defendant only brought its Motion for Extension of Time out of an abundance of caution: due to its allegation that Plaintiffs were not properly represented, it feared that it could not validly stipulate *with opposing counsel* to such an extension. (Def.'s Mot., ECF 11, at 2-3) Defendant's Motion for Order to Show Cause thus arose out of its attempt to stipulate to the Motion for Extension of Time. In the interests of judicial economy, the Court finds

1 it appropriate to adjudicate both motions simultaneously, rendering separate orders, and finds no risk
2 of prejudice to Plaintiffs in Defendant's filing of both motions concurrently.

3 The Court also finds that Plaintiffs' second argument, that Defendant's counsel has not yet
4 filed a Notice of Appearance, to be an insufficient reason to strike Defendant's motions. However,
5 the Court agrees with Plaintiffs that counsel for Defendant has not complied with the Notice of
6 Appearance requirements of the Civil Local Rules. Civil L-R 5-1(c)(2)(A) ("A Notice of
7 Appearance must be e-filed whenever counsel joins a case."). Counsel has filed a Certificate of
8 Interested Entities, (ECF 12), but has not filed a Notice of Appearance.

9 The Court DENIES Plaintiffs' Motion to Strike. The Court further ORDERS Defendant's
10 counsel to file a Notice of Appearance in the above-captioned matter within fourteen (14) days of
11 the issuance of this Order.

12 **IT IS SO ORDERED.**

13 Dated: June 11, 2014

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15 HON. BETH LABSON FREEMAN
16 United States District Judge
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