UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ORG STRUCTURE INNOVATIONS, LLC,

Plaintiff,

vs.

ORACLE CORPORATION and ORACLE AMERICA, INC.,

Defendants.

Case No: C 12-0348 SBA

ORDER

Related to:
C 11-3549 SBA
C 12-0297 SBA

The instant action was transferred to this Court from the Northern District of Illinois on January 24, 2012. Dkt. 56. While the action was venued in that Court, Defendants filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The Illinois District Court did not rule on the motion, and transferred the action instead.

On May 24, 2012, Defendants renewed their motion to dismiss by incorporating by reference their previously filed motion to dismiss, Dkt. 41, and submitting a ten page "supplemental memorandum," Dkt. 88. In connection with said motion, the parties have submitted a stipulation to extend the presumptive briefing schedule under Civil Local Rule 7. Dkt. 89.

Defendants' renewed motion is improper. Under this Court's Standing Orders—which the parties received on February 28, 2012, Dkt. 75—motions are limited to fifteen pages in length. Defendants' previously-filed motion and "supplemental" brief total twenty-five pages. The Standing Orders further state that any brief filed "in an improper manner or form shall not be received or considered by the Court." Id.; see Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996) (courts have discretion to strike oversized briefs). Accordingly,

IT IS HEREBY ORDERED THAT Defendants' renewed motion to dismiss (Dkt. 88) shall be STRICKEN from the record. Defendants shall refile their motion to dismiss, not to exceed fifteen pages, by no later than June 15, 2012; Plaintiff shall file its opposition by June 29, 2012; and Defendants shall file their reply by July 6, 2012. Defendants shall notice their renewed motion for hearing on July 24, 2012 at 1:00 p.m. The Court may resolve the motion without oral argument. Civ. L.R. 7-1(b). The parties are advised the check the Court's website to determine whether an appearance on the motion is required. The Case Management Conference scheduled for June 28, 2012, is CONTINUED to July 24, 2012 and shall follow the motion hearing. This Order terminates Docket 88 and 89.

IT IS SO ORDERED.

Dated: June 8, 2012

Saundra B. Armstrong

SAUNDRA BROWN ARMSTRONG
United States District Judge