

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

McCoy v. DePuy Orthopaedics, Inc.

McCoy · No. 22-CV-2075 JLS (SBC) · Decided July 28, 2025

SUMMARY

The United States District Court for the Southern District of California sua sponte struck the parties’ jointly proposed jury instructions and objections. The court directed the parties to refile amended proposed instructions complying with applicable local-rule requirements by August 1, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 28, 2025
DOCKET	22-CV-2075 JLS (SBC)
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the parties' jointly proposed jury instructions and objections and acted sua sponte to strike the filing for failure to comply with local procedural requirements.
PRECEDENTIAL VALUE	unknown

TOPICS

- jury instructions civil procedure sanctions

PRACTICE AREAS

- civil procedure product liability

QUESTIONS PRESENTED

- Whether the district court may sua sponte strike the parties’ proposed jury instructions for failure to comply with applicable local rules.
- Whether the parties should be directed to file amended proposed jury instructions and objections that comply with the local rules.

HOLDINGS

1. A district court may exercise its discretion and inherent power to strike a filing, including when the filing does not comply with applicable local rules.
2. The parties were required to file amended joint proposed jury instructions and objections complying with the stated local-rule requirements by August 1, 2025.

KEY QUOTATIONS

- “A district court *“has discretion and the inherent power to strike a filing.”*” (at 1)
- “It is well established that *‘[d]istrict courts have inherent power to control their dockets.’*” (at 1)

FACTUAL BACKGROUND

The parties submitted jointly proposed jury instructions with objections. The submission failed to provide or cite the most recent versions of the applicable Ninth Circuit and California model civil jury instructions, as required by Local Rule 51.1(d), and the court had not received the required emailed Word copy under Local Rule 16.1(f)(6)(c)(7).

PROCEDURAL HISTORY

The parties jointly submitted proposed jury instructions and objections at ECF No. 197. The district court found that the submission did not include or cite the most recent versions of the Ninth Circuit Model Civil Jury Instructions and the Judicial Council of California Civil Jury Instructions and did not include the required emailed Word copy. The court struck the filing sua sponte and directed the parties to refile amended proposed instructions and objections by August 1, 2025.

DISPOSITION

other

CASES CITED

- United States v. Alvarez, No. 18CR1653-GPC, 2021 WL 2290787, at *1 n.1 (S.D. Cal. June 4, 2021), aff’d, No. 21-55826, 2024 WL 1693360 (9th Cir. Apr. 19, 2024)
- Atchison, Topeka & Santa Fe Ry. Co. v. Hercules Inc., 146 F.3d 1071, 1074 (9th Cir. 1998)
- Hernandez v. City of El Monte, 138 F.3d 393, 398 (9th Cir. 1998)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 BARBARA MCCOY, Case No.: 22-CV-2075 JLS (SBC) 12 Plaintiff,
ORDER SUA SPONTE STRIKING 13 v. THE PARTIES’ PROPOSED JURY INSTRUCTIONS
AND DIRECTING 14 DEPUY ORTHOPAEDICS, INC.; PARTIES TO RE-FILE DEPUY
PRODUCTS, INC.; 15 DEPUY SYNTHES, INC.; (ECF No. 197) 16 JOHNSON & JOHNSON;

JOHNSON & JOHNSON SERVICES, INC.; and 17 JOHNSON & JOHNSON 18 INTERNATIONAL, 19 Defendants.

20 21 Presently before the Court are the Parties' Jointly Proposed Jury Instructions with 22 Objections. See ECF No. 197. However, the Parties failed to provide and/or cite to the 23 most recent version of both the Ninth Circuit Model Civil Jury Instructions and the Judicial 24 Council of California Civil Jury Instructions in their proposed instructions, as required by 25 Local Rule 51.1(d).

The Court also has not received an e-mailed Word copy of the 26 proposed instructions as required by Local Rule 16.1(f)(6)(c)(7). 27 A district court "has discretion and the inherent power to strike a filing." *United 28 States v. Alvarez*, No. 18CR1653-GPC, 2021 WL 2290787, at *1 n.1 (S.D. Cal. June 4, 1 || 2021), *aff'd*, No. 21-55826, 2024 WL 1693360 (9th Cir.

Apr. 19, 2024); see also *Atchison*, 2 || *Topeka & Santa Fe Ry. Co. v. Hercules Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1998) ("It is 3 || well established that '[d]istrict courts have inherent power to control their dockets... □□□ 4 || (first alteration in original) (quoting *Hernandez v. City of El Monte*, 138 F.3d 393, 398 (9th 5 || Cir. 1998)))").

In the interest of judicial economy, and because the Parties have not followed 6 Local Rules, the Court will so exercise its discretion here. 7 Accordingly, the Court sua sponte STRIKES the Jointly Proposed Jury Instructions 8 || with Objections (ECF No. 197).

The Parties SHALL FILE amended joint proposed jury 9 ||instructions and objections in accordance with the above requirements on or before 10 || August 1, 2025. 11 IT IS SO ORDERED. 12 ||Dated: July 28, 2025 jae L. Lo memeait- 13 on. Janis L. Sammartino United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28