

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

OPINION

McCoy v. DePuy Orthopaedics, Inc.

PER CURIAM.

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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 memeaite- 13 on. Janis L. Sammartino United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28