

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CRUISE LINES INTERNATIONAL)
ASSOCIATION ALASKA, et al.,)
)
Plaintiffs,)
)
vs.)
)
THE CITY AND BOROUGH OF JUNEAU,)
ALASKA, et al.,)
)
Defendants.)
_____)

No. 1:16-cv-0008-HRH

ORDER

Motion to Strike Botelho Affidavit

Plaintiffs move¹ to strike the affidavit of Bruce Botelho² offered by defendants in support of their cross-motion for summary judgment and opposition to plaintiffs’ motion for summary judgment. Plaintiffs argue that Botelho’s affidavit should be stricken because defendants cited to the entire affidavit in support of certain facts, rather than identifying the paragraph number of the affidavit that supported the fact in question. Defendants have

¹Docket No. 151.

²Docket No. 131.

attempted to remedy this situation by offering tables³ that match the references to Botelho's affidavit in defendants' briefing to specific paragraphs in Botelho's affidavit.

"The efficient management of judicial business mandates that parties submit evidence responsibly." Orr v. Bank of America, NT & SA, 285 F.3d 764, 775 (9th Cir. 2002). "Thus, the trial court may exclude evidence when a party relies on deposition testimony or an affidavit in a summary judgment [motion] without citing to page and line numbers." Goped Ltd LLC v. Amazon.com Inc., Case No. 3:16-cv-00165-MMD-VPC, 2018 WL 834591, at *4 (D. Nev. Feb. 12, 2018).

The court declines to strike Botelho's affidavit. The tables offered by defendants adequately identify which paragraphs of Botelho's affidavit support which facts in defendants' briefing.

Plaintiffs' motion to strike Botelho's affidavit⁴ is denied.

DATED at Anchorage, Alaska, this 23rd day of May, 2018.

/s/ H. Russel Holland
United States District Judge

³Appendix A to Opposition to Plaintiffs' Motion to Strike the Affidavit of Bruce Botelho, Docket No. 165.

⁴Docket No. 151.