

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 09-481 JVS (RNBx) Date April 20, 2010

Title Don Henley, et al. v. Charles S. Devore, et al.

Present: The Honorable James V. Selna

Nancy K Boehme
Deputy Clerk

Not Reported
Court Reporter

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (In Chambers)

Order Continuing Hearing on Motions for Summary Judgment

On April 9, 2010, Plaintiffs and Defendants filed cross-motions for summary judgment. (Doc. Nos. 51 & 57.) The motions are currently calendared for a hearing on May 17, 2010 at 1:30 pm. Federal Rule of Civil Procedure 56, read in conjunction with the Local Rules effective January 1, 2010, provides for a seven-week, forty-nine day schedule for summary judgment motions. As of December 1, 2009, Rule 56(c) provides as follows:

(c) Time for a Motion, Response, and Reply; Proceedings.

(1) These times apply unless a different time is set by local rule or the court orders otherwise:

(A) a party may move for summary judgment at any time until 30 days after the close of all discovery;

(B) a party opposing the motion must file a response within 21 days after the motion is served or a responsive pleading is due, whichever is later; and

(C) the movant may file a reply within 14 days after the response is served.

Fed. R. Civ. P. 56(c).

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Assuming a response is served three weeks (twenty-one days) after the motion is served, the deadline for filing a reply brief is five weeks (thirty-five days) after the motion is served. Fed. R. Civ. P. 56(c)(1)(B)-(C). Under Local Rule 7-10, reply papers are required to be filed no later than two weeks (fourteen days) before the hearing. Thus, under the default timing provisions of Rule 56(c) and the Local Rules, at least seven weeks are required between the filing of the motion and the hearing. Here, the hearing has been calendared for only five weeks after the filing of the motions.

Accordingly, the hearing on the motions is continued to June 1, 2010 at 10:00 am. Opposition briefs are due by May 3, 2010. A reply brief may be filed within fourteen days after an opposition brief is served.

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