

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

TERRY D. HAMILTON, et al.,) CASE NO. 1:02-CV-6583 AWI SMS
)
) Plaintiffs,) ORDER VACATING JULY 1, 2013
) HEARING DATE
)
) v.) ORDER GRANTING DEFENDANTS'
) MOTION FOR AN EXTENSION OF
) THE TRIAL DATE
)
HENRY W. WILLMS, et al.,) ORDER SETTING THIS ACTION
) FOR TRIAL ON MARCH 4, 2014
)
) Defendants.) (Document #785)
)
)

The Court had set this action to proceed to trial on November 5, 2013. On May 31, 2013, Defendants filed a motion requesting that the trial be continued because Defendants' attorney was scheduled to appear in other court hearings during this time. Defendant states that after conversations with Court Staff, it appears the next available trial date would be in March, 2014.

Pursuant to Local Rule 78-230(c), Plaintiffs were required to file either an opposition or a notice of non-opposition no later than 14 days before the hearing date. Plaintiffs have failed to do so. Due to Plaintiffs' failure to file a timely opposition or notice of non-opposition, they are in violation of the Local Rules. See 78-230(c). Plaintiffs are further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The Court has reviewed Defendants' motion and the applicable law, and has determined that the motion is suitable for decision

1 without oral argument. See Local Rule 78-230(h).

2 Therefore, IT IS HEREBY ORDERED:

- 3 1. The previously set hearing date of July 1, 2013 is VACATED, and no party shall
- 4 appear at that time.
- 5 2. Defendants' motion to continue the trial date is GRANTED.
- 6 3. Trial in this action is now set for March 4, 2014 and the Pretrial Conference is set
- 7 for January 7, 2014.
- 8 4. The parties SHALL file pretrial statements pursuant to the Local Rules.
- 9 5. The parties are ORDERED to comply with all deadlines set forth in the Local
- 10 Rules concerning the dates upon which necessary trial related documents must be
- 11 submitted to the Court.

12 IT IS SO ORDERED.

13 Dated: June 28, 2013

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SENIOR DISTRICT JUDGE