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

ROBERT JABLONSKY, MD,)
)
 Plaintiff,)
)
 v.)
)
 SIERRA KINGS HEALTH CARE)
 DISTRICT, a California public Hospital)
 District dba SIERRA KINGS DISTRICT)
 HOSPITAL, CARROLL FRIEND,)
 KATHLEEN OMACHI, and BARRY)
 WARMERDAM,)
)
 Defendants.)
 _____)

CV F 06-1299 AWI GSA

**ORDER VACATING
HEARING DATE OF AUGUST
3, 2009, AND TAKING
MATTER UNDER
SUBMISSION**

In this action for damages pursuant to 42 U.S.C., section 1983, defendant Sierra Kings Health Care District (“Defendant”) has moved for summary judgment on the First Amended Complaint of plaintiff, Robert Jablonsky, MD (“Plaintiff”). The hearing on Defendant’s motion for summary judgment was continued by stipulation of the parties from July 6, 2009, to August 3, 2009. As noted by the court in its order continuing the hearing date, the parties apparently did not agree to continue the due date for Plaintiff’s opposition to the motion for summary judgment. Based on the hearing date of July 6, 2009, Plaintiff’s opposition would have been due not later than Monday, June 22, 2009. Based on the now-scheduled hearing date of August 3, 2009, Plaintiff’s opposition was due not later than Monday, July 20, 2009. The court’s records show

1 Plaintiff's opposition to Defendant's motion for summary judgment was actually filed on
2 Tuesday, July 21, 2009. Because Plaintiff's opposition was filed later than the date due
3 according to either hearing date, and because there was no request for, or grant of, leave to file
4 late, Defendant's motion for summary judgment may not be opposed at oral argument. Local
5 Rule 78-230(b). Further, the court has determined that Defendant's motion for summary
6 judgment is suitable for decision without oral argument. Local Rule 78-230(h).

7 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 3,
8 2009, is VACATED, and no party shall appear at that time. As of August 3, 2009, the Court will
9 take the matter under submission, and will thereafter issue its decision.

10
11 IT IS SO ORDERED.

12 **Dated: July 28, 2009**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE