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

ROGER McINTOSH,  
  
Plaintiff,  
  
vs.

CASE NO. CV F 07-1080 LJO GSA

**RENEWED ORDER ON SUMMARY  
JUDGMENT BRIEFING**

NORTHERN CALIFORNIA  
UNIVERSAL ENTERPRISES,  
INC., et al,  
  
Defendants.

\_\_\_\_\_  
AND RELATED CROSS-ACTION.  
  
\_\_\_\_\_

This Court’s October 5, 2009 order addressed a briefing schedule for the parties’ respective summary judgment/adjudication motions. The order inadvertently omitted deadlines. As such, this Court clarifies its October 5, 2009 order and:

1. ORDERS plaintiff Roger Mr. McIntosh (“Mr. McIntosh”), no later than October 21, 2009, to file and serve his papers to oppose defendants Northern California Universal Enterprises, Inc. (“NCUE”), Lotus Developments, L.P. (“Lotus”) and City of Wasco’s (“Wasco’s”) summary judgment motions (docs. 97 and 128);

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2. PROHIBITS NCUE, Lotus and Wasco to file or serve reply papers on any kind<sup>1</sup> for their summary judgment motions, including Wasco's summary judgment motion on its indemnification/reimbursement claims (doc. 140);
3. ORDERS NCUE, Lotus and Wasco, no later than October 21, 2009, to file and serve their respective papers to oppose Mr. McIntosh's summary adjudication motion (doc. 125) and LIMITS NCUE/Lotus and Wasco to 20 pages for their respective points and authorities to oppose Mr. McIntosh's summary adjudication motion;
4. ORDERS Mr. McIntosh, no later than October 28, 2009, to file and serve his reply papers for his summary adjudication motion;
5. ORDERS NCUE, no later than October 19, 2009, to file and serve its papers to oppose Wasco's summary judgment motion on its indemnification/reimbursement claims; and
6. VACATES the October 28, 2009 hearing on all pending summary judgment/adjudication motions.

This Court's practice is to consider motions on the record without oral argument. If this Court requires oral argument or further briefing, it will so order.

IT IS SO ORDERED.

**Dated: October 7, 2009**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> This prohibition applies to points and authorities, declarations, statement of undisputed material facts, objections, etc.