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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SANDRIKA MEDLOCK, et al.,  
  
                    Plaintiffs,  
  
          v.  
  
TACO BELL CORP., et al.,  
  
                    Defendants.

Case No. 1:07-cv-01314-SAB  
  
ORDER RE DEFENDANTS’ EX PARTE  
APPLICATION TO CONTINUE HEARING  
DATE ON PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT  
  
ECF NO. 426

On June 24, 2014, Defendants Taco Bell Corp. and Taco Bell of America, Inc. (“Defendants”) filed an ex parte application to continue the hearing date for Plaintiffs’ motion for summary judgment. (ECF No. 426.) The Court conducted a telephonic hearing on the request at 4:30 p.m. on June 25, 2014.

Defendants contend that a continuance is appropriate pursuant to Federal Rule of Civil Procedure 56(d) to complete necessary discovery in support of its opposition. Rather than rule upon this issue separately, the Court will construe Defendants’ arguments as an opposition to Plaintiffs’ motion for summary judgment. Defendants indicated that other grounds exist to deny the motion for summary judgment, but no opposition setting forth these arguments has been filed. The Court advises Defendants that, in the future, all arguments in opposition to a motion must be filed by the appropriate deadline. Defendants may not file an ex parte application to continue the hearing date and expect the Court to grant them additional time to file additional

1 arguments in opposition in the event that their request for a continuance is denied. In this  
2 instance, the Court will grant Defendants a brief period of time to file a comprehensive  
3 opposition that covers any and all arguments in opposition to Plaintiffs' motion for summary  
4 judgment.

5 Defendants also indicated that they are unavailable for a hearing on the motion for  
6 summary judgment on July 9, 2014. In the future, counsel should inform the Court of any  
7 availability issues earlier, rather than wait until two weeks before the scheduled hearing date to  
8 request a change of date. In this instance, the Court will move the hearing date on the motion for  
9 summary judgment from July 9, 2014 to August 13, 2014 to accommodate Defendants'  
10 unavailability.

11 Finally, at the hearing, the parties agreed to consolidate the hearing dates on all pending  
12 motions in this matter to be heard on August 13, 2014. Accordingly, the Court will reschedule  
13 the hearing on the June 20, 2014 motion to compel from July 16, 2014 to August 13, 2014.

14 Based upon the foregoing, it is HEREBY ORDERED that:

- 15 1. The hearing on Plaintiffs' July 11, 2014 motion for summary judgment is  
16 CONTINUED from July 9, 2014 to August 13, 2014 at 10:00 a.m. in Courtroom 9  
17 (SAB) before United States Magistrate Judge Stanley A. Boone;
- 18 2. Defendants' opposition to Plaintiffs' motion for summary judgment shall be filed  
19 on or before June 30, 2014;
- 20 3. Plaintiffs' reply to Defendants' opposition to the motion for summary judgment  
21 shall be filed on or before July 11, 2014; and
- 22 4. The hearing on Defendants' motion to compel is CONTINUED from July 16,  
23 2014 to August 13, 2014.

24  
25 IT IS SO ORDERED.

26 Dated: June 25, 2014

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UNITED STATES MAGISTRATE JUDGE

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