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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | 1:08cv1349 OWW DLB |
| |) | |
| |) | |
| Plaintiff, |) | ORDER DENYING DEFENDANT’S |
| |) | MOTION TO OPPOSE EXTENDED |
| |) | DISCOVERY AS MOOT |
| |) | (Document 88) |
| v. |) | |
| |) | |
| FRANK A. VACANTE, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |

On August 11, 2009, Plaintiff United States of America (“Plaintiff”) filed a motion to extend discovery. The matter was heard on September 4, 2009, before the Honorable Dennis L. Beck, United States Magistrate Judge. Adair F. Boroughs appeared on behalf of Plaintiff. Defendant Frank A. Vacante appeared telephonically.

_____ No oppositions to the motion were filed.

_____ At the hearing, Plaintiff and Defendant Frank Vacante informed the Court that they had reached an agreement to extend discovery to November 6, 2009. Plaintiff’s counsel also indicated to the Court that additional dates in the Scheduling Order may need to be modified.

On September 8, 2009, Plaintiff’s counsel submitted a proposed order to grant the motion to extend discovery and to modify the scheduling order, which was signed by the Court. On that same date, Defendant Frank Vacante filed a document entitled “Motion to Oppose Extended

1 Discovery.” The document appears to be an untimely opposition to Plaintiff’s motion to extend
2 discovery.

3 Based on the parties’ agreement at the hearing to extend discovery, Defendant’s Motion
4 to Oppose Extended Discovery is DENIED AS MOOT.

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6 IT IS SO ORDERED.

7 **Dated: September 16, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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