

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JEFFREY ALTMAN,)	1:09-cv-1000 AWI SMS
)	
Plaintiff,)	ORDER VACATING
v.)	HEARING DATE, ORDER
)	FOR RESPONSE TO
HO SPORTS COMPANY, INC., dba)	OBJECTIONS, AND ORDER
HYPERLITE, and DOES 1 to 100,)	HOLDING MOTION IN
)	ABEYANCE
Defendants.)	

Currently set for hearing and decision on November 15, 2010, is Defendant’s motion for summary judgment. On October 18, 2010, and again on October 25, 2010, Plaintiff filed objections to Defendant’s motion. Plaintiff objects that Defendant did not properly attempt to meet and confer regarding the summary judgment motion, as required by the Scheduling Order. Specifically, Plaintiff objects that Defendant did not attempt to meet and confer until October 14 or 15, when the deadline for filing the summary judgment motion was October 15. Plaintiff’s opposition is due November 1, 2010.

Given the nature of Plaintiff’s objections, which amount to a contention that Defendant has violated a court order by filing its motion, the Court believes that a modified schedule is in order. The Court will obtain a response from Defendant regarding Plaintiff’s objections and will hold the summary judgment motion in abeyance, pending resolution of Plaintiff’s objections.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The November 15, 2010, hearing date on Defendant's motion for summary judgment is
3 VACATED;
- 4 2. Defendant will file a response to Plaintiff's objections on or by 1:00 p.m. on November 1,
5 2010; and
- 6 3. Defendant's motion for summary judgment will be held in abeyance pending resolution
7 of Plaintiff's motion.¹

8 IT IS SO ORDERED.

9 Dated: October 26, 2010


10 CHIEF UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 _____
27 ¹ If the Court overrules Plaintiff's objections, it will later set a new opposition date, reply date, and hearing
28 date on Defendant's summary judgment motion.