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

RODRIGO FLORES,)
)
)
Plaintiff,)
)
vs.)
MERCED IRRIGATION DISTRICT, et al.,)
)
Defendants.)
_____)

1:09cv1529 LJO DLB

ORDER REGARDING PLAINTIFF’S
REQUEST FOR LEAVE OF COURT
TO FILE MOTION SEEKING LEAVE
TO WITHDRAW RESPONSES
TO REQUEST FOR ADMISSIONS

HEARING: November 19, 2010, at 9:00 a.m.
Courtroom 9 (DLB)

Plaintiff Rodrigo Flores (“Plaintiff”) filed the instant discrimination and retaliation action on August 27, 2009.

On September 15, 2010, Defendants Merced Irrigation District (“MID”), Robert Blum and Dan Pope filed a motion for summary judgment on each of Plaintiff’s claims. Plaintiff’s opposition to the summary judgment motion is reportedly due on October 15, 2010.

On October 5, 2010, Plaintiff filed an ex parte application for an order shortening time to hear Plaintiff’s motion seeking leave to withdraw his discovery responses to MID’S Request for Admissions. Defendants filed an opposition to the ex parte application on October 7, 2010. After reviewing the parties’ briefs, the Court found that Plaintiff had not demonstrated good cause to hear the motion on shortened time. The Court denied Plaintiff’s ex parte application on October 12,

1 2010, noting that the cut-off for filing non-dispositive motions was July 19, 2010.

2 On October 13, 2010, Plaintiff filed a document entitled "Motion Seeking Leave of Court To
3 Withdraw Responses to Requests for Admission After the Non-Dispositive Motion Cut-Off Date."
4 In the motion, Plaintiff explains that he now seeks to present his motion to withdraw his admissions
5 on regular notice and time beyond the July 19, 2010, non-dispositive motion cut-off date. Plaintiff
6 argues that there is good cause to hear the motion because the failure to timely withdraw responses to
7 the Request for Admissions was due entirely to clerical and attorney error. Additionally, Plaintiff
8 contends that failure to hear the motion will create manifest injustice and deny Plaintiff the right to
9 present the merits of his case before trial.

10 Plaintiff has not filed a supporting memorandum regarding his request to file a motion
11 beyond the non-dispositive motion cut-off deadline. Instead, Plaintiff filed a memorandum in
12 support of his motion seeking leave of court to withdraw responses to request for admissions and
13 supporting documents. Plaintiff also has not set a hearing on his request to file a motion after the
14 non-dispositive cut-off date, i.e., a motion to amend the Scheduling Order.

15 Accordingly, Plaintiff SHALL FILE his motion to amend the Scheduling Order on or before
16 **October 22, 2010**. Defendants SHALL FILE their opposition, if any, on or before **November 12,**
17 **2010**. No reply brief shall be filed. A hearing on the motion is SCHEDULED for **November 19,**
18 **2010, at 9:00 a.m.** before the undersigned.

19 In the interests of judicial efficiency, and to preserve the existing trial date in this matter, the
20 Court also sets a hearing on Plaintiff's Motion to Withdraw Responses to Requests for Admission.
21 Plaintiff SHALL FILE his motion to withdraw responses to requests for admission on or before
22 **October 22, 2010**. Defendants SHALL FILE their opposition, if any, on or before **November 12,**
23 **2010**. No reply brief shall be filed. A hearing on the motion is SCHEDULED for **November 19,**
24 **2010, at 9:00 a.m.**

25 IT IS SO ORDERED.

26 **Dated: October 15, 2010**

/s/ Dennis L. Beck
27 UNITED STATES MAGISTRATE JUDGE