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

ROCKY MOUNTAIN FARMERS UNION,
REDWOOD COUNTY MINNESOTA CORN
AND SOYBEAN GROWERS, PENNY
NEWMAN GRAIN, INC., GROWTH ENERGY,
RENEWABLE FUELS ASSOCIATION, REX
NEDEREND, FRESNO COUNTY FARM
BUREAU, NISEI FARMERS LEAGUE, and
CALIFORNIA DAIRY CAMPAIGN,

CASE NO. CV-F-09-2234 LJO DLB

**ORDER TO SET NEW BRIEFING
SCHEDULE AND TO STAY OTHER
DEADLINES**

Plaintiffs,
vs.

JAMES N. GOLDSTENE, Executive Officer
of the California Air Resources Board,

Defendants.

and related intervenor and consolidated
actions and amici curiae.

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On October 13, 2010, United States Magistrate Judge Dennis L. Beck set the following briefing
schedule by minute order:

Plaintiffs' motion for preliminary injunction and motion for summary judgment shall be
filed by November 1, 2010. Oppositions to Plaintiffs' motions, as well as any
cross-motion or Rule 56(f) motion by Defendants, shall be filed by December 17, 2010.
Plaintiffs' replies and any oppositions shall be filed by January 14, 2011. Defendants'
replies shall be filed by February 1, 2011. All motions shall be heard on February 23,
2011, in Courtroom 4, at 8:30 a.m. before Judge O'Neill.

Doc. 105. Pursuant to this schedule, plaintiffs filed motions for summary judgment and preliminary

1 injunction on November 1, 2010. On December 17, 2010, defendants and intervenors filed a cross-
2 motion for summary judgment and an opposition to plaintiffs' summary judgment motions. In addition,
3 defendants and intervenors filed a motion to defer consideration or deny summary judgment pursuant
4 to Fed. R. Civ. P. 56(d) (Doc. 137). In their motion, defendants and intervenors specify limited
5 discovery needed to oppose plaintiffs' motions, including a set of interrogatories and one deposition.
6 Defendants and intervenors propose a six-week continuance for this limited discovery.

7 Defendants and intervenors set a hearing on the Fed. R. Civ. P. 56(d) motion for February 23,
8 2011 in accordance with the schedule set forth above. In the interest of judicial economy, however, this
9 Court finds good cause exists to address defendants and intervenors Fed. R. Civ. P. 56(d) motion before
10 considering the merits of the pending cross-motions for summary judgment and preliminary injunction
11 motions. Accordingly, this Court ORDERS as follows:

- 12 1. Plaintiffs shall file an opposition to defendants' and intervenors Fed. R. Civ. P. 56(d)
13 motion, if any, no later than **January 6, 2011**;
- 14 2. Defendants and intervenors shall file a reply, if any, no later than **January 13, 2011**;
- 15 3. Once the Court has read and reviewed the parties' arguments, the Court shall determine
16 whether a hearing on the matter is necessary or whether to rule on the motion pursuant
17 to Local Rule 230(g);
- 18 4. All other deadlines, including those in the October 13, 2010 briefing schedule and this
19 Court's Clarification Regarding Amicus Curiae Briefing Deadline, are STAYED until
20 this Court makes a determination on the pending Fed. R. Civ. P. 56(d) motion.

21 IT IS SO ORDERED.

22 **Dated: December 20, 2010**

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

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