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

KEVIN SIMMONS,

Plaintiff,

vs.

RITE OF PASSAGE ATHLETIC
TRAINING CENTERS AND
SCHOOLS, et al.,

Defendants.

CASE NO. CV F 10-1331 LJO GSA

**ORDER TO SET SUMMARY JUDGMENT
OPPOSITION FILING**

(Docs. 46, 47.)

Defense counsel has responded to this Court's March 14, 2012 order to show cause why this Court should not strike defendants' summary judgment papers and vacate the April 10, 2012 summary judgment hearing due to defendants' disobedience of this Court's December 15, 2011 order and Local Rule 230(b). This Court rejects defense counsel's strained application of this Court's scheduling orders and Local Rule 230(b). Nonetheless, this Court will consider defendant's summary judgment motion and:

1. ORDERS plaintiff, no later than April 3, 2012, to file summary judgment opposition papers;
2. ORDERS defendants to file no reply papers, unless this Court orders otherwise; and
3. VACATES the April 10, 2012 hearing on defendants' summary judgment motion.

Pursuant to its practice, this Court will consider the summary judgment motion on the record without a hearing, unless this Court orders otherwise.

IT IS SO ORDERED.

Dated: March 20, 2012

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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