

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**

WILLIAM RAY JONES, SR.,	)	1:12-cv-0633 AWI JLT
)	
Plaintiff,	)	ORDER VACATING
	)	HEARING DATE OF
v.	)	FEBRUARY 4, 2013, AND
	)	GRANTING 30-DAY
LEHIGH SOUTHWEST CEMENT	)	CONTINUATION OF DATE
COMPANY, INC., a California	)	OF SUBMISSION OF
Corporation; and DOES 1-50,	)	DEFENDANT’S MOTION TO
	)	DISMISS
Defendant.)	
_____	)	Doc. # 53

In this action for damages by plaintiff William Ray Jones, Sr. (“Plaintiff”) against defendant Lehigh Southwest Cement Company (“Defendant”), Defendant has noticed a motion to dismiss Plaintiff’s First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure . The matter was scheduled for oral argument to be held on February 4, 2013. On January 24, 2013, Plaintiff filed a request for extension of time to engage legal assistance. The court presumes that it was Plaintiff’s intent to also request a continuance of oral argument on Defendant’s motion to dismiss. The court has reviewed Plaintiff’s First Amended Complaint and Defendant’s motion to dismiss and has determined that the motion to dismiss is suitable for decision without oral argument. Local Rule 78-230(h). The court is also of the opinion that neither party would be prejudiced by a 30-day stay in the date of submission of the matter.

1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of
2 February 4, 2013, is VACATED, and no party shall appear at that time. The Court will take
3 the matter under submission as of February 26, 2013. Any opposition to Defendant's motion
4 to dismiss must be filed on or before February 26, 2013. The court will not issue any further
5 continuances.

6
7 IT IS SO ORDERED.

8 Dated: January 30, 2013



SENIOR DISTRICT JUDGE