1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JANET BOWEN, an individual, No. 1:14-cv-00397-DAD-JLT 12 Plaintiff. ORDER SETTING HEARING DATE AND **BRIEFING SCHEDULE ON DEFENDANT** 13 MOTION FOR EXTENSION OF TIME v. 14 M. CARATAN, INC. dba COLUMBINE (Doc. No. 33) VINEYARDS; DOES 1 through 10, 15 Defendants. 16 17 Plaintiff Janet Bowen originally brought this action on March 20, 2014 alleging causes of 18 action related to her termination from Columbine Vineyards in November 2013. (Doc. No. 1.) 19 On December 10, 2015, the previously presiding District Judge issued a pretrial order setting 20 deadlines for motions in limine and establishing a February 9, 2016 jury trial date. (Doc. No. 28.) 21 On December 21, 2015, after the matter was reassigned to the undersigned and the hearing date 22 on motions in limine was reset to February 8, 2016. (Doc. No. 31.) Likewise, on December 28, 23 2015, the deadlines for filing motions in limine and motions in limine responses were reset to 24 January 21, 2016 and January 28, 2016, respectively. (Doc. No. 32.) The jury trial remains scheduled to commence on February 9, 2016. 25

On January 6, 2016, defendant filed a motion for extension of time seeking to amend the Rule 16 scheduling order to continue the trial and trial related dates until late May 2016. (Doc. No. 33.) The basis for this motion is the representation that defendant's designated trial counsel,

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Todd R. Kinnear, recently left the firm of Gordon & Rees LLP, and his replacement designated trial counsel, Asim K. Desai, needs additional time to prepare for trial and is unavailable to proceed on the date currently set for trial to commence. (*Id.* at 2:10-15.) Attorney Kinnear reportedly gave notice of his intent to terminate his employment with Gordon & Rees LLP on December 15, 2015 and then did, in fact, leave the firm on December 31, 2015. (*Id.* at 4:11-13.) These assertions are supported by the declaration of counsel Gary D. Leasure filed and served concurrently with defendant's motion for an extension of time. (Doc. No. 33-1.) Finally, in their motion defendant's counsel indicates that the parties have conferred regarding defendant's request for a continuance but that plaintiff's counsel has declined to stipulate to a continuance of the trial date.

Local Rule 230(b) requires that the moving party for all civil motions file a notice of motion and that the motion be set for hearing on the motion calendar no less than twenty-eight (28) days after service and filing of the motion. However, Local Rule 144(e) allows for the court to grant applications to shorten time when based upon an affidavit of counsel showing a satisfactory explanation for the need for the issuance of such an order. Motions in limine in this case are currently due to be filed by January 21, 2016 and the present motion should therefore be decided prior to that date. Accordingly, the court will construe defendant's motion for an extension of time to include an application for an order shortening time. The court further finds that the circumstances here, as described in the declaration of attorney Gary D. Leasure, justify the issuance of an order shortening time. The court therefore grants such an order and will set a briefing schedule and hearing date with respect to defendant's motion for extension of time.

Based on the foregoing:

- 1. Plaintiff's opposition to defendant's motion for extension of time must be filed and served on or before January 15, 2016;
- 2. The filing of a reply brief will not be authorized; and
- 3. Defendant's motion for extension of time will be heard on the civil law and motion calendar Tuesday, January 19, 2016, at 9:30 a.m. in Courtroom 5 (DAD) before District Judge Dale A. Drozd. Telephonic appearance by counsel is authorized and

1	may be arranged by contacting Courtroom Deputy Renee Gaumnitz at least forty-	
2	eight hours in advance of the scheduled hearing.	
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4	4 IT IS SO ORDERED.	
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6	6 Dated: January 7, 2016	Dale A. Drod DALE A. DROZD UNITED STATES DISTRICT JUDGE
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