

- 1 • The following motions, previously set for May 3, 2016, are continued to May 17,
2 2016, at 09:30 AM in Courtroom 5:
- 3 ○ Defendant Marlene Hubbell’s motions to strike and alternative motions to
4 dismiss (Doc. Nos. 56, 58); and motion for order striking or dismissing
5 individually named sham defendant Hubbell (Doc. No. 57); and
 - 6 ○ Plaintiff Noble’s motion for leave to amend the first amended complaint (Doc.
7 No. 61).
- 8 • Defendant Scott Harris’s motion to strike and alternative motion to dismiss (Doc. No.
9 55), previously set for June 7, 2016, is advanced to May 17, 2016, at 09:30 AM in
10 Courtroom 5.

11 The parties are directed to file any opposition or reply briefs (to the extent they have not
12 already been filed) in connection with these motions in accordance with Local Rule 230. The
13 parties are also encouraged to appear for the May 17 hearing telephonically and may do so by
14 coordinating a conference call (either through an operator or on an internal phone system). After
15 all parties appearing telephonically are on one line, please call Judge Drozd’s chambers at (559)
16 499-5650 at the time of the hearing. At least 48 hours prior to the hearing parties requesting to
17 appear telephonically must contact the courtroom deputy by email, at
18 RGaumnitz@caed.uscourts.gov, to advise who will be appearing by phone and provide a contact
19 number of the party who is initiating the conference call.

20 In addition, based on the papers filed in connection with these various motions thus far,
21 the court has determined that the issues raised require additional briefing with respect to
22 plaintiff’s wrongful death and negligence infliction of emotional distress causes of action. To the
23 extent these causes of action are based on purportedly negligent acts, the court seeks clarification
24 as to plaintiff’s state law basis for alleging that each of the named defendants owed a duty of care
25 to plaintiff or the decedent. In order to assist resolution of the pending motions, the court directs
26 the parties to file supplemental briefing with respect to this specific issue.

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Accordingly, for the reasons set forth above:

1. The motions currently pending before this court (Doc. Nos. 27, 43, 46, 47, 53, 55, 56, 57, 58, 61) are reset for hearing on May 17, 2016.
2. Plaintiff is directed to file a supplemental brief clarifying her state law basis as to each named defendant's alleged duty of care, by May 3, 2016. Plaintiff's brief may be no longer than five pages in length.
3. Defendants are granted leave to collectively file, at their election, a single opposition brief in response to plaintiff's supplemental brief, by May 10, 2016. Defendants' brief may be no longer than five pages in length.

IT IS SO ORDERED.

Dated: April 12, 2016



UNITED STATES DISTRICT JUDGE