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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARISOL GOMEZ, on behalf of herself and others similarly situated,

Plaintiff,

v.

J. JACOBO FARM LABOR CONTRACTOR, INC. and BEDROSIAN FARMS LLC,

Defendants.

CASE NO. 1:15-cv-01489-AWI-BAM

ORDER FOR EXPEDITED RESPONSE TO PLAINTIFF'S MOTION TO CONTINUE OR DENY DEFENDANT BEDROSIAN FARMS LLC'S MOTION FOR SUMMARY JUDGMENT

(Doc. 94)

Before the Court is Defendant Bedrosian Farms LLC's motion for summary judgment made pursuant to Fed. R. Civ. P. 56, which asks the Court to grant summary judgment in favor of Bedrosian Farms LLC ("Bedrosian") on all claims. See Doc. No. 91. The hearing on the motion for summary judgment is currently set for September 10, 2018.

Also before the Court is Gomez's motion to continue or deny Bedrosian's motion for summary judgment made pursuant to Fed. R. Civ. P. 56(d). See Doc. No. 94. The hearing on Gomez's motion is currently set for September 21, 2018.

Gomez argues that the Court should hear Bedrosian's motion for summary judgment only after Gomez "has had an opportunity to conduct . . . critical discovery" of facts that are necessary to (1) determine whether a joint employer relationship exists between Bedrosian and Defendant J. Jacobo Farm Labor Contractor, Inc. ("Jacob") and (2) contest or confirm the truthfulness of factual assertions made by Bedrosian in its motion for summary judgment and supporting

1 declarations. Id. at 2:22, 6-9. Gomez notes that her discovery efforts, including her requests for
2 critical documents, have been delayed due to Jacobo's failure to timely and fully respond. To
3 illustrate this point, Gomez correctly recounts that the magistrate judge previously ordered Jacobo
4 to respond to Gomez's outstanding discovery requests in response to Gomez's motion to compel.
5 Id. at 2:9-5:11.

6 The Court finds that Gomez's motion, which is potentially dispositive of Bedrosian's
7 motion for summary judgment, has merit. See Martinez v. Columbia Sportswear USA Corp., 553
8 F. App'x 760, 761 (9th Cir. 2014) (identifying the factors a district court considers when ruling on
9 a Rule 56(d) motion). Accordingly, so that the Court can adjudicate Gomez's motion before
10 Bedrosian's, the Court will expedite the briefing schedule and vacate the hearing on Gomez's
11 motion. See Local Rule 102(d). The Court will also vacate the hearing on Bedrosian's motion for
12 summary judgment. If, upon further consideration, the Court decides that a hearing will be
13 beneficial for either Gomez's motion or Bedrosian's motion for summary judgment, then the
14 Court will reset those hearings.

15
16 **ORDER**

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The hearing on Bedrosian's motion for summary judgment (Doc. No. 91) set for
19 September 10, 2018, and the hearing on Gomez's Rule 56(d) motion (Doc. No. 94)
20 set for September 21, 2018, are vacated;
- 21 2. Bedrosian and Jacobo shall file by September 6, 2018, at 3:00 p.m. an opposition or
22 notice of non-opposition to Gomez's Rule 56(d) motion;
- 23 3. Any reply from Gomez shall be filed by September 13, 2018, at 3:00 p.m.

24
25 IT IS SO ORDERED.

26 Dated: August 29, 2018


27 SENIOR DISTRICT JUDGE