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

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**Plaintiff**

**v.**

**MARQUEZ BROTHERS INT’L, INC.;**  
**MARQUEZ BROTHERS ENT., INC.;**  
**MARQUEZ BROTHERS FOODS, INC.;**  
**MARQUEZ BROTHERS SOUTHERN  
CALIFORNIA, INC.;**  
**MARQUEZ BROTHERS NEVADA, INC.;**  
**MARQUEZ BROTHERS TEXAS, INC.;**  
**and DOES 1 thru 10,**

**Defendants**

**CASE NO. 1:17-CV-44 AWI-EPG**

**ORDER ON DEFENDANTS’  
REQUEST FOR RELIEF  
FROM DECEMBER 17 HEARING  
DATE**

(Doc. No. 103)

The U.S. Equal Employment Opportunity Commission has alleged Defendants engaged in unlawful employment practices by failing to hire multiple persons based on their race. Doc. No. 75. The EEOC currently has two pending motions before the Court: a Request for Reconsideration of the Magistrate Judge’s Discovery Order (Doc. No. 100), and a Motion for Partial Summary Judgment (Doc. No. 102). The hearing date for the latter motion is currently set for December 17, 2018. *Id.*

Defendants now request a continuation of that hearing, to the next available date. Defendants assert good cause exists, given that the current briefing schedule would require Defendants to brief its opposition over the Thanksgiving holiday, and given that the EEOC’s proposed new hearing date falls on a day when the Court is closed for the Christmas holidays. Defendants maintain there is no urgency to the EEOC’s motion, as it concerns certain affirmative

1 defenses and their effect on merits discovery (which the parties have yet to begin).

2 The EEOC objects, contending Defendants have had ample notice of the Agency's intent  
3 to file the Motion. Doc. No. 104. The EEOC also asserts it will be prejudiced, as it has not yet  
4 been able to conduct merits discovery on its claims of race discrimination. *Id.*

5 "When an act may or must be done within a specified time, the court may, for good cause,  
6 extend the time . . . with or without motion or notice if the court acts, or if a request is made,  
7 before the original time or its extension expires. Fed. R. Civ. P. 6(b)(1)(A). "Good cause" is a  
8 non-rigorous standard that has been construed broadly across procedural and statutory contexts.  
9 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (reversing denial of  
10 request to extend deadline where the plaintiff sought one-week extension to his shortened  
11 summary-judgment response deadline and where request was reasonable and would not result in  
12 prejudice to any party).

13 The Court has reviewed Defendants' Request and the EEOC's objections. Based upon  
14 good cause, as argued by Defendants, the request to move the hearing will be granted.

15 **ORDER**

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Defendants' Request for Relief from the December 17 Hearing Date on the EEOC's  
18 Motion for Partial Summary Judgment (Doc. No. 103) is GRANTED; and  
19 2. The hearing on this motion shall be reset for January 28, 2019 at 10:00 a.m.

20  
21 IT IS SO ORDERED.

22 Dated: November 20, 2018

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25 SENIOR DISTRICT JUDGE  
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