

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADRIANA MONTES,

Plaintiffs,

v.

CAPSTONE LOGISTICS, LLC, et al.,

Defendants.

Case No. 1:24-cv-01485-SAB

ORDER AFFORDING DEFENDANTS THE
OPPORTUNITY TO RESPOND TO
PLAINTIFF'S "*EX PARTE* APPLICATION"

(ECF No. 25)

**DEADLINE: MARCH 7, 2025 by 2:00 p.m.
PST**

On March 5, 2025, Plaintiff filed an "*ex parte* application" requesting that the Court "allow her file late, her opposition to Defendant Capstone Logistics, LLC's Motion to Compel Arbitration And Dismiss First Amended Complaint, And To Defendant Winco Foods, LLC's Joinder." (ECF No. 25.) Plaintiff also requests that "if the Court is not amenable to allowing Plaintiff to file late her opposition, Plaintiff respectfully asks the Court to reset the hearing date from March 19, 2025 to April 2, 2025 to allow Plaintiff to file timely so that Plaintiff is not prejudiced."¹ (*Id.*)

To be clear, no hearing is set in this matter for March 19, 2025. (*See* ECF No. 24); L.R. 230(c). The Court finds no need to re-set a hearing at this time. L.R. 230(g).

The Court shall allow Defendants the opportunity to respond to Plaintiff's "*ex parte*

¹ Pursuant to the current Local Rules readily available on the Court's website, "[o]pposition, if any, to the granting of the motion shall be in writing and shall be filed and served no later than fourteen (14) days after the motion was filed." L.R. 230(c) (emphasis added). Thus, re-setting the hearing date to a later time does not alter the untimeliness of Plaintiff's opposition.

1 application.” Defendants are directed to focus their argument only on the prejudice to
2 Defendants, if any, if the Court deems Plaintiff’s opposition as untimely filed on March 5, 2025
3 and considers the opposition when issuing its findings and recommendations.

4 Accordingly, IT IS HEREBY ORDERED that any response to Plaintiff’s March 5, 2025
5 filing (ECF No. 25) SHALL be filed no later than **2:00 p.m. on March 7, 2025**. Upon receipt of
6 the optional response, the matter will be deemed submitted with no further filings permitted.

7
8 IT IS SO ORDERED.

9 Dated: **March 6, 2025**

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE
United States Magistrate Judge