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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CONTINENTAL CASUALTY
COMPANY,

NO. 2:07-cv-01744-MCE-EFB

Plaintiff,

v.

ORDER

ST. PAUL SURPLUS LINES
INSURANCE COMPANY; DOES 1
through 10, inclusive,

Defendants.

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Counsel in the above entitled action have submitted a Stipulation and Proposed Order for continuance of the hearings on Plaintiff Continental Casualty's Motion for Partial Summary Judgment, and Defendant St. Paul's Motion for Summary Judgment, both of which are presently scheduled to be heard on February 6, 2009. The continuance request is premised on counsel's contention that rulings on certain discovery motions currently pending before the Magistrate Judge assigned to this matter are necessary in order to properly respond to the Motions for Summary Judgment.

1 Given the length of time the Motions for Summary Judgment
2 have already been pending, as well as the uncertainty concerning
3 when the rulings on the discovery will in fact be forthcoming,
4 the Court hereby dismisses, without prejudice, said Motions
5 (Docket Nos. 20 and 22), with the directive that said Motions may
6 be refiled, as necessary, not later than twenty (20) days
7 following the Magistrate Judge's disposition of the currently
8 pending discovery motions.¹

9 IT IS SO ORDERED.

10 Dated: January 20, 2009

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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26 ¹ Although counsel's stipulation also requests that
27 Plaintiff's Motion for Sanctions for Spoliation of Evidence
28 (Docket No. 57) also be continued, following review of that
Motion the Court has determined that said Motion should be heard
before the assigned Magistrate Judge, who will contact the
parties with respect to an available hearing date before him.