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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD HAYES ALBEE,

Plaintiff,

No. CIV S-09-1145 LKK EFB

vs.

CONTINENTAL TIRE NORTH AMERICA,
FORD MOTOR COMPANY, INC.,

Defendants.

ORDER

On September 22, 2010, Continental Tire North America, Inc. (“CTNA”) filed a motion to compel plaintiff “to further respond to CTNA’s interrogatory number 21 and request for production number 29 regarding plaintiff’s claim against CTNA for punitive damages.” Dckt. No. 133. CTNA noticed the motion for hearing on October 13, 2010. *Id.*


Pursuant to Eastern District of California Local Rule 251(c), CTNA was required to file a “Joint Statement re Discovery Disagreement” at least seven days before the scheduled hearing, or in this instance, by October 6, 2010. The docket reveals that no Joint Statement has been filed. However, on October 7, 2010, the parties filed a stipulation and proposed order for dismissal of plaintiff’s punitive damages claim. Dckt. No. 137.

Local Rule 251(a) provides that “[t]he hearing may be dropped from the calendar without prejudice if the Joint Statement re Discovery Disagreement . . . is not filed at least seven (7) days

1 before the scheduled hearing date.” Accordingly, CTNA’s motion to compel is deemed
2 withdrawn and the October 13 hearing thereon is vacated.

3 SO ORDERED.

4 DATED: October 8, 2010.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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