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

ROBERT L. POWELL,

Plaintiff,

No. Civ S-09-1857 KJM KJN

vs.

UNION PACIFIC RAILROAD  
COMPANY, et al.,

ORDER

Defendants.

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On June 27, 2011, plaintiff submitted an *ex parte* application for an extension of time to file his opposition to the separate motions for summary judgment filed by Union Pacific Railroad Company (“UP”) and Tyler Papworth and for a continuance of the hearing date for such motions to July 27, 2011. ECF 81. Hearing on defendants' motions and plaintiff’s motion for summary judgment is currently set for July 13, 2011. According to plaintiff, he was not able to contact counsel for either UP or Mr. Papworth regarding the requested extension and continuance. Plaintiff argues an extension is warranted because the associate responsible for drafting the opposition to defendants’ motions fell ill and has been hospitalized. Defendants oppose plaintiff’s *ex parte* request. ECF 84; ECF 85. They argue that extending the filing deadline for plaintiff’s opposition without extending the date for defendants’ opposition to plaintiff’s motion is prejudicial. Furthermore, UP's counsel are not available for hearing on July 27, 2011, and begin a trial on August 1, 2011.

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1 The court finds good cause exists for granting plaintiff's motion while  
2 accommodating defendants' concerns. The hearing date for all three motions is continued to  
3 August 10, 2011, with opposition briefs to be filed by July 27, 2011, and reply briefs by August  
4 3, 2011. In addition, as UP's counsel and plaintiff's counsel are aware, this court has adopted a  
5 practice of requiring that a joint statement of undisputed facts accompany summary judgment  
6 motions. The parties are ordered to submit a joint statement of undisputed facts no later than  
7 August 3, 2011.

8 In light of the foregoing, all other dates set in the above-captioned matter are  
9 hereby VACATED pending resolution of the cross-motions for summary judgment.

10 Finally, plaintiff requests that the court increase the page limit for his opposition  
11 because he cannot "sufficiently or adequately" reply to UP's fifteen page motion within the  
12 twenty page limit. ECF 82. Good cause does not exist to grant this request, which is DENIED.

13 IT IS SO ORDERED.

14 DATED: June 28, 2011.

15 /s/Kimberly J. Mueller \_\_\_\_\_  
16 KIMBERLY J. MUELLER  
17 U.S. District Judge  
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