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

FRIENDS OF HOPE VALLEY, a
California public benefit corporation,

Plaintiff,

No. 2:09-cv-02866 JAM KJN

v.

ORDER

FREDERICK COMPANY, a/k/a
DRESSLER COMPANY, a/k/a FRED H.
DRESSLER COMPANY, a Nevada
Partnership,

Defendant.

_____/

Defendant’s motion to compel the production of documents is presently set to be heard on the undersigned’s July 8, 2010 law and motion calendar, and the parties have been ordered to submit their Joint Statement re Discovery Disagreement (“Joint Statement”) on or before June 24, 2010. (Dkt. Nos. 14, 15.) The parties have filed a stipulation and proposed order that seeks to: (1) continue the hearing on defendant’s motion to compel from July 8, 2010, to July 15, 2010; (2) continue the deadline for the filing of the parties’ Joint Statement from June 24, 2010, to July 1, 2010; and (3) continue the deadline to complete discovery set forth in the court’s Status (Pretrial Scheduling) Order from August 6, 2010, to September 13, 2010. (Dkt. No. 16.)

The undersigned will grant the parties’ requests to continue the hearing date on

1 defendant's motion to compel and the deadline for submission of the parties' Joint Statement.
2 However, the undersigned will not approve the parties' stipulated request to alter the dates in the
3 court's Status (Pretrial Scheduling) Order, but the parties may seek such alteration by the United
4 States District Judge before whom this matter proceeds. First, the parties' request is more
5 appropriately presented to the District Judge who entered the Status (Pretrial Scheduling) Order.
6 Second, were the court to continue the discovery completion deadline to September 13, 2010, the
7 court would be required to alter, at a minimum, the law and motion cutoff date stated in the
8 Status (Pretrial Scheduling) Order, and potentially the remaining dates set therein. The parties
9 have not stipulated to the alteration of those remaining dates, and the undersigned will not alter
10 one deadline in the Status (Pretrial Scheduling) Order without consideration of the other dates set
11 therein.

12 Pursuant to the parties' stipulation, and for the foregoing reasons, IT IS HEREBY
13 ORDERED that:

14 1. The hearing on defendant's motion to compel (Dkt. No. 14) is continued
15 to Thursday, July 15, 2010, at 10:00 a.m., before the undersigned.

16 2. The parties shall file their Joint Statement re Discovery Disagreement with
17 the court on or before July 1, 2010.

18 3. The parties' stipulation to continue the deadline to complete discovery is
19 not approved, but the parties may request alteration of the dates set in the Status (Pretrial
20 Scheduling) Order from the district judge before whom this matter proceeds, United States
21 District Judge Mendez.

22 IT IS SO ORDERED.

23 DATED: June 23, 2010

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE